

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
	30-JAN-2025	
Jessica Lorch		
Ottawa, ONT	3	

T-294-25

Action -----

**FEDERAL COURT**

BETWEEN

UNIVERSAL OSTRICH FARMS LTD.

APPLICANT

AND

CANADIAN FOOD INSPECTION AGENCY

RESPONDENT

**AFFIDAVIT**

I, David Bilinski, businessman, of 301 Langille Road, Edgewood, British Columbia, hereby AFFIRM AND SAY AS FOLLOWS:

1. I am a director of the Petitioner in this proceeding, and as such have personal knowledge of the facts and matters herein, except where I state they are based upon information and belief, in which case I believe them to be true.

My Background

2. I began raising ostriches in 1993 after I decided to diversify from raising beef cows. At the time I had been working with Dr. Robert Bertram Church, who is a pioneer of molecular genetics and embryo transfer technology in cattle.
3. Dr. Church PhD was a founding member of the Faculty of Medicine at the University of Calgary and Associate Dean of Research from 1981 to 1988. He was also the first head of the department of Medical Biochemistry, a position he held for fourteen years. I have attached as **Exhibit "A"** a true printout of a summary of Dr. Church's work published by the Government of Alberta.
4. I have also taken training in genetics through Olds College in Alberta and Thompson River University. Using artificial insemination and selected genetics I, with my family, created a registered bloodline of cattle that topped breed sales for three out of five years in Calgary, and contributed genetics to the Grand Champion Carcass at the Pacific National Exhibition.

5. At that time we had 750 cows on two ranches, one in Edgewood, British Columbia and one in Ft. St. John, British Columbia, before realizing that ostrich had more to offer to mankind than beef cattle.
6. In 1993 Dr. Church, Steve Lilford (a farmer from Zimbabwe) and I decided to start raising ostriches. We started Rocky Mountain Ostrich ("RMO").
7. After researching the advantages of the ostrich bird and the limited genetic information available we decided that we would go to Africa to start selecting ostriches to import to Canada.
8. Dr. Church was well versed in importing animals and he was looking for the best quality ostriches in Africa to import.
9. RMO decided to import the larger species of ostrich. Others in North America had been importing the smaller species because they were easier to transport, but we determined that the larger species had better attributes and more economic value.
10. In 1993 RMO constructed quarantine facilities in Zimbabwe and Namibia, where the ostriches with the genetics we selected were quarantined before being exported. The ostriches were then flown to the United Kingdom and quarantined for one month in another facility we constructed there. They were then flown to Edmonton for a final month of quarantine before becoming "Canadian".
11. RMO became the "go-to" farm for the production of large body genetics and we grew it into the largest ostrich farm in Canada. At one point we reached an ostrich count of 1100 birds.
12. By 1995 20% of all breeder sales of ostriches in Canada were from the Rocky Mountain genetic selection program.
13. One of the problems we encountered though was there were no good breeding records for ostriches. To start a recording program I initiated a DNA fingerprinting program for ostriches in Canada. I worked with Dr. Kim Cheng, a director of the Avian Research Centre at the University of British Columbia, to develop the program.
14. Unfortunately shortly after starting the program the market for breeding ostrich collapsed and the program was suspended.



### About Ostriches

15. Ostriches are native to Africa. Although they are generally considered a 'bird' they are unique in that they, amongst other things, have red meat and are flightless.
16. Ostriches can:
  - a. weigh up to 350 pounds;
  - b. measure up to 12 feet in height;
  - c. run up to 70km/hour; and
  - d. live up to 75 years of age.
17. It takes approximately 3.5 years before an ostrich can be used as a good "breeder" ostrich, meaning laying eggs that can be incubated and hatched.
18. Ostriches have one of the most robust immune systems out of any land animal.
19. The antibodies ostriches produce in response to an infection can last several years, and are found in extremely high concentration in the yolks of their eggs. These antibodies can be used to develop neutralization antibodies against, amongst other things, the H5N1 virus. I have attached as **Exhibit "B"** a true copy of a study published by Dr. Yasuhiro Tsukamoto, Laboratory of Veterinary Anatomy, Graduate School of Biology and Environmental Sciences, Osaka Prefecture University

### About Universal Ostrich Farm

20. Karen Espersen ("Karen") and I began working together in the ostrich industry in about 1995.
21. By 1999 Karen had started Universal Ostrich Farms Inc. ("UOF"), which I ended up joining in 2004.
22. We operated UOF from a 58 acre parcel of land located about 10 kilometres outside of Edgewood, British Columbia (the "Property").
23. The Property is fenced and cross-fenced to provide for separate handling and containment areas for the ostriches.
24. Edgewood, British Columbia is quite remote. According to Statistics Canada, the 2021 Census Profile of Edgewood lists a total population of 235 people. I

have attached as **Exhibit “C”** a true printout from Statistics Canada for the 2021 Census Profile of Edgewood, BC.

25. The closest population centre of any density is Vernon, BC, which is over 125 kilometers by road northwest of the Property.
26. When UOF began in 1999 it adopted a herd of ostriches from RMO, which Dr. Church and I had been working with.
27. For over the next 25 years UOF continued the work of RMO, which was that of selectively breeding the ostriches and improving the genetics to create a large, healthy ostrich.
28. As we were breeding and developing the ostriches we would only keep the ostriches that showed the desirable genetic traits as future breeders. This included selecting for the size of the ostriches as they had high economic value.
29. The other younger ostriches were culled and sent to the market.
30. Because ostriches live so long we still have ostriches in our herd from when we first began importing ostriches in 1993. It has been a continuous process of breeding, selecting and improving the genetics of the herd for about 32 years.
31. As well, it can take many years, and a tremendous amount of time and effort, to develop a harmonious herd of ostriches. Since we have been developing the herd for so long though the ostriches know us and each other.
32. This does not mean the ostriches are “tame” to strangers. They can be quite aggressive and violent, but with our herd we can walk amongst them, which is very rare. Even when we are treating them we do this by walking up to them.
33. Until the covid-19 pandemic hit in March 2020 UOF was primarily in the business of 1) selling ostriches for breeding purposes, 2) some meat processing, and 3) agritourism through teaching people how to incubate and hatch ostrich eggs, and 4) sharing knowledge about ostriches .

#### Antibody Research

34. When the COVID-19 pandemic hit in March 2020 it essentially shut down our business. Processing plants closed, breeder sales plummeted and farms downsized.
35. We then became familiar with the work of Dr. Tsukamoto, who was studying the IgY (Immune Globin Yolk) antibodies in ostrich eggs.

36. Based on Dr. Tsukamoto's and others' research, we learned that ostrich eggs are uniquely situated for developing antibodies because of the size of the yolk and the concentration of the antibodies produced.
37. For example, one ostrich egg is the equivalent of 100 chicken eggs in antibody production, or the blood of 800 rabbits. There is also the added benefit that you do not need to harvest the animal itself to extract the antibodies.
38. Dr. Tsukamoto was very interested in our herd because of the size of the ostriches. However, he was not able to provide us with the antigens for producing the antibodies during Covid due to the lockdowns and travel restrictions.
39. As a result we began working with Bio Solutions Inc. ("Bio Solutions") in Quebec, which was working on protocols to produce antibodies for Covid 19 due to a \$13,000,000 grant from the Government of Canada.
40. In or around 2021 Bio Solutions provided antigens to UOF which then allowed us to produce antibodies using the ostrich eggs.
41. Bio Solutions found that UOF's antibodies were superior to the previous chicken derived antibodies, since they were stronger and more robust. Since the results from the ostrich eggs were showing positive results we decided to commit the entire operation of UOF to antibody production.
42. Then, in about 2022 UOF began a venture with Struthio Bio Science Inc ("Struthio") and entered into a contract wherein UOF must provide Struthio with ostrich eggs, failing which UOF would be in breach of the contract.
43. In summary, since 2020 UOF has been entirely dedicated to the production of antibody IgY.
44. To be clear, UOF is not a commercial poultry facility and it does not produce any ostrich meat or eggs for human consumption.

#### The 2020 Illness

45. As of February 2020 UOF had approximately 250 ostriches. Some of the ostriches became sick and about ten of them died.
46. We took tissue samples from a deceased ostrich to our veterinarian and they were sent for analysis. A report from the BC Animal Health Centre returned positive results for "Proteus sp., Pseudomonas aeruginosa and E. coli (non-haemolytic)". I have attached as **Exhibit "D"** a true copy of the lab results from the BC Animal Health Centre.

47. All but 10 of the ostriches recovered from the 2020 illness within a couple weeks and remained healthy.

#### The December 2024 Illness

48. On about December 10, 2024 we began noticing that some of the ostriches in the herd were showing signs of illness. The sick ostriches were showing very similar symptoms to those that were sick back in 2020.

49. In the following week we discovered an ostrich that died from apparent illness. More ostriches then began dying and we contacted our local veterinarian.

50. On December 30, 2024 representatives from the Canadian Food Inspection Agency ("CFIA") came to the Property and took swab samples from two of the dead ostriches.

51. The CFIA representatives told us it would take 2 – 3 days to obtain the test results.

52. On December 31, 2024 we received an email from CFIA with a Requirement to Quarantine. We had already implemented strict quarantine measures which included, amongst other things, restricting access to and from the Property. I have attached as **Exhibit "E"** a true copy of the email received on December 31, 2024 together with the attachments.

53. We have complied with the conditions of the Requirement to Quarantine.

54. On December 31, 2024 we were told by CFIA that the PCR test result was positive for the H5N1 type of Avian Influenza.

55. On January 2, 2025 I received an email from a case officer from CFIA, Ms. Cassandra Berreth ("Ms. Berreth"), attaching amongst other documents, the following:

- a. An Order to Dispose of Animals or Things;
- b. Declaration of an Infected Place;
- c. a Requirement to Quarantine; and
- d. Licence for Removal of Animals or Things.

I have attached as **Exhibit "F"** a true copy of the January 2, 2025 email together with the attachments.

56. We then began working with Ms. Berreth to navigate what was going to happen.

Application for Exemption based on Rare and Valuable Genetics

57. On January 2, 2025 I received another email from Ms. Berreth where she noted that “based on the information we’ve gathered, you fall into the ‘birds classified as having rare and valuable genetics’ category”. I have attached as **Exhibit “G”** a true copy of that email.

58. Karen and I were extremely relieved by the fact that the ostriches fell into this category because it was what we had been working on for 32 years.

59. As part of that email on January 2, 2025 Ms. Berreth asked us to fill out and return to her the “Distinct Unit Package”.

60. The next day, on January 3, 2025, we had a five and a half hour meeting with various CFIA representatives to discuss the layout of the Property, movements on and off the Property, the quarantine requirements and many other things.

61. To the best of my recollection, not once in that meeting did anyone from CFIA discuss the Distinct Unit Package or the “rare and valuable genetics category”, or what would be required from UOF as part of those processes.

62. In the following days we were pulled between, amongst other things, trying to care for the ostrich herd, attending to the dead ostriches, creating and implementing protocols, applying for feed and movement permits and responding to CFIA’s questions.

63. For example, we had to create and implement the quarantine protocols, apply for and obtain a permit so that we could bring in feed to feed the ostriches, create a disposal plan for how to dispose of the ostriches that had died and also apply for a permit so that we could move between where we lived and the Property. I have attached as **Exhibit “H”** true copies of some of the email correspondence between Ms. Berreth, Karen, and I from January 2 – 9, 2025 as we tried to respond to the situation.

64. This whole process was all focused on implementing protocols and plans to quarantine the Property and dispose of the dead ostriches, all of which we fully complied with. Ms. Berreth kept stressing that we had to be compliant and cooperative with all of CFIA’s requests and requirements. We wanted to be cooperative and do everything we could to contain the illness, stop the spread and care for our animals.

65. Aside from the initial January 2, 2025 email from CFIA, there was no explanation during this time of what was required for the "rare and valuable genetics exemption".
66. When it came to the exemption, in Ms. Berreth's email on January 2, 2025 she asked us to send in documents of the agreement between UOF and Dr. Tsukamoto's group at the Kyoto Prefecture University, which we did, along with other documentation.
67. On January 10, 2025, however, CFIA wrote to us to say that our request for an exemption was denied. The letter said that the exemption requires a "significant burden of proof" and "robust processes must be in place". I have attached as **Exhibit "I"** a true copy of the January 10, 2025 letter from CFIA.
68. We were shocked by the January 10, 2025 email because we had not been told what the test was or about the "significant burden of proof" required. None of those requirements were disclosed to us. Rather, in Ms. Berreth's email it seemed to us that CFIA had already placed the UOF's ostriches into the "bird classified as having rare and valuable genetics" category. We were just told to send in some documents to show what we had been doing.
69. Karen and I certainly did the best we could in the short timeframe and given the circumstances to apply for the exemption. But if we had known the question was open, and there was such a high standard, it would have changed our approach to it. We would have pulled in other experts we know who could have additional evidence and marshalled everything we possibly could have.

#### Amended CFIA Orders

70. On January 14, 2025 CFIA issued amended orders. I have attached as **Exhibit "J"** a true copy of the email we received on January 14, 2025 together with the attachments.
71. In January we wanted our local veterinarian, Dr. Amber Robinson, to test our live ostriches, but she was not able to do that because of the quarantine order.
72. On January 15, 2025 Karen and I wrote to CFIA asking a number of questions about the procedure, and Randy Keely responded to our email. I have attached as **Exhibit "K"** a true copy of that email.
73. On January 24, 2025 representatives from CFIA came to the Property to inspect. During that visit I asked the CFIA representatives if they saw any sick or unhealthy ostriches, and they responded "no". We took a recording of that interaction.

74. On January 24, 2025 CFIA delivered another amended set of orders. I have attached as **Exhibit "L"** a true copy of an email dated January 24, 2025 together with the attachments.

75. We have continued to implement strict procedures for limiting access to and from the Property. We have been fully complying with all the quarantine requirements that CFIA has imposed, and will continue to do so.

#### Health of the Herd

76. The entire ostrich herd has now seemingly fully recovered from the December 2024 illness. However, the CFIA orders state that we are not allowed to test the ostriches, so we are prevented from verifying whether the ostriches are still infected.

77. The last ostrich to die from flu-like symptoms was on January 15, 2025. In total 69 ostriches died from flu like symptoms from when the illness started in December 2024 until January 15, 2025.

78. We have had a few ostriches die from other causes in January 2025. Three have died as a result of accidents slipping on the ice. Although this sounds odd, regrettably every winter UOF has ostriches that die from accidents such as slipping on the ice.

79. Ostriches have small tendons in their legs which are quite weak. They are not well equipped to navigate ice and snow because if they slip they can easily tear this tendon. Normally Karen and I spend a lot of time spreading dirt on the ice to reduce these accidents. These last few weeks though we have been quite preoccupied and have not had the same amount of time to prevent these types of accidents.

80. The three ostriches that slipped on the ice in January tore their tendons (which makes them unable to get up by themselves) and were not able to survive the cold weather we have been having.

81. We had one other ostrich die from getting caught in a wire fence with a severe laceration on its neck. There was a reported cougar in the area so we suspect the ostrich may have been running away from a predator and ran into the wire fence.

### Effect of Culling Herd

82. CFIA has ordered that we kill all the ostriches by February 1, 2025.
83. The first major problem is that UOF would be incapable of recovering if the ostriches were killed.
84. Some of the ostriches in the herd are from the very first group we started with 32 years ago, and we have spent the last 32 years improving the genetics of this particular herd. There is no way to replace the herd with the same level of genetics if we had to kill the entire herd and start over.
85. Not only that, but there is no way to replace the herd at all. UOF is the largest ostrich producer in Canada, and there are not many others, so it may be nearly impossible to purchase 400 ostriches in Canada. Losing UOF as a producer will have an impact on the ostrich industry as a whole.
86. As well, due to the importing and exporting restrictions that are now in place, it is very difficult to import ostriches from other countries.
87. Even if UOF was able to purchase more ostriches, they would be yearlings and it would take about two years before they started producing eggs, and thereby generating income for UOF. It would take much longer than two years to develop the type of harmony and relationship that we have with our ostriches.
88. UOF cannot afford to start from scratch and raise an entire herd of ostriches for two years without any income from the eggs.
89. Another consideration is that under the compensation regime of the *Health of Animals Act*, the maximum compensation for an ostrich is listed as \$3,000. In reality, though, an ostrich costs around \$7,500 to purchase.
90. There is a deficit of \$4,000 per ostrich, and UOF cannot afford to replace its herd with that type of deficit in the compensation.
91. Another consideration is that UOF has a contractual liability to Struthio for several hundred thousands of dollars, based on the agreement that UOF would deliver its ostrich eggs to Struthio. If the herd was killed then UOF would be in breach of its agreement with Struthio. To be clear, if the ostriches are not killed, UOF does not intend to, and will not, be delivering any eggs to Struthio until all of the CFIA quarantine restrictions are removed.
92. UOF would not be able to survive the financial impact of having the herd killed, which would in turn affect me as an owner of UOF. I am 72 years old, and I do



not have enough time left to recover from the financial impact of killing the entire herd.

93. The second major problem if the herd is killed is that it would negate any ability for the scientific community to research the effect of the ostriches natural immunity to H5N1. Importantly, none of the ostriches in the herd that survived the illness back in February 2020 became sick with the December 2024 illness.
94. All of the ostriches that died from the December 2024 illness were ostriches that we had brought onto the Property after the February 2020 illness took place.
95. There is a group of scientists at the University of British Columbia and at the University of Guelph who would like to research how UOF's ostriches have responded to the illnesses. The fact that ostriches have good research potential because of the high concentration of antibodies in the egg yolks, combined with the fact that the herd has made it through two illnesses makes the ostriches uniquely situated for research.
96. There has been overwhelming support for UOF during this difficult time, including from our legal Member of the Legislative Assembly, Member of Parliament and many others.
97. The third major problem is that the Property is not well suited for killing 400 ostriches at once. We do not have an enclosed facility where we can contain the ostriches and use gas to kill them.
98. Shooting the ostriches is also not a viable option since they are so large and run so fast. If someone began shooting at them they would stampede and tear through the fencing.
99. It would also not be safe for people to walk amongst the ostriches in white hazmat suits, as the CFIA agents attempted to do. Although the ostriches allow us to walk amongst them, having multiple people in white hazmat suits would very likely cause the ostriches to become aggressive.

100. As a director of UOF, I confirm that UOF undertakes to abide by any order the court may make as to damages in the event that CFIA sustains damages as a result of UOF seeking an injunction.

SWORN (OR AFFIRMED) BEFORE )  
ME at Vernon British Columbia )  
on January 29, 2025 )  
..... )  
A commissioner for taking )  
affidavits for British Columbia )



DAVID BILINSKI

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This is Exhibit "A" referred to in the affidavit of David Balinski sworn before me at Vernon this 29 day of January 2025





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**Dr. Robert Bertram Church PhD**

Dr. Robert (Bob) B. Church is a pioneer of molecular genetics and embryo transfer technology in cattle. During his 25-year career at the University of Calgary, he became an internationally known leader and expert in transferring the technologies of genetics, reproductive physiology and molecular biology to the agricultural and biotechnology industries.

## Robert Church

Dr. Church was a founding member of the Faculty of Medicine at the University of Calgary and Associate Dean of Research from 1981 to 1988. He was the first head of the department of Medical Biochemistry, a position he held for fourteen years. The department established an endowed lectureship in biotechnology to honour Professor Church. This lectureship will enable the university to promote technology transfer and bioengineering.

Serving in a scientific advisory capacity to numerous biotechnology projects, he has been personally involved in the establishment of eleven new high technology companies in Alberta, the United States, New Zealand and Australia. Dr. Church is a former director of Calgary-based Alberta Livestock Transplants and Alta Genetics Inc.; Connaught Laboratories Ltd. of Willowdale, Ontario; Veterinary Infectious Disease Organization, Saskatoon; and current Director of Biostar Inc., Saskatoon; Continental Pharma Cryosan Ltd., Montreal; CIBA Canada and Vencap Equities Ltd., Edmonton.

In 1967, he founded Church Livestock Consultants, which specializes in technical advice and program design in animal breeding, embryo transfer, livestock management and the development of food products worldwide.

Dr. Church has been active in the livestock industry through involvement on various committees in the development of breed organizations, sire and dam evaluation, genetic defect testing and breed development.

While a director of Highfield Stock Farms, he assisted in the development of one of the world's outstanding Simmental and Charolais herds and the establishment of showplace facilities at Aldersyde, Alberta.

In 1974 Dr. Church began operating the Lochend Luing Ranches, northwest of Airdrie. The Lochend Luing Ranch operation is an example of "back to the future" range management in operation. His operation initiated the first verified production protocol for producing, processing, quality control and marketing of a retail-ready product, branded "natural choice". This resulted in his appointment to the Board of Directors of Canada's newly established Agri-Food Competitiveness Council, helping Canada remain competitive in the global marketplace.

In addition to his contributions as a scientist and administrator, Dr. Church has authored over 100 scientific publications in animal genetics and biotechnology. He is also an acclaimed teacher and lecturer, and has been cited for excellence in teaching biology to undergraduate university students. Dr. Church has been an inspiring teacher and supervisor of 17 graduate students and eight postdoctoral fellows. Professor Church was honoured as the Klinck Lecturer of the Agricultural Institute of Canada in 1989.

Dr. Church's contributions to the community are also noteworthy and include 20 years with the Calgary Exhibition and Stampede as director. He was a founding member of the Natural Sciences and Engineering Research Council, a board member for the Alberta Children's Hospital Research Centre, and director of the Canadian Institute for Advanced Research for nearly ten years. He served as a member of the Alberta Research Council, the Medical Research Council of Canada and trustee of the Western Heritage Centre. Dr. Church was appointed as vice-chairman of the Premier's Council on Science and Technology and as a member of the

National Advisory Board of the Banff Centre of Management. A recipient of many awards and honours, Dr. Church was inducted in the Canadian Agricultural Hall of Fame in 1991 for his work in the area of cattle genetics. In 1992, he received the Outstanding Contribution to Alberta Science and Technology Community Award from the ASTech Foundation.

A third-generation Albertan, his grandparents homesteaded in the Yankeec Valley and Nose Creek districts. Raised on the family farm and ranch at Balzac, Alberta, Dr. Church continues to help his brother Gordon during the busy seeding and harvest seasons.

Described as an outstanding scientist, administrator, teacher and friend, Dr. Robert Church has been credited with bringing modern-day science to the Canadian agricultural community

Dr. Church was inducted into the Alberta Order of Excellence in 1993

This biography has been excerpted from the program of that induction ceremony

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## Ostrich produce cross-reactive neutralization antibodies against pandemic influenza virus A/H1N1 following immunization with a seasonal influenza vaccine

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**Abstract.** An outbreak of influenza in 2009 was found to be caused by a novel strain of influenza virus designated as pandemic influenza A/H1N1 2009. Vaccination with recent seasonal influenza vaccines induced little or no cross-reactive antibody response to the pandemic influenza virus A/H1N1 2009 in any age group in human populations. Accordingly, most people had low immunity against this pathogen, thus resulting in the worldwide spread of the infection to produce a so-called 'pandemic'. This report presents the important finding that ostrich eggs generate cross-reactive antibodies to the pandemic influenza virus A/H1N1 following immunization of female ostrich with a seasonal influenza vaccine. This simple method produced a large amount of antibodies against influenza viruses by one female ostrich. An enzyme-linked immunosorbent assay (ELISA) and immunocytochemistry indicated that the ostrich antibodies possessed strong cross-reactivity to the pandemic A/H1N1 as well as to the seasonal A/H1N1, A/H3N2 and B viruses. The hemaggregation activities of erythrocytes induced by this pandemic strain were also inhibited by the ostrich antibodies. In addition, the cytopathological effects of infection with a pandemic virus on MDCK cells were clearly inhibited in co-cultures with the ostrich antibodies, thereby indicating the neutralization of viral infectivity in the cells. In conclusion, cross-reactive neutralization antibodies against pandemic influenza virus A/H1N1 2009 were successfully generated in ostrich eggs produced by females immunized with seasonal influenza viral vaccine.

