

FEDERAL COURT OF APPEAL

BETWEEN:

UNIVERSAL OSTRICH FARMS INC.

Appellant

and

CANADIAN FOOD INSPECTION AGENCY

Respondent

AFFIDAVIT OF DAVID BILINSKI

I, David Bilinski, businessman, of 307 Langille Road, Edgewood, British Columbia, hereby
AFFIRM AND SAY AS FOLLOWS:

1. I am a director and co-owner of Universal Ostrich Farms Inc 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.

A. Background and Experience

2. I studied animal nutrition at Olds College and at Thompson River University. With this knowledge, my family and I created a championship-winning bloodline of cattle. Our genetics won grand champion carcass prize at the Pacific National Exhibition in Vancouver and topped the breed sale in Calgary

for 3 out of 5 years in the 1980s.

3. In 1993 I partnered with Bob Church, and Steve Lilford. Together, we started Rocky Mountain Ostrich Inc. (“RMO”).
4. After researching the advantages of the ostrich bird and the limited genetic information available RMO engaged in importing ostriches from Africa to Canada.
5. RMO carried out rigorous quarantine protocols in importing ostriches to Canada, including constructing quarantine facilities in Zimbabwe and Namibia, and quarantining birds in a high-security RMO facility in England before flying them to Edmonton for a final quarantine period. RMO eventually grew into the largest ostrich farm in Canada, reaching approximately 1,100 birds.
6. By 1995 20% of all breeder sales of ostriches in Canada were from the Rocky Mountain genetic selection program.

B. Universal Ostrich Farm - Background

7. I began working with Karen Espersen in the ostrich industry in or around 1995. Karen Espersen was involved in the Ostrich Industry in 1991 with her in laws at West Ward Ho Ostrich Farms and her father-in-law was the first President of the Alberta Ostrich Association for 4 years. Karen worked closely with their farm and the Association until she worked with me.
8. In 1999, Karen started Universal Ostrich Farms Inc. (“UOF”). It is located on a 58 acre parcel of land at 9745 Highway 6 in Edgewood, British Columbia (the “Property”).

9. UOF began its operations by adopting the entire herd of ostriches from RMO, where I was working at the time. I eventually joined UOF on September 10, 2010.
10. Since 1999, UOF has been focused on selective breeding to create a genetically large, healthy ostrich.
11. Ostriches can live until they are around 75 years old. Consequently, 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.
12. As well, it can take many years, and a tremendous amount of time and effort, to develop a harmonious herd of ostriches. 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. Since we have been developing the herd for so long, the ostriches know us and each other.
13. This does not mean the ostriches are “tame” to strangers, as they can be quite aggressive and violent, but with our herd we can walk amongst them, which is very rare.

C. UOF Business Operations

14. In this affidavit, I introduce key documents (the “UOF documents”) that illustrate UOF’s business model, negotiated structure and commercial relationships. True copies of these documents are attached as exhibits to this affidavit. My purpose in tendering them is not to prove the truth of any projections or scientific claims they contain, but rather to establish the

existence and nature of UOF's business arrangements, as these arrangements are directly relevant to the irreparable harm we will suffer if its ostrich flock is culled.

15. Until March 2020, UOF was engaged in selling ostriches for breeding purposes, some meat processing, ostrich oil skin care products and agritourism, among others. The average sale price of one of our ostriches was \$7500.

I have attached as **Exhibit "A"** a true copy of an invoice for sale of our
ostriches.

16. In March of 2020, Karen and I became familiar with the work of Dr. Yasuhiro Tsukamoto, President of Kyoto University, and founder of Ostrich Pharma KK. We researched and reviewed a published study authored by Dr. Tsukamoto and learned that ostrich eggs are uniquely situated for developing Immune Globin Yolk ("IgY") antibodies because of the size of their yolk and the concentration of antibodies produced.

A. We learned that the antibodies ostriches produce in response to an infection can last up to 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.

B. For example, one ostrich egg is the equivalent of 100 chicken eggs in antibody production. It is a benefit that you can extract the antibodies from an ostrich egg without having to harvest the animal itself.

I have attached as **Exhibit “B”** a true copy of the study authored by Dr.
Tsukamoto

17. On May 6, 2020, we secured a letter of intent from Breathe Medical Manufacturing for exclusive supply of our COVID-19 antibodies produced using ostrich eggs. Our primary objective was to produce antibodies which would block the COVID-19 virus from going through face masks. The letter of intent and corresponding exclusive supply agreement was valued at approximately \$3,000,000.

I have attached as **Exhibit “C” a true copy of** the Breathe Medical
Manufacturing letter of intent.

18. In or around December 2020, UOF began procuring antigens from Immune Bio Solutions Inc. (“Bio Solutions”), which allowed for UOF to produce COVID-19 antibodies using ostrich eggs.

I have attached as **Exhibit “D” a true copy of** Bio Solutions invoice for the
first production batch.

19. By December 2020, UOF’s operations became entirely dedicated to scientific research through antibody production.
20. In Early 2021, Breathe Medical Manufacturing declared bankruptcy and our exclusive supply agreement and corresponding revenue expectations were not realized.
21. In 2022, Karen and I incorporated Struthio Bio Science Inc. (“Struthio”) to, in partnership with UOF, engage in manufacturing and marketing of ostrich egg IgY antibodies and related products. As of the date of this Affidavit, Struthio

is wholly owned by Karen and I with each of us holding a 50% share.

22. In April 2024, Karen and I negotiated and entered into agreements which would, inter alia, **implement a new ownership structure for Struthio. Under this proposed restructuring, an majority interest in Struthio would be transferred to new principals and governed by a board of directors, including Dr. Tsukamoto – in exchange for investment and the licensing of certain patents necessary for commercialization of IgY antibodies** and related products.
23. **Exhibit “E”** to this affidavit is a true copy of the Struthio BioScience Business Plan dated December 5, 2023 (“Struthio Business Plan”) and accompanying PowerPoint presentation. The Struthio Business Plan is a detailed roadmap for Struthio’s venture to develop and commercialize biomedical products derived from ostrich eggs, and it identifies UOF as a crucial partner supplying the necessary ostrich eggs. Among other things, the plan describes Struthio’s proposed proprietary research into antibodies from ostrich egg yolks, new corporate and governance structure and projects the financial returns from this research over the next several years (in the order of millions of dollars annually). Karen and I would retain 25% each interest in Struthio BioScience Inc.
24. I do not put this forward to assert that those revenue projections will in fact be realized or that the science will succeed. Rather, I rely on the Struthio Business Plan to show the existence of Struthio’s business model and the expectations that UOF and Struthio had at the time: namely, that UOF’s

ostrich flock would be used to produce a continuous supply of eggs enabling Struthio's venture to move forward. The very inclusion of UOF as a key supplier in this plan, and the magnitude of the projected benefits, demonstrate how integral our ostrich flock is to UOF's commercial strategy with Struthio. The plan provides important context for UOF's anticipated growth – context which will be completely upended if the flock is destroyed. Any statements or figures in the business plan are being referenced here only to illustrate what Struthio anticipated and the scale of the opportunity UOF stood to gain, not as proof that those outcomes are guaranteed.

