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Attn: Code Amendment Committee members

**CC: Bloc Québécois, Conservative Party of Canada, Green Party of
Canada Liberal Party of Canada, New Democratic Party**

On behalf of the Montreal SPCA, please accept the following as our organizational comments on the Proposed Amendments to the Code of Practice for the Care and Handling of Pullets and Laying Hens.

As an animal protection organization, we have significant concerns about both the process and the outcomes of this Code amendment.

We note that a full, public revision of the Code of Practice for the Care and Handling of Pullets and Laying Hens has not taken place since 2017, despite the issue of laying hen welfare and housing garnering significant and ongoing attention and controversy both before and since the release of the 2017 Code of Practice. Layer hen housing, and specifically the current Code's indefinite allowance of the use of cage systems, has endured as a topic in the public discourse due to [investigations](#), corporate commitments, media and public interest, and the ongoing serious concern of major animal protection organizations. The 2017 Code failed to adequately address the concerns of consumers, corporations, and modern animal welfare science regarding layer hen housing, and the further omission of housing standards as an issue that warranted revision by the Code committee is, frankly, surprising and egregious.

We find the lack of transparency and rigour in the selection of topics to review during the amendment process troubling and contrary to NFACC's stated [core value](#) of acting "constructively and in good faith [to] advance the welfare of farmed animals in Canada."

Committee members are undoubtedly aware of the level of interest in the issue of layer hen housing; choosing not to include this topic in the Code amendment is, therefore, a deliberate choice, and one that reflects poorly on the NFACC process. Allowing only one independent animal welfare expert on committees that are otherwise made up of a majority of stakeholders who have a financial interest in maintaining the status quo when it comes to

housing systems is a clear imbalance and conflict of interest. The use of cage housing, and the Canadian egg industry's failure to commit to a phase out of intensive confinement systems, are, in our view, topics that should be immediately reviewed. Cage housing remains one of the most significant welfare issues in an industry that raises tens of millions of animals each year, and should be treated as such by any body that claims, as NFACC does, to be "the national lead for farm animal care and welfare in Canada".

We are further concerned over the general tendency across multiple Code revisions to openly disregard the input of the public. NFACC [asserts](#) that its "consensus-based, multi-stakeholder approach ensures credibility and transparency through scientific rigour, collaboration, and consistency," yet it has never developed a consultation mechanism to meaningfully incorporate or engage with the input of major animal protection organizations who take part in public consultation periods, nor the input of the tens of thousands of concerned Canadian consumers whom they represent. We have seen little evidence to suggest that the significant, science-based concerns of major animal protection organizations have been taken into account as a result of public consultation periods, even when supported by thousands of informed consumers. As an organization, we have expressed concern in the past that NFACC's threshold for participation is overly onerous, and expects average Canadians to have a detailed knowledge of technical farming practices in order for their comments to be meaningfully considered, while discounting their legitimate concerns for the welfare of farmed animals. It is not because the average consumer is not intimately familiar with animal husbandry that their understanding of basic tenets of animal welfare is not sound.

For more than a decade, the biggest grocers and food retailers in Canada have been asking producers to transition to higher welfare systems, such as cage-free housing for laying hens and crate-free barns for breeding sows. While some producers have made the effort to move away from intensive confinement, industry bodies have largely failed to champion or facilitate welfare reforms across the board. The absence of mandatory standards enshrined in regulations further means that producers are neither operating on a level playing field, nor incentivized to improve their facilities and husbandry practices. Indeed, [industry breakdowns](#) from Canada and other jurisdictions show that while other countries are increasing cage-free egg production year-over-year, the percentage of hens kept in cage-free housing in Canada has not significantly changed in since 2019.

It is further troubling that NFACC, which leans heavily on the idea of the Code development process being "science-based," does not appear to have a mechanism guaranteeing that its own scientific findings will be engaged with in good faith. While we acknowledge that not all scientifically supported welfare practices can be reasonably accommodated on commercial farms, the omissions in final Codes are often glaring. The [scientific report](#) compiled ahead of the [2017 Layer Code](#), for example, discusses at length the serious welfare concerns present in cage housing, yet allowed a 19-year window for producers to transition away from using battery cages, and further allows other cage systems to be used indefinitely. The report further finds that hens are motivated to forage and dustbathe, but that, in enriched cages, "foraging and dust bathing do not appear to be fully supported

by scratch mats and this depends on the size and provision of sufficient litter or feed on the mat.” Yet the final Code does not seek to fulfill even this deficient standard in a timely manner, allowing enriched cage facilities to be installed without amenities for hens to dustbathe until 2032, a full fifteen years after the release of the Code.

It is difficult for the Montreal SPCA to continue to ascribe credibility to a process that has left Canada so significantly behind peer countries when it comes to major markers of animal welfare across several industries. Regarding the specific welfare issues covered by the Code of Practice for the Care and Handling of Pullets and Laying Hens, the NFACC revision process has resulted in the ongoing prevalence of housing systems for hens that have been largely disregarded by peer countries, and which, according to the best available science, do not allow for welfare outcomes meaningfully better than battery cages.

We strongly encourage all implicated stakeholders to initiate an immediate review of layer hen housing, and we further encourage NFACC to restructure future Code committees and consultation processes in such a way that meaningfully engages with comments received from animal protection organizations and from the public, broader public expectations, and its own scientific findings.