



ORDER OF THE PROVINCIAL HEALTH OFFICER

(Pursuant to Sections 30, 31, 32, 39, and 54(1) of the *Public Health Act*, S.B.C. 2008)

MINK FARMS – July 26, 2021

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>

(excerpts enclosed)

TO: ANY PERSON WHO MAY PROPOSE TO OPERATE A MINK FARM IN BRITISH COLUMBIA UNDER THE *ANIMAL HEALTH ACT* AND WHO IS NOT AUTHORIZED AS OF THE DATE OF THIS ORDER TO OPERATE A MINK FARM; AND

TO: PERSONS LICENSED TO OPERATE FUR FARMS FOR THE PURPOSE OF FARMING MINK, PURSUANT TO THE *ANIMAL HEALTH ACT*

WHEREAS:

- A. A communicable disease known as COVID-19 has emerged in British Columbia;
- B. SARS-CoV-2, an infectious agent, can cause outbreaks of serious illness known as COVID-19 among the public;
- C. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- D. On March 17, 2020, I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- E. Around the world, mink at mink farms have proven to be susceptible to COVID-19 infection and there is a demonstrated risk of mutation of SARS-CoV-2 virus in the mink population;
- F. COVID-19 outbreaks have occurred at mink farms within the Fraser Health region;
- G. Mutated strains of SARS-CoV-2 may re-infect humans and such mutated strains may pose a risk of development of variants of concern;

- H. The emergence of variants of concern is likely to interfere with the suppression of SARS-CoV-2 in British Columbia;
- I. The medical health officer for the Fraser Health Authority has issued orders requiring a range of mitigation measures which must be followed by owners and operators of mink farms and farm workers in the Fraser Health Region. Additionally, the Chief Veterinarian of British Columbia has issued Quarantine Zone Orders from time to time to mink farms due to concerns about transmission of SARS-CoV2 on existing mink farms in BC (the “Mitigation Measures”);
- J. Despite the Mitigation Measures, there have been recent instances of SARS-CoV-2 in farmed mink in the province;
- K. I have reason to believe and do believe that:
- (i) mink farming is a health hazard as it is an activity which endangers or is likely to endanger public health
 - (ii) there is a risk mink infected with SARS-CoV-2 could result in infection of workers at mink farms, which could lead to further transmission in human populations;
 - (iii) there is a risk the mink could escape into the wild and pose a risk of transmission of SARS-CoV-2 to wild animals, also posing a risk of potential transmission from wild animals to human populations;
 - (iv) the susceptibility of mink to infection with SARS-CoV-2 creates a risk of development of variants of concern which pose a threat to public health and could undermine the efficacy of the COVID-19 vaccination program in British Columbia; and
 - (v) any increase in the number of mink farms or the number of farmed mink in British Columbia would increase the threat to public health arising from mink farming.

THEREFORE, I reasonably believe it is necessary for me to exercise the powers in sections, 30, 31, 32, 39, and 54(1) of the *Public Health Act* to **ORDER AS FOLLOWS**:

DEFINITIONS:

In this Order:

“breeding mink stock” means mink possessed by a licensed fur farm operator for the purpose of breeding;

“non-breeding mink” means mink possessed by a licensed fur farm operator for the purpose of slaughter and harvesting of pelts

A. ANY PERSON WHO MAY PROPOSE TO OPERATE A MINK FARM IN BRITISH COLUMBIA AND WHO IS NOT AUTHORIZED AS OF THE DATE OF THIS ORDER UNDER THE *ANIMAL HEALTH ACT* TO OPERATE A MINK FARM:

You must not operate a mink farm.

B. PERSONS LICENSED TO OPERATE FUR FARMS FOR THE PURPOSE OF FARMING MINK, PURSUANT TO THE *ANIMAL HEALTH ACT*:

1. For each farm which you operate you must immediately report to me and to the medical health officer for the health region in which the mink farm is located:
 - a. the number of breeding mink stock;
 - b. the number of non-breeding mink; and
 - c. the total number of mink on the farm.
2. For each mink farm you operate, you must not allow:
 - a. the number of breeding mink stock to exceed the number of breeding mink stock present on each farm as of the date of this order;
 - b. the number of non-breeding mink to exceed the number of non-breeding mink present on each farm as of the date of this order.
3. You must not acquire, by any means, any live mink in addition to the mink which were present on the farm as of the date of this Order.

C. RELATED MEDICAL HEALTH OFFICERS ORDERS

Recognizing that the risk differs in different regions of the province and that medical health officers are in the best position to assess local circumstances and to determine whether additional or more restrictive steps need to be taken to reduce the risk of the transmission of COVID-19 due to mink farming, **FOR CERTAINTY:**

1. A medical health officer may issue an order further to their powers in the *Public Health Act*, which may add further prohibitions, or impose more restrictive limitations or conditions respecting farming of mink in the whole or part of the geographic area of the province for which the medical health officer is designated and,
2. This Order does not impact any orders made by a medical health officer respecting the activities described in this Order made prior to the making of this Order.

This Order is effective immediately.

This Order expires January 31, 2022.

All persons to whom this order is directed are required under section 42 of the *Public Health Act* to comply with this Order.

Failure to comply with this Variance is an offence under section 99 (1) (k) of the *Public Health Act*.