25. **Exhibit “F”** to this affidavit is a true copy of the terms of Struthio and Ostrich Pharma KK ("OPKK") Agreement (“OPKK Agreement”) which was executed On April 11, 2024.
26. The OPKK Agreement sets out the principal terms of a proposed investment and partnership whereby OPKK agreed in principle to partner with Struthio's egg-based biotech venture. The OPKK Agreement references anticipated investment, exclusive patent licencing, technology transfer and a revised corporate structure for Struthio. This reflects that OPKK's confidence in Struthio's business which was inextricably predicated on UOF's ostrich flock and egg production.
27. I am not tendering the OPKK Agreement to prove the truth of any judgment or opinion OPKK may have about the project's merits. Rather, I rely on it to show the existence of this commercial arrangement and the reality that significant third-party investment was hinging on UOF's continued operations

28. The OPKK Agreement is evidence that, as of April 11, 2024, an independent investor, placed substantial commercial value on Struthio's enterprise – and by extension on UOF's contribution to that enterprise – on the assumption that UOF's ostrich flock would remain intact and productive. If UOF's flock is culled, the conditions of this investment can no longer be met, and Struthio stands to lose the OPKK partnership. This would in turn erase a major business opportunity for UOF (which expected to benefit through its supply contract and the growth of Struthio's enterprise).
29. **Exhibit "G"** to this affidavit is a true copy of the Exclusive Egg Supply Agreement between UOF and Struthio BioScience Inc. dated April 3, 2024 (the "Exclusive Supply Agreement").
30. The Exclusive Supply Agreement formalizes UOF's role as the sole supplier of ostrich eggs for Struthio's operations. In summary, under this Agreement UOF agreed to supply Struthio with a guaranteed quantity of fresh ostrich eggs at regular intervals, and Struthio agreed that it would purchase ostrich eggs exclusively from UOF for all of its commercial and research needs. The Agreement specifies the price terms and a multi-year term of supply (with an initial term of five years, renewable by mutual consent). It also contains provisions detailing quality standards for the eggs, delivery schedules, and remedies for breach.
31. This Exclusive Supply Agreement is the cornerstone of UOF's commercial relationship with Struthio – it operationalizes the partnership envisioned in the Struthio Business Plan and referenced in the OPKK Agreement. I wish to

highlight that this Agreement demonstrates how UOF's business has been structured around the ongoing supply of eggs to Struthio. If UOF's ostrich flock is destroyed, UOF will immediately be unable to perform its obligations under the Exclusive Supply Agreement – an agreement that is fundamental to UOF's business model.

32. The Struthio -OPKK venture has been placed on hold pending the outcome of the culling decision.
33. The foregoing exhibits (Exhibits A-G) collectively paint a picture of UOF's business model, and the high stakes involved in the fate of its ostrich flock. In brief: UOF has engaged in and aligned itself in specialized biotech ventures, the production of IgY antibodies, which depends entirely on UOF's ability to continuously produce ostrich eggs from our genetically unique and novel ostrich flock.
34. Unlike a typical loss of inventory or a one-time business setback, the destruction of the breeding flock would undermine UOF's entire business foundation – it would leave UOF with no realistic way to fulfill its exclusive supply contracts or to participate in IgY antibody production. UOF cannot simply purchase ostrich eggs elsewhere to cover its obligations, nor can our genetically unique and novel ostrich flock be replaced. This kind of harm cannot be quantified in purely monetary terms after the fact, because it entails the loss of our entire business, goodwill, and a unique market opportunity that may never be replicated.

D. Discovery of Illness

35. In late 2024, UOF owned approximately 420 ostriches.
36. On or around December 10, 2024, Karen and I began noticing signs of illness in some of the ostriches in our herd.
37. On December 20, 2024, Karen and I discovered an ostrich that died from apparent illness. We suspected that the illness was caused by *Pseudomonas* bacterial infection and attempted to engage multiple veterinarians to assist in testing and treating. Unfortunately, due to the time of year, availability was limited, and we were unable to secure testing or treatment.

E. Property and Initial Quarantining Measures

38. The Property is located about 10 kilometers outside of Edgewood, British Columbia. According to Statistics Canada, the 2021 Census Profile of Edgewood lists a total population of 235 people.
39. The closest population centre to the Property by road is Vernon, which is over 125 kilometers northwest of and a two-hour drive from the Property.

I have attached as **Exhibit "H"** a true printout from Statistics Canada for the
2021 Census Profile of Edgewood, BC.

40. The Property is fenced and cross-fenced to provide for separate handling and containment areas for the ostriches.
41. On December 20, 2024, we self-imposed and implemented quarantine measures on the Property.
42. The Property was effectively divided into two sections, west (healthy), and east (sick) with a double fenced area approximately 25 meters wide separating the two sections. We placed approximately 210 ostriches in the west section

and approximately 210 ostriches in the east section. The two groups of ostriches, one healthy, and the other suffering illness, did not come into contact with each other.

43. The Canadian Food Inspection Agency (“CFIA”) utilizes Primary Control Zones around an infected premise. The Property is categorized as a “Non-Commercial - Infected Zone” and identified as “Primary Control Zone-257 British Columbia” (the “Control Zone”).
44. Anything outside of a primary control zone is considered “disease free”, as long as it is not otherwise in a different control zone.
45. Zoning facilitates the export of poultry products because it allows countries who recognize each others’ control zones to maintain avian influenza free status outside of a particular control zone.
46. The Property is located in a remote area and there are no commercial poultry operations located within the Control Zone.
47. Because UOF is an outdoor ostrich operation and not a commercial poultry farm, it does not have confinement barns. This does not fit the standard CFIA protocol for commercial poultry.

F. CFIA Involvement and Orders

48. Between December 20th and 28th 2024 approximately 20 to 30 birds in the east section died from an undetermined illness, we assumed the likely cause was a Pseudomonas bacteria infection.
49. On December 28, 2024, Karen and I had call with CFIA to discuss the sick birds and the recent deaths. On the call, CFIA noted our information and

stated that that they were not coming out to test the ostriches and instructed us to phone them back should more ostriches die.

50. On December 29, 2024, upon discovering two additional ostrich deaths, I phoned the CFIA and informed them of the additional deaths.
51. On December 29, 2024, representatives from CFIA came to the Property and took swab samples from two of the dead ostriches. At that time, I asked for additional testing of the flock including those that were healthy. CFIA denied my request.
52. While awaiting the test results and at all times since this initial contact with CFIA, UOF continued and enhanced strict quarantine measures which included, amongst other things, restricting access to and from the Property.
53. On December 31, 2024, we were told by CFIA, via phone call, that the test results were positive for the H5N1 type of avian influenza.
54. On January 2, 2025, we received an email from CFIA attaching amongst other documents, the following:
 - A. an Order to Dispose of Animals or Things;
 - B. a Declaration of an Infected Place;
 - C. a Requirement to Quarantine; and
 - D. a Licence for Removal of Animals or Things.

(collectively the “First Orders”)

I have attached as **Exhibit “I”** a true copy of the January 2, 2025, email together
with the First Orders.

55. The First Orders mandated us to, *inter alia*,

- A. Dispose of all poultry and poultry carcasses along with other material approved by CFIA disposal crew from our property;
 - B. Remove all family private vehicles from the quarantine area;
 - C. Implement CFIA approved biocontainment procedures;
 - D. Provide a daily log of all avian species on premises and note health status;
 - E. Isolate and quarantine our ostriches; and
 - F. Prohibit visitors in the quarantine area.
56. The First Orders prohibit any movement of ostriches or ostrich eggs from the UOF farm, and it also forbids UOF and Struthio from conducting any testing on the flock; only CFIA personnel are permitted to perform such tests.
57. We fully complied with the First Orders.
58. On January 2, 2025, we received an email from the CFIA noting that “based on the information we’ve gathered, you fall into the birds classified as have rare and valuable genetics category.” The rare and valuable genetics classification provided for a culling exemption, despite the presence of H5N1. CFIA provided me with a description of the classification as follows:
- A. *“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 adopted 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.”

I have attached as **Exhibit “J”** a true copy of the January 2, 2025, email
from the CFIA.

59. On January 10, 2025, we were informed by the CFIA that our exemption under the rare and valuable genetics classification was denied and that the decision was final and not subject to appeal. We were perplexed and troubled by this conflicting communication.

I have attached as **Exhibit “K”** a true copy of the January 2, 2025, letter
from the CFIA.

60. On January 12, 2025, we received an email from CFIA amending the First Orders with additional sterilization requirements which included:
- A. additional sterilization procedures for the quarantine area;
 - B. additional sterilization procedures for myself and Karen as caretakers;
 - and
 - C. additional sterilization procedures relating to ostrich feeding.
- (collectively “Second Orders”)

I have attached as **Exhibit “L”** a true copy of the January 22, 2025, email
together with the Second Orders.