### Introduction

Public health officials in Mexico City were confronted with an outbreak of influenza late in the 2009 influenza season. The 2009 pandemic H1N1 virus contained a unique combination of genes from both North American and Eurasian swine lineages that had not been previously identified in either swine or human populations (1,2). The pandemic 2009 H1N1 hemagglutinin (HA) was found to be antigenically and genetically distinct from the HA of contemporary human seasonal influenza H1N1 viruses, but had a greater similarity to the swine H1N1 influenza virus that caused an influenza outbreak among military recruits in Fort Dix, New Jersey, in 1976 (1,3). Little is known about the level of pre-existing immunity to 2009 H1N1 in humans, which is one of the determining factors for susceptibility to a novel influenza virus. Vaccination has been a mainstay of influenza prevention, with annual vaccination recommended for adults and children at high risk. However, vaccination with recent seasonal influenza vaccines induced little or no cross-reactive antibody response to the pandemic A/H1N1 2009 influenza virus in any age group in human populations (4). Accordingly, most people had low immunity against this novel pathogen, thus resulting in the worldwide spread of the infection to produce a so-called 'pandemic'.

A convenient method for the mass production of antibodies has been developed using the female ostrich (*Struthio camelus*) (5,6). The avian egg has proven to be an attractive source for the noninvasive production of antibodies, with applications in research, diagnosis and immunotherapy (7-9). In addition, the production of avian antibodies offers many advantages over mammalian antibodies with regard to the specificity for antigens, production cost and their uses (7). The predominant class of immunoglobulin in birds is immunoglobulin yolk (IgY), which is transferred from the serum to the yolk to confer passive immunity to the embryo (10,11). The ostrich grows to be 250 cm in height and 160 kg in weight, and their life span is approximately 60 years. Ostrich eggs weigh approximately 1.5 kg and are 30-fold larger than chicken eggs. Ostrich can lay one hundred eggs every year. It is possible to purify about

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**Key words:** influenza virus, pandemic, H1N1, antibody, ostrich

This is Exhibit "B" referred to in the affidavit of David Bilinski, sworn before me at Vernon, this 29 day of January, 2025

2-4 g of IgY per ostrich egg. Accordingly, approximately 400 g of IgY can be obtained from only one ostrich in the course of a year. Therefore, the ostrich egg might provide an excellent source of antibodies for industrial purposes (5).

The present study demonstrated that a large amount of cross-reactive and neutralizing antibodies to the pandemic influenza virus A/H1N1 was generated by the ostrich using a simple and economical method involving immunization with a seasonal influenza viral vaccine.

## Materials and methods

**Generation of antibodies against seasonal influenza virus HA antigens.** A mixture of HA antigens of vaccine strains of seasonal influenza virus, A/NewCaledonia/20/99 (H1N1), A/Hiroshima/52/2005 (H3N2) and B/Malaysia (The Kitasato Institute Research Center for Biologicals, Japan) was used as antigens for the immunization of the ostrich. The female ostrich were immunized intramuscularly in the lumber region at multiple sites with 30 µg of the mixture of HA. Boosters were administered every other week with each antigen. The eggs were then collected 4 weeks after the initial immunization. The yolk was separated from the albumin of the eggs and diluted 5-fold with TBS buffer [0.02 M Tris/HCl (pH 7.5), 0.15 M NaCl], and an initial 1/10-fold with 30% dextran sulfate in TBS and 2/3-fold with 2.5 M CaCl<sub>2</sub> in TBS, and then stored at 4°C for at least 4 h. The supernatant containing the IgY was collected by centrifugation (10,000 × g at 4°C for 15 min) and precipitated with 45% saturated ammonium sulfate. The solution was centrifuged again at 10,000 × g at 4°C for 15 min. The precipitate was then redissolved in TBS and dialyzed against PBS. Finally, the purified antibody solutions were verified by 10% SDS-PAGE under non-reducing conditions and stained with Coomassie Brilliant Blue (CBB).

**Enzyme-linked immunosorbent assay (ELISA).** Each well of a polystyrene ELISA plate (Sumitomo Bakelite, Japan) was coated with 0.2 µg of HA antigens from each vaccine strain and pandemic A/H1N1 (Protein Science, USA), and the plate was incubated overnight at 4°C. Each of the following incubation steps was preceded by washing the wells twice with PBS containing 0.05% Tween-20. The wells were blocked for nonspecific binding by the addition of a commercial blocking buffer (DS Pharma Biomedical, Japan) and incubated at 37°C for 2 h. Serial dilutions of purified ostrich IgY generated by the seasonal influenza vaccine immunization were added vertically to the wells and kept for incubation at 37°C for 1 h. The HRP-conjugated rabbit IgG against ostrich IgY (5) diluted 1:5,000 in PBS was dispensed into each well. The plate was incubated for 1 h at 37°C and washed. A substrate buffer containing TMB (Sumitomo Bakelite, Japan) was added to each well and kept for incubation at 37°C for 15 min. The reaction was terminated by the addition of a stopping reagent (1.25 M sulfuric acid). The absorbance was recorded at 450 nm using an ELISA plate reader (DS Pharma Biomedical).

**Influenza viruses.** Seasonal influenza viruses [A/Osaka/309/2007 (H1N1), A/Osaka/2587/2005 (H3N2) and B/Osaka/21/2005] and a pandemic virus [A/Osaka/2040/2009 (H1N1) pdm] cloned from patients in Osaka Prefecture, Japan, were

used throughout this study. The viral solutions were titrated as TCID<sub>50</sub> using a cell culture system (MDCK cells) onto 96-well microtiter plates by serial 4-fold dilutions of the samples in the routine manner.

**Immunocytochemistry.** MDCK cells were independently infected with each influenza virus (10<sup>2</sup> TCID<sub>50</sub>) for 2-5 days at 35°C. The infected cells were fixed with 10% buffered formalin for immunocytochemistry. The cells were washed in PBS, incubated with the ostrich IgY generated by seasonal influenza vaccine immunization (1:4000) for 1 h at 37°C and incubated with FITC-conjugated rabbit IgG (1:4000) against ostrich IgY (5) following a sufficient number of washes in PBS. Finally, the specific signal was observed using fluorescence microscopy.

**Hemagglutination inhibition (HI) test.** Serial dilutions of ostrich IgY were mixed with 8-HA units of each influenza virus in clear 96-well micro-test polystyrene assay plates (Becton Dickinson, USA). The plates were incubated for 30 min at room temperature. Guinea pig erythrocytes were added, pipetted gently, and incubation was carried out for another 45 min at room temperature. Each well was observed, and the HI titers were scored based on the HA titer with immune IgY versus the HA titer with preimmune IgY (a higher ratio indicates a stronger inhibitory activity of the antibody against the pandemic influenza virus).

**Neutralization assays for influenza virus infection.** Serial dilutions of ostrich IgY were mixed at a ratio of 1:1 with influenza viruses at 10<sup>2</sup> TCID<sub>50</sub>, incubated for 1 h at 37°C, and transferred to a microtiter plate with an MDCK cell monolayer. The cultures were incubated for 2-3 days at 35°C and inspected to determine the cytopathic effect (CPE). The neutralizing titer, expressed as the reciprocal of the IgY dilution at which virus growth is inhibited by 50%, was calculated by the number of virus negative wells and the IgY dilution (12).

## Results

**Cross-reactive antibody responses of ostrich IgY to the pandemic influenza virus A/H1N1.** IgY was purified from eggs produced by female ostrich immunized with a seasonal influenza vaccine. The molecular weight of purified IgY was ~200 kDa (SDS-PAGE; data not shown). Each immunized ostrich egg yielded ~4 g of IgY. The reactivity of the IgY to the seasonal and pandemic influenza viruses was estimated by ELISA. The antibody titers for each antigen of the seasonal A/H1N1, A/H3N2 and B viruses were increased dramatically in the ostrich yolk after immunization (Table I). In addition, it appeared that the antibody had a high cross-reactivity to the pandemic influenza viral antigens.

The reactivity of the ostrich IgY to the infectious influenza viruses was examined by immunocytochemistry. MDCK cells were infected with each seasonal influenza virus and pandemic influenza virus A/H1N1. The infected cells were fixed and reacted with IgY generated by the seasonal influenza vaccine immunization. The cytoplasm of the cells infected with the seasonal A/H1N1, A/H3N2 and B viruses was strongly labeled with the IgY (Fig. 1). In contrast, preimmune



Table I. Cross-reactivities of ostrich antibodies (IgY) generated by seasonal influenza vaccine immunization.

Antibody	Antibody titer against the indicated influenza virus HA antigens			
	Seasonal influenza viruses			Pandemic influenza virus
	A/H1N1	A/H3N2	B	2009 A/H1N1
Ostrich IgY	102,400	204,800	102,400	51,200

The antibody titer against the seasonal and pandemic influenza viruses was estimated by ELISA. The ELISA titers against the seasonal influenza viruses [A/Osaka/309/2007 (H1N1), A/Osaka/2587/2005 (H3N2), B/Osaka/21/2005] were markedly increased in ostrich egg yolk (IgY) at 4 weeks post-immunization. In addition, the reactivity to a pandemic influenza virus [A/Osaka/2040/2009 (H1N1)pdm] was also increased in the IgY. This indicates that the antibody was also cross-reactive to the pandemic influenza virus A/H1N1. The antibody titers were defined as the reciprocal of the highest dilution (initial volume, 2 mg/ml) that produced an ELISA signal twice as intense as the signal from equivalently diluted preimmune IgY.

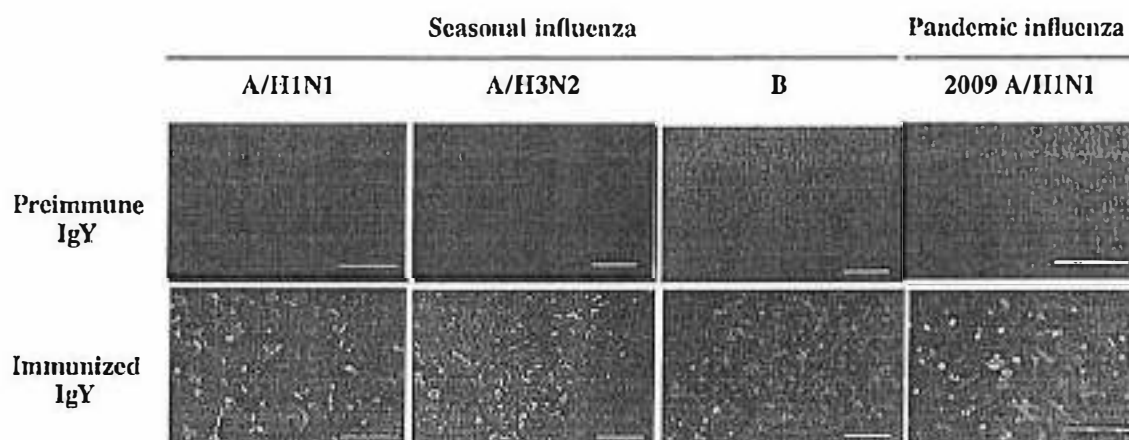


Figure 1. Immunocytochemistry of influenza virus-infected MDCK cells. MDCK cells were infected with seasonal influenza viruses [A/Osaka/309/2007 (H1N1), A/Osaka/2587/2005 (H3N2), B/Osaka/21/2005] and pandemic A/H1N1 [A/Osaka/2040/2009 (H1N1)pdm]. The cells were fixed 5 days after infection, reacted with ostrich IgY, and then visualized with an FITC-conjugated secondary antibody. None of the cells infected with each virus were stained by preimmune IgY. In contrast, the cells infected with each seasonal influenza virus were strongly stained with the IgY produced by ostrich immunized with the seasonal influenza vaccine. Notably, the IgY cross-reacted with the cells infected with the pandemic A/H1N1 virus. Bars, 100  $\mu$ m.

IgY did not react with the infected cells. Notably, the cells infected with the pandemic influenza virus also reacted with the IgY. This demonstrated the cross-reactivity of the ostrich antibodies to the pandemic influenza virus A/H1N1, thereby supporting the ELISA findings.

**Inhibition of hemaggregation activities of pandemic influenza virus A/H1N1 by ostrich IgY.** The HA activities of the influenza viruses were estimated using erythrocytes, since the viral strains in this study originated from sporadic cases of infection and their characteristics had not yet been clarified. The highest dilutions of viral fluids showing hemaggregation were scored as a single HA unit. Each strain of the influenza virus was used for HI testing at 8-HA units.

Hemaggregation by the seasonal A/H1N1, A/H3N2 and B viruses was dramatically inhibited by the ostrich IgY. Importantly, the hemaggregation activities of the pandemic influenza virus A/H1N1 were also impeded by the IgY (Table II). Accordingly, this antibody blocked the HA on

the surface of the pandemic A/H1N1 virus as well as on the seasonal influenza viruses, and also inhibited the interaction of HA and erythrocytes, thereby leading to the inhibition of hemaggregation.

**Neutralization assays for pandemic influenza virus A/H1N1 infection.** The seasonal and pandemic influenza viruses were reacted with the ostrich IgY followed by inoculation into MDCK cells. The degree of neutralization was determined by the observation of CPE after 4 days of inoculation. As shown in Table III, the IgY strongly inhibited the infectivity of all seasonal influenza viruses, A/H1N1, A/H3N2 and B; even a small volume of IgY obstructed the infections of the viruses in the MDCK cells. Notably, the infection of pandemic influenza virus A/H1N1 to MDCK cells was also strongly inhibited by the ostrich IgY. The IgY appeared to bind to the HA of the pandemic influenza virus as well as of the seasonal viruses, and blocked the interaction between viral particles and the receptors on cells, thus leading to the inhibition of viral infectivity.

Table II. Inhibitory activity of ostrich IgY on hemaggregations by the pandemic influenza virus A/H1N1.

	Seasonal influenza viruses			Pandemic influenza virus
	A/H1N1	A/H3N2	B	2009 A/H1N1
HI titer	512	512	128	256

Guinea pig erythrocytes were reacted with seasonal influenza viruses [A/Osaka/309/2007 (H1N1), A/Osaka/2587/2005 (H3N2), B/Osaka/21/2005] and a pandemic virus [A/Osaka/2040/2009 (H1N1)pdm] after incubation with IgY. The activity of IgY against each of the viruses was represented as HI by a titer ratio: 'the highest dilution of immune IgY indicating clear inhibition on hemaggregations' versus 'the highest dilution of preimmune IgY indicating clear inhibition on hemaggregations'. Higher HI titers indicated strong inhibitory activity of the antibody against aggregation by the viruses. Note that the ostrich IgY exhibits inhibitory activities on hemaggregation by a pandemic influenza virus as well as by all of the seasonal influenza viruses.

Table III. Neutralizing activities of ostrich IgY against the infectivities of seasonal and pandemic influenza viruses.

Antibody (IgY)	Neutralizing titers ( $\mu\text{g/ml}$ )			
	Seasonal influenza viruses			Pandemic influenza virus
	A/H1N1	A/H3N2	B	2009 A/H1N1
Preimmune IgY	>384.0	>384.0	>384.0	>384.0
Immunized IgY	2.6	8.9	22.3	11.2

Neutralization assays were performed using MDCK cells infected with seasonal influenza viruses [A/Osaka/309/2007 (H1N1), A/Osaka/2587/2005 (H3N2), B/Osaka/21/2005] and a pandemic virus [A/Osaka/2040/2009 (H1N1)pdm]. The titers are indicated as the mean of 50% inhibition on CPE at 5 days post-infection. Note that a pandemic influenza virus as well as all of the seasonal influenza viruses were inhibited with a small volume of immunized ostrich IgY.

## Discussion

Hemagglutinin is essential for viral binding to cells and entrance into host cells. Therefore, these antigens are widely used in the vaccination against influenza in humans (13). The inhibition of HA antigens by antibodies is useful for protecting against these viral infections.

The pandemic influenza virus belongs to strain A/H1N1, but its HA is genetically distinct from the HA of seasonal A/H1N1 (2). Vaccination with seasonal influenza vaccines, even when formulated with oil-in-water adjuvants, was found to provide little or no benefit to any age group in human populations with respect to an increase in cross-reactive neutralizing antibodies against pandemic A/H1N1 (4). Importantly, the present study demonstrated that vaccination of a seasonal trivalent influenza HA vaccine into the ostrich resulted in a marked increase in the level of cross-reactive antibody to pandemic influenza A/H1N1. One important finding of the present study was the observation that ostrich IgY obstructed the hemaggregation activities of the pandemic influenza virus A/H1N1. The HA antigens on the pandemic influenza virus A/H1N1 might be masked by ostrich antibodies, thus resulting in the effective blocking of viral adsorption into the cells. The neutralization activities of ostrich antibodies were assessed using living cells to confirm this paradigm. The infection of pandemic influenza viruses from patients was prevented by the IgY, and the CPE of MDCK cells was dramatically inhibited by the antibodies.

Therefore, ostrich antibodies might inhibit the entrance of the pandemic influenza virus into cells by blocking HA activities, thus resulting in the escape of cells from viral infection. The ostrich IgY against seasonal A/H1N1 in the trivalent vaccine had cross-reactivity to pandemic A/H1N1, because of the antigenic similarity among strains of A/H1N1. Ongoing studies are underway to determine the mechanism by which ostrich produce cross-reactive neutralizing antibodies to pandemic influenza virus A/H1N1 by immunization with seasonal influenza vaccine.

There is an increasing need for the development of antibodies for research, diagnostic and therapeutic purposes. However, antibodies from experimental mammals, including the mouse and rabbit, are not suited for industrial use because of their high production cost. The avian egg has proven to be an attractive source for the non-invasive production of antibodies, with applications in research, diagnosis and immunotherapy (8,9). A simple and economical method has been developed for the mass production of antibodies, and 4 g of IgY can be purified from one yolk; thus, 400 g of antibodies can be obtained from one female ostrich in one year (5). This suggests that anti-pandemic influenza virus antibodies can be provided in large quantities at a relatively low price using ostrich. Accordingly, the ostrich egg might provide an excellent source of antibodies for industrial purposes.

Recently, various types of facial masks and air-conditioner filters have been used for the prevention of airborne infections.

However, the small influenza virus can pass through currently used filters, thus resulting in human infection, as the virus is still alive even after drying (14-16). Therefore, a high grade filter employing new prevention mechanisms must be developed. Ostrich IgY is being applied to filters, and can protect against influenza viruses by antigen-antibody reactions. In the present study, a large amount of cross-reactive neutralization antibodies against the various influenza viruses, including pandemic A/H1N1, was produced in a cost-effective manner, indicating the potential of ostrich antibodies for industrial purposes. Filters impregnated with ostrich antibodies may therefore become a powerful tool for protecting humans against pandemic influenza viruses.

#### Acknowledgements

We thank Dr Tetsuo Kase at the Osaka Prefectural Institute of Public Health for providing the clinical strains of the influenza viruses. We also thank Dr Yoji Goto at The Kitasato Institute Research Center for Biologicals, Japan, for providing the HA antigens of the influenza virus vaccine strains. This study was supported in part by a Grant-in-Aid for Scientific Research (no. 21380182) from the Ministry of Education, Science, Sports and Culture, Japan.

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> [Search results for "Edgewood"](#)

Census Profile, 2021 Census of Population

## Profile table

This is Exhibit "C" referred to in the  
affidavit of David Bilinski  
sworn before me at Vernon  
this 29 day of January, 2025

Characteristic	Total
<b>Population and dwellings</b>	
Population, 2021 <sup>1</sup>	235
Population, 2016 <sup>1</sup>	236
Population percentage change, 2016 to 2021	- 0.4
Total private dwellings <sup>2</sup>	139
Private dwellings occupied by usual residents <sup>3</sup>	128
Population density per square kilometre	114.3
Land area in square kilometres	2.06
<b>Age characteristics</b>	
Total - Age groups of the population - 100% data	235
0 to 14 years	10
0 to 4 years	0
5 to 9 years	0
10 to 14 years	15
15 to 64 years	125
15 to 19 years	10
20 to 24 years	10
25 to 29 years	5
30 to 34 years	5

Characteristic	Total
35 to 39 years	5
40 to 44 years	10
45 to 49 years	15
50 to 54 years	15
55 to 59 years	20
60 to 64 years	35
65 years and over	95
65 to 69 years	30
70 to 74 years	40
75 to 79 years	20
80 to 84 years	10
85 years and over	0
85 to 89 years	0
90 to 94 years	0
95 to 99 years	0
100 years and over	0
Total - Distribution (%) of the population by broad age groups - 100% data	100.0
0 to 14 years	4.3
15 to 64 years	53.2
65 years and over	40.4
85 years and over	0.0
Average age of the population	56.4
Median age of the population	62.4
<b>Household and dwelling characteristics</b>	
Total - Occupied private dwellings by structural type of dwelling - 100% data	130

2020-02-11 Tue 14:30

Government of British Columbia - Animal Health Centre - Case Number 20-832

ID: #107293 Page 1 of 2



Ministry of  
Agriculture

## Animal Health Centre

AAVLD - Accredited Laboratory

Ministry of Agriculture  
7507 Angus Campbell Road  
Abbotsford BC V2C 2M0  
Telephone: (250) 266-3700  
Fax: (250) 266-3010  
Toll-free: 1-877-421-2009

### Final Report AHC Case: 20-832

Last Updated: 02/10/20 8:24 AM  
Case Coordinator: Anthony (Tony) Redford  
Received Date: 02/03/20  
Collected Date: 02/03/20  
Client Ref No:

Veterinarian: Dr. J. Perry  
Clinic: White Valley Vet. Service  
Phone: (250) 547-9700  
Fax: (250) 547-9704

Submitter: White Valley Vet. Services  
Phone:

Owner: Universal Ostrich Farm  
Phone: (250) 269-7447  
Premise ID:

Animal Data  
Species: Ostrich  
Breed:  
Sex: Male  
Age: 16 Months  
Animal ID:

#### Case History

Received: 1x other (white substance). Testing requested: Bacteriology and PCR.

16 mon old male ostrich, died Feb. 1/20. White nodules at back of mouth. Cold like -coughing slightly -dull eyes -a little pink -coughing up white chunks. Treated - 5cc Duplorillin LA, 3cc Dex 5, Tubed with Electrolytes.

Diagnostic investigation.

\*All histories are copied verbatim from the submission form

#### Bacteriology

Aerobic Culture - Prod Resulted by: Erin Zabek Verified by: Katrina Abram on 02/07/20 @ 12:08 PM

Specimen	ID	Isolate	Result	Level
Tissue	Unknown	Proteus sp.	Positive	
Tissue	Unknown	Pseudomonas aeruginosa	Positive	GP
Tissue	Unknown	Escherichia coli (non-haemolytic)	Positive	GP

AVGN Resulted by: Jaime Battle Verified by: Erin Zabek on 02/10/20 @ 8:24 AM

This is Exhibit " D " referred to in the  
affidavit of Daniel Bilinski  
sworn before me at Vernon  
this 25 day of January, 2025

**Katrina Jones**

**From:** West AI Sick Bird / Ouest IA Les oiseaux malades (CFIA/ACIA) <cfia.WestAISickBird-OuestIALesoiseauxmalades.acia@inspection.gc.ca>  
**Sent:** Tuesday, December 31, 2024 8:26 AM  
**To:** universalostrich@gmail.com  
**Subject:** Quarantine documents 4206 Q  
**Attachments:** AI 2022 BC BC-820 Dave Bilinski 2024-12-30 4206 Q (22839 ) Zhang,l.pdf; AI General Information.pdf; Privacy Notice Statement for Animal Disease Investigations.pdf; Requirement to Quarantine - Producer Information Sheet.pdf

Hello,

Please see the following attachment documents with regards to movement control/quarantine being placed on your premise due to the pending Avian Influenza Testing. This movement control/quarantine will remain in place until you receive documents of release from CFIA.


Please find the following attachments regarding movement controls/quarantine on premise:

1. General information on Avian Influenza
2. Producer information sheet on the requirements for quarantine
3. Privacy notice statement from CFIA
4. Legal documents (4206) for quarantine of poultry and poultry products.

Please reply back as a recognition of receiving these documents.

Kind regards,

Nicki Conner  
 AI 2022 AB Sick Bird Call Group  
 (403) 338-5225

This is Exhibit " E " referred to in the  
 affidavit of David Bilinski  
 sworn before me at Vernon  
 this 29 day of January, 2025  






Canadian Food Inspection Agency  
Agence canadienne d'inspection des aliments

File Number / Numéro de dossier  
BC-820 22839

# HEALTH OF ANIMALS ACT

# LA LOI SUR LA SANTÉ DES ANIMAUX

## NOTICE

## AVIS

### REQUIREMENT TO QUARANTINE AND/OR LICENSE TO TRANSPORT ANIMALS OR THINGS

### OBLIGATION DE METTRE EN QUARANTAINE ET/OU PERMIS DE TRANSPORTER DES ANIMAUX OU DES CHOSES

<p>To: / À:</p> <p>Universal Ostrich</p> <p>Owner Name (legal owner of premise): Dave Bilinski</p> <p>Email: universalostrich@gmail.com</p> <p>Phone #: 778-692-9389</p> <p>301 Langille Road, Edgewood, BC, V0G 1J0</p>	<p>Location of Animal(s)/Thing(s) - Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s)</p> <p>301 Langille Road, Edgewood, BC, V0G 1J0</p> <p>Lat: 49.862402 Long: -118.149296</p> <p>Premise ID: BC44K4PMR</p>
--	---

The requirement must be met in the following manner during the period commencing on the date of this notice

I find or suspect that the animals/things described below are affected or contaminated by AVIAN INFLUENZA

Pursuant to section 6/8/59 of the Health of Animals Regulations, I therefore require you as the owner or person having the possession, care or control of the animals/things described below to quarantine the animals/things described below.

All birds/carcasses are kept indoors or in the barn. Confine to the above described premises in such manner that there is no contact with any birds, animals, humans (other than humans involved in the care or disposal of birds), and other things exposed to birds including things related to the conveyance, care and maintenance of avians and the care and maintenance of the premises which may result in transmission of the disease.

Report any signs of avian influenza or increased mortality to the Canadian Food Inspection Agency (CFIA) immediately. Complete the flock health questionnaire provided and return to the CFIA at the specified times. Quarantine conditions must remain in effect until released by an inspector of the Canadian Food Inspection Agency.

Any of the above-mentioned animals or things will require a License to Transport Animals or Things from CFIA in order to move or to be removed from the site.

L'obligation imposée doit être remplie de la façon suivante à compter de la date du présent avis

Je constate ou soupçonne que les choses ou les animaux visés ci-dessous sont atteints ou contaminés par

Conformément aux articles 6, 8 et 59 du Règlement sur la santé des animaux, vous êtes tenu, en qualité de propriétaire ou de personne qui a la possession, la responsabilité ou la charge des soins des choses ou des animaux visés ci-dessous, de mettre en quarantaine les choses ou les animaux en question.

Digitally signed by ZHANG, XIANG

Date: 2024.12.30 11:13:16 -08'00'

2024-12-30	Date	Signature
Ian Zhang	Name of Inspector / Nom de l'inspecteur	Telephone / Téléphone

### TERMINATION OF QUARANTINE TERMINAISON DE QUARANTAINE

Date	Signature
Name of Inspector / Nom de l'inspecteur	Telephone / Téléphone

Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or Thing(s) Description de l'(des) animal(aux) ou de la(les) chose(s)
1			"All animals of susceptible species on-site (see below) and any related
2			animal products, by-products and things along with any animals,
3			products, by-products and things having contact with them".
4			
5			Description of susceptible species present on-site:
6			All Avian species on this premise.
7			
8			
9			
10			Sick bird Call Log#:773
11			
12			
13			
14			

This information on this document is collected by the Canadian Food Inspection Agency under the authority of the Health of Animals Act for the purpose of protecting human and animal health. Information may be accessible or protected as required under the provisions of the Access to Information Act.

Les renseignements figurant dans le présent document sont recueillis par l'Agence canadienne d'inspection des aliments en vertu de la loi sur la santé des animaux afin de protéger la santé des personnes et des animaux. Les renseignements peuvent être accessibles ou protégés selon ce que prévoit la Loi sur l'accès à l'information.



## Quarantine

The following provisions of the Health of Animals Regulations relate to the requirement to quarantine animals or things:

### 6. Where an inspector finds or suspects that:

- a) a thing is a disease agent,
- b) an animal or thing is affected by or contaminated with a communicable disease, or
- c) any record or document required by or under the Act and these Regulations to prevent the spread of any disease within Canada, or to any other country from Canada, by an animal or thing is not produced for inspection by an inspector,

the inspector may order the person who owns or has possession, care or control of the animal or thing, to quarantine the animal or thing, and the provisions of section 91.4 apply.

### 9. Where an inspector finds or suspects that:

- a) a thing is a disease agent,
- b) an animal or thing imported into Canada is affected by or contaminated with a communicable disease, or
- c) any information or documentation required by or under the Act and these Regulations to prevent the introduction of any disease into Canada by an animal or thing is not presented to an inspector,

the inspector may order the person who owns or has possession, care or control of the animal or thing to quarantine the animal or thing, and the provisions of section 91.4 apply.

59. The Minister may, for the purpose of preventing the introduction of communicable disease into Canada or into any other country from Canada, require any animal imported into Canada to be quarantined, and the provisions of section 91.4 apply.

91.4(1) Where an inspector orders a quarantine of a disease agent, animal or thing, the notice of quarantine shall be communicated by personal delivery to the person who owns or has possession, care or control of the disease agent, animal or thing and the notice may specify the manner, condition, place or places and time of quarantine, necessary to prevent the spread of the communicable disease.

(2) In respect of a disease agent, animal or thing quarantined pursuant to these Regulations, no person shall do or permit to be done any of the following actions, without the authorization of an inspector:

- a) remove the disease agent, animal or thing from the place of quarantine;
- b) allow the disease agent, animal or thing to come into contact with an animal that is not quarantined under the same quarantine order;
- c) destroy the disease agent, animal or thing; or
- d) treat or test the disease agent, animal or thing for a communicable disease.

(3) Every person who owns or has the possession, care or control of an animal quarantined pursuant to these Regulations shall immediately notify a veterinary inspector of any quarantined animal that appears sick.

(4) In respect of a disease agent or thing quarantined pursuant to these Regulations, no person shall do or permit to be done any of the following actions, without the authorization of an inspector:

- a) move the disease agent or thing;
- b) alter the appearance of the disease agent or thing;
- c) remove of any tag, sign or other notice that the disease agent or thing is under quarantine; or
- d) open any container or remove any wrapping or cover around the disease agent or thing.

(5) No person shall transport or cause to be transported a disease agent, animal or thing quarantined pursuant to these Regulations unless:

- a) a licence for its transportation has been issued by an inspector;
- b) a copy of the licence issued pursuant to paragraph (a) has been provided to the person in charge of the conveyance transporting the disease agent, animal or thing;
- c) and the disease agent, animal or thing is transported directly to the location stated in the licence.

(6) Every person who receives a notice referred to in subsection (1) shall comply with the notice.

## Penalty

Section 66 of the Health of Animals Act:

66. Every person who fails to comply with a notice delivered to the person under section 18, 25, 27, 37, 43 or 48 or the regulations is guilty of:

- a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months, or to both; or
- b) an indictable offence and liable to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding two years, or to both.

## Quarantaine

Les dispositions suivantes du Règlement sur la santé des animaux ont trait à l'obligation de mettre en quarantaine des animaux ou des choses :

6. L'inspecteur peut ordonner au propriétaire d'un animal ou d'une chose ou à la personne en ayant la possession, la responsabilité ou la charge des soins de le mettre en quarantaine, auquel cas les dispositions de l'article 91.4 s'appliquent, lorsqu'il constate ou soupçonne que :

- a) la chose est un agent causant une maladie;
- b) l'animal ou la chose est affecté ou contaminé par une maladie transmissible;
- c) tout registre ou documentation exigé en vertu de la Loi ou du présent règlement afin de prévenir la propagation de toute maladie au sein du Canada, ou du Canada à un autre pays, par l'animal ou la chose, ne lui est pas fourni aux fins d'inspection.

9. L'inspecteur peut ordonner au propriétaire d'un animal ou d'une chose ou à la personne en ayant la possession, la responsabilité ou la charge des soins de le mettre en quarantaine, auquel cas les dispositions de l'article 91.4 s'appliquent, lorsqu'il constate ou soupçonne que :

- a) la chose est un agent causant une maladie;
- b) l'animal ou la chose est importé et est affecté ou contaminé par une maladie transmissible;
- c) tout renseignement ou documentation exigé en vertu de la Loi ou du présent règlement afin de prévenir l'introduction de toute maladie au Canada, par l'animal ou la chose, ne lui est pas fourni.

59. Le ministre peut, afin de prévenir l'introduction de maladies transmissibles au Canada, ou dans un autre pays depuis le Canada, exiger que tout animal importé au Canada soit mis en quarantaine, auquel cas les dispositions de l'article 91.4 s'appliquent.

91.4(1) Lorsqu'un inspecteur ordonne la mise en quarantaine d'un agent causant une maladie, d'un animal ou d'une chose, l'avis de mise en quarantaine doit être remis en main propre au propriétaire de l'agent, de l'animal ou de la chose ou à la personne en ayant la possession, la responsabilité ou la charge des soins, et cet avis peut préciser les modalités, les conditions, le ou les lieux et le délai de quarantaine nécessaires pour prévenir la propagation de la maladie transmissible.

(2) En ce qui concerne un agent causant une maladie, un animal ou une chose mis en quarantaine aux termes du présent règlement, il est interdit, sans l'autorisation d'un inspecteur, de prendre les mesures suivantes ou de permettre qu'elles soient prises :

- a) retirer l'agent, l'animal ou la chose du lieu de quarantaine;
- b) laisser l'agent, l'animal ou la chose entrer en contact avec un animal qui n'est pas mis en quarantaine en vertu de la même ordonnance;
- c) détruire l'agent, l'animal ou la chose;
- d) traiter l'agent, l'animal ou la chose pour une maladie transmissible ou mener des tests de dépistage à cet égard.

(3) Le propriétaire d'un animal mis en quarantaine aux termes du présent règlement, ou la personne en ayant la possession, la responsabilité ou la charge des soins, doit sans délai aviser un vétérinaire-inspecteur lorsque l'animal semble malade.

(4) En ce qui concerne un agent causant une maladie ou une chose mis en quarantaine aux termes du présent règlement, il est interdit, sans l'autorisation d'un inspecteur, de prendre les mesures suivantes ou de permettre qu'elles soient prises :

- a) déplacer l'agent ou la chose;
- b) en modifier l'apparence;
- c) enlever une étiquette, une indication ou un autre avis précisant que l'agent ou la chose est en quarantaine;
- d) ouvrir un contenant ou enlever un emballage dans lequel se trouve l'agent ou la chose ou en enlever la couverture.

(5) Il est interdit de transporter ou de faire transporter un agent causant une maladie, un animal ou une chose mis en quarantaine aux termes du présent règlement, sauf si :

- a) un permis pour son transport a été délivré par un inspecteur;
- b) une copie du permis a été fournie à la personne chargée du véhicule qui transporte l'agent, l'animal ou la chose;
- c) l'agent, l'animal ou la chose est transporté directement à l'endroit indiqué sur le permis.

(6) Quiconque reçoit l'avis visé au paragraphe (1) doit s'y conformer.

## Pénalité

L'article 66 de la Loi sur la santé des animaux:

66. Quiconque contrevient à l'avis qui lui a été signifié ou illo des articles 18, 25, 27, 37, 43 ou 48 ou des règlements commet une infraction et encourt, sur déclaration de culpabilité :

- a) par procédure sommaire, une amende maximale de cinquante mille dollars et un emprisonnement maximal de six mois, ou l'une de ces peines; ou
- b) par mise en accusation, une amende maximale de deux cents mille dollars et un emprisonnement maximal de deux ans, ou l'une de ces peines.

## **Avian influenza in birds**

Avian influenza (AI), often called "bird flu," is caused by the Type "A" influenza virus. This virus can affect several species of food-producing birds (chickens, turkeys, quails, guinea fowl, etc.), as well as pet and wild birds.

Avian influenza viruses can be broadly classified into 2 types, based on the severity of the illness caused in birds:

- low pathogenic avian influenza (LPAI)
- highly pathogenic avian influenza (HPAI)

Most avian influenza viruses are low pathogenic. These typically cause little or no signs of illness in infected birds.

However, highly pathogenic viruses can cause severe illness and death in birds.

## **Different strains of avian influenza**

Avian influenza viruses are divided by subtypes based on 2 proteins found in the viruses: hemagglutinin, or "H" protein, and neuraminidase, or "N" protein. There are 16 H types and 9 N types which create a total 144 possible combinations.

The H5 and H7 subtypes of the virus are of particular concern, given the ability of these 2 H-types to mutate from low pathogenic to highly pathogenic after they infect domestic birds. These 2 H-types have been known to cause serious disease or mortality in domestic poultry, yet low pathogenic H5 and H7 viruses are quite common in wild waterfowl.

Different strains of the same type of virus can exist, particularly in different parts of the world. Such strains can have very different characteristics and structure. For example, the H5N1 strain that has been reported in various parts of Europe is low pathogenic and is distinctly different from the Asian strain, which is highly pathogenic.

## **Avian influenza in humans**

Avian influenza viruses, such as the highly pathogenic H5N1 virus present in Asia, can, on rare occasions, cause disease in humans.

Transmission to humans has occurred when people have had close contact with infected birds or heavily contaminated environments.

Due to the potential for human infection, it is recommended that people working with poultry suspected of being infected with avian influenza, or in contact with such poultry, wear protective clothing. This includes, face masks, goggles, gloves and boots.

Additional information:

- [Avian Influenza and Poultry](#) (Health Canada)
- [Human Health Issues Related to Avian Influenza in Canada](#) (Public Health Agency of Canada)

## Where avian influenza is found

Avian influenza viruses have been found in Canada and around the world.

The Canadian Food Inspection Agency (CFIA) publishes [reports on previous disease incidents in Canada](#).

Detailed information on the distribution of the H5N1 subtype and highly pathogenic avian influenza around the world is available from the [World Organisation for Animal Health \(OIE\)](#)

## What the clinical signs of avian influenza are

Some or all of the following clinical signs are evident in infected birds:

- a drop in production of eggs, many of which are soft-shelled or shell-less
- diarrhea
- haemorrhages on the hock
- high and sudden mortality rate
- quietness and extreme depression
- swelling of the skin under the eyes
- wattles and combs become swollen and congested

The incubation period of AI ranges from 2 to 14 days.

The signs of AI (or more commonly known as bird flu) are very similar to those seen with [Velogenic Newcastle Disease](#) and other poultry diseases.

## How to diagnose avian influenza

Avian influenza should be suspected on the basis of clinical signs.

Laboratory testing is needed to confirm the presence of the avian influenza virus. Contact your local veterinarian or provincial veterinary laboratory for assistance.

## How to treat avian influenza

There is no treatment for birds that have the disease.

Vaccinating the birds may play a role in reducing the spread of the disease but does not eliminate the virus.

## How avian influenza is transmitted and spread

Wild birds, especially waterfowl, are natural reservoirs of influenza viruses. They are not normally affected by the disease, but can still transmit it to domestic birds.

The disease can spread to birds through contact with infected poultry and poultry products. It can also spread through contaminated manure, litter, clothing, footwear, vehicles, equipment, feed and water.

It is essential for commercial poultry producers to use strict biosecurity practices in order to prevent introduction of the virus to their flock. Farmers should take the following measures.

- Keep poultry away from areas frequented by wild birds.
- Maintains strict control over access to poultry houses.
- Make sure that equipment is cleaned and disinfected before taking it into poultry houses.
- Do not keep bird feeders or create duck ponds close to poultry barns because they attract wild birds.
- Maintain high sanitation standards.

## Avian influenza in pets

Pet birds can be infected by avian influenza and spread the disease to humans. In order to prevent the spread of AI, Canada has strict import requirements for pet birds from countries affected by avian influenza.

The highly pathogenic Asian strain of H5N1 has also been detected in mammals, including rats, mice, weasels, ferrets, pigs, cats and dogs.

However, the number of documented cases of avian influenza H5N1 in non-avian species is very low, despite the fact that this virus has caused large avian outbreaks globally over the last few years.

Current science suggests that the risk of a human contracting avian influenza from a mammalian pet is very low. Nonetheless, owners are encouraged to take appropriate precautions to protect their pets and themselves.

## How to protect domestic poultry from avian influenza in Canada

The CFIA imposes strict regulations on the import of animals and animal products from countries where avian influenza is known to occur. These regulations are enforced through port-of-entry inspections done either by the Canada Border Services Agency or the CFIA.

The CFIA has enhanced its avian influenza surveillance for commercial poultry flocks in Canada with the launch of the Canadian Notifiable Avian Influenza Surveillance System (CanNAISS).

This surveillance program was developed in collaboration with provincial and territorial governments, poultry farmers and other industry representatives.

The Government of Canada, provincial and territorial governments, and animal health experts also conduct an annual surveillance program of avian influenza in wild birds. Through this program, live and dead birds are sampled and tested for avian influenza viruses.

Highly pathogenic avian influenza and low pathogenic avian influenza by subtypes H5 and H7 is a reportable disease under the *Health of Animals Act and Regulations*. This means that all suspected cases must be reported to the CFIA for immediate investigation by inspectors.

Under the Avian Influenza Hazard Specific Plan, the CFIA responds to both highly pathogenic and low pathogenic H5 and H7 viruses by reporting disease outbreaks to the OIE, establishing quarantines, ordering the humane destruction of poultry, conducting trace-out activities, overseeing the cleaning and disinfection of premises, and verifying that the affected farms remain free of avian influenza according to OIE standards.

## How the CFIA responds to an outbreak of avian influenza in Canada

Canada's emergency response strategy to an outbreak of avian influenza would be to eradicate the disease and re-establish Canada's disease-free status as quickly as possible.

The CFIA's AI emergency response strategy includes the following measures:

- the humane destruction of all infected and exposed animals
- surveillance and tracing of potentially infected or exposed animals
- strict quarantine and animal movement controls to prevent disease spread
- strict decontamination of infected premises
- zoning to define infected and disease-free areas

Owners whose animals are ordered destroyed by the CFIA may be eligible for compensation.

## **What travellers can do to help protect Canadian livestock from an outbreak of avian influenza**

While out of the country, travellers should avoid visiting areas where they may come into contact with live birds, including

- poultry farms
- live bird markets
- any other area where birds congregate

This is most important in countries that are experiencing an outbreak of highly pathogenic avian influenza.

If you are in contact with live birds infected with the AI virus, the virus may persist on your clothing, footwear and in your hair. Take appropriate personal hygiene measures, such as the following.

- Wash your hands
- Shower
- Wash all of the clothing you had with you while abroad
- Clean and disinfect your footwear

When you return home, do the following.

- Avoid contact with farmed animals (including poultry), zoo animals or wildlife for 5 days after you return if you were exposed to similar animals while you were abroad.
- Do not visit Canadian farms for 14 days if you visited a farm or had contact with wild birds while abroad.
- Be sure the footwear you wore to the farm or when you had contact with wild birds is disinfected and your clothing is washed thoroughly and dried at a high temperature.
- Complete the appropriate areas of your Customs Declaration Card - PDF (45 kb) regarding farm visits.
- Ensure all birds and poultry products you bring into Canada are eligible for entry. Declare all animal products upon arrival.

If You have Questions Please Contact [cfia.ABmovecon-contdeplacements.acia@inspection.gc.ca](mailto:cfia.ABmovecon-contdeplacements.acia@inspection.gc.ca)

## Privacy Notice Statement for Animal Disease Investigations

The Canadian Food Inspection Agency (CFIA) is committed to protecting the privacy rights of individuals, including safeguarding the confidentiality of information provided by individuals and institutions.

This information is being collected and used under this Agency's legislative authority for the following purpose: to support the eradication and/or control of livestock diseases in Canada which are reportable in accordance with the *Health of Animals Act*. This information will be retained in accordance with the Agency's retention and disposition policies.

The personal information collected appears in Personal Information Bank Monitoring and Enforcement for the Canadian Food Inspection Agency, which is described within InfoSource.

Personal information collected by CFIA and the Government of Canada is protected from disclosure to unauthorized persons and/or agencies pursuant to the provisions of the Privacy Act. Individuals to whom the personal information pertains have the right to the protection of and access to their personal information under the *Privacy Act*, subject to certain exceptions and exemptions.

For inquiries, concerning the treatment of personal information in the custody of CFIA, individuals may contact the Canadian Food Inspection Agency's Access to Information and Privacy Office at [cfia.atip-aiprp.acia@canada.ca](mailto:cfia.atip-aiprp.acia@canada.ca) or located at 1400 Merivale Road, Tower 1, Room 0-149 Ottawa, ON K1A 0Y9, Canada, for access to their personal information pursuant to the provisions of the *Privacy and Access to Information Acts*.

## **Owner or person having the care of the animals /things** **Information Sheet**

### **☐ Requirement to Quarantine**

If animals are suspected of being infected with a contagious Reportable animal disease, a CFIA staff member (usually the district veterinarian) will visit the premises to meet with you. At that time, the animals and things present on your premises will be "quarantined" and precautionary movement restrictions will be put in place. The CFIA employee will provide you with documentation outlining the rules of the "Requirement to quarantine" and discuss your responsibilities. He or she will also answer any questions you may have.

Movement restrictions are necessary to control the potential spread of the disease. Some diseases are highly contagious and can spread rapidly through close contact between animals, as well as on contaminated equipment, clothing and footwear, on contaminated material such as hay and feed, or deadstock that could be accessed by susceptible animals. In addition, some diseases can spread by the air (virus excreted in the breath of an infected animal then carried through the air to other livestock).

During the quarantine period, you are not authorized to:

- remove animals or things (e.g. animal products and by-products, feed, manure, hay, straw, vehicles and equipment) from the place of quarantine;
- let the animals or things (e.g. animal products and by-products, feed, manure, hay, straw, vehicles and equipment) come into contact with an animal that is not quarantined under the same quarantine order;
- destroy the animal or thing;
- treat or test the animal or thing for a communicable disease;
- do the following, unless you have obtained prior authorization of a CFIA inspector:
  - Move a thing or alter its appearance, remove any tag, sign or notice indicating that the thing is under quarantine.
- transport or cause to be transported an animal or thing under quarantine unless a license for its transport has been issued by an inspector and a copy of the license has been provided to the transporter.

During the quarantine period, you must:

- Maintain signage indicating that the animals /things are under "Quarantine";
- Notify, without delay, a veterinary inspector of any quarantined animal that appears sick;
- If authorized, transport animals / things directly to location stated in the license.

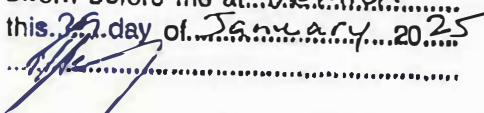


Katrina Jones

----- Forwarded message -----

From: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)  
 <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>  
 Date: Thu, Jan 2, 2025 at 10:33 AM  
 Subject: Initial Documents BC-820-IP-233  
 To: [universalostrich@gmail.com](mailto:universalostrich@gmail.com) <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>, [universalostrich@hotmail.com](mailto:universalostrich@hotmail.com)  
 <[universalostrich@hotmail.com](mailto:universalostrich@hotmail.com)>  
 Cc: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

Hello!

This is Exhibit " F " referred to in the  
 affidavit of David Bilinski  
 sworn before me at Vernon  
 this 22 day of January, 2025  


Apologies for not getting this sent right after our call this morning! As discussed earlier, because of the complex situation, many of the attached information documents won't reflect the process as they're geared to commercial poultry farms. So, in the document list below, I've highlighted the documents most important for you to review.

As you are aware, your premises has been identified as an infected premises for Avian Influenza. Regulatory actions on your premises will be put into place immediately.

For your reference, there is a lot of useful information regarding avian influenza and the role of CFIA on our external website: Avian Influenza (bird flu) - Canadian Food Inspection Agency ([canada.ca](http://canada.ca))

I have been assigned as your case officer and will serve as your primary contact for any issues/questions that come up throughout this process. Likewise, any questions that CFIA has for you should come through me.

Attached to this email are the legal documents related to your premises. These include:

1. Order to dispose of animals or things (4202)
2. Declaration of infected place (4204)
3. Requirement to quarantine (4206)
4. Licence for removal of animals or things (1509). This last document describes the animals/things that can move from your premises without restriction, provided sound biosecurity (see biosecurity protocols for holders of licences, in your initial quarantine email). Anything that needs to move other than this, or to enter the restricted zone on your premises (eg. delivery of shavings for compost) must do so under provisions of a movement permit.
5. BC CDC Letter
6. Biocontainment procedures for owners of IPs and AI general Information sheet
7. Privacy Notice Statement
8. A Generic What to expect- Step by step document of the process
9. **Letter of Direction – this needs to be signed by you, the producer for any third party (non CFIA) depopulation activities to take place. I will need you to sign the attachment and send back to me as soon as you can via email.**

#### Next steps:

- As discussed on the call earlier this morning, I'll send you a Microsoft Teams link to join our meeting scheduled for tomorrow, January 3, 2025 at 13:00 PST. This meeting is an epidemiologic questionnaire and will discuss layout of premises, movements on and off the property, clinical history of birds on site, ect. These calls range 1-3 hours normally. Given the situation – I'd expect it to maybe be longer, so please plan for that. It's always helpful to have a calendar and flock health records on hand for the call.
  - If you can, please send me any flock health records or visitor logs from the past month or two. You can send these via text.
- I will be sending you an another email shortly about the paperwork needed to start the process of the depopulation exemption.

I think that's all I have for now. Please don't hesitate to text or call me at the number below if you have any questions.

Kind regards,

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Lethbridge, AB

Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-OuestIAgentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAgentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



Government: Gouvernement  
of Canada du Canada



Canadian Food Inspection Agency  
Agence canadienne d'inspection des aliments

File Number / Numéro de dossier  
BC-820-IP-233 22930

# HEALTH OF ANIMALS ACT

# LA LOI SUR LA SANTÉ DES ANIMAUX

## NOTICE

## AVIS

### REQUIREMENT TO QUARANTINE AND/OR LICENSE TO TRANSPORT ANIMALS OR THINGS

### OBLIGATION DE METTRE EN QUARANTAINE ET/OU PERMIS DE TRANSPORTER DES ANIMAUX OU DES CHOSES

<p>To: / À:</p> <p>Universal Ostrich Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-692-9389 301 Langille Road, Edgewood, BC, V0G 1J0</p>	<p>Location of Animal(s)/Thing(s) - Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s)</p> <p>301 Langille Road, Edgewood, BC, V0G 1J0 Lat: 49.862402 Long: -118.149296 Premise ID: BC44K4PMR</p>
--	---

The requirement must be met in the following manner during the period commencing on the date of this notice

L'obligation imposée doit être remplie de la façon suivante à compter de la date du présent avis

I find or suspect that the animals/things described below are affected or contaminated by AVIAN INFLUENZA

Je constate ou soupçonne que les choses ou les animaux visés ci-dessous sont atteints ou contaminés par

Pursuant to section 8/9/59 of the Health of Animals Regulations, I therefore require you as the owner or person having the possession, care or control of the animals/things described below to quarantine the animals/things described below.

Conformément aux articles 8, 9 et 59 du Règlement sur la santé des animaux, vous êtes tenu, en qualité de propriétaire ou de personne qui a la possession, la responsabilité ou la charge des soins des choses ou des animaux visés ci-dessous, de mettre en quarantaine les choses ou les animaux en question.

All birds/carcasses are kept indoors or in the barn. Confine to the above described premises in such manner that there is no contact with any birds, animals, humans (other than humans involved in the care or disposal of birds), and other things exposed to birds including things related to the conveyance, care and maintenance of avians and the care and maintenance of the premises which may result in transmission of the disease.

Report any signs of avian influenza or increased mortality to the Canadian Food Inspection Agency (CFIA) immediately. Complete the flock health questionnaire provided and return to the CFIA at the specified times. Quarantine conditions must remain in effect until released by an inspector of the Canadian Food Inspection Agency.

Any of the above-mentioned animals or things will require a License to Transport Animals or Things from CFIA in order to move or to be removed from the site.

2024-12-28

Koetsier, Meghan

Digitally signed by Koetsier, Meghan  
Date: 2025.01.02 11:05:47 -0500

Date

Signature

MEGHAN KOETSIER

Name of Inspector / Nom de l'inspecteur

Telephone / Téléphone

### TERMINATION OF QUARANTINE TERMINAISON DE QUARANTAINE

Date

Signature

Name of Inspector / Nom de l'inspecteur

Telephone / Téléphone

Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or Thing(s) Description de l'(des) animal(aux) ou de la(des) chose(s)
1			"All animals of susceptible species on-site (see below) and any related
2			animal products, by-products and things along with any animals,
3			products, by-products and things having contact with them".
4			
5			Description of susceptible species present on-site:
6			All Avian species on this premise.
7			
8			Sick bird Call Log#:773
9			
10			This revokes and replaces CFIA/ACIA Form 4206Q Requirement to
11			Quarantine Animals and/or Things File Number: BC-820 22839 Issued by
12			Xiang Zhang on 2024-12-30. Amendment to backdate the 4206Q, verbal
13			quarantine was placed 2024-12-28.
14			

The information on this document is collected by the Canadian Food Inspection Agency under the authority of the Health of Animals Act for the purpose of protecting human and animal health. Information may be accessible or protected as required under the provisions of the Access to Information Act.

Les renseignements figurant dans le présent document sont recueillis par l'Agence canadienne d'inspection des aliments en vertu de la loi sur la santé des animaux afin de protéger la santé des personnes et des animaux. Les renseignements peuvent être accessibles ou protégés en vertu de la Loi sur l'accès à l'information.

## Quarantine

The following provisions of the Health of Animals Regulations relate to the requirement to quarantine animals or things:

### 6. Where an Inspector finds or suspects that:

- a) a thing is a disease agent,
  - b) an animal or thing is affected by or contaminated with a communicable disease, or
  - c) any record or document required by or under the Act and these Regulations to prevent the spread of any disease within Canada, or to any other country from Canada, by an animal or thing is not produced for inspection by an Inspector,
- the Inspector may order the person who owns or has possession, care or control of the animal or thing, to quarantine the animal or thing, and the provisions of section 91.4 apply.

### 9. Where an Inspector finds or suspects that:

- a) a thing is a disease agent,
- b) an animal or thing imported into Canada is affected by or contaminated with a communicable disease, or
- c) any information or documentation required by or under the Act and these Regulations to prevent the introduction of any disease into Canada by an animal or thing is not presented to an Inspector,

the Inspector may order the person who owns or has possession, care or control of the animal or thing to quarantine the animal or thing, and the provisions of section 91.4 apply.

59. The Minister may, for the purpose of preventing the introduction of communicable disease into Canada or into any other country from Canada, require any animal imported into Canada to be quarantined, and the provisions of section 91.4 apply.

91.4(1) Where an Inspector orders a quarantine of a disease agent, animal or thing, the notice of quarantine shall be communicated by personal delivery to the person who owns or has possession, care or control of the disease agent, animal or thing and the notice may specify the manner, condition, place or places and time of quarantine, necessary to prevent the spread of the communicable disease.

(2) In respect of a disease agent, animal or thing quarantined pursuant to these Regulations, no person shall do or permit to be done any of the following actions, without the authorization of an Inspector:

- a) remove the disease agent, animal or thing from the place of quarantine;
- b) allow the disease agent, animal or thing to come into contact with an animal that is not quarantined under the same quarantine order;
- c) destroy the disease agent, animal or thing; or
- d) treat or test the disease agent, animal or thing for a communicable disease.

(3) Every person who owns or has the possession, care or control of an animal quarantined pursuant to these Regulations shall immediately notify a veterinary inspector of any quarantined animal that appears sick.

(4) In respect of a disease agent or thing quarantined pursuant to these Regulations, no person shall do or permit to be done any of the following actions, without the authorization of an Inspector:

- a) move the disease agent or thing;
- b) alter the appearance of the disease agent or thing;
- c) remove of any tag, sign or other notice that the disease agent or thing is under quarantine; or
- d) open any container or remove any wrapping or cover around the disease agent or thing.

(5) No person shall transport or cause to be transported a disease agent, animal or thing quarantined pursuant to these Regulations unless:

- a) a licence for its transportation has been issued by an Inspector;
- b) a copy of the licence issued pursuant to paragraph (a) has been provided to the person in charge of the conveyance transporting the disease agent, animal or thing;
- c) and the disease agent, animal or thing is transported directly to the location stated in the licence.

(6) Every person who receives a notice referred to in subsection (1) shall comply with the notice.

## Penalty

Section 66 of the Health of Animals Act:

66. Every person who fails to comply with a notice delivered to the person under section 18, 25, 27, 37, 43 or 48 or the regulations is guilty of:

- a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months, or to both; or
- b) an indictable offence and liable to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding two years, or to both.

## Quarantaine

Les dispositions suivantes du Règlement sur la santé des animaux ont trait à l'obligation de mettre en quarantaine des animaux ou des choses :

6. L'inspecteur peut ordonner au propriétaire d'un animal ou d'une chose ou à la personne en ayant la possession, la responsabilité ou la charge des soins de le mettre en quarantaine, auquel cas les dispositions de l'article 91.4 s'appliquent, lorsqu'il constate ou soupçonne que :

- a) la chose est un agent causant une maladie;
- b) l'animal ou la chose est affecté ou contaminé par une maladie transmissible;
- c) tout registre ou documentation exigé en vertu de la Loi ou du présent règlement afin de prévenir la propagation de toute maladie au sein du Canada, ou du Canada à un autre pays, par l'animal ou la chose, ne lui est pas fourni aux fins d'inspection.

9. L'inspecteur peut ordonner au propriétaire d'un animal ou d'une chose ou à la personne en ayant la possession, la responsabilité ou la charge des soins de le mettre en quarantaine, auquel cas les dispositions de l'article 91.4 s'appliquent, lorsqu'il constate ou soupçonne que :

- a) la chose est un agent causant une maladie;
- b) l'animal ou la chose est importé et est affecté ou contaminé par une maladie transmissible;
- c) tout renseignement ou documentation exigé en vertu de la Loi ou du présent règlement afin de prévenir l'introduction de toute maladie au Canada, par l'animal ou la chose, ne lui est pas fourni.

59. Le ministre peut, afin de prévenir l'introduction de maladies transmissibles au Canada, ou dans un autre pays depuis le Canada, exiger que tout animal importé au Canada soit mis en quarantaine, auquel cas les dispositions de l'article 91.4 s'appliquent.

91.4(1) Lorsqu'un inspecteur ordonne la mise en quarantaine d'un agent causant une maladie, d'un animal ou d'une chose, l'avis de mise en quarantaine doit être remis en main propre au propriétaire de l'agent, de l'animal ou de la chose ou à la personne en ayant la possession, la responsabilité ou la charge des soins, et cet avis peut préciser les modalités, les conditions, le ou les lieux et le délai de quarantaine nécessaires pour prévenir la propagation de la maladie transmissible.

(2) En ce qui concerne un agent causant une maladie, un animal ou une chose mis en quarantaine aux termes du présent règlement, il est interdit, sans l'autorisation d'un inspecteur, de prendre les mesures suivantes ou de permettre qu'elles soient prises :

- a) retirer l'agent, l'animal ou la chose du lieu de quarantaine;
- b) laisser l'agent, l'animal ou la chose entrer en contact avec un animal qui n'est pas mis en quarantaine en vertu de la même ordonnance;
- c) détruire l'agent, l'animal ou la chose;
- d) traiter l'agent, l'animal ou la chose pour une maladie transmissible ou mener des tests de dépistage à cet égard.

(3) Le propriétaire d'un animal mis en quarantaine aux termes du présent règlement, ou la personne en ayant la possession, la responsabilité ou la charge des soins, doit sans délai aviser un vétérinaire-inspecteur lorsque l'animal semble malade.

(4) En ce qui concerne un agent causant une maladie ou une chose mis en quarantaine aux termes du présent règlement, il est interdit, sans l'autorisation d'un inspecteur, de prendre les mesures suivantes ou de permettre qu'elles soient prises :

- a) déplacer l'agent ou la chose;
- b) en modifier l'apparence;
- c) enlever une étiquette, une indication ou un autre avis précisant que l'agent ou la chose est en quarantaine;
- d) ouvrir un contenant ou enlever un emballage dans lequel se trouve l'agent ou la chose ou en enlever la couverture.

(5) Il est interdit de transporter ou de faire transporter un agent causant une maladie, un animal ou une chose mis en quarantaine aux termes du présent règlement, sauf si :

- a) un permis pour son transport a été délivré par un inspecteur;
- b) une copie du permis a été fournie à la personne chargée du véhicule qui transporte l'agent, l'animal ou la chose;
- c) l'agent, l'animal ou la chose est transporté directement à l'endroit indiqué sur le permis.

(6) Quiconque reçoit l'avis visé au paragraphe (1) doit s'y conformer.

## Pénalité

L'article 66 de la Loi sur la santé des animaux:

66. Quiconque contrevient à l'avis qui lui a été signifié au titre des articles 18, 25, 27, 37, 43 ou 48 ou des règlements commet une infraction et encourt, sur déclaration de culpabilité :

- a) par procédure sommaire, une amende maximale de cinquante mille dollars et un emprisonnement maximal de six mois, ou l'une de ces peines; ou
- b) par mise en accusation, une amende maximale de deux cents mille dollars et un emprisonnement maximal de deux ans, ou l'une de ces peines.

**HEALTH OF ANIMALS ACT  
DECLARATION OF AN INFECTED PLACE**

**LOI SUR LA SANTÉ DES ANIMAUX  
DÉCLARATION DE LIEU CONTAMINÉ**

Owner or occupier Propriétaire ou occupant <b>Universal Ostrich</b> Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-692-9389 <b>301 Langille Road, Edgewood, BC, V0G 1J0</b>			Location of animal(s)/thing(s) Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s) <b>301 Langille Road, Edgewood, BC, V0G 1J0</b> Lat: 49.862402 Long: -118.149296 Premise ID: BC44K4PMR		
I have determined or suspect that the disease J'ai constaté ou soupçonné que la maladie <p align="center"><b>Avian Influenza</b></p> exists in the place described above and pursuant to Section 22 of the Health of Animals Act, I therefore declare the place to be infected. est présente dans le lieu décrit ci-dessus. Pour ce motif, conformément à l'article 22 de la Loi sur la santé des animaux, je déclare ce lieu contaminé.			Digitally signed by ZHANG, XIANG Date: 2024.12.31 13:34:46 -08'00' 2024-12-30		
<b>Ian Zhang</b> Inspector Name / Nom de l'inspecteur			Inspector (Signature) Inspecteur		Date
Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or thing(s) Description de l'(des) animal(aux) ou de la(des) chose(s)		
1			"All animals of susceptible species on-site (see below) and any related animal products, by-products and things along with any animals, products, by-products and things having contact with them".		
2					
3					
4			Description of susceptible species present on-site:		
5					
6					
7			All avian species in premise		
8					
9					
10			All birds/carcasses are kept indoors or in the barn. Any movement on or off the above-mentioned premises will require a License for Removal of Animals or Things from CFIA in order to be removed from the site.		
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13			File Number: BC-820 22873		
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The information on this document is collected by the Canadian Food Inspection Agency under the authority of the Health of Animals Act for the purpose of protecting human and animal health. Information may be accessible or protected as required under the provisions of the Access to Information Act.

Les renseignements figurant dans le présent document sont recueillis par l'Agence canadienne d'inspection des aliments en vertu de la loi sur la santé des animaux afin de protéger la santé des personnes et des animaux. Les renseignements peuvent être accessibles ou protégés selon ce que prescrit la Loi sur l'accès à l'information.

## Sections of the Health of Animals Act:

22.(1) Where an inspector or officer suspects or determines that a disease or toxic substance exists in a place and is of the opinion that it could spread or that animals or things entering the place could become affected or contaminated by it, the inspector or officer may in writing declare that the place is infected and identify the disease or toxic substance that is believed to exist there, and such a declaration may subsequently be amended by the inspector or officer.

(2) When the declaration is delivered to that occupier or owner of the place to which it relates, the place, together with all contiguous lands, buildings and other places occupied or owned by the occupier or owner, constitutes an infected place.

23.(1) For the purpose of preventing the spread of a disease or toxic substance, an inspector or officer may in writing declare that any land, building or other place, any part of which lies within five kilometres of the limits of a place declared to be infected under section 22, is infected and identify the disease or toxic substance that could spread there.

(2) When the declaration has been delivered to the occupier or owner of any land, building or other place, mentioned in subsection(1), the land, building or other place, together with all contiguous lands, buildings and other places occupied or owned by the same occupier or owner, constitutes an infected place.

24. Where an inspector or officer cannot, after the exercise of due diligence, find the occupier or owner of any land, building or other place, delivery of a declaration may be effected by posting it on the building or on any building or conspicuous object on the land or at the place.

25.(1) Subject to any regulations made under paragraph 64(1)(k), no person shall, without a licence issued by an inspector or officer, remove from or take into an infected place any animal or thing.

## Articles de la Loi sur la santé des animaux:

22.(1) L'inspecteur ou l'agent d'exécution peut par écrit, déclarer contaminé tout lieu où il soupçonne constate la présence d'une maladie ou d'une substance toxique qu'il estime susceptibles soit de se propager soit de contaminer les animaux qui s'y rendent ou les choses qui y sont apportées; il doit alors préciser la nature de la maladie ou de la substance. Il peut ensuite, de la même manière, modifier la déclaration.

(2) Sur remise de la déclaration au propriétaire ou à l'occupant, le lieu visé par celle-ci et les terrains bâtiments et autres lieux qui lui sont contigus et sont occupés par la même personne, ou dont celle-ci est propriétaire, constituent des lieux contaminés.

23.(1) Après avoir fait la déclaration prévue à l'article 22 et afin d'empêcher toute propagation, l'inspecteur ou l'agent d'exécution peut, par écrit, déclarer contaminés les terrains, bâtiments ou lieux situés - même en partie dans un rayon de cinq kilomètres du lieu visé par la déclaration originale et auxquels la maladie ou la substance toxique - dont il précise la nature - risquent de se propager.

2) Sur remise au propriétaire ou à l'occupant de la déclaration faite au titre du paragraphe (1), le lieu visé par celle-ci et les terrains, bâtiments ou autres lieux qui lui sont contigus et sont occupés par la même personne, ou dont celle-ci est propriétaire, constituent une partie du lieu contaminé.

24. L'inspecteur ou l'agent d'exécution peut, s'il n'a pu trouver le propriétaire ou l'occupant du lieu après avoir pris les mesures nécessaires en ce sens, afficher la déclaration sur un bâtiment ou un objet en vue situé sur le lieu pour valoir remise au propriétaire ou à l'occupant.

25.(1) Sauf en conformité avec les règlements d'application de l'alinéa 64(1)(k), il est interdit, sans permis signé par un inspecteur ou un agent d'exécution, de sortir tout animal ou toute chose d'un lieu contaminé ou de l'y introduire.



**HEALTH OF ANIMALS ACT  
ATTACHMENT TO FORM**
**LOI SUR LA SANTÉ DES ANIMAUX  
ANNEXE AU FORMULAIRE**

Owner or occupier Propriétaire ou occupant <b>Universal Ostrich</b> Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-692-9389 301 Langille Road, Edgewood, BC, V0G 1J0	Location of animal(s)/thing(s) Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s) <b>301 Langille Road, Edgewood, BC, V0G 1J0</b> Lat: 49.862402 Long: -118.149296 Premise ID: BC44K4PMR
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Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or thing(s) Description de l'(des) animal(aux) ou de la(des) chose(s)
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Inspector Name / Nom de l'inspecteur <b>Ian Zhang</b>	Inspector (Signature) Inspecteur	Date <b>2024-12-30</b>
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Note: When this form is used to describe additional animals, the original of any form it is used with should have the following statement placed on it:

The description of animals/things to which this form applies is on the attached copy(ies) of form CFIA/ACIA 4209 which bear the name and date above.

Note : Lorsque ce formulaire sert à décrire d'autres animaux, l'original de tout formulaire qui l'accompagne devrait porter la mention suivante :

La description d'animaux/de choses auxquelles s'applique le présent formulaire figure sur la(les) copie(s) annexé(s) des formulaires CFIA / ACIA 4209 qui portent le nom et la date ci-haut.



Canadian Food Inspection Agency  
Agence canadienne d'inspection des aliments

**LICENSE FOR REMOVAL  
OF ANIMALS OR THINGS**

**Under the authority of  
The Health of Animals Act**

**PERMIS D'ENLÈVEMENT  
D'ANIMAUX OU DE SUBSTANCES**

**En vertu de la  
Loi sur la santé des animaux**

<b>Name / Nom</b> Universal Ostrich Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-692-9389 301 Langille Road, Edgewood, BC, V0G 1J0		<b>Address / Adresse</b> 301 Langille Road, Edgewood, BC, V0G 1J0 Lat: 49.862402 Long: -118.149296 Premise ID: BC44K4PMR	
Is hereby permitted to Est autorisé par les présentes à	<input checked="" type="checkbox"/> Remove out of: <input checked="" type="checkbox"/> enlever des :	301 Langille Road, Edgewood, BC, V0G 1J0 Lat: 49.862402 Long: -118.149296	
	<input checked="" type="checkbox"/> Remove to: <input checked="" type="checkbox"/> ajouter aux :	301 Langille Road, Edgewood, BC, V0G 1J0 Lat: 49.862402 Long: -118.149296	
The following animals and or things: / Les animaux ou substances suivantes :			
"Under the authority of the Health of Animals Act section 25. (1), no person shall, without a licence issued by an inspector or officer, remove from or take into an infected place any animal or thing.			
<b>The entry / removal of the following animals / things may occur in accordance with these conditions:</b>			
a) All family private vehicles (cars, vans, bicycles, etc) not used for animal transport following CFIA approved biocontainment procedures listed in the RDIMS 16386266 document.			
b) Any outerwear that may have been exposed to, or used in respect of avians, including clothing and footwear, which has been properly cleaned and disinfected according to CFIA approved biocontainment procedures.			
c) Anything can move EXCEPT those animals and things prohibited and declared infected under form CFIA/ACIA 4204, that is: all live and dead avians, avian products, avian by products and other animals and things exposed to or used in respect of avians, including but not limited to eggs, feed, manure and litter. This declaration applies to, but is not limited to the above.			
d) No visitors shall be allowed access to any barn or any place where avians are confined. No visitor shall be allowed in the immediate vicinity of said barns, or said place of confinement except as authorized by an inspector of the CFIA.			
e) All conditions apply until further notified by an inspector of the CFIA.			
f) For anything other than those items listed above, a specific license is required to be moved off or on premises. A copy of the license must accompany shipment.			
g) CFIA approved biocontainment procedures are to be followed.			
File Number: BC-820 22875			
<b>Inspector Name / Nom de l'inspecteur</b> Ian Zhang		<b>Inspector - Signature - Inspecteur</b> Digitally signed by ZHANG, XIANG Date: 2024.12.31 13:43:19 -08'00'	<b>Date</b> 2024-12-31

Information may be accessible or protected as required under the provisions of the Access to Information Act.

CFIA / ACIA 1509 (2000/07)

Les renseignements peuvent être accessibles ou protégés selon ce que prescrit la Loi sur l'accès à l'information.

**Canada**

**HEALTH OF ANIMALS ACT  
NOTICE  
REQUIREMENT TO DISPOSE  
OF ANIMALS OR THINGS**

**LOISUR LA SANTÉ DES ANIMAUX  
AVIS  
ORDRE DE DISPOSITION  
DES ANIMAUX OU DES CHOSES**

<b>Owner or occupier</b> <b>Propriétaire ou occupant</b> <b>Universal Ostrich</b> <b>Owner Name (legal owner of premise): Dave Bilinski</b> <b>Email: universalostrich@gmail.com</b> <b>Phone #: 778-692-9389</b> <b>301 Langille Road, Edgewood, BC, V0G 1J0</b>			<b>Location of animal(s)/thing(s)</b> <b>Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s)</b> <b>301 Langille Road, Edgewood, BC, V0G 1J0</b> <b>Lat: 49.862402 Long: -118.149296</b> <b>Premise ID: BC44K4PMR</b>		
I have determined or suspect that the animal(s)/thing(s) described below is (are) affected or contaminated by			Je constate ou soupçonne que les animaux ou les choses décrits(es) ci-dessous sont atteints(es) ou contaminés(es) par		
<b>Avian Influenza</b>					
and pursuant to 48.(1) of the <i>Health of Animals Act</i> , I hereby require you, the owner or person having the possession, care or control of the animal(s)/thing(s) to dispose of them during the period commencing on the date of this notice and ending on			et, en vertu du paragraphe 48.(1) de la <i>Loi sur la santé des animaux</i> , j'exige que vous, le(la) propriétaire ou la personne qui a la possession, la responsabilité ou la charge de ces animaux ou de ces choses, preniez à leur égard, d'ici le		
2025-02-01					
and in the following manner: Method of Destruction to be communicated by CFIA			les mesures décrites ci-dessous :		
Digitally signed by ZHANG, XIANG Date: 2024.12.31 13:36:51 -08'00'					
Ian Zhang		Inspector / Inspecteur		Date	
2024-12-31		2024-12-31		Telephone / Téléphone	
Identification Number Numéro d'identification		Age Âge	Sex Sexe	Description of Animal(s) or Thing(s) Description de l'(des) animal(aux) ou de la(des) chose(s)	
1				All poultry and poultry carcasses along with other material	
2				approved by CFIA disposal crew from the above noted poultry	
3				production premises.	
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11				File Number:BC-820 22874	
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The information on this document is collected by the Canadian Food Inspection Agency under the authority of the *Health of Animals Act* for the purpose of protecting human and animal health. Information may be accessible or protected or required under the *Access to Information Act*.

Les renseignements figurant dans le présent document sont recueillis par l'Agence canadienne d'inspection des aliments en vertu de la *Loi sur la santé des animaux* afin de protéger la santé des personnes et des animaux. Les renseignements peuvent être accessibles ou protégés selon ce qui prescrit la *Loi sur l'accès à l'information*.

### Disposal

Subsection 48(1) of the Health of Animals Act:

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, infected 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.

### Penalty

Section 66 of the Health of Animals Act:

66. Every person who fails to comply with a notice delivered to the person under section 18, 25, 27, 37, 43 or 48 or the regulations is guilty of

- a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months, or to both; or
- b) an indictable offence and liable to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding two years, or to both.

### Mesures de dispositions

Le paragraphe 48(1) de la Loi sur la santé des animaux :

48.(1) Le ministre peut prendre toute mesure de disposition, notamment de destruction, - ou ordonner à leur propriétaire, ou la personne qui en a la possession, la responsabilité ou la charge des soins, de le faire - à l'égard des animaux ou choses qui :

- a) sont contaminés par une maladie ou une substance toxique, ou soupçonnés de l'être;
- b) ont été en contact avec des animaux ou choses de la catégorie visée à l'alinéa a) ou se sont trouvés dans leur voisinage immédiat;
- c) sont des substances toxiques, des vecteurs ou des agents causant des maladies, ou sont soupçonnés d'en être.

### Pénalité

L'article 66 de la Loi sur la santé des animaux:

66. Quiconque contrevient à l'avis qui lui a été signifié au titre des articles 18, 25, 27, 37, 43 ou 48 ou des règlements commet une infraction et encourt, sur déclaration de culpabilité :

- a) par procédure sommaire, une amende maximale de cinquante mille dollars et un emprisonnement maximal de six mois, ou l'une de ces peines; ou
- b) par mise en accusation, une amende maximale de deux cents mille dollars et un emprisonnement maximal de deux ans, ou l'une de ces peines.



HEALTH OF ANIMALS ACT  
ATTACHMENT TO FORM

LOI SUR LA SANTÉ DES ANIMAUX  
ANNEXE AU FORMULAIRE

Owner or occupier Propriétaire ou occupant <b>Universal Ostrich</b> Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-892-9389 301 Langille Road, Edgewood, BC, V0G 1J0	Location of animal(s)/thing(s) Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s) 301 Langille Road, Edgewood, BC, V0G 1J0 Lat: 49.862402 Long: -118.149296 Premise ID: BC44K4PMR
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Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or thing(s) Description de l'(des) animal(aux) ou de la(des) chose(s)
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Inspector Name / Nom de l'inspecteur Ian Zhang	Inspector (Signature) Inspecteur	Date 2024-12-31
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Note: When this form is used to describe additional animals, the original of any form it is used with should have the following statement placed on it:

The description of animals/things to which this form applies is on the attached copy(ies) of form CFIA/ACIA 4209 which bear the name and date above.

Nota : Lorsque ce formulaire sert à décrire d'autres animaux, l'original de tout formulaire qui l'accompagne devrait porter la mention suivante :

La description d'animaux/de choses auxquels s'applique le présent formulaire figure sur la(les) copie(s) annexée(s) des formulaires CFIA / ACIA 4209 qui portent le nom et la date ci-haut.

## **Avian influenza in birds**

Avian influenza (AI), often called "bird flu," is caused by the Type "A" influenza virus. This virus can affect several species of food-producing birds (chickens, turkeys, quails, guinea fowl, etc.), as well as pet and wild birds.

Avian influenza viruses can be broadly classified into 2 types, based on the severity of the illness caused in birds:

- low pathogenic avian influenza (LPAI)
- highly pathogenic avian influenza (HPAI)

Most avian influenza viruses are low pathogenic. These typically cause little or no signs of illness in infected birds.

However, highly pathogenic viruses can cause severe illness and death in birds.

## **Different strains of avian influenza**

Avian influenza viruses are divided by subtypes based on 2 proteins found in the viruses: hemagglutinin, or "H" protein, and neuraminidase, or "N" protein. There are 16 H types and 9 N types which create a total 144 possible combinations.

The H5 and H7 subtypes of the virus are of particular concern, given the ability of these 2 H-types to mutate from low pathogenic to highly pathogenic after they infect domestic birds. These 2 H-types have been known to cause serious disease or mortality in domestic poultry, yet low pathogenic H5 and H7 viruses are quite common in wild waterfowl.

Different strains of the same type of virus can exist, particularly in different parts of the world. Such strains can have very different characteristics and structure. For example, the H5N1 strain that has been reported in various parts of Europe is low pathogenic and is distinctly different from the Asian strain, which is highly pathogenic.

## **Avian influenza in humans**

Avian influenza viruses, such as the highly pathogenic H5N1 virus present in Asia, can, on rare occasions, cause disease in humans.

Transmission to humans has occurred when people have had close contact with infected birds or heavily contaminated environments.

Due to the potential for human infection, it is recommended that people working with poultry suspected of being infected with avian influenza, or in contact with such poultry, wear protective clothing. This includes, face masks, goggles, gloves and boots.

Additional information:

- [Avian Influenza and Poultry](#) (Health Canada)
- [Human Health Issues Related to Avian Influenza in Canada](#) (Public Health Agency of Canada)

## Where avian influenza is found

Avian influenza viruses have been found in Canada and around the world.

The Canadian Food Inspection Agency (CFIA) publishes [reports on previous disease incidents in Canada](#).

Detailed information on the distribution of the H5N1 subtype and highly pathogenic avian influenza around the world is available from the [World Organisation for Animal Health \(OIE\)](#)

## What the clinical signs of avian influenza are

Some or all of the following clinical signs are evident in infected birds:

- a drop in production of eggs, many of which are soft-shelled or shell-less
- diarrhea
- haemorrhages on the hock
- high and sudden mortality rate
- quietness and extreme depression
- swelling of the skin under the eyes
- wattles and combs become swollen and congested

The incubation period of AI ranges from 2 to 14 days.

The signs of AI (or more commonly known as bird flu) are very similar to those seen with [Velogenic Newcastle Disease](#) and other poultry diseases.

## How to diagnose avian influenza

Avian influenza should be suspected on the basis of clinical signs.

Laboratory testing is needed to confirm the presence of the avian influenza virus. Contact your local veterinarian or provincial veterinary laboratory for assistance.



## How to treat avian influenza

There is no treatment for birds that have the disease.

Vaccinating the birds may play a role in reducing the spread of the disease but does not eliminate the virus.

## How avian influenza is transmitted and spread

Wild birds, especially waterfowl, are natural reservoirs of influenza viruses. They are not normally affected by the disease, but can still transmit it to domestic birds.

The disease can spread to birds through contact with infected poultry and poultry products. It can also spread through contaminated manure, litter, clothing, footwear, vehicles, equipment, feed and water.

It is essential for commercial poultry producers to use strict biosecurity practices in order to prevent introduction of the virus to their flock. Farmers should take the following measures.

- Keep poultry away from areas frequented by wild birds.
- Maintains strict control over access to poultry houses.
- Make sure that equipment is cleaned and disinfected before taking it into poultry houses.
- Do not keep bird feeders or create duck ponds close to poultry barns because they attract wild birds.
- Maintain high sanitation standards.

## Avian influenza in pets

Pet birds can be infected by avian influenza and spread the disease to humans. In order to prevent the spread of AI, Canada has strict import requirements for pet birds from countries affected by avian influenza.

The highly pathogenic Asian strain of H5N1 has also been detected in mammals, including rats, mice, weasels, ferrets, pigs, cats and dogs.

However, the number of documented cases of avian influenza H5N1 in non-avian species is very low, despite the fact that this virus has caused large avian outbreaks globally over the last few years.

Current science suggests that the risk of a human contracting avian influenza from a mammalian pet is very low. Nonetheless, owners are encouraged to take appropriate precautions to protect their pets and themselves.

## How to protect domestic poultry from avian influenza in Canada

The CFIA imposes strict regulations on the import of animals and animal products from countries where avian influenza is known to occur. These regulations are enforced through port-of-entry inspections done either by the Canada Border Services Agency or the CFIA.

The CFIA has enhanced its avian influenza surveillance for commercial poultry flocks in Canada with the launch of the Canadian Notifiable Avian Influenza Surveillance System (CanNAISS).

This surveillance program was developed in collaboration with provincial and territorial governments, poultry farmers and other industry representatives.

The Government of Canada, provincial and territorial governments, and animal health experts also conduct an annual surveillance program of avian influenza in wild birds. Through this program, live and dead birds are sampled and tested for avian influenza viruses.

Highly pathogenic avian influenza and low pathogenic avian influenza by subtypes H5 and H7 is a reportable disease under the *Health of Animals Act and Regulations*. This means that all suspected cases must be reported to the CFIA for immediate investigation by inspectors.

Under the Avian Influenza Hazard Specific Plan, the CFIA responds to both highly pathogenic and low pathogenic H5 and H7 viruses by reporting disease outbreaks to the OIE, establishing quarantines, ordering the humane destruction of poultry, conducting trace-out activities, overseeing the cleaning and disinfection of premises, and verifying that the affected farms remain free of avian influenza according to OIE standards.

## How the CFIA responds to an outbreak of avian influenza in Canada

Canada's emergency response strategy to an outbreak of avian influenza would be to eradicate the disease and re-establish Canada's disease-free status as quickly as possible.

The CFIA's AI emergency response strategy includes the following measures:

- the humane destruction of all infected and exposed animals
- surveillance and tracing of potentially infected or exposed animals
- strict quarantine and animal movement controls to prevent disease spread
- strict decontamination of infected premises
- zoning to define infected and disease-free areas

Owners whose animals are ordered destroyed by the CFIA may be eligible for compensation.

## **What travellers can do to help protect Canadian livestock from an outbreak of avian influenza**

While out of the country, travellers should avoid visiting areas where they may come into contact with live birds, including

- poultry farms
- live bird markets
- any other area where birds congregate

This is most important in countries that are experiencing an outbreak of highly pathogenic avian influenza.

If you are in contact with live birds infected with the AI virus, the virus may persist on your clothing, footwear and in your hair. Take appropriate personal hygiene measures, such as the following.

- Wash your hands
- Shower
- Wash all of the clothing you had with you while abroad
- Clean and disinfect your footwear

When you return home, do the following.

- Avoid contact with farmed animals (including poultry), zoo animals or wildlife for 5 days after you return if you were exposed to similar animals while you were abroad.
- Do not visit Canadian farms for 14 days if you visited a farm or had contact with wild birds while abroad.
- Be sure the footwear you wore to the farm or when you had contact with wild birds is disinfected and your clothing is washed thoroughly and dried at a high temperature.
- Complete the appropriate areas of your Customs Declaration Card - PDF (45 kb) regarding farm visits.
- Ensure all birds and poultry products you bring into Canada are eligible for entry. Declare all animal products upon arrival.

If You have Questions Please Contact [cfia.ABmovecon-contdeplacements.acia@inspection.gc.ca](mailto:cfia.ABmovecon-contdeplacements.acia@inspection.gc.ca)

# Avian influenza in BC for individuals in close contact with poultry

October 2024



## Avian influenza and human health

**Avian influenza** virus easily spreads from bird to bird. It can also infect a wide range of other wild and domestic animals such as cows, goats, skunks, and cats.

**Avian influenza can also infect people.** The symptoms are similar to the regular (human) flu. Infections may cause mild symptoms or severe outcomes.

When an individual is **co-infected with two influenza strains**, for example avian influenza and a human influenza virus, the strains can exchange genes. This exchange can create a new strain that could spread more easily between people and may cause a range of illness including mild symptoms or severe outcomes. This sort of scenario has caused previous human influenza pandemics. **By protecting yourself, you also protect others.**

It's important to take steps to reduce your chances of getting sick from avian influenza. **Follow these tips to keep yourself and others safe.**

## You can be infected by:



- Handling sick birds or touching surfaces sick birds have been on, and then touching your eyes, nose, and mouth
- Breathing in the avian influenza virus in droplets or dust from close contact with sick birds

## How to protect yourself?

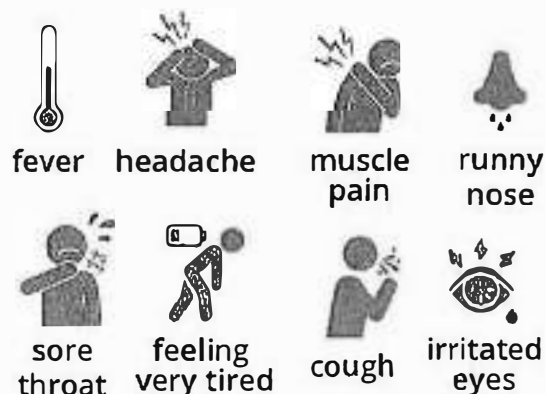
- **Limit direct contact** with sick or dead birds and their environments, and work in **well-ventilated spaces**, whenever possible
- Wear **personal protective equipment (PPE)**:
  - N95 mask and rubber or disposable gloves
  - Eye protection (e.g., goggles, face shields, safety glasses)
  - Disposable gown or coveralls and disposable protective shoe/boot covers or rubber boots
- **Do not** eat, drink, chew gum, smoke, vape, or use the bathroom when wearing PPE
- **Wash your hands** regularly with soap and water and **clean, disinfect or dispose** any potentially contaminated clothing, equipment or surfaces
- **Get the free annual flu shot**
- Follow WorkSafeBC and AgSafe guidance



## If you feel sick within 10 days after being exposed to the avian influenza virus

- **Stay home** and away from others while you have symptoms until 24 hours after your symptoms are gone. If you have to be near others, **wear a mask and wash your hands** often.
- **Tell your health care provider** that you have been in contact with animals and are concerned about avian influenza. This will help them give you appropriate advice on testing and treatment.

### Symptoms include:



## How local public health teams help?

- When a farm has avian influenza, local public health **checks who may have been exposed** and provides **guidance on testing and treatment** (including medicine to prevent illness)
- If you have been exposed, public health staff will ask for details about:
  - your exposure and what personal protective measures you used (like N95 masks, eye covering, hand washing, etc);
  - any pre-existing medical conditions;
  - any current flu-like symptoms and whether you had a recent flu shot

## How farm owners and operators help?

- Post and share information with farm workers about protecting themselves against avian influenza
- Share contact information with public health about workers and visitors to the premises during the avian influenza event

## More information:

**BC Centre for Disease Control:** [bccdc.ca/health-info/diseases-conditions/avian-influenza](https://bccdc.ca/health-info/diseases-conditions/avian-influenza)

**WorkSafeBC:** <https://www.worksafebc.com/en/health-safety/injuries-diseases/infectious-diseases/types/avian-flu>

**AgSafe BC:** <https://agsafebc.ca/download-category/avian-influenza/>



## TO OWNERS OF PREMISES THAT HAVE BEEN IDENTIFIED AS POSITIVE FOR AVIAN INFLUENZA

Your premises is a "Declared an infected place" 1 so that means that you are legally required to follow certain rules, outlined below, in order to help the Canadian Food Inspection Agency (CFIA) stop the spread of the avian influenza virus. A phone number is listed below for your inquiries. Your cooperation is appreciated.

The avian flu virus can survive outside of the host, and birds can get the virus from contact with other birds, or from vehicles or people travelling between farms, markets, abattoirs, and other places. The virus can also survive in organic matter (manure, mud, etc.) for a period of time. Following these guidelines will minimize the risk of spreading the virus:

☐ Restrict access to your premises to one entrance/exit. Provide a means to contact you at this point ( i.e. cell phone number, etc.) so that you have control of people entering or leaving your premises. Access to your premises is limited to residents of the property until further notice.

☐ A sign will be posted in a highly visible location at the entrance to your premises in order to prevent unauthorized people from entering. Signs must remain where they were put until your property is declared free of avian influenza. If posted signs become damaged or go missing, it is your responsibility to contact the Biocontainment Unit Office.

☐ Park your vehicle away from the barns. Before leaving the premises, ensure your vehicle (especially tires and undercarriage) has been cleaned and afterwards, thoroughly sprayed with disinfectant. This applies every time you leave your property. Only your own vehicle is allowed to enter the premises.

☐ Do not remove any equipment or machinery from your premises unless you have obtained a license for removal from CFIA. All equipment or machinery leaving the premises must be fully washed and decontaminated with an approved disinfectant.  
\*Removal of birds, bird products, manure and litter from your property, without a license, is strictly forbidden.\*

☐ You and other people working or living on your property are not to go onto other premises where birds are kept.



- ☐ Try to establish a "dirty" and "clean" zone on your property between the barn(s) (most contaminated) and your house/office (less contaminated) in order to reduce contamination in your working/living area.
- ☐ Use disposable or clean cloth coveralls and rubber boots while working on the premises. When your work is done and you are leaving the "dirty" zone, remove the coveralls and clean and disinfect the rubber boots. Keep these items in a designated area for disposal or washing. Before leaving the premises, change into clean clothes in your "clean" zone.
- ☐ Use designated boots for each barn or a foot dip containing disinfectants when you need to pass between the barn(s) (dirty) and the house/office (clean) areas. Please use the foot dip each time you exit the premises. Disinfectant in the foot dip must be changed every 2 3 days.
- ☐ Put an effective rodent control program in place.
- ☐ Bird proof your barn/poultry house. Ensure that wild migrating birds cannot be contaminating your poultry pens, feed, and poultry drinking water.

1 : A "Declared an Infected Place" means that your premises and animals are under quarantine





Canadian Food  
Inspection Agency

Agence canadienne  
d'inspection des aliments



Canadian Food  
Inspection Agency

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## LETTER OF DIRECTION

### COMPENSATION FOR DESTRUCTION AND DISPOSAL OF ANIMALS/THINGS

I, \_\_\_\_\_  
(Legal Name)

Of \_\_\_\_\_  
(Civic Address)

\_\_\_\_\_  
(City) (Province) (Postal Code)

Owner of \_\_\_\_\_  
(Farm Name)

hereby direct and authorize the Canadian Food Inspection Agency (CFIA), to pay directly to service providers for the cost of disposal and destruction of animals and/or things as well as appropriate taxes (if applicable), ordered disposed of as per Notice of Requirement to Dispose/Destroy animals delivered by CFIA, pursuant to section 51(4) of the *Health of Animals Act*, as a result of costs incurred with respect to disposal required under subsection 48(1).

\_\_\_\_\_  
Name and signature of Owner of Animal(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and signature of Witness<sup>1</sup>

\_\_\_\_\_  
Date

<sup>1</sup> The witness could be a family member, business partner or neighbor willingly signing the template.



**Joint message from BC Offices of the Provincial Health Officer and Chief Veterinarian:**  
 Detection of important mutation in avian influenza A(H5N1) viruses affecting some poultry premises in BC

December 10, 2024

**Summary**

In the past month, about ten of the poultry premises in the Fraser Valley of British Columbia (BC) infected with avian influenza A(H5N1) viruses have an important viral change (mutation) in their genetic code.

The mutation is called "H275Y". This mutation is known to reduce how well the drug oseltamivir (also known as Tamiflu) works against avian influenza viruses. Oseltamivir is the main anti-viral medication we use to treat and prevent influenza infections in people. This mutation is not expected to directly increase the risk of acquiring or transmitting the virus.

Although it has been found before in human and animal influenza viruses, the H275Y mutation is currently rare. It is very important we take steps to prevent viruses with the mutation from spreading to more farms or to people because it could seriously limit our ability to use oseltamivir to treat human influenza cases.

**This is what we are doing in response:**

- We are monitoring avian influenza infections and working with partners to prevent spread.
- The CFIA, with the support of the poultry industry and other partners, continues to take measures to remove infected flocks quickly and apply measures to prevent spread between farms.
- Public and animal health agencies in BC, together with the CFIA, are determining the genetic code (sequencing) of avian influenza viruses in poultry and wild birds to learn as much as we can about the virus, how it is spreading, and the risk to animals and humans.
- At the moment, we have not seen spread from birds to people at these farms or seen human H5N1 cases with this mutation but will continue to monitor closely.
- We are sharing this information for awareness as it is yet another reason to consistently use the strongest possible biosecurity and personal protective measures to prevent spread of avian influenza.

**This is what we are asking you to do in response:**

- **Limit direct contact** with sick or dead birds, their droppings and their environments, and work in **well-ventilated spaces**, whenever possible.
- Follow WorkSafeBC and AgSafe guidance when in a potentially infected environment or handling potentially infected animals or their droppings, including **personal protective equipment (PPE)** such as:
  - N95 respirator and rubber or disposable gloves.
  - Eye protection (e.g., goggles, face shields, safety glasses).
  - Disposable gown or coveralls and disposable protective shoe/boot covers or rubber boots.
- **Do not eat, drink, chew gum, smoke, vape, or use the bathroom** when wearing PPE.
- **Wash your hands** regularly with soap and water and **clean, disinfect or dispose** any potentially contaminated clothing, equipment, or surfaces.



- If you feel sick within 10 days after being exposed to sick or dead animals such as with irritated or red eyes, fever, headache, sore throat, runny nose cough, muscle pain or feeling very tired:
  - Stay home and away from others while you have symptoms until 24 hours after your symptoms are gone. If you have to be near others, **wear a mask and wash your hands** often.
  - Tell your health care provider that you have been in contact with sick or dead animals and are concerned about avian influenza. This will help them take appropriate precautions and give you appropriate advice on testing and treatment.
- Please get your annual flu shot. This will help prevent you from being co-infected with human and avian influenza viruses at the same time. Preventing co-infections helps prevent avian and human influenza viruses from sharing their genetic codes. This helps reduce the chances of avian influenza viruses adapting to humans.

Theresa Burns, Chief Veterinarian  
Ministry of Agriculture and Food

Bonnie Henry, OBC, MD, MPH, FRCPC  
Provincial Health Officer

#### Resources:

**BC Ministry of Agriculture:** <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/animals-and-crops/animal-health/reportable-notifiable-diseases/avian-influenza-ai>

**BC Centre for Disease Control:** [bccdc.ca/health-info/diseases-conditions/avian-influenza](https://bccdc.ca/health-info/diseases-conditions/avian-influenza)

**WorkSafeBC:** <https://www.worksafebc.com/en/health-safety/injuries-diseases/infectious-diseases/types/avian-flu>

**AgSafe BC:** <https://agsafebc.ca/download-category/avian-influenza/>

## Privacy Notice Statement for Animal Disease Investigations

The Canadian Food Inspection Agency (CFIA) is committed to protecting the privacy rights of individuals, including safeguarding the confidentiality of information provided by individuals and institutions.

This information is being collected and used under this Agency's legislative authority for the following purpose: to support the eradication and/or control of livestock diseases in Canada which are reportable in accordance with the *Health of Animals Act*. This information will be retained in accordance with the Agency's retention and disposition policies.

The personal information collected appears in Personal Information Bank Monitoring and Enforcement for the Canadian Food Inspection Agency, which is described within InfoSource.

Personal information collected by CFIA and the Government of Canada is protected from disclosure to unauthorized persons and/or agencies pursuant to the provisions of the Privacy Act. Individuals to whom the personal information pertains have the right to the protection of and access to their personal information under the *Privacy Act*, subject to certain exceptions and exemptions.

For inquiries, concerning the treatment of personal information in the custody of CFIA, individuals may contact the Canadian Food Inspection Agency's Access to Information and Privacy Office at [cfia.atip-aiprp.acia@canada.ca](mailto:cfia.atip-aiprp.acia@canada.ca) or located at 1400 Merivale Road, Tower 1, Room 0-149 Ottawa, ON K1A 0Y9, Canada, for access to their personal information pursuant to the provisions of the *Privacy and Access to Information Acts*.

## **Owner or person having the care of the animals /things** **Information Sheet**

### **☐ Requirement to Quarantine**

If animals are suspected of being infected with a contagious Reportable animal disease, a CFIA staff member (usually the district veterinarian) will visit the premises to meet with you. At that time, the animals and things present on your premises will be "quarantined" and precautionary movement restrictions will be put in place. The CFIA employee will provide you with documentation outlining the rules of the "Requirement to quarantine" and discuss your responsibilities. He or she will also answer any questions you may have.

Movement restrictions are necessary to control the potential spread of the disease. Some diseases are highly contagious and can spread rapidly through close contact between animals, as well as on contaminated equipment, clothing and footwear, on contaminated material such as hay and feed, or deadstock that could be accessed by susceptible animals. In addition, some diseases can spread by the air (virus excreted in the breath of an infected animal then carried through the air to other livestock).

During the quarantine period, you are not authorized to:

- remove animals or things (e.g. animal products and by-products, feed, manure, hay, straw, vehicles and equipment) from the place of quarantine;
- let the animals or things (e.g. animal products and by-products, feed, manure, hay, straw, vehicles and equipment) come into contact with an animal that is not quarantined under the same quarantine order;
- destroy the animal or thing;
- treat or test the animal or thing for a communicable disease;
- do the following, unless you have obtained prior authorization of a CFIA inspector:
  - Move a thing or alter its appearance, remove any tag, sign or notice indicating that the thing is under quarantine.
- transport or cause to be transported an animal or thing under quarantine unless a license for its transport has been issued by an inspector and a copy of the license has been provided to the transporter.

During the quarantine period, you must:

- Maintain signage indicating that the animals /things are under "Quarantine";
- Notify, without delay, a veterinary inspector of any quarantined animal that appears sick;
- If authorized, transport animals / things directly to location stated in the license.

What to expect – Steps on how CFIA will work through process on your farm.

\*Note that this is a fluid process and some of these items may overlap.

1. **Case officer discussion** - explanation of the process. The **Case Officer is your dedicated connection into the various CFIA teams** that are responding to the positive test result. There is a chance that your case officer may change throughout the response, but every effort will be made to ensure a smooth transition. The case officer will provide you with 3 official documents.
  - **Order to dispose (Form #4202)**- This is the order stating that CFIA has confirmation that your flock is infected with Avian Influenza, and this is an order to depopulate and dispose of all material. This may include birds, eggs, feed, bedding, manure, etc..
  - **Declaration of Infected Place (Form #4204)**- this states that Avian Influenza has been detected, and declaring that your premises is infected, and subject to the appropriate control mechanisms that will be placed to control the disease
  - **Movement Controls (Form #4206Q- --Quarantine)** - this provides instruction that any material related to poultry cannot be brought on or off the farm. If there are welfare concerns (i.e., a feed delivery is scheduled for the next day), we can permit movement and assist with cleaning the truck before it leaves the premises (Form #1509 and Specific Movement permits).
    - Note: This may have been applied based on suspicion of disease, before this process started.
2. **Premises investigation questionnaire** – This is a **fairly long interview** that will be scheduled with you and our **Field Epidemiology** team. Your **case officer** will usually also be present. The purpose of this is for our team to try to understand how the virus may have entered your facility, and to see if there are risks that it may have spread to other locations. They will ask you for quite a bit of information, so it may be beneficial to have things like your production records and delivery schedules available. It is also beneficial to have access to video conferencing either with smart phone or laptop
3. **Biocontainment site assessment** - Our Biocon team is typically the first group that you will see come out to the farm. They will be setting up what we call "Hot", "warm", and "cold" zones. These zones are related to the risk of the virus being present. The Hot zone will encompass the barns and poultry related areas. The Warm zone will be a transition area for our staff to move in and out through. The Cold zone will be the rest of the premises, where there is minimal risk of moving the virus by moving within this zone. They will map your premises to guide the future actions of our teams that will be coming to the site.
4. **Depopulation** - This will be the busiest day on your premises. Depending on the size of the farm, there will typically be anywhere from 5-20 CFIA staff coming out to your premises. Either your Case officer, or a site manager will also be there. This will be your contact



throughout the day's activities. If you have any questions or concerns, they should be raised to this person. They will introduce themselves to you, so you know who they are.

- o What the day looks like
  - A Porta-Potty and a dumpster will be delivered to the site, typically in the morning of. CFIA will provide them with directions as to where these should be placed. (This is determined during the biocontainment site assessment)
  - **Site Manager/Case officer** arrival, usually at the same time as the biocontainment team
  - Biocontainment team will usually be the first team on the premises. They will set up the zones described above and they are there to ensure we do not carry the virus out of the barns. They will support our teams moving in and out of the barns to ensure that the virus does not leave the hot zone.
  - Depopulation team will be there at the same time, or a bit after the Biocon team. They are the group responsible for the euthanasia of the birds. There are various options for this, and the depopulation method will be discussed with you through the case officer, prior to this date. For large barns, this is typically done with CO<sub>2</sub> gas.
  - Depending on the method used, the teams may request your assistance to lift feed and water lines, and assist with turning off fans at the appropriate times. **You will be provided with PPE from our team for this activity.**
  - The teams will be using full personal protective equipment for a couple of reasons.
    - To ensure they do not carry the virus off of the premises
    - For their personal protection - Avian Influenza can be contracted by humans **(please consult public health, or your doctor if you have any flu like symptoms).**
  - If CO<sub>2</sub> is used, the team will let the barns sit with the gas inside the barns for a period of time. After this, they will go back to the barns to vent them, and allow the gas to disperse. **It is not safe to enter the barns during this time.**
  - Once CFIA has verified that the birds on the premises have been euthanized, they will work to take down the equipment we have placed and to get all people and items out of the area.
  - **The site manager/case officer will continue being in contact with you, and they will provide information and answer any questions before leaving the site.**

5. **Disposal** - Our Disposal team is responsible for ensuring that material that may be contaminated with the virus is all disposed of in an appropriate method. There are various methods that can be utilized, and this decision will be made in discussion with the **case officer and the disposal lead. Ultimately it is up to you, as the producer, to come up with a plan for this step**, but our CFIA staff are able to assist in this process. If you already have a disposal plan in place, our disposal team can review and approve or provide comments. Some of the disposal options include: composting, burial, incineration, bio digestion and above ground burial (just to name a few). If you prefer - CFIA can take over and control this step. For this to happen, we will ask you to sign a form that authorizes us to undertake this task on your

behalf. This form is known as a letter of Direction. Regardless of the approach, our disposal team will be involved in overseeing and verifying disposal activities. Any disposal activities need to be approved by CFIA prior to occurring, so please start working with your case officer on this as soon as possible.

**6. Cleaning and disinfection (C&D)**- This is the final step in on-farm activities. The disposal step removed the infected Material. The cleaning and disinfection is the step to go through and ensure the barns and poultry production areas are now free of the virus. Again, there are various ways that this can be completed, and this will be discussed with the **case officer and the cleaning and disinfection lead. Again, it is up to you to present a plan for this step**, and CFIA is able to assist and provide guidance. There are milestones in this step:

- **Primary Decontamination** - this is a basic step that includes ensuring that all material that may have been missed in disposal is removed (i.e., Feathers, minor bits of manure on floors/walls etc.)
- **Cleaning** - This is the wet clean - hosing out the barns, making sure no organic material is present
- **Disinfection** - this is application of an approved disinfectant that is used to kill the virus that may be present on remaining cleaned surfaces.
- CFIA will visit to verify each of these steps individually. **Please do not move from one step to the next without talking to CFIA, as there may be a risk of having to repeat steps.** Once CFIA has signed off on the final disinfection step, your farm will enter what is called a **14-day vacant period**. You are allowed to place chicks in this period, however, if you do, they will be subject to 2 weeks of enhanced surveillance. At the end of this vacant period, CFIA will revoke the Declaration of Infected premises and the movement controls that were placed at the beginning.
  - Note: There may still be a **Primary Control Zone** around your premises that would still subject you to lesser controls. These should be discussed with your industry rep, or the case officer.

## **7. Compensation**


- Within the first week of this process, you will likely receive information from our Compensation team walking you through the process. **Note that this is going to be heavy on information, and there will be a large number of various documents requested so that we can ensure that you are compensated as fairly as possible.**
- Important Notes:
  - You are **only eligible for compensation for birds that are lost or euthanized AFTER** CFIA has issued you an order to dispose.
  - You will **only be eligible for compensation for items listed in the disposal plan.** This is the importance of a disposal plan being approved prior to your taking action on it. Once CFIA has approved the plan, that is also an agreement that you are entitled to compensation for the costs associated with the implementation of the plan, as well as for the things that will be disposed of as a result of that plan.
  - You will be compensated for the value of the birds on the date that the order to dispose is issued.



Michael Carter

**From:** West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>  
**Sent:** Thursday, January 2, 2025 12:31 PM  
**To:** [universalstrich@hotmail.com](mailto:universalstrich@hotmail.com)  
**Cc:** West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>  
**Subject:** Exemption from Depopulation Required Documents

Hello Again,

This is Exhibit " G " referred to in the  
 affidavit of David Bilinski  
 sworn before me at Vernon  
 this 29 day of January, 2025  


Sorry for the multiple emails!

This process is document heavy, but I'm here to help you navigate the process!

Based on the information we've gathered, you fall into the "birds classified as having rare and valuable genetics" category. I've copied CFIA's description here:

*Rare and valuable genetics in poultry refers to uncommon genetic lines of poultry that hold a high economic value. Genetic breeding of poultry involves the creation of multi-generation genetically diverse populations on which selection is practiced to create adapted animals with new combinations of specific desirable traits. It is this combination of an uncommon breed or line of poultry, which undergoes a selection process to create specific desirable traits which leads to its high economic value.*

### **3.1 Initial screening to classify birds as having rare and valuable genetics**

*The genetics of the flock can be demonstrated to be distinctive from standard commercial flocks with criteria such as but not limited to the following:*

- *There is historical evidence of genetic investment (e.g. breeding books, use of closed flocks of breeding pure line birds for a prolonged period, a selection program from trained geneticists is implemented);*
- *The flock consists of high quality pure-bred birds (e.g. are recognized by breed associations, 3rd party national/international organizations or by the poultry industry as top producers/prized genetics/suppliers of genetics);*
- *Genomics testing for specific traits has been undertaken*





For animals and things ordered destroyed, the CFIA bases compensation amounts on the animal's market value (up to a maximum amount as stipulated in the *Compensation for Destroyed Animals Regulations*) on the date of the order.

### What is **not covered**?

CFIA's ability to pay compensation is limited by specific terms in the Health of Animals Act.

For example, **CFIA cannot offer compensation for:**

- income or production losses including costs associated with business disruptions
- costs associated with cleaning and disinfection of the premises
- costs associated with the disposal of things ordered destroyed, which are separate from the animals ordered destroyed

### **Next Steps:**

**A. We strongly recommend before commencing any disposal activities, to submit your disposal estimates/quotes back to this compensation email address.**

- **Disposal costs may not be fully compensated without an approved quote for reasonable rates.**

This includes estimates for:

- Labour at a reasonable rate – Detailed list of the estimated hours and the hourly rate
- Personal protective equipment (PPE) – (ie Boot covers, Tyvek suits, gloves, masks)
- Mileage at a provincial rate (if applicable)
- Equipment usage – indicating if it's your own/rental equipment, if the hourly rate includes operator, fuel and delivery

- **Once disposal activities are completed, submit the DISPOSAL HOURS TRACKING LOG BACK TO YOUR CASE OFFICER.**

**Disposal costs may not be fully compensated without a log of hours tracked.**



**B. Please complete/sign and send the attached documents back to us via this email address as soon as possible, this will help expedite the compensation process:**

- Application for Compensation Form
- Premises questionnaire (with supporting documents where applicable) – Some questions may not apply to your situation (you can mark them as n/a) but please try to supply as much information as possible.

We understand there is a lot of information to gather. Please don't hesitate to contact us with questions or concerns about this process.

Sincerely,

**Compensation WA - AI2022**

Canadian Food Inspection Agency / Government of Canada

[cfia.WestAICompensation-OuestIALaremuneration.acia@inspection.gc.ca](mailto:cfia.WestAICompensation-OuestIALaremuneration.acia@inspection.gc.ca)

Agence Canadienne d'inspection des aliments / Gouvernement du Canada

[cfia.WestAICompensation-OuestIALaremuneration.acia@inspection.gc.ca](mailto:cfia.WestAICompensation-OuestIALaremuneration.acia@inspection.gc.ca)



**Katrina Jones**

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**From: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)**

**<[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>**

**Date: Sun, Jan 5, 2025 at 9:09 AM**

**Subject: FW: BC Small Flock Burial AI Infected Waste Guidance**

**To: Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>**

**Cc: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>**

Hi There,

Since you're considered a "small flock" operation by definition, I've attached the BC Provincial Guidance for burial on small flock premises. CFIA doesn't regulate the burial process itself, it's the BC Province.

Dave – I'll call you right after I send this.

Kind regards,

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



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I have no further updates on the other paperwork you've sent – I'm hoping for one sometime tomorrow afternoon at the latest. I will give you a call when I have something.

Thanks,

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



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**Katrina Jones**

---

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**From: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)**

**<[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>**

**Date: Mon, Jan 6, 2025 at 11:19 AM**

**Subject: BC-IP-233 Follow Up Disposal Question**

**To: [universalostrich@hotmail.com](mailto:universalostrich@hotmail.com) <[universalostrich@hotmail.com](mailto:universalostrich@hotmail.com)>, Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>**

**Cc: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>**

Hi There,

Here's the question my higher ups wanted answered as discussed with Dave on the phone:

*"Can we have in writing what the disposal plan is currently for any birds that have died or die?"*

Thank you in advance!

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)

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**Katrina Jones**

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**From:** West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)

<cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>

**Date:** Mon, Jan 6, 2025 at 1:47 PM

**Subject:** RE: Movement Permit Request Between Houses & Ostriches

**To:** West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>, Karen Espersen and Dave Bilinski  
<universalostrich@gmail.com>

I should specify – the company name would be you guys.

**Cassandra Berreth**

Case Officer Lead

Western Area Avian Influenza Response

Canadian Food Inspection Agency

cfia.WestAICaseOfficer-OuestIAChefdecas.acia@inspection.gc.ca

Call or Text: 403-795-9461



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**From:** West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)

<cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>

**Sent:** Monday, January 6, 2025 2:37 PM

**To:** West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>; Karen Espersen and Dave Bilinski  
<universalostrich@gmail.com>

**Subject:** Movement Permit Request Between Houses & Ostriches



Hi There,

As discussed with Dave this afternoon, here's what I need for a movement permit between your houses and the ostriches:

1. I'm going to need the following details
  1. **Company (with contact number):**
  2. **Departing Address:**
  3. **Delivery Address:**
  4. **Material Being Moved:**
  5. **Licence(s) (Trucks, Trailers, etc.):**
  6. **Date of Delivery (Estimated Time of Delivery):**
  7. **Biocontainment plan:**
2. The attachment "Biocon SOP Template" will need to be filled out by either yourselves or the feed company. This is for the biocontainment measures that will be used during the delivery.
  1. This needs approval from CFIA before a permit can be issued for feed delivery. I cannot request a permit on your behalf without one.

I need you guys to do this ASAP! So you don't break the quarantine.

Thanks,

**Cassandra Berreth**

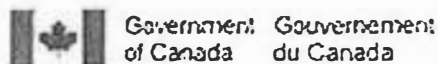
Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-Ouest/Aagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-Ouest/Aagentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



Katrina Jones

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From: **West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)**

<cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>

Date: Mon, Jan 6, 2025 at 1:41 PM

Subject: RE: BC-IP-233 Follow Up Disposal Question & INFO

To: Karen Espersen and Dave Bilinski <universalostrich@gmail.com>, West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>

Hi Dave,

Thanks for your answers. I'll wait for Dave to confirm when the contractor came onsite and contact details before I send this up the chain of command.

To summarize our conversation we just had over the phone- I got some clarification on the quarantine specifications. Your quarantine is for the area the birds are contained in. I will be sending you amended quarantine paperwork to reflect this as the original didn't specify the area exactly later tonight.

What this means for you –

1. We need to get a permit and CFIA approved biocontainment plan for the movements between your homes and the bird area, As your homes are not part of the quarantine. I can help you with this – I sent you another email on this, exact same process as getting a feed delivery permit. (In fact, every movement on and off the ostrich premise needs to be permitted)

**I need the permit details and biocontainment plan by the END OF TODAY – to ensure you keep within the quarantine guidelines.** I've attached templates to the email described above to help quicken the process.

Thank you,

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



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**From:** Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>

**Sent:** Monday, January 6, 2025 1:57 PM

**To:** West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

**Subject:** Re: BC-IP-233 Follow Up Disposal Question

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**EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE**

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Hi Cassandra.

Since we found out that we have AI our initial handling of mortality was stored in a barn under a tarp as per what we read on the AI protocol website.

This was not to our liking as we needed to get the dead ostrich away from the live ones.

As soon as you were appointed our case worker we discussed how we should handle the mortality situation. It was decided that we should bury them as soon as possible. We took the dead to an area where we have in the past used as a burial disposal site and covered them with a tarp. Live ostrich do not have access to this site. We hired a contractor with an excavator to dig 2 burial pits for the carcasses approx. 3 meters deep. The contractor then washed his machine with a fire hose and sprayed it with a bleach solution and left.

After that I used a frontend loader to put approx 1.5 to 2 meters fill over the 24 carcasses. As of this time we have 2 unburied morts.

Any dead birds before Dec. 28 were previously buried in another pit.

The pits meet the BC standards for AI disposal.

Hope this answers your questions .

Dave

On Mon, Jan 6, 2025 at 11:19 AM West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)> wrote:

Hi There,

Here's the question my higher ups wanted answered as discussed with Dave on the phone:

*"Can we have in writing what the disposal plan is currently for any birds that have died or die?"*

Thank you in advance!

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAI/CaseOfficerSeven-Ouest/Aagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAI/CaseOfficerSeven-Ouest/Aagentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



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**Katrina Jones**

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**From: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)**

**<[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>**

**Date: Mon, Jan 6, 2025 at 1:45 PM**

**Subject: RE: BC-IP-233 Follow Up Disposal Question & INFO**

**To: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>, Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>**

Hi again,

One more thing – I need you to confirm what's the plan for the 2 unburied morts? Need to figure a plan for that ASAP.

Thanks,

**Cassandra Berreth**


Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)

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Katrina Jones

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From: **West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)**

<cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>

Date: Mon, Jan 6, 2025 at 1:37 PM

Subject: Movement Permit Request Between Houses & Ostriches

To: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>, Karen Espersen and Dave Bilinski  
<universalostrich@gmail.com>

Hi There,

As discussed with Dave this afternoon, here's what I need for a movement permit between your houses and the ostriches:

1. I'm going to need the following details
  1. **Company (with contact number):**
  2. **Departing Address:**
  3. **Delivery Address:**
  4. **Material Being Moved:**
  5. **Licence(s) (Trucks, Trailers, etc.):**
  6. **Date of Delivery (Estimated Time of Delivery):**
  7. **Biocontainment plan:**
2. The attachment "Biocon SOP Template" will need to be filled out by either yourselves or the feed company. This is for the biocontainment measures that will be used during the delivery.
  1. This needs approval from CFIA before a permit can be issued for feed delivery. I cannot request a permit on your behalf without one.

I need you guys to do this ASAP! So you don't break the quarantine.

Thanks,

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**Katrina Jones**

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----- Forwarded message -----

From: **Karen Espersen and Dave Bilinski** <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>

Date: Wed, Jan 8, 2025 at 8:59 AM

Subject: Avian Flu Proposal for the Government of Canada

To: Berreth, Cassandra (CFIA/ACIA) <[cassandra.berreth@inspection.gc.ca](mailto:cassandra.berreth@inspection.gc.ca)>

We just talked with Sid Burch in the US and he is originally from South Africa and owned 4000 ostriches. He had the Avian flu and he lost some of his flock and then the immune system kicked in and the deaths stopped. He has been in the ostrich industry for 43 years. He was instrumental in aiding a new policy in the US to NOT depopulate Ostrich. Sid Burch said this new policy has already stopped an ostrich farm from depopulation.

He is saying exactly what we are saying that the ostrich immune system will kick in and herd immunity will happen. Nature takes its course and we will lose some but they will stop dying and then have an immunity to that strain. The new policy we are going to find as Sid is getting on a plane right now. He will send a letter as soon as he lands to confirm all that we are saying to you and the new policy in the US to NOT depopulate ostrich. He also says they already have an ostrich farm that is utilizing this policy. The policy implements a quarantine and protocols to follow until the flock get herd immunity and test negative to the virus. We will also look for this policy to be added in the paperwork. If we did not have such a busy and unfortunate day yesterday with CFIA and my husband we would have had this already to you. We now have many higher profile people writing letters on our behalf to MLAs and we will forward on your email address as well for them to send to. Time is of the essence and the chance of an extension for a day's decision would be very much appreciated as we gather all our findings and complete all the paperwork you have provided us to complete.

Our Struthio BioScience Inc. Partners, Dr. Tsukamoto, Dr. Stu Greenberg and Dave and I have a proposal for the Government of Canada for our company to implement an antibody project for Avian Flu. We ask and encourage our Government to support us in this time of need and support the efforts to stop the Avian flu and look for a resolution rather than destroy research and solutions.

Kind regards,  
Karen and Dave

**Katrina Jones**

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----- Forwarded message -----

From: **Karen Espersen and Dave Bilinski** <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>

Date: Wed, Jan 8, 2025 at 9:48 AM

Subject: Re: BC-IP-233 Follow Up Disposal Question & INFO

To: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

The birds that you are speaking about have been put into the new disposal site with a tarp over them to prevent any predator access, we lost another one yesterday and will also be adding it to the new disposal site as well. We expect that we might lose a few more yet so we want to utilize the new disposal site to accommodate any more losses this week. Please let us know if this is satisfactory.

Kind regards,  
Karen and Dave

On Mon, Jan 6, 2025 at 1:45 PM West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)> wrote:

Hi again,

One more thing – I need you to confirm what's the plan for the 2 unburied morts? Need to figure a plan for that ASAP.

Thanks,

**Cassandra Berreth**

Case Officer 007

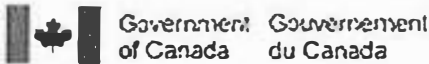
Western Area Avian Influenza Response



Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



**From:** West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)  
<[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

**Sent:** Monday, January 6, 2025 2:42 PM

**To:** Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>; West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

**Subject:** RE: BC-IP-233 Follow Up Disposal Question & INFO

Hi Dave,

Thanks for your answers. I'll wait for Dave to confirm when the contractor came onsite and contact details before I send this up the chain of command.

To summarize our conversation we just had over the phone- I got some clarification on the quarantine specifications. Your quarantine is for the area the birds are contained in. I will be sending you amended quarantine paperwork to reflect this as the original didn't specify the area exactly later tonight.

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Thank you,

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

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Call or Text: 403-795-9461



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**From:** Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>

**Sent:** Monday, January 6, 2025 1:57 PM

**To:** West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

**Subject:** Re: BC-IP-233 Follow Up Disposal Question

---

**EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE**

---

Hi Cassandra.

Since we found out that we have AI our initial handling of mortality was stored in a barn under a tarp as per what we read on the AI protocol website.

This was not to our liking as we needed to get the dead ostrich away from the live ones.

As soon as you were appointed our case worker we discussed how we should handle the mortality situation. It was decided that we should bury them as soon as possible. We took the dead to an area where we have in the past used as a burial disposal site and covered them with a tarp. Live ostrich do not have access to this site. We hired a contractor with an excavator to dig 2 burial pits for the carcasses approx. 3 meters deep. The contractor then washed his machine with a fire hose and sprayed it with a bleach solution and left.



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**Katrina Jones**

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----- Forwarded message -----

From: **Karen Espersen and Dave Bilinski** <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>

Date: Wed, Jan 8, 2025 at 10:55 AM

Subject: H5N1 Universal Ostrich

To: Berreth, Cassandra (CFIA/ACIA) <[cassandra.berreth@inspection.gc.ca](mailto:cassandra.berreth@inspection.gc.ca)>

Hi Cassandra

Here is a support letter from vet.

**Katrina Jones**

---

----- Forwarded message -----

From: **Karen Espersen and Dave Bilinski** <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>

Date: Wed, Jan 8, 2025 at 12:05 PM

Subject: Re: Movement Permit Request Between Houses & Ostriches

To: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

Company : Universal Ostrich Farms Inc / Struthio BioScience Inc.

Dave Bilinski 778-692-9389

Karen Espersen 250-938-7447

Departing Address:

301 Langille Rd, Edgewood, BC V0G 1J0

Delivery Address:

9407 Highway 6, Edgewood, BC V0G 1J0

Material Being Moved:

Feed - whole grain, hay and bedding bales

Licence Truck

Unlicensed farm vehicle

Date of Delivery

Twice daily - morning and afternoon

We have been implementing these protocols already but we are so sorry for the delay in response to filling it out

See attached SOP plan and protocols followed on farm presently.

Kind regards,

Karen and Dave

On Mon, Jan 6, 2025 at 1:37 PM West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)> wrote:

Hi There,

As discussed with Dave this afternoon, here's what I need for a movement permit between your houses and the ostriches:

1. I'm going to need the following details

1. **Company (with contact number):**
2. **Departing Address:**
3. **Delivery Address:**
4. **Material Being Moved:**
5. **Licence(s) (Trucks, Trailers, etc.):**
6. **Date of Delivery (Estimated Time of Delivery):**
7. **Biocontainment plan:**

2. The attachment "Biocon SOP Template" will need to be filled out by either yourselves or the feed company. This is for the biocontainment measures that will be used during the delivery.

1. This needs approval from CFIA before a permit can be issued for feed delivery. I cannot request a permit on your behalf without one.

I need you guys to do this ASAP! So you don't break the quarantine.

Thanks,

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-OuestIAgentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAgentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



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du Canada

**Katrina Jones**

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----- Forwarded message -----

**From: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)**

**<[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>**

**Date: Thu, Jan 9, 2025 at 12:32 PM**

**Subject: Re: BC-IP-233 Movement Permit Request Between Houses & Ostriches**

**To: Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>**

Hi,

I see one line ( I attached a screenshot) where your text got jumbled up with some of the original text, can you please fix and resubmit?

Thanks!

Cassandra

Get [Outlook for iOS](#)

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**From: Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>**

**Sent: Thursday, January 9, 2025 1:03:39 PM**

**To: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>**

**Subject: Re: FW: BC-IP-233 Movement Permit Request Between Houses & Ostriches**

---

**EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE**

---

Hi Cassandra,

I am attaching our comment and upgrades to the SOP for review.

Kind regards,  
Karen and Dave

On Thu, Jan 9, 2025 at 9:38 AM West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)> wrote:



Hi Guys,

Kindly find attached SOP with CFIA comments. I've listed them below as well too for your reference:

- The Concentration, contact time, and DIN # needs to be stated directly on the SOP
- The PPE section is for anyone else coming onto the farm, not the producers themselves. Needs to be rewritten with the typical disposable suits, masks, gloves, tape etc. I know that they state they wont be brining others onto the premise but if we put this in place now, they don't have to do it later.
- Tires MUST be cleaned at EACH exit EACH time the truck moves off of the premise, if they're using multiple gates, they will need multiple stations set up
- Mud and organic material is to be removed before sanitization

When you've re-vamped the SOP, send it to me we can go from there!

Kind regards,

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAlCaseOfficerSeven-Ouest!Aagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAlCaseOfficerSeven-Ouest!Aagentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



Government of Canada  
Gouvernement du Canada

Katrina Jones

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----- Forwarded message -----

From: **West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)**

[<cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>](mailto:<cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>)

Date: Thu, Jan 9, 2025 at 9:38 AM

Subject: FW: BC-IP-233 Movement Permit Request Between Houses & Ostriches

To: Karen Espersen and Dave Bilinski [<universalostrich@gmail.com>](mailto:<universalostrich@gmail.com>)

Cc: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) [<cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>](mailto:<cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>)

Hi Guys,

Kindly find attached SOP with CFIA comments. I've listed them below as well too for your reference:

- The Concentration, contact time, and DIN # needs to be stated directly on the SOP
- The PPE section is for anyone else coming onto the farm, not the producers themselves. Needs to be rewritten with the typical disposable suits, masks, gloves, tape etc. I know that they state they wont be brining others onto the premise but if we put this in place now, they don't have to do it later.
- Tires MUST be cleaned at EACH exit EACH time the truck moves off of the premise, if they're using multiple gates, they will need multiple stations set up
- Mud and organic material is to be removed before sanitization

When you've re-vamped the SOP, send it to me we can go from there!

Kind regards,

**Cassandra Berreth**













The CFIA may grant an exemption to depopulation for select flocks that meet the requirement of having rare and valuable poultry genetics. This consideration requires a significant burden of proof to demonstrate the high economic value the flock provides to the broader poultry industry. Robust processes must be in place (ex. genomic testing) to actively select and breed for specific desirable traits, with subsequent evidence that this genetic value is critical to the Canadian poultry industry. An evaluation of the information provided was conducted to determine if the genetics of the flock were demonstrated to be of uncommon genetic lines that hold a high economic value to the poultry industry; in conjunction with information available at [Animal Genetic Resources of Canada](#), the material provided for evaluation of the birds present at Universal Ostrich Farms Inc. failed to meet the above definition of rare and valuable poultry genetics. After reviewing all of the information provided, including, but not limited to, email communications from Universal Ostrich Inc. and Yasuhiro Tsukamoto, as well as Struthio Biosciences Inc. business plans, the request for an exemption to depopulation based on rare and valuable poultry genetics is denied. This decision is final and is not subject to appeal.

The CFIA/ACIA 4202-Requirement to Dispose of Animals or Things was delivered on December 31, 2024, and must be completed by February 01, 2025. A draft plan for the destruction and disposal of all birds and things listed on the 4202 can be provided to your case officer for subsequent CFIA review and approval. We appreciate that this is a difficult decision, and should you need support regarding a plan for destruction and /or disposal please let your case officer know. We have also provided the link for the [AgSafe](#) mental health website. They have valuable resources that you may find helpful.

Sincerely,

Bourque,  
TroyBourque

Digitally signed by  
Bourque, TroyBourque  
Date: 2025.01.10  
14:54:30 -07'00'

Troy Bourque B.Sc.,D.V.M.

Planning Chief, Western HPAI Response



Fotheringham,  
Cortnie  
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-08'00'

Cortnie Fotheringham

Incident Commander, Western HPAI Response





Katrina Jones

----- Forwarded message -----

From: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)

<[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>


Date: 'Tue, Jan 14, 2025 at 12:43 PM'

Subject: FW: BC-IP-233 Amended Legal Docs, Feed Delivery, Biocontainment Plan, Future Plans

To: Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>

Cc: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

Hello,

This is Exhibit "J" referred to in the  
affidavit of David Bilinski  
sworn before me at Vernon  
this 29th day of January, 2025  


Thanks again for chatting with me this afternoon.

As discussed last week, please see attached amended legal documentation to reflect the ostrich enclosure with GPS coordinates.

Dave mentioned earlier last week that you guys may need a feed delivery or straw soon. Because your feed and straw are not stored within the quarantined area, the delivery of feed and straw itself will not require a movement permit or biocontainment plan. **However, a movement permit and biocontainment plan will be required for any movement to or from the ostrich pen/quarantine.**

I have your details for your truck, but I still need your revised biocontainment SOP in order to apply for the movement permit between your houses and quarantined area. As discussed in the call, here's what the CFIA Biocontainment team had for feedback. They have asked that you please include the following in your SOP:

- *Section 6 – Disinfectants - They need to state explicitly what concentration, DIN, and contact time of the chemicals they will be using. I do not need any other information in this section. If they wish to increase the concentration of chemicals, that's their choice, but if it is stated in the SOP that is what they are expected to do at all times. (Example: XYZ Disinfectant (DIN 123456) at 2.5% concentration, contact time 10 minutes)*
- *Section 7 – Material + Equipment – Please include this comment on body of document. Include extra page if necessary.*
- *Section 2 – PPE - This SOP needs to be put in place in the case that they need to bring third party operators on. We do not rewrite them when needed, they need to be up to the standard from the start. I need a list of the PPE they will provide, and nothing more in this section. They need to have a plan in place before the SOP can be approved. Disposable PPE is the only acceptable method for outside personal and "clean coveralls" are not acceptable. Remove text that is currently on the page and rewrite.*
- *Additionally, please make sure that all text is in the body of the document and all is legible. They can add extra pages if necessary, but it must be clear what section they are discussing.*

When you have corrected your SOP, please send to CFIA for approval. Once approved, I will be able to get the movement permit issued.

Moving forward as discussed in our phone call, as per the attached legal documents we ask that you provide a mortality update twice weekly on Tuesday and Fridays as well as send photos of the buried mortalities to me via email or text. In accordance with the attached documents, If possible confine the herd to a smaller area of the property away from public fence lines. I will look into this as discussed on our call and see what options are available.

For burial of current mortalities, please continue to follow and coordinate with BC Environment (Protocol for Small Flock Burial of Avian Influenza Infected Waste). To determine on-site burial as a disposal method for all animals, BC Environment can be contacted at [cnvcia@gov.bc.ca](mailto:cnvcia@gov.bc.ca). In the meantime, we can request from the province to determine if a contact can be provided.

Thank you for the update on the depopulation and disposal plans. I will forward this along to the appropriate CFIA personnel.

I will be on the road for the next 5 hours, but will have someone monitoring my email account if you require immediate assistance. I'll also send those questions you asked on our call to our team and hopefully we have answers for you tonight or tomorrow.

Kind regards,

**Cassandra Berreth**

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

[cfia.WestAICaseOfficerSeven-Ouest/Aagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-Ouest/Aagentdecassept.acia@inspection.gc.ca)

Call or Text: 403-795-9461



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**HEALTH OF ANIMALS ACT  
NOTICE  
REQUIREMENT TO DISPOSE  
OF ANIMALS OR THINGS**

**LOI SUR LA SANTÉ DES ANIMAUX  
AVIS  
ORDRE DE DISPOSITION  
DES ANIMAUX OU DES CHOSES**

Owner or occupier Propriétaire ou occupant Universal Ostrich Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-692-9389 301 Langille Road, Edgewood, BC, V0G 1J0V			Location of animal(s)/thing(s) Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s) Starting from the SW corner moving counter clock-wise: 49.862388N 118.152837W 49.864145N 118.154210W 49.865281N 118.160970W 49.863702N 118.148781W 49.863301N 118.149276W 49.862402N 118.149290W		
I have determined or suspect that the animal(s)/thing(s) described below is (are) affected or contaminated by			Je constate ou soupçonne que les animaux ou les choses décrits(es) ci-dessous sont atteints(es) ou contaminés(es) par		
<b>Avian Influenza</b>					
and pursuant to 48.(1) of the <i>Health of Animals Act</i> , I hereby require you, the owner or person having the possession, care or control of the animal(s)/thing(s) to dispose of them during the period commencing on the date of this notice and ending on			et, en vertu du paragraphe 48.(1) de la <i>Loi sur la santé des animaux</i> , j'exige que vous, le(la) propriétaire ou la personne qui a la possession, la responsabilité ou la charge de ces animaux ou de ces choses, preniez à leur égard, d'ici le		
2025-02-01			2025-02-01		
and in the following manner: Method of Destruction to be communicated by CFIA			les mesures décrites ci-dessous :		
Digitally signed by ZHANG, XIANG Date: 2025.01.12 14:41:07 -08'00'					
Ian Zhang		Inspector / Inspecteur		2025-01-12	
Ian Zhang		Inspector / Inspecteur		Date	
Ian Zhang		Inspector / Inspecteur		Telephone / Téléphone	
Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or Thing(s) Description de l'(des) animal(aux) ou de la(des) chose(s)		
1			All poultry and poultry carcasses along with other material		
2			approved by CFIA disposal crew from the above noted poultry		
3			production premises.		
4			This revokes and replaces the 4202 Issued on 2024-12-31 by Ian Zhang.		
5			Reason for amendment of original: correct quarantine location with GPS		
6			Original 4202 is attached to this amendment.		
7			The date of issue of the 4202 referenced above is not changed by this		
8			amendment.		
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22			File Number: BC-820 23296		

The information on this document is collected by the Canadian Food Inspection Agency under the authority of the *Health of Animals Act* for the purpose of protecting human and animal health. Information may be accessible or protected as required under the provisions of the *Access to Information Act*.

Les renseignements figurant dans le présent document sont recueillis par l'Agence canadienne d'inspection des aliments en vertu de la *Loi sur la santé des animaux* afin de protéger la santé des personnes et des animaux. Les renseignements peuvent être accessibles ou protégés selon ce que prescrit la *Loi sur l'accès à l'information*.

### Disposal

Subsection 48 (1) of the Health of Animals Act:

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, infected 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.

### Mesures de dispositions

Le paragraphe 48(1) de la Loi sur la santé des animaux :

48.(1) Le ministre peut prendre toute mesure de disposition, notamment de destruction, - ou ordonner à leur propriétaire, ou la personne qui en a la possession, la responsabilité ou la charge des soins, de le faire - à l'égard des animaux ou choses qui :

- a) soit sont contaminés par une maladie ou une substance toxique, ou soupçonnés de l'être;
- b) soit ont été en contact avec des animaux ou choses de la catégorie visée à l'alinéa a) ou se sont trouvés dans leur voisinage immédiat;
- c) soit sont des substances toxiques, des vecteurs ou des agents causant des maladies, ou sont soupçonnés d'en être.

### Penalty

Section 66 of the Health of Animals Act:

66. Every person who fails to comply with a notice delivered to the person under section 18, 25, 27, 37, 43 or 48 or the regulations is guilty of

- a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months, or to both; or
- b) an indictable offence and liable to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding two years, or to both.

### Pénalité

L'article 66 de la Loi sur la santé des animaux:

66. Quiconque contrevient à l'avis qui lui a été signifié au titre des articles 18, 25, 27, 37, 43 ou 48 ou des règlements commet une infraction et encourt, sur déclaration de culpabilité :

- a) par procédure sommaire, une amende maximale de cinquante mille dollars et un emprisonnement maximal de six mois, ou l'une de ces peines; ou
- b) par mise en accusation, une amende maximale de deux cents mille dollars et un emprisonnement maximal de deux ans, ou l'une de ces peines.



HEALTH OF ANIMALS ACT  
ATTACHMENT TO FORM

LOI SUR LA SANTÉ DES ANIMAUX  
ANNEXE AU FORMULAIRE

Owner or occupier Propriétaire ou occupant Universal Ostrich Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-692-9389 381 Lonsdale Road, Edmonton, AB T6B 1J9	Location of animal(s)/thing(s) Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s) Starting from the SW corner moving counter clock-wise: 49.862388N 118.152837W 49.864145N 118.154210W 49.865251N 118.150970W 49.864200N 118.148700W
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Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or thing(s) Description de l'(des) animal(aux) ou de la(des) chose(s)
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Inspector Name / Nom de l'inspecteur Ian Zhang	Inspector (Signature) Inspecteur	Date 2025-01-12
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Note: When this form is used to describe additional animals, the original of any form it is used with should have the following statement placed on it:

The description of animals/things to which this form applies is on the attached copy(ies) of form CFIA/ACIA 4209 which bear the name and date above.

Note: Lorsque ce formulaire sert à décrire d'autres animaux, l'original de tout formulaire qui l'accompagne devrait porter la mention suivante :

La description d'animaux/de choses auxquels s'applique le présent formulaire figure sur la(les) copie(s) annexée(s) des formulaires CFIA / ACIA 4209 qui portent le nom et la date ci-haut.

**HEALTH OF ANIMALS ACT  
DECLARATION OF AN INFECTED PLACE**
**LOI SUR LA SANTÉ DES ANIMAUX  
DÉCLARATION DE LIEU CONTAMINÉ**

Owner or occupier Propriétaire ou occupant <b>Universal Ostrich</b> Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-692-9389 301 Langille Road, Edgewood, BC, V0G 1J0 I have determined or suspect that the disease			Location of animal(s)/thing(s) Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s) Starting from the SW corner moving counter clock-wise: 49.862388N 118.162837W 49.864145N 118.154210W 49.865251N 118.150970W 49.863702N 118.148781W 49.863301N 118.149275W 49.862402N 118.148285W J'ai constaté ou soupçonné que la maladie		
exists in the place described above and pursuant to Section 22 of the Health of Animals Act, I therefore declare the place to be infected.  <b>Ian Zhang</b> Inspector Name / Nom de l'inspecteur			<b>Avian Influenza</b> est présente dans le lieu décrit ci-dessus. Pour ce motif, conformément à l'article 22 de la Loi sur la santé des animaux, je déclare ce lieu contaminé. Digitally signed by ZHANG, XIANG Date: 2025.01.12 14:30:05 -08'00' Inspector (Signature) Inspecteur		
2025-01-12 Date			2025-01-12 Date		

Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or thing(s) Description de l'(des) animal(aux) ou de la(les) chose(s)
1			"All animals of susceptible species on-site (see below) and any related
2			animal products, by-products and things along with any animals,
3			products, by-products and things having contact with them".
4			
5			Description of susceptible species present on-site:
6			
7			All avian species in premise
8			
9			All birds/carcasses are kept indoors or in the barn. Any movement on or
10			off the above-mentioned premises will require a License for Removal of
11			Animals or Things from CFIA in order to be removed from the site.
12			
13			This revokes and replaces the 4204 issued on 2024-12-30
14			by Ian Zhang.
15			Reason for amendment of original: correct quarantine location with GPS
16			Original 4204 is attached to this amendment.
17			The date of issue of the 4204 referenced above is not
18			changed by this amendment.
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30			File Number: BC-820 23295

The information on this document is collected by the Canadian Food Inspection Agency under the authority of the Health of Animals Act for the purpose of protecting human and animal health. Information may be accessible or protected as required under the provisions of the Access to Information Act.

Les renseignements figurant dans le présent document sont recueillis par l'Agence canadienne d'inspection des aliments en vertu de la loi sur la santé des animaux afin de protéger la santé des personnes et des animaux. Les renseignements peuvent être accessibles ou protégés selon ce que prescrit la Loi sur l'accès à l'information.



## Sections of the Health of Animals Act:

22.(1) Where an inspector or officer suspects or determines that a disease or toxic substance exists in a place and is of the opinion that it could spread or that animals or things entering the place could become affected or contaminated by it, the inspector or officer may in writing declare that the place is infected and identify the disease or toxic substance that is believed to exist there, and such a declaration may subsequently be amended by the inspector or officer.

(2) When the declaration is delivered to that occupier or owner of the place to which it relates, the place, together with all contiguous lands, buildings and other places occupied or owned by the occupier or owner, constitutes an infected place.

23.(1) For the purpose of preventing the spread of a disease or toxic substance, an inspector or officer may in writing declare that any land, building or other place, any part of which lies within five kilometres of the limits of a place declared to be infected under section 22, is infected and identify the disease or toxic substance that could spread there.

(2) When the declaration has been delivered to the occupier or owner of any land, building or other place, mentioned in subsection (1), the land, building or other place, together with all contiguous lands, buildings and other places occupied or owned by the same occupier or owner, constitutes an infected place.

24. Where an inspector or officer cannot, after the exercise of due diligence, find the occupier or owner of any land, building or other place, delivery of a declaration may be effected by posting it on the building or on any building or conspicuous object on the land or at the place.

25.(1) Subject to any regulations made under paragraph 64(1)(k), no person shall, without a licence issued by an inspector or officer, remove from or take into an infected place any animal or thing.

## Articles de la Loi sur la santé des animaux:

22.(1) L'inspecteur ou l'agent d'exécution peut par écrit, déclarer contaminé tout lieu où il soupçonne constate la présence d'une maladie ou d'une substance toxique qu'il estime susceptibles soit de se propager soit de contaminer les animaux qui s'y rendent ou les choses qui y sont apportées; il doit alors préciser la nature de la maladie ou de la substance. Il peut ensuite, de la même manière, modifier la déclaration.

(2) Sur remise de la déclaration au propriétaire ou à l'occupant, le lieu visé par celle-ci et les terrains bâtiments et autres lieux qui lui sont contigus et sont occupés par la même personne, ou dont celle-ci est propriétaire, constituent des lieux contaminés.

23.(1) Après avoir fait la déclaration prévue à l'article 22 et afin d'empêcher toute propagation, l'inspecteur ou l'agent d'exécution peut, par écrit, déclarer contaminés les terrains, bâtiments ou lieux situés - même en partie dans un rayon de cinq kilomètres du lieu visé par la déclaration originale et auxquels la maladie ou la substance toxique - dont il précise la nature - risquent de se propager.

2) Sur remise au propriétaire ou à l'occupant de la déclaration faite au titre du paragraphe (1), le lieu visé par celle-ci et les terrains, bâtiments ou autres lieux qui lui sont contigus et sont occupés par la même personne, ou dont celle-ci est propriétaire, constituent une partie du lieu contaminé.

24. L'inspecteur ou l'agent d'exécution peut, s'il n'a pu trouver le propriétaire ou l'occupant du lieu après avoir pris les mesures nécessaires en ce sens, afficher la déclaration sur un bâtiment ou un objet en vue situé sur le lieu pour valoir remise au propriétaire ou à l'occupant.

25.(1) Sauf en conformité avec les règlements d'application de l'alinéa 64(1)(k), il est interdit, sans permis signé par un inspecteur ou un agent d'exécution, de sortir tout animal ou toute chose d'un lieu contaminé ou de l'y introduire.

**HEALTH OF ANIMALS ACT  
ATTACHMENT TO FORM**
**LOI SUR LA SANTÉ DES ANIMAUX  
ANNEXE AU FORMULAIRE**

Owner or occupier Propriétaire ou occupant <b>Universal Ostrich</b> Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-692-9389 981 Larchmont Road, Edmonton, BC V6G 1J2	Location of animal(s)/thing(s) Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s) Starting from the SW corner moving counter clock-wise: 49.862388N 118.152837W 49.864145N 118.154210W 49.865251N 118.150970W 49.863700N 118.148741W
---	--

Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or thing(s) Description de l'(des) animal(aux) ou de la(des) chose(s)
31			
32			
33			
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Inspector Name / Nom de l'inspecteur Ian Zhang	Inspector (Signature) Inspecteur	Date 2025-01-12
---	----------------------------------	--------------------

Note: When this form is used to describe additional animals, the original of any form it is used with should have the following statement placed on it:

The description of animals/things to which this form applies is on the attached copy(ies) of form CFIA/ACIA 4209 which bear the name and date above.

Note: Lorsque ce formulaire sert à décrire d'autres animaux, l'original de tout formulaire qui l'accompagne devrait porter la mention suivante :

La description d'animaux/de choses auxquels s'applique le présent formulaire figure sur la(les) copie(s) annexée(s) des formulaires CFIA / ACIA 4209 qui portent le nom et la date ci-haut.



# HEALTH OF ANIMALS ACT

# LA LOI SUR LA SANTÉ DES ANIMAUX

## NOTICE

## AVIS

### REQUIREMENT TO QUARANTINE AND/OR LICENSE TO TRANSPORT ANIMALS OR THINGS

### OBLIGATION DE METTRE EN QUARANTAINE ET/OU PERMIS DE TRANSPORTER DES ANIMAUX OU DES CHOSSES

<p>To: / À:</p> <p>Universal Ostrich</p> <p>Owner Name (legal owner of premise): Dave Bilinski</p> <p>Email: universalostrich@gmail.com</p> <p>Phone #: 778-692-9389</p> <p>301 Langille Road, Edgewood, BC, V0G 1J0V</p>	<p>Location of Animal(s)/Thing(s) - Endroit où se trouvent l'(les) animal(aux) ou la(les) chose(s)</p> <p>Starting from the SW corner moving counter clock-wise:</p> <p>49.862388N 118.152837W</p> <p>49.864145N 118.154210W</p> <p>49.865251N 118.150970W</p> <p>49.863702N 118.148781W</p> <p>49.863301N 118.149275W</p> <p>49.862402N 118.149296W</p>
---	--

The requirement must be met in the following manner during the period commencing on the date of this notice

I find or suspect that the animals/things described below are affected or contaminated by AVIAN INFLUENZA

Pursuant to section 6/9/59 of the Health of Animals Regulations, I therefore require you as the owner or person having the possession, care or control of the animals/things described below to quarantine the animals/things described below.

All birds/carcasses are kept indoors or in the barn. Confine to the above described premises in such manner that there is no contact with any birds, animals, humans (other than humans involved in the care or disposal of birds), and other things exposed to birds including things related to the conveyance, care and maintenance of avians and the care and maintenance of the premises which may result in transmission of the disease.

Report any signs of avian influenza or increased mortality to the Canadian Food Inspection Agency (CFIA) immediately. Complete the flock health questionnaire provided and return to the CFIA at the specified times. Quarantine conditions must remain in effect until released by an inspector of the Canadian Food Inspection Agency.

Any of the above-mentioned animals or things will require a License to Transport Animals or Things from CFIA in order to move or to be removed from the site.

L'obligation imposée doit être remplie de la façon suivante à compter de la date du présent avis

Je constate ou soupçonne que les choses ou les animaux visés ci-dessous sont atteints ou contaminés par

Conformément aux articles 6, 9 et 59 du Règlement sur la santé des animaux, vous êtes tenu, en qualité de propriétaire ou de personne qui a la possession, la responsabilité ou la charge des soins des choses ou des animaux visés ci-dessous, de mettre en quarantaine les choses ou les animaux en question.

Digitally signed by ZHANG, XIANG

Date: 2025.01.12 14:33:48 -08'00'

2025-01-12

Date

Ian Zhang

Name of Inspector / Nom de l'inspecteur

Signature

Telephone / Téléphone

### TERMINATION OF QUARANTINE TERMINAISON DE QUARANTAINE

Date

Signature

Name of Inspector / Nom de l'inspecteur

Telephone / Téléphone

Identification Number Numéro d'identification	Age Âge	Sex Sexe	Description of Animal(s) or Thing(s) Description de l'(des) animal(aux) ou de la(les) chose(s)
1			"All animals of susceptible species on-site (see below) and any related
2			animal products, by-products and things along with any animals,
3			products, by-products and things having contact with them".
4			
5			Description of susceptible species present on-site:
6			All Avian species on this premise.
7			Sick bird Call Log#:773
8			This revokes and replaces the amended 4206Q issued on 2025-01-02
9			by Meghan Koetsler.
10			Reason for amendment of original: correct quarantine location with GPS
11			Original amended 4206 Q is attached to this amendment.
12			The date of Issue of the amended 4206Q referenced above is not
13			changed by this amendment.
14			

## Quarantine

The following provisions of the Health of Animals Regulations relate to the requirement to quarantine animals or things:

6. Where an Inspector finds or suspects that:

- a) a thing is a disease agent,
- b) an animal or thing is affected by or contaminated with a communicable disease, or
- c) any record or document required by or under the Act and these Regulations to prevent the spread of any disease within Canada, or to any other country from Canada, by an animal or thing is not produced for inspection by an inspector.

the Inspector may order the person who owns or has possession, care or control of the animal or thing, to quarantine the animal or thing, and the provisions of section 91.4 apply.

8. Where an Inspector finds or suspects that:

- e) a thing is a disease agent,
- b) an animal or thing imported into Canada is affected by or contaminated with a communicable disease, or
- c) any information or documentation required by or under the Act and these Regulations to prevent the introduction of any disease into Canada by an animal or thing is not presented to an Inspector,

the Inspector may order the person who owns or has possession, care or control of the animal or thing to quarantine the animal or thing, and the provisions of section 91.4 apply.

59. The Minister may, for the purpose of preventing the introduction of communicable disease into Canada or into any other country from Canada, require any animal imported into Canada to be quarantined, and the provisions of section 91.4 apply.

91.4(1) Where an Inspector orders a quarantine of a disease agent, animal or thing, the notice of quarantine shall be communicated by personal delivery to the person who owns or has possession, care or control of the disease agent, animal or thing and the notice may specify the manner, condition, place or places and time of quarantine, necessary to prevent the spread of the communicable disease.

2) In respect of a disease agent, animal or thing quarantined pursuant to these Regulations, no person shall do or permit to be done any of the following actions, without the authorization of an Inspector:

- a) remove the disease agent, animal or thing from the place of quarantine;
- b) allow the disease agent, animal or thing to come into contact with an animal that is not quarantined under the same quarantine order;
- c) destroy the disease agent, animal or thing; or
- d) treat or test the disease agent, animal or thing for a communicable disease.

(3) Every person who owns or has the possession, care or control of an animal quarantined pursuant to these Regulations shall immediately notify a veterinary inspector of any quarantined animal that appears sick.

(4) In respect of a disease agent or thing quarantined pursuant to these Regulations, no person shall do or permit to be done any of the following actions, without the authorization of an Inspector:

- a) move the disease agent or thing;
- b) alter the appearance of the disease agent or thing;
- c) remove of any tag, sign or other notice that the disease agent or thing is under quarantine; or
- d) open any container or remove any wrapping or cover around the disease agent or thing.

(5) No person shall transport or cause to be transported a disease agent, animal or thing quarantined pursuant to these Regulations unless:

- a) a licence for its transportation has been issued by an Inspector;
- b) a copy of the licence issued pursuant to paragraph (a) has been provided to the person in charge of the conveyance transporting the disease agent, animal or thing;
- c) and the disease agent, animal or thing is transported directly to the location stated in the licence.

(6) Every person who receives a notice referred to in subsection (1) shall comply with the notice.

## Penalty

Section 66 of the Health of Animals Act:

66. Every person who fails to comply with a notice delivered to the person under section 18, 25, 27, 37, 43 or 48 or the regulations is guilty of:

- a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months, or to both; or
- b) an indictable offence and liable to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding two years, or to both.

## Quarantaine

Les dispositions suivantes du Règlement sur la santé des animaux ont trait à l'obligation de mettre en quarantaine des animaux ou des choses :

6. L'inspecteur peut ordonner au propriétaire d'un animal ou d'une chose ou à la personne en ayant la possession, la responsabilité ou la charge des soins de le mettre en quarantaine, auquel cas les dispositions de l'article 91.4 s'appliquent, lorsqu'il constate ou soupçonne que :

- a) la chose est un agent causant une maladie;
- b) l'animal ou la chose est affecté ou contaminé par une maladie transmissible;
- c) tout registre ou documentation exigé en vertu de la Loi ou du présent règlement afin de prévenir la propagation de toute maladie au sein du Canada, ou du Canada à un autre pays, par l'animal ou la chose, ne lui est pas fourni aux fins d'inspection.

8. L'inspecteur peut ordonner au propriétaire d'un animal ou d'une chose ou à la personne en ayant la possession, la responsabilité ou la charge des soins de le mettre en quarantaine, auquel cas les dispositions de l'article 91.4 s'appliquent, lorsqu'il constate ou soupçonne que :

- a) la chose est un agent causant une maladie;
- b) l'animal ou la chose est importé et est affecté ou contaminé par une maladie transmissible;
- c) tout renseignement ou documentation exigé en vertu de la Loi ou du présent règlement afin de prévenir l'introduction de toute maladie au Canada, par l'animal ou la chose, ne lui est pas fourni.

59. Le ministre peut, afin de prévenir l'introduction de maladies transmissibles au Canada, ou dans un autre pays depuis le Canada, exiger que tout animal importé au Canada soit mis en quarantaine, auquel cas les dispositions de l'article 91.4 s'appliquent.

91.4(1) Lorsqu'un inspecteur ordonne la mise en quarantaine d'un agent causant une maladie, d'un animal ou d'une chose, l'avis de mise en quarantaine doit être remis en main propre au propriétaire de l'agent, de l'animal ou de la chose ou à la personne en ayant la possession, la responsabilité ou la charge des soins, et cet avis peut préciser les modalités, les conditions, le ou les lieux et le délai de quarantaine nécessaires pour prévenir la propagation de la maladie transmissible.

(2) En ce qui concerne un agent causant une maladie, un animal ou une chose mis en quarantaine aux termes du présent règlement, il est interdit, sans l'autorisation d'un inspecteur, de prendre les mesures suivantes ou de permettre qu'elles soient prises :

- a) retirer l'agent, l'animal ou la chose du lieu de quarantaine;
- b) laisser l'agent, l'animal ou la chose entrer en contact avec un animal qui n'est pas mis en quarantaine en vertu de la même ordonnance;
- c) détruire l'agent, l'animal ou la chose;
- d) traiter l'agent, l'animal ou la chose pour une maladie transmissible ou mener des tests de dépistage à cet égard.

(3) Le propriétaire d'un animal mis en quarantaine aux termes du présent règlement, ou la personne en ayant la possession, la responsabilité ou la charge des soins, doit sans délai aviser un vétérinaire-inspecteur lorsque l'animal semble malade.

(4) En ce qui concerne un agent causant une maladie ou une chose mis en quarantaine aux termes du présent règlement, il est interdit, sans l'autorisation d'un inspecteur, de prendre les mesures suivantes ou de permettre qu'elles soient prises :

- a) déplacer l'agent ou la chose;
- b) en modifier l'apparence;
- c) enlever une étiquette, une indication ou un autre avis précisant que l'agent ou la chose est en quarantaine;
- d) ouvrir un contenant ou enlever un emballage dans lequel se trouve l'agent ou la chose ou en enlever la couverture.

(5) Il est interdit de transporter ou de faire transporter un agent causant une maladie, un animal ou une chose mis en quarantaine aux termes du présent règlement, sauf si :

- a) un permis pour son transport a été délivré par un inspecteur;
- b) une copie du permis a été fournie à la personne chargée du véhicule qui transporte l'agent, l'animal ou la chose;
- c) l'agent, l'animal ou la chose est transporté directement à l'endroit indiqué sur le permis.

(6) Quiconque reçoit l'avis visé au paragraphe (1) doit s'y conformer.

## Pénalité

L'article 66 de la Loi sur la santé des animaux:

66. Quiconque contrevient à l'avis qui lui a été signifié au titre des articles 18, 25, 27, 37, 43 ou 48 ou des règlements commet une infraction et encourt, sur déclaration de culpabilité :

- a) par procédure sommaire, une amende maximale de cinquante mille dollars et un emprisonnement maximal de six mois, ou l'une de ces peines; ou
- b) par mise en accusation, une amende maximale de deux cents mille dollars et un emprisonnement maximal de deux ans, ou l'une de ces peines.

Michael Carter

----- Forwarded message -----

From: West AI Case Officer Lead / Ouest IA Chef de cas (CFIA/ACIA) <[cfia.WestAICaseOfficer-OuestIAChefdecas.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficer-OuestIAChefdecas.acia@inspection.gc.ca)>

Date: Wed, Jan 15, 2025 at 1:57 PM

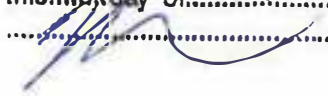
Subject: FW: BC-IP-233 Response to Questions

To: Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>

Cc: West AI Case Officer Lead / Ouest IA Chef de cas (CFIA/ACIA) <[cfia.WestAICaseOfficer-OuestIAChefdecas.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficer-OuestIAChefdecas.acia@inspection.gc.ca)>, West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

Hi Karen/Dave, See the response to questions below for BC-IP-233.

This is Exhibit " K " referred to in the affidavit of David Bilinski sworn before me at Vernon this 29 day of January, 2025



### 1. Would Canada be considered Avian Influenza free if all wild birds were culled?

Canada's avian influenza status is based on the presence of highly pathogenic avian influenza in domestic poultry. While wild birds are often the source of individual outbreaks in domestic poultry, they are not a determining factor in the avian influenza status of a country. The ongoing presence of HPAI viruses in wild birds underscores the importance of biosecurity measures in domestic production.

To protect Canadians, the poultry industry, other livestock farms and wildlife in Canada from the ever-changing Highly Pathogenic Avian Influenza virus, we practise a stamping-out policy following detections of HPAI in accordance with the CFIA's policy and in alignment with our World Organisation for Animal Health (WOAH) obligations. Canada's emergency response strategy to an outbreak of avian influenza is to eradicate the disease and re-establish Canada's disease-free status as quickly as possible. The CFIA's AI emergency response strategy includes the following measures: the humane destruction of all infected and exposed domesticated birds, surveillance and tracing of potentially infected or exposed animals, strict quarantine and animal movement controls to prevent disease spread, strict decontamination of infected premises, and zoning to define infected and disease-free areas.

### 2. CFIA responded to the media that there is no evidence that ostriches have better immunity than other birds, the producer would like to know why they were not consulted? They believe this statement is untrue and misleading.

When asked by a media outlet, the CFIA indicated that there is currently no conclusive evidence to suggest that ostriches would have more immunity to the virus compared to other resistant species. (e.g. ducks).

It is recognized that ostriches may have lower mortality rates than chickens and turkeys but that does not mean individual birds are immune to the disease.

The CFIA does employ a number of leading scientists in the field of diagnostics and research in HPAI. They are in regular contact and collaboration with their international peers, participate in several working groups in the network of avian influenza expertise (OIE/FLU), World Organisation for Animal Health (WOAH), Food and Agriculture Organization (FAO), etc. For further information on the state of knowledge of HPAI antibodies research is published regularly in scientific journals by both Canadian and international scientists. CFIA decision makers take into consideration all existing evidence, including published research to arrive at the best decision to protect animal and public health and international trade.

A cursory search of online academic journals shows a number of papers discussing the impact of different avian influenza strains in ostriches.

<https://www.tandfonline.com/doi/abs/10.1080/03079450020016913>

Highly pathogenic avian influenza (H7N1) in ostriches (*Struthio camelus*)

- The findings reported indicate that ostriches are susceptible to highly pathogenic avian influenza.

<https://meridian.allenpress.com/avian-diseases/article-abstract/56/4s1/865/199732/Molecular-Analysis-of-the-2011-HPAI-H5N2-Outbreak>

Molecular Analysis of the 2011 HPAI H5N2 Outbreak in Ostriches, South Africa

- The third outbreak of highly pathogenic avian influenza (HPAI) H5N2 in less than seven years affected ostriches of South Africa's Western Cape during 2011. Twenty farms tested PCR positive for the presence of HPAI H5N2 between March and November 2011.

[https://academic.oup.com/jid/article/216/suppl\\_4/S512/4162034](https://academic.oup.com/jid/article/216/suppl_4/S512/4162034)

Risk of Human Infections With Highly Pathogenic H5N2 and Low Pathogenic H7N1 Avian Influenza Strains During Outbreaks in Ostriches in South Africa

- While measuring human health risk, the study was done because of the controlling and culling of 42000 ostriches during (HPAI)H5N2 outbreaks in ostriches (2011)

<https://meridian.allenpress.com/avian-diseases/article-abstract/60/2/535/210334/Ostrich-Struthio-camelus-Infected-with-H5N8-Highly>

Ostrich (*Struthio camelus*) Infected with H5N8 Highly Pathogenic Avian Influenza Virus in South Korea in 2014

- The findings indicate that ostriches are susceptible to H5N8 HPAI virus, but this virus does not spread efficiently among ratites.



### 3. Who's responsible for the wild bird/migratory bird population?

Environment and Climate Change Canada, and relevant provincial departments, have various roles in developing and implementing policies and regulations addressing wild and migratory bird populations. Nationally, the Canadian Wildlife Health Cooperative acts a coordinator for wild surveillance and reporting.

### 4. Why can't the producer appeal the decision made by CFIA for the DUR/exemption from depopulation?

Under the current HPAI stamping out policy and the authorities of the *Health of Animals Act*, all susceptible domesticated animals on an infected premises are depopulated. Producers are provided the opportunity to provide evidence that is a distinct epidemiological unit on the premises or there are animals that meet the criteria for rare or valuable poultry genetics. Those two elements constitute an appeal from the destruction order. As previously documented, the CFIA carefully evaluated all of the information you provided and unfortunately was not able to apply either exemption to your operation.

### 5. What was the basis of the initial testing?

Testing is initiated when the CFIA is aware that there is a suspect case of a reportable disease. The mortalities and other signs in the flock were indicative of avian influenza.

Additionally, Section 5 of the Health of Animals Regulations requires that a person who owns or has the possession, care or control of an animal shall notify the nearest veterinary inspector of the presence of a reportable disease or toxic substance, or any fact indicating its presence, in or around the animal, immediately after the person becomes aware of the presence or fact.

- a. Can CFIA provide the producer a copy of the test results? Yes, a copy can be provided.
- b. Which tests were run? Samples taken from your premises were tested with the avian Influenza matrix and H5/H7 PCR (Polymerase Chain Reaction) tests. These are the same tests used for all poultry premises.
- c. Why did they only test the two dead birds? Whenever possible, samples for testing target recently dead birds or birds showing clinical signs. A single confirmed positive test is sufficient to declare a premises infected.

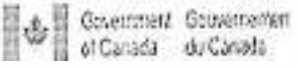
Regards, Randy for Casey

Randy Keely

Case Officer-003

Canadian Food Inspection Agency

Tel: 604-302-6537





Michael Carter


 Content

----- Forwarded message -----

From: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

Date: Fri, Jan 24, 2025 at 4:26 PM

Subject: Amended control documents - BC IP 233 Universal Ostrich


To: Karen Espersen and Dave Bilinski <[universalostrich@gmail.com](mailto:universalostrich@gmail.com)>

Cc: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>

Good evening Karen and Dave,

Please find attached amended control documents for your premise that also include the parcel of land that the disposal pile with ostrich mortalities is located. Below is a map outlining in both pink and yellow the coordinates that are listed on the control documents for your reference.

This is Exhibit " L " referred to in the  
affidavit of... David Bilinski...  
sworn before me at... Vernon...  
this... 29 day of... January... 2025...





Additionally, there is a separate quarantine (4206Q) that has been placed on eggs collected from the ostriches under quarantine during the December 2024 critical period being stored in Karen's cellar at her residence. Please note that these eggs cannot be removed or handled under this movement control unless there is permission from CFIA.

If you have any questions about the control documents please let us know and we are happy to provide further explanation.

Thank you,

Case Officer Seven

403-338-5223

West AI Operations / Ouest IA Opérations (CFIA/ACIA)

[cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)