Pursuant to section 43 of the *Public Health Act*, you may request me to reconsider this Order if you:

(a) have additional relevant information that was not reasonably available to the health officer when the order was issued or varied,

(b) have a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would

(i) meet the objective of the order, and

(ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or

(c) require more time to comply with the order.

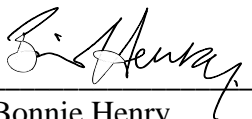
If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer
4th Floor, 1515 Blanshard Street
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4
Fax: (250) 952-1570
Email: ProvHlthOffice@gov.bc.ca

DATED THIS: 26th day of July 2021

SIGNED:



Bonnie Henry
MD, MPH, FRCPC
Provincial Health Officer

DELIVERY BY: Posting to the BC Government and the BC Centre for Disease Control websites and by email and to:

Licensed operators of fur farms for mink

Ministry of Agriculture, Food and Fisheries:

Dr. Rayna Gunvaldsen, Chief Veterinarian

Tom Ethier, Deputy Minister

Jennifer McGuire, Assistant Deputy Minister, Science, Policy and Inspections Division

Vancouver Coastal Health Authority:

Dr. Patricia Daly, Chief Medical Health Officer

Fraser Health Authority:

Dr. Elizabeth Brodtkin, Chief Medical Health Officer

Vancouver Island Health Authority:

Dr. Richard Stanwick, Chief Medical Health Officer

Interior Health Authority:

Dr. Sue Pollock, Chief Medical Health Officer

Northern Health Authority:

Dr. Jong Kim, Chief Medical Health Officer

Enclosure: Excerpts of the *Public Health Act*.

ENCLOSURE

Excerpts of the Public Health Act [SBC 2008] c. 28

Definitions

1 In this Act:

"health hazard" means

- (a) a condition, a thing or an activity that
 - (i) endangers, or is likely to endanger, public health, or
 - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
 - (i) is associated with injury or illness, or
 - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

When orders respecting health hazards and contraventions may be made

30 (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

General powers respecting health hazards and contraventions

31 (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;
- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
- (c) to bring the person into compliance with the Act or a regulation made under it;

(d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

- (a) a person whose action or omission
 - (i) is causing or has caused a health hazard, or
 - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (b) a person who has custody or control of a thing, or control of a condition, that
 - (i) is a health hazard or is causing or has caused a health hazard, or
 - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (c) the owner or occupier of a place where
 - (i) a health hazard is located, or
 - (ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

Specific powers respecting health hazards and contraventions

32 (1) An order may be made under this section only

- (a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and
- (b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].

(2) Without limiting section 31, a health officer may order a person to do one or more of the following:

- (a) have a thing examined, disinfected, decontaminated, altered or destroyed, including
 - (i) by a specified person, or under the supervision or instructions of a specified person,
 - (ii) moving the thing to a specified place, and
 - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
- (b) in respect of a place,
 - (i) leave the place,
 - (ii) not enter the place,
 - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
 - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
 - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;

- (c) stop operating, or not operate, a thing;
- (d) keep a thing in a specified place or in accordance with a specified procedure;
- (e) prevent persons from accessing a thing;
- (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;
- (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
- (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
- (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
- (j) provide evidence of complying with the order, including
 - (i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and
 - (ii) providing to a health officer any relevant record;
- (k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

- (a) the person consents in writing to the destruction of the thing, or
- (b) Part 5 [*Emergency Powers*] applies.

Contents of orders

39 (3) An order may be made in respect of a class of persons.

(6) A health officer who makes an order may vary the order

- (a) at any time on the health officer's own initiative, or
- (b) on the request of a person affected by the order, following a reconsideration under section 43 [*reconsideration of orders*].

Duty to comply with orders

42 (1) A person named or described in an order made under this Part must comply with the order.

(2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

Reconsideration of orders

- 43** (1) A person affected by an order, or the variance of an order, may request the health officer who issued the order or made the variance to reconsider the order or variance if the person
- (a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied,
 - (b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would
 - (i) meet the objective of the order, and
 - (ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or
 - (c) requires more time to comply with the order.
- (2) A request for reconsideration must be made in the form required by the health officer.
- (3) After considering a request for reconsideration, a health officer may do one or more of the following:
- (a) reject the request on the basis that the information submitted in support of the request
 - (i) is not relevant, or
 - (ii) was reasonably available at the time the order was issued;
 - (b) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;
 - (c) confirm, rescind or vary the order.
- (4) A health officer must provide written reasons for a decision to reject the request under subsection (3) (a) or to confirm or vary the order under subsection (3) (c).
- (5) Following a decision made under subsection (3) (a) or (c), no further request for reconsideration may be made.
- (6) An order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.
- (7) For the purposes of this section,
- (a) if an order is made that affects a class of persons, a request for reconsideration may be made by one person on behalf of the class, and
 - (b) if multiple orders are made that affect a class of persons, or address related matters or issues, a health officer may reconsider the orders separately or together.
- (8) If a health officer is unable or unavailable to reconsider an order he or she made, a similarly designated health officer may act under this section in respect of the order as if the similarly designated health officer were reconsidering an order that he or she made.

Offences

99 (1) A person who contravenes any of the following provisions commits an offence:

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];