61. We complied with the Second Orders with a variation on the type of hazmat suits, noted due to concerns that the ostriches might have become aggressive and destroy the suits.
62. On January 24, 2025, we received an email from CFIA amending the Second

Orders with additional requirements which included:

- A. installation of new fencing for the quarantine area;
- B. netting of our pond; and
- C. separation of the ostriches based on gender.

(collectively “Third Orders”)

I have attached as **Exhibit “M”** a true copy of the January 24, 2025, email
together with the Third Orders.

63. We disputed the Third Orders as we say the requirements to be impractical and unsafe for the ostriches. We noted to the CFIA that the ground was frozen, and we would not be able to dig fence posts, that the pond was frozen and not a source of confirmation, and that separating the ostriches based on gender could cause aggressive behaviour among the ostriches resulting in injury or death. Our dispute is currently proceeding through the CFIA tribunal process.
64. We have complied with the CFIA orders to the best of our abilities. From the date we first discovered illness, no ostriches have left our farm. We ceased all sales and shipments immediately. We also closed visitation to all nonessential people. Only I and Karen, have been on the premises tending to the ostriches since the quarantine began except for a permit we received from CFIA for one gentleman to drive the truck when needed. CFIA personnel have come onto the farm a number of times for inspections and surveillance, which we permitted and cooperated with.

G. Subsequent Interactions with CFIA

65. Between December 29, 2024, and May 13, 2025, we have had approximately

10 interactions with the CFIA including in person visits, phone interactions, and emails where we, or our representatives, have sought further testing of our ostriches to determine their health status. We have offered to fund and conduct the testing ourselves and continually provided unfettered access to CFIA to conduct testing. CFIA has refused our repeated requests and has not tested any of UOF's currently living ostriches. CFIA has only ever tested two of UOF's ostriches that had already died of flu-like symptoms and laid on the ground for at least 16 hours before swabs were initiated by CFIA.

I have attached as **Exhibit "N"** a true copy of the February 14, 2025, email
 from CFIA denying our request to test the ostriches.

66. We have had not contact, of any kind, with CFIA following the May 13, 2025, judicial review decision.
67. On May 31, 2025, CFIA issued a press release noting that they intent to proceed with the cull and that they are concerned about public safety.

I have attached as **Exhibit "O"** a true copy of the May 31 2025, press
 release from CFIA.

68. I have heard of no reports or evidence from CFIA or otherwise of UOF's ostriches transmitting disease to other birds, to other animals, or to humans.

H. Current Status of the Herd

69. The daily mortalities stopped around January 15, 2025. Birds that were previously ill (e.g., not eating, head drooping) gradually regained strength, began eating normally, and acting alert. By February 2025, it was evident that the majority of the flock had survived the outbreak and appeared healthy. In

fact, we did not observe any further deaths after January aside from one or two isolated age-related losses unrelated to flu. It seemed our flock had developed an immunity or at least survived an infection that is nearly 100% fatal in chickens. We believed – and continue to believe – that these ostriches likely carry antibodies against H5N1.

70. Some ostriches have died as a result of slipping on ice, being caught in a wire fence, and being shot by unknown assailants. The shootings of two ostriches by unknown assailants are under active RCMP investigations. Our preliminary view of the latest shooting death, on May 22, 2025 is that it was shot by an overhead flying drone.

I. Prior Proceedings

71. My interactions with our previous legal counsel were not positive and led me to conclude that we were ineffectively represented in our Petition for Judicial Review of the CFIA’s Culling Decisions. Throughout his reasons for judgment, Zinn J. noted that UOF’s counsel failed to observe case management procedures, misunderstood the law, improperly raised new arguments in oral submissions, and failed to develop upon arguments raised in its initial notice of application.
72. As of May 22, 2025, we retained new legal counsel to represent UOF in this matter.

J. The Impact of Any Culling

73. UOF would be incapable of recovering if the ostriches were killed.
74. Some of the ostriches 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.

75. Not only that, but there is no way to replace the herd at all. UOF is one of the largest ostrich producers in Canada and there are not very many others, so it may be nearly impossible to purchase 400 ostriches in Canada, let alone import them from another country.
76. Even if UOF was able to purchase more ostriches, they would be yearlings, and it would be about three and half years before they started producing eggs and thereby generating income for UOF. It would take much longer to develop the type of harmony and relationship that we have with our ostriches.
77. UOF cannot afford to start from scratch and raise an entire herd of ostriches for three and half without any income from the eggs.
78. 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, our ostriches sell for \$7500 per bird and antibody production from our ostrich eggs substantially increase their value.

I have attached as **Exhibit “P”** a true copy of a sales receipt from a UOF ostrich sale.

79. There is a deficit of at least \$4,000 per ostrich to may multiples of that amount, and UOF cannot afford to replace its herd with that type of a deficit in the compensation.
80. Another consideration is that there are \$620,000 worth of antigens provided

to Struthio from OPKK, on the agreement that UOF would deliver the ostrich eggs to Struthio. **If the herd was killed, UOF would be in breach of its agreement with Struthio and Struthio would be liable for the antigen costs.**

81. To be clear, if the ostriches are not killed, UOF does not intend to, and will not, deliver any eggs to Struthio until all of CFIA's quarantine restrictions are removed. This important scientific research has been stopped without UOF being able to provide its ostrich eggs to researchers.
82. Requiring the destruction of UOF's ostrich flock) would cause irreparable harm to UOF. If UOF's entire flock is culled, UOF will lose its core breeding stock and its business will be devastated beyond recovery.
83. If UOF's flock is destroyed, Struthio will also lose its only source of ostrich eggs, halting Struthio's research and development efforts. The anticipated investment and commercialization opportunities (including those involving Dr. Tsukamoto and other partners) would collapse, causing significant irreparable harm to and Struthio's business.
84. 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.

i) Protests of CFIA's actions

85. There has been overwhelming support for UOF since CFIA issued its culling decision. This includes support from our Member of the Legislative Assembly, Member of Parliament, and others.

I have attached as **Exhibit “Q”** true copies of the letters of support we have received.

86. In addition to this support, people have come to our farm from across B.C., Alberta and as far away as Quebec to stand in solidarity with our animals facing unnecessary slaughter. Our supporters are kind, conscientious, and passionate defenders of animals and come from a wide variety of walks of life. They are peaceful and diligent and have worked hard to maintain a functional camp that has welcomed visitors and media from many places. We eschew confrontation with authorities and work closely with our local RCMP detachment to always address potential safety issues. We have implemented rigorous security protocols to ensure the safety of our guests and visitors and the public at large.
87. The looming cull of our healthy birds has raised widespread international media attention, as well as the interest of public health officials in the United States, including the Health and Human Services Secretary and the Center for Medicare and Medicaid Services Administrator, who have engaged CFIA officials and called for a stop to the cull.

I have attached as **Exhibit “R”** a printout of the May 28, 2025, *New York Times* article, “Canada Wants to Kill 400 Ostriches. Kennedy and Dr. Oz Want to Save Them.”

88. Additionally, animal rights campaigners, like Animal Justice, have stated the ostriches should not be killed and not be “forced to pay for the failures of factory farming.”

I have attached as **Exhibit “S”** a printout of the January 15, 2025, Animal Justice media release, “Statement on Planned Mass Killing at B.C. Ostrich Farm.”

89. I believe there is sufficient reason to stay the CFIA’s planned cull of our ostriches pending further scientific testing to determine their health status.

90. Allowing the ostriches to be tested and kept under quarantine, rather than immediately culled, is in the public interest. This approach would manage any potential avian influenza risk while avoiding the needless destruction of the flock. It would also preserve UOF’s business and Struthio’s ongoing research (and the potential health innovations from that research) for the benefit of the public.

91. As a director and owner of UOF, I confirm that UOF undertakes to abide by any order the court makes as to damages in the event that CFIA sustains damages as a result of UOF seeking a stay.

The deponent was not physically present before the commissioner but was present through video conferencing, and the process described for remote commissioning of Affidavits as outlined by the Law Society of British Columbia was utilized.

SWORN (OR AFFIRMED) BEFORE)
ME at Remotely in British Columbia)
on June 2, 2025)

David Bilinski

) DAVID BILINSKI

.....)
US)
A commissioner for taking)
affidavits for British Columbia)

Umar A. Sheikh
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AFFIDAVIT OF DAVID BILINKSI, sworn June 2, 2025

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This is Exhibit " A " referred to in the
 Affidavit of David Bilinski
 sworn (or affirmed) before me at
Victoria, BC
 this 2 day of June 2025.
US
 A Commissioner for Taking Affidavits for British Columbia

ORDER NO. N° DE COMMANDE	DATE DATE	May 23/2021	
SOLD TO VENDEUR A	Mountain Han Dog Sled Adventures		SHIP TO DESTINATAIRE
ADDRESS ADRESSE	Chris + Taryn Schwanke 3240 McGillivray Creek Rd. Heffley Creek, BC V0E 1Z1		ADDRESS ADRESSE
		Universal Ostrich Farm Inc 301 Langille Rd Edgewood, BC V0G 1S0	
SHIPPING DATE DATE D'EXPÉDITION	VA	TERMS CONDITIONS	TAX REG. INFO N° DE TAXE
		SOLD BY VENDEUR PAR	

QUANTITY QUANTITÉ	DESCRIPTION	PRICE PRIX	AMOUNT MONTANT
1	Rooster 444 WT - 4 years old Blue/Black	7500	
1	Rooster - 4 - BT - 5 years old. Blue	7500	
1	Hen - 234 232 BT - 5 years old Blue/Black	7500	
1	Hen 233. BT - 4 years old Black	7500	
1	Hen 231 BT - 4 years old Black	7500	
1	Hen 232 234 BT - 4 year old - Blue/Black	7500	
Deposit Paid - \$22,500 Apr 1/2021			
Final Payment Due immediately 22,500 May 23/2021			
Paid. N Koh Incubator \$4500 + Hatcher		\$4500	
		TVM - HST TPS - GST PST - TVP	149,500
		TOTAL	\$149,500

SALES ORDER
 FORMULAIRE DE VENTE

STAPLES 820

Development of neutralization antibodies against highly pathogenic H5N1 avian influenza virus using ostrich (*Struthio camelus*) yolk

KAZUHIDE ADACHI¹, EKOWATI HANDHARYANI³, DWI KESUMA SARI³, KENTARO TAKAMA¹, KEIKO FUKUDA¹, ISAKO ENDO¹, RYOHEI YAMAMOTO², MASAKI SAWA², MASARU TANAKA², ITSURO KONISHI² and YASUHIRO TSUKAMOTO¹

¹Laboratory of Veterinary Anatomy, Graduate School of Biology and Environmental Sciences, Osaka Prefecture University, Gakuencho 1-1, Sakai, Osaka 599-8531; ²Ostrich Breeding Farm 'Ostrich-Kobe', Kande-Housei, Nishiku, Kobe-City, Hyogo 651-2321, Japan; ³Departments of Veterinary Pathology and Veterinary Anatomy, Faculty of Veterinary Medicine, Bogor Agricultural University, Jl. Agatis Kampus IPB, Darmaga, Bogor 16680, Indonesia

Received December 3, 2007; Accepted January 4, 2008

This is Exhibit " B " referred to in the Affidavit of David Bilinski sworn (or affirmed) before me at Victoria, BC this 2 day of June 2025.
US

A Commissioner for Taking Affidavits for British Columbia

Abstract. The rapid outbreak of the highly pathogenic H5N1 avian influenza virus and its transmission to humans have induced world-wide fears of a new influenza pandemic. The most effective method for the reduction of the impact of such a pandemic would be prophylaxis with a safe and effective vaccine, as well as anti-viral materials. In this study, we generated the specific antibodies 'immunoglobulin yolk (IgY)' from ostrich eggs immunized with a full-length glycosylated recombinant H5 protein of the strain H5N1/Vietnam/1203/2004. Using this simple method, abundant specific antibody (about 200 g) against H5 was successfully produced by one female ostrich in a year. The IgY from the immunized ostrich eggs had strong reactivity to the H5N1 virus as well as to H5 proteins. Furthermore, the antibodies strongly inhibited cytopathic effects in MDCK cells and prevented the death of an embryonated chick after a viral inoculation, indicating strong neutralization activity against H5N1 infections. These findings suggest that the neutralization antibody produced by the H5-immunized ostrich is suitable for industrial purposes, such as the development of antibody-binding filters, which can be applied to a mask or to air-conditioners to prevent the influenza pandemic through antigen-antibody reactions. Of note, the mortality rate of chicks inoculated with the H5N1 virus was dramatically decreased with antibody injection. This indicates that ostrich IgY is a potentially effective therapeutic modality for H5N1 infection.

Introduction

Influenza is recognized as a zoonotic disease, with the most commonly affected animals being humans, pigs, horses and species of aquatic birds (1). Influenza viruses belong to the family *Orthomyxoviridae* and are divided into three types, A, B and C. A type viruses are responsible for major disease problems in humans as well as in avian species (2-4) and are further classified into subtypes on the basis of their antigenic properties, including hemagglutinin (HA) and neuraminidase on the viral particle. There is world-wide concern over the possibility of a new influenza pandemic, especially since the appearance of the highly pathogenic avian influenza viruses H5N1, which have the capacity for lethal infection in man. Since 1997, over 200 people have been infected with H5N1, resulting in a mortality rate of over 50% (5). In addition, the H5N1 virus has been able to spread by means of domestic and wild birds from Hong Kong, where it was first detected, across Asia, Africa, and into northern Europe. Should the H5N1 virus develop the ability to spread efficiently from man to man, there would be a high risk of worldwide pandemic causing considerable mortality and economic disruption (6). It has been discussed that the most effective method to reduce the impact of a pandemic would be prophylaxis with a safe and effective vaccine (6,7), as well as anti-viral materials including masks or facial tissues (8).

Antibodies are increasingly used for research, diagnosis and therapeutic purposes. However, antibodies from experimental mammals, including mice and rabbits, are not adapted for industrial use because of their high production cost. Of late, the avian egg as an antibody source has proven to be attractive for the non-invasive production of antibodies with applications in research, diagnosis and immunotherapy (9-11). In addition, the production of avian antibodies offers many advantages over mammalian antibodies in terms of their specificity for antigens, production cost and uses (9).

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 (12). Although the IgY and IgG of mammals are functionally

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equivalent, they differ with respect to certain physicochemical properties (13).

Recently, we developed a convenient method for the mass-production of antibodies using the female ostrich (*Struthio camelus*). The ostrich grows to up to 250 cm in height and 160 kg in weight, and has a life span of about 60 years. Its eggs weigh about 1.5 kg and are 30-fold bigger than chicken eggs. They can lay one hundred eggs every year. We can purify about 2 g of IgY per ostrich egg. Accordingly, about 200 g of IgY is obtained from only one ostrich in the course of a year. Recent developments in breeding have permitted low-cost egg production from the ostrich, because they can be fed the factory waste from bean sprout production. Accordingly, we strongly believe that the ostrich egg may provide an excellent source of antibody for industrial purposes (14).

In the present study, we tried to produce antibodies against H5N1 from ostrich eggs. The HA proteins of the influenza viruses were considered to be suitable antigens for the immunization of the ostrich for the following reasons: i) influenza virus entry is mediated by the receptor binding domain of HA, and adaptation of avian viruses to humans is associated with HA specificity, and ii) the blockage of HA antigens leads to inactivation of the viral infection to host cells. We herein show that a high amount of neutralizing antibody against H5N1 was generated by the ostrich using a simple and economical method, which may lead to the development of anti-viral materials against an influenza pandemic.

Materials and methods

Generation of antibodies against influenza virus HA antigens.

A mixture of HA antigens from vaccine strains of the human influenza virus (H1N1/NewCaledonia/20/99, H3N2/Hiroshima/52/2005 and B/Malaysia) (The Kitasato Institute Research Center for Biologicals, Japan) were used as antigens for the immunization of the ostrich, as well as H5 recombinant protein (rH5) purified from insect cells transfected with baculovirus vector inserting H5 gene of H5N1/Vietnam/1203/2004 (Protein Sciences, USA).

The laying ostriches were immunized intra-muscularly in the lumbar region at multiple sites with the mixture of HA (30 μ g/bird) or rH5 (50 μ g/bird) emulsified in Freund's complete adjuvant (FCA). The boosters were administered every other week with both the antigens in Freund's incomplete adjuvant (FIA). Eggs were collected daily from the initial immune day. The yolk was separated from the albumin using egg yolk separator, the volume of the yolk was recorded and it was later stored at -20°C . Serum samples were also collected every week and stored at -20°C .

The yolk was separated from the albumin of the eggs and diluted to 5-fold with TBS-buffer [0.02 M Tris/HCl (pH 7.5), 0.15 M NaCl], increased 1- to 10-fold with 30% dextran sulfate in TBS and 2- to 3-fold with 2.5 M CaCl_2 in TBS, then stored at 4°C for at least 4 h. The supernatant containing IgY was collected by centrifugation (10000 \times g at 4°C for 15 min) and precipitated with 45% saturated ammonium sulfate. The solution was centrifuged again at 10000 \times g at 4°C for 15 min. The precipitate was then re-dissolved in TBS and dialyzed against PBS. Finally, the purified antibody solutions were verified by 10% SDS-PAGE under non-reducing or

reducing conditions and stained with Coomassie Brilliant Blue (CBB).

Generation of rabbit polyclonal antibodies against ostrich IgY. An experimental rabbit (Japanese-White) was immunized subcutaneously in the lumbar region at multiple sites with purified ostrich IgY (50 μ g/body) emulsified in FCA. The boosters were given every other week with the same antigen in FIA. At the hyper-immunized stage, confirmed by ELISA, the serum was collected and the IgG purified with protein G as a routine procedure. The purified antibody fractions were verified by 10% SDS-PAGE under non-reducing conditions and stained with CBB. Finally, the purified IgG was conjugated with horseradish peroxidase (HRP) or FITC using the appropriate labeling kits (Dojin, Japan), then used as a secondary antibody (14).

Western blot analysis. rH5 proteins were separated with 10% SDS-PAGE in reducing conditions and electroblotted onto a nitrocellulose membrane (Bio-Rad). The membrane was air dried for 5-10 min, then blocked with blocking reagent (2% skim-milk in PBS) at room temperature for 1 h. After washing with a washing buffer (0.01 M PBS, pH 7.4 with 0.05% Tween-20), the membrane was incubated with the ostrich IgY against rH5 (1:4000) in the same blocking buffer at room temperature for 1 h on a horizontal shaker. Next, the membrane was washed and incubated with 1:5000 dilutions in blocking buffer of HRP-conjugated rabbit IgG against ostrich IgY at room temperature for 1 h. After thorough washing, the membrane was placed in peroxidase chromogenic substrate solution (0.01 M PBS, pH 7.4 with 0.05% diaminobenzidine and 0.03% H_2O_2) for 5 min, then immersed in excess distilled water to stop the color development. Finally, the Western blot membrane was digitally recorded using a gel documentation system (Fujifilm, Japan).

Enzyme linked immunosorbent assay (ELISA) using ostrich IgY.

Each well of polystyrene ELISA plates (Sumitomo Bakelite, Japan) was coated with 0.2 μ g HA antigens or rH5 protein in phosphate-buffered saline (PBS) and the plate was incubated overnight at 4°C . Each of the following incubation steps were preceded by washing the wells twice with PBS containing 0.05% Tween-20. The wells were blocked for non-specific binding by the addition of a commercial blocking buffer (DS Pharma Biomedical, Japan) and were incubated at 37°C for 2 h. The serial dilutions of purified IgY were added vertically to the wells and kept for incubation at 37°C for 1 h. HRP-conjugated rabbit IgG diluted (1:5000) in PBS was dispensed into each well. The plate was incubated for 1 h at 37°C . Later, a substrate buffer containing TMB (Sumitomo Bakelite) 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 the ELISA plate reader (DS Pharma Biomedical).

Viral infectivity (TCID_{50} and EID_{50}) assays.

The H5N1/Indonesian strain cloned from affected chickens was used throughout this study. The viral solutions were titered using a cell culture system (MDCK cells) onto 96-well microtiter

plates or embryonated chick eggs by serial 10-fold dilutions of the samples as a routine procedure.

Immunocytochemistry. MDCK cells seeded at a density of 5×10^4 on the well of the microtiter plate were infected with H5N1 virus (100TCID₅₀) for 2-3 days at 35°C. The cultures showing cytopathic effect (CPE) were fixed with 10% buffered formalin for immunocytochemistry. After washing in PBS, the cells were incubated with the ostrich IgY (1:4000) against HA or rH5 for 1 h at 37°C, and then incubated with FITC-conjugated rabbit IgG (1:4000) against ostrich IgY following a sufficient number of washes in PBS. Finally, the specific signal was observed under fluorescence microscopy.

Neutralization assays for H5N1 infection. For the standard neutralization assay on cell cultures, serial dilutions in 2-fold step ostrich IgY were mixed at a ratio of 1:1 with H5N1 virus (100TCID₅₀), incubated for 1 h at 37°C, and then transferred to a microtiter plate with a MDCK monolayer. After 2-3 days incubation at 35°C, the cultures were inspected for CPE. The neutralizing titer, expressed as the reciprocal of the IgY dilution at which virus growth is 50% inhibited, was calculated by the number of virus negative wells and the IgY dilution according to the report by Reed *et al* (15).

For the assay on the embryonated eggs, serial dilutions in a 4-fold step of ostrich IgY were mixed at a ratio of 1:1 with H5N1 virus (100EID₅₀), incubated for 1 h at 37°C, and injected into the allantoic cavity of the embryonic chicken eggs (10 days). After 2-3 days incubation at 35°C, the embryos were inspected for their death. The neutralizing titer, expressed as the reciprocal of the IgY dilution at which virus growth is 50% inhibited, was calculated by the number of survivors and the IgY dilution.

Antibody injection into H5N1-infected chicks. At 10 days of age, the chicks were intra-nasally inoculated with H5N1 virus at a dose of $10^{7.8}$ TCID₅₀. They were injected intra-muscularly with PBS or preimmune IgY (10 µg/bird) or IgY against rH5 (10 µg/bird) at 1 h post-inoculation with H5N1. Then all chicks were boarded in individual cages in a BSL3 laboratory in Indonesia (Vaksindo Satwa Nusantara). At 5-days post-viral-challenge, the number of dead chicks was counted and the results were expressed as the mean of dead birds in each experimental group (over 4 individuals in each group).

Results

Ostrich antibodies against HA antigen of influenza viruses. The IgY from the immunized ostrich with influenza virus HA antigens was purified from the yolk and visualized by SDS-PAGE. The molecular weight of ostrich IgY is around 200 kDa (heavy chain, 64 kDa; light chain, 28 kDa) and is heavier than that of rabbit IgG (Fig. 1). In a Western blot analysis, using a lysate of H5N1, the purified IgY from the rH5-immunized ostrich recognized the doublet bands of 45 and 25 kDa, corresponding to HA₁ and HA₂ of the H5 antigens, respectively (16) (Fig. 2). This indicated that the antibody against the H5 antigen of H5N1 was generated in the ostrich eggs.

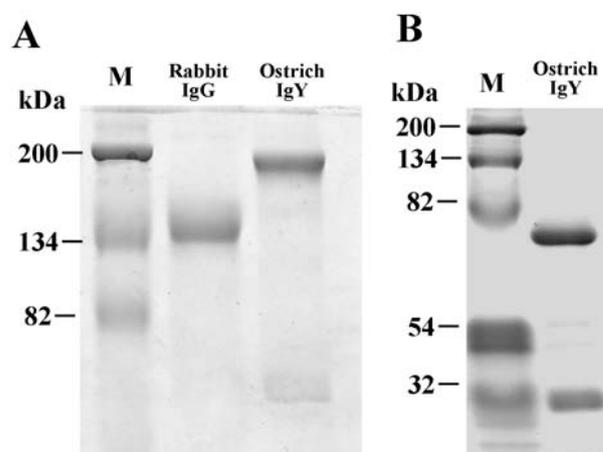


Figure 1. SDS-PAGE analysis of rabbit IgG and ostrich IgY. (A) Molecular weight of Rabbit IgG and ostrich IgY. Purified rabbit IgG and ostrich IgY were loaded under non-reducing conditions. The intact ostrich IgY is around 200 kDa - heavier than rabbit IgG, which is about 150 kDa. A faint band under 82 kDa in the ostrich IgY sample seems to be a heavy chain of IgY. (B) The heavy and light chains of ostrich IgY. The samples were heated at 95°C for 2 min under reducing conditions. The doublet bands of 64 and 28 kDa correspond to a heavy and light chain of IgY, respectively. M, molecular weight marker.

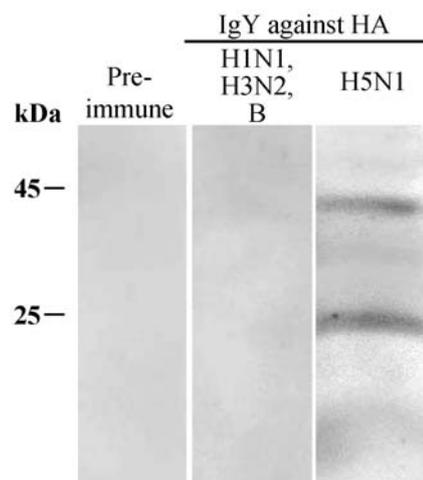


Figure 2. Western blot analysis of the HA antigen of the H5N1 virus. The reaction of ostrich antibodies to baculovirus-derived H5 recombinant protein (rH5) was examined by Western blotting. The HA (45 kDa) and HA₂ (25 kDa) proteins were strongly recognized by the IgY from rH5 immunized ostrich and slightly by HA (H1, H2, B) immunized ostrich. In contrast, no reaction was found by preimmune IgY.

The IgY against each HA antigen was titrated by ELISA in time course from the primary immunization day. The titers were increased dramatically in both serum and yolk from 2 weeks after the primary immunization time and reached the maximal peak at 8 weeks (data not shown). At the hyper-immune stage from 8 weeks on, about 2 g of IgY could be purified from one egg, indicating that it is possible to collect 200 g of IgY against the influenza virus from one female ostrich in one year. The ELISA titers of IgY against HA antigens are shown in Table I. The IgY from eggs immunized with HA-mixtures of antigens from the vaccine strains showed high reactivity to H1N1, H3N2 and B strains, but reacted

Table I. ELISA titers of ostrich IgY against influenza viruses HA antigens.

Antibodies against indicated HA antigens	Concentration (mg/ml)	Reciprocal IgY titer against indicated influenza virus HA antigens			
		H1N3	H3N2	B	H5N1
H1, H3, B	2	102400	204800	102400	3200
rH5	2	800	1600	800	51200

The IgY activities to each HA antigens of influenza viruses were measured by ELISA. The antibody titer was defined as the reciprocal of the highest IgY dilutions that produced an ELISA signal twice as intense as the signal from equivalently diluted preimmune IgY.

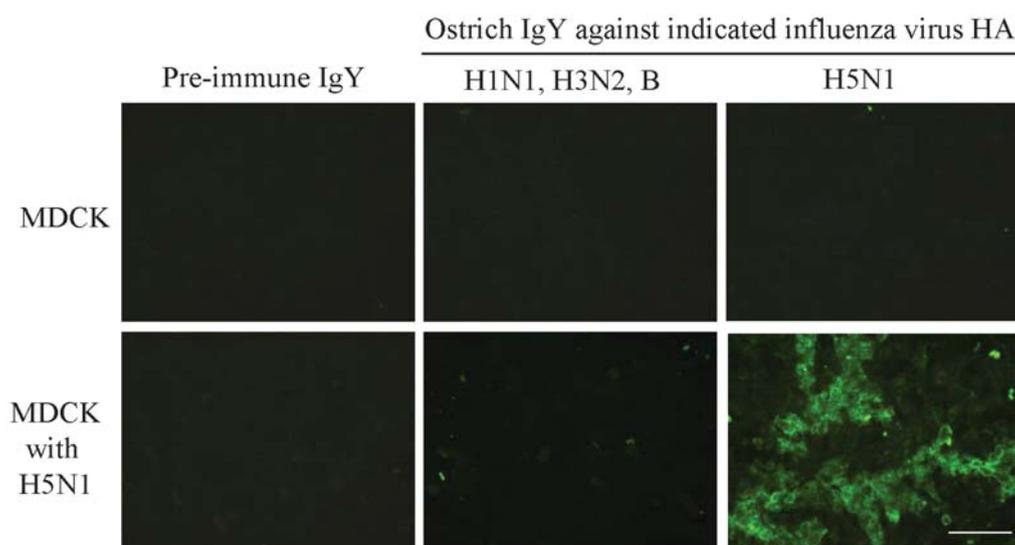


Figure 3. Immunocytochemistry of H5N1-infected MDCK cells. MDCK cells were reacted with ostrich IgY, and visualized by FITC-conjugated secondary antibody. Normal MDCK cells have no immunoreactivity to all antibodies. The H5N1-infected cells are not stained with preimmune IgY. In contrast, the cytoplasm of infected cells are stained strongly with the IgY from H5 immunized ostrich, but only slight with IgY from mixed HA (H1, H3, B) immunized bird. Bar, 50 μ m.

more weakly to the H5N1 strain. In contrast, IgY from rH5-immunized eggs reacted strongly to H5N1, but only weakly to the H1N1, H3N2 and B strains.

Next, the reactivity of ostrich IgY was examined in immunocytochemistry. MDCK cells were infected with the Indonesia strain of H5N1 and stained with antibodies. The cytoplasm of infected cells was strongly labeled with IgY from rH5-immune eggs, but not with pre-immune IgY (Fig. 3). In contrast, IgY from eggs immunized with HA from the vaccine strains showed only weak immunoreactivity to the H5N1-infected cells.

These results indicate that high titers of antibodies against the H5N1 virus are collected from eggs immunized with H5 antigens. For this reason, antibodies from the H5-hyperimmune eggs were used for further examinations.

Neutralization assays for H5N1 infection. MDCK cells and embryonated eggs were used for the neutralization assays. The H5N1 virus was reacted with serial dilutions of IgY from preimmune or rH5-immunized eggs, and neutralization was determined by the observation of CPE and embryonic death. IgY with rH5-immunization showed very strong inhibitory

effects on H5N1 infection in either MDCK or chick embryos (Fig. 4 and Table II). In contrast, H5N1 infection was not blocked in either of the analyses, even at the highest concentrations of preimmune IgY, indicating no neutralization activity on the H5N1 infection.

Effect of ostrich IgY on H5N1-infected chicks. The inhibitory activity of IgY from rH5-immunized ostrich was examined in H5N1-infected chicks in order to elucidate the potential therapeutic uses of ostrich IgY.

A high dosage of the H5N1 Indonesian strain ($10^{7.9}$ TCID₅₀) was intra-nasally challenged to 10-day-old chicks. All the birds (100%) died by 5-days post-inoculation and experienced severe clinical symptoms including dehydration and depression. In contrast, the mortality rate of the infected birds was dramatically decreased by the intra-muscular injection with anti-H5 IgY: only 25% of the birds died by viral infection, and the survivors had no symptoms (Fig. 5). All infected birds died when the preimmune IgY was injected instead of the rH5-immune antibody. Accordingly, the anti-H5 IgY had a therapeutic effect on H5N1-infected chickens, even at the low dosage.

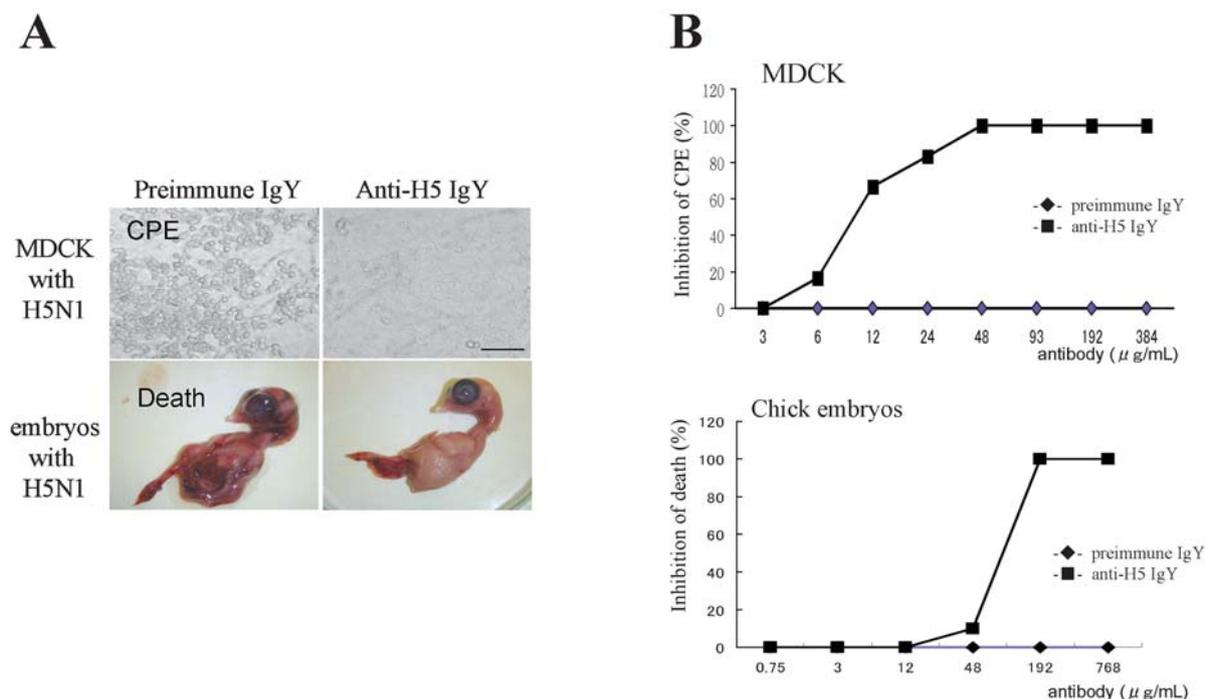


Figure 4. Neutralization activities on ostrich IgY for H5N1 infection. (A) MDCK cells infected with H5N1 virus show severe CPE on their monolayer sheet. IgY from H5 immunized ostrich (anti-H5 IgY) inhibit CPE, while preimmune IgY has no effect on the cells. Bar, 50 μm . (B) Neutralization activities of ostrich IgY on H5N1 infection were analyzed using MDCK cells and embryonated chick embryos. Anti-H5 IgY shows inhibitory activities on H5N1 infection in both MDCK and chick embryos, while preimmune IgY has no effect, even at the highest dosage.

Table II. Neutralizing titers of ostrich IgY against H5N1 strain.

Antibodies against indicated HA antigens	Neutralizing titers (50% inhibition)	
	MDCK cells ($\mu\text{g/ml}$)	Embryonic eggs ($\mu\text{g/ml}$)
Preimmune IgY	>384	>768
rH5	6.7	63.4

The neutralization assays were performed using MDCK cells and chick embryos. The neutralizing titers are indicated as the 50% inhibition on CPE or embryonic death.

Discussion

In the present study, large-scale and economical antibodies against the highly pathogenic avian influenza virus H5N1 were generated by employing the female ostrich. To do so, HA antigens were immunized to obtain neutralization antibodies. Since HA binds to the receptors and is essential for viral entrance into the host cells, these antigens are widely used in the vaccine for influenza (17,18). Recently, various attempts have been made to prevent H5N1 pandemic infections (7,19,20). H5 antigens are used to develop vaccines against H5N1, and therapeutic monoclonal antibodies by H5 vaccinations can be evaluated before the emergence of human-adapted H5N1 strains (19,21).

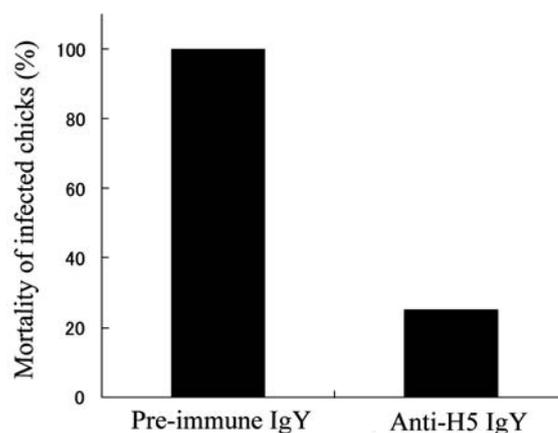


Figure 5. Effects of ostrich IgY on H5N1-infected chicks. The chicks were intra-nasally challenged with high titered H5N1 virus and infected with ostrich IgY. The dead chicks were counted at 5 days post-viral-inoculation and the mortality rate was calculated. All of infected birds died by 5 days, and preimmune IgY had no inhibitory effect on mortality. In contrast, the mortality of infected chicks was remarkably decreased by an injection with IgY from H5-immunized ostrich (anti-H5 IgY).

The HA antigens were also highly antigenic in the ostrich; we could obtain ample IgY from the female birds by immunizing them with the HA antigens of the human influenza vaccine strains of H1N1, H3N2, B and the highly pathogenic avian influenza virus H5N1. Since ostrich IgY are polyclonal, the antibodies generated with the HA of the human vaccine strains are slightly reactive to H5, which are likely to be raised from the homology of epitopes among these antigens.

We used the IgY from the rH5-immunized ostrich for neutralization and therapeutic assays against H5N1 infections,

because this antibody had a much higher titer on the H5 antigen in comparison to other antibodies with human vaccine strains. In addition, rH5-immunized IgY was highly reactive to the H5N1-infected MDCK cells in immunocytochemistry. Therefore, this rH5-immunized IgY might be developed as a diagnostic tool for the H5 virus. In an ELISA against the H5 antigen, the titer of rH5-immunized IgY reached maximum levels at 8 weeks post initial immunization in the serum and yolk. The antibodies were successfully transferred from blood to yolk, which can then be non-invasively obtained by simple collection of the eggs, making it possible to obtain a high amount of anti-H5N1 antibody (200 g in total) from one female ostrich in a year. In neutralization assays, rH5-immunized IgY could inhibit H5N1 infection successfully in either MDCK cells or embryonic eggs. The H5N1 virus is highly virulent to chick embryos and it is difficult to protect them from virus infection using antibodies. However, in the present study ostrich IgY could inhibit H5N1 infection even in the embryos, although the volume of antibodies needed for viral protection was larger in embryos than in MDCK cells.

For the protection of poultry, neutralizing antibodies to HA and neuraminidase proteins have been reported to provide primary protection against the highly pathogenic avian influenza (22). In addition, the prophylactic and therapeutic efficacy of human monoclonal antibodies was elucidated by the H5N1 infections (21). One particularly interesting and potentially important finding of the present study was the observation that the chicks were protected by a low dosage of H5 immunized IgY from the H5N1 infection. This finding leads to the potential development of ostrich IgY for therapeutic treatment against an H5N1 pandemic. For the protection of poultry, a neutralizing antibody to the hemagglutinin and neuraminidase proteins provides the primary protection against the highly pathogenic avian influenza. It has been reported that chicken IgY has been used for therapeutic purposes: IgY preparations are administered to patients suffering from infectious diseases including rotaviruses, enterotoxigenic *Escherichia coli*, coronavirus, *Salmonella spp.*, *Edwardsiella tarda*, *Yersinia ruckeri*, *Staphylococcus* and *Pseudomonas* (23,24). Therefore, we believe that ostrich IgY is a promising alternative to antibiotics for passive immunotherapy application as well as for chicken antibody.

Because most of the human population has no immunity to H5N1, the most effective method for the reduction of the impact of a pandemic has been reported to be prophylaxis with a safe and effective vaccine (6). In addition, anti-viral materials are recommended for the prevention of an influenza pandemic (8). In this study, a large amount of neutralization antibodies against H5N1 were produced with cost effectiveness, which indicates the potential use of ostrich antibody for industrial purposes, thus including the development of anti-viral materials. It is speculated that the IgY on the filters can capture the viral particles of H5N1 by antigen-antibody reactions, so the virus would be trapped by the filters and not pass through them. In addition, the virus might be neutralized on the filters, because HA is masked with IgY and cannot enter host cells. In the preliminary study, we found that the infectivity of H5N1 was dramatically decreased by the filters adsorbed with ostrich IgY generated by H5 immunizations (data not shown). We are now attempting to apply the ostrich

IgY onto masks of either the N95 or surgical type to protect humans from an influenza pandemic caused by the H5N1 virus. In the event of such a pandemic, where effective vaccine and antiviral medicines may be lacking, disrupting the environmental transmission of the H5N1 virus will be the only viable strategy for the protection of the people. We believe that filters impregnated with ostrich antibodies will be a powerful tool for protection against the influenza pandemic.

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May 6, 2020

Universal Ostrich Farms Inc. / Omega Ostrich Inc.
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This is Exhibit " C " referred to in the
 Affidavit of David Bilinski
 sworn (or affirmed) before me at
Victoria, BC
 this 2 day of June 2025.
US
 A Commissioner for Taking Affidavits for British Columbia

Attention: Dave Billinski and Karen Espersen

Dear Dave & Karen:

Re: Supply Request Ostrich Antibodies – Letter of Intent ("LOI")

Further to our recent correspondence, we are pleased to provide this LOI. The objective of this letter is to provide an indication of Breathe Medical Manufacturing Ltd.'s ("Breathe Medical") interest in effecting a transaction that will result in the purchase by Breathe Medical of Ostrich Antibodies provided by Universal Ostrich.

Breathe Medical would seek to secure the following:

- Exclusive Canadian rights to apply the antibodies to medical masks, specifically:
 - o Disposable Surgical Masks
 - o N95 Cup Masks
 - o N95 and KN95 Flat Fold Masks
- Supply of Ostrich Antibodies to be able to apply to 10,000,000 masks per month
- Interest in securing supply of up to 60,000,000 masks per month
- Initial 5-Year term with first right of refusal to extend for an additional 5-year term
- Option at the expiry of each - year term to renew for a further 5-year term
- Price of \$0.30 USD per mask with the understanding that when Universal Ostrich recoups their capital costs a new pricing model will be negotiated.

The above would be subject to the following:

- Approval by Health Canada
- Third party verification by a reputable laboratory in the United States and Canada backing claims made by Universal Ostrich on the effectiveness in the Antibodies in eliminating bacteria and viruses
- Price negotiation that makes sense based on market research and market trends

We are very much interested in continuing the conversations that we have had and look forward to the opportunity to work with Universal Ostrich on a long-term basis.

Sincerely,



Shane Broesky
Director, Supply Chain & Product Development
Office: 1-778-738-1260
Mobile: 1-778-870-2603
Email: shane@breathemedical.ca

This is Exhibit " D " referred to in the
 Affidavit of David Bilinski
 sworn (or affirmed) before me at
Victoria, BC
 this 2 day of June 2025.

 A Commissioner for Taking Affidavits for British Columbia

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

From: Frédéric Leduc <fleduc@ibiosolutions.com>
 Date: Thu, Feb 3, 2022 at 11:52 AM
 Subject: Re: License Agreement
 To: Karen Espersen and Dave Bilinski <universalosrich@gmail.com>
 Cc: Amal Loudghi <aloudghi@ibiosolutions.com>

Hi Dave and Karen,

Here are our answers/comments/suggestions in red!

First question:

Are you receptive to making the agreement into two agreements? One a Antigen license and the other a Know How agreement?

Yes, it is certainly possible to create two agreements.

"Know-How" Agreement

- Confirm that IBio can extract & purify IgY antibody for Struthio until Struthio's manufacturing site is up and running
 - If yes, how will IBio be compensated for this work. Will it be a \$/mg basis or something else? Or, will it be covered by the annual fee & royalty?

Yes, NewCo (spin-off of Immune Bio) can purify antibodies for Struthio, until the manufacturing site is operational. There are different possibilities for compensation, but to match the know-how agreement, it could be an hourly rate + royalties, but this can be flexible.

- You mentioned you'd like the agreement to be for 5 years.
 - Is this acceptable to IBio?
 - I would propose a 2 year Transfer Period followed by a 3 year Use Period. Is this acceptable to IBio?

We proposed a 12 year agreement (5 years for transfer + 7 years of use). During the transfer period, we will provide training and support. We can certainly reduce/condense/accelerate the transfer period (with less dedicated hours), but the royalties on the know-how (use period) must stand for the 12 years.

- Confirmation of license payment terms. You indicated the following as being acceptable to Struthio:
 - Upfront Payment: \$15,000
 - Annual Payment: \$10,000

We need to discuss the royalty for the Transfer Period and the Use Period.

License payment terms can be adjusted depending of the final length of transfer period and royalties.

Antigen License

- Will IBio be charging you a price for the antigen or will it be covered by the license fee? If you can get a lower royalty by paying for the antigen, I'd suggest going that route.

This point was indeed not included in the license draft, and should be discussed further. Cost of the vaccines should be separated from the royalties (there are no annual or upfront license fees).

- IBio has proposed a 5% royalty. This isn't too bad depending on what royalty you need to additionally pay under the "Know-How" agreement.
 - If there will be a 2.5% royalty in the "Know-How" agreement, I suggest we start at 2.5% in the antigen agreement.

Royalties for the COVID vaccine and the royalties for the Know-how must stay independent, as it relates to two different set of IP. However, we could consider adding a cumulative royalties clause, like this:

Other License. Notwithstanding anything to the contrary in this Agreement or in the Other License, it is understood and agreed that, on a Product or Service-by-Product or Service basis, cumulative Earned Royalties payable under this Agreement and the Other License shall never exceed a total of X percent (X%).

This clause can be added to the COVID vaccine license.

- I suggest you talk to Fred about a desire to have a total royalty of 5% as between the agreements.

Unlikely.

- Patentability: Does IBio have any information regarding the likelihood of being able to obtain a patent for their antigens?

We have circled back with our patent lawyers, and patenting the vaccine is nearly impossible because of the level of public data available. In other words, almost every peptide of the SARS-CoV-2 Spike protein has been tested and published. Novelty will be very hard to demonstrate. We discussed the option of having all royalties tied to antigen supply. Is Fred receptive to this? This is very difficult for us. We cannot take the risk of spending a lot on vaccine production, and only royalties. That's an enormous risk that we have already taken for two production seasons (over 80k\$), and we are not talking about the R&D efforts to test and optimize the vaccine. We don't have that possibility anymore.

Fred

Frédéric Leduc, Ph. D.
Chief Business Officer
Immune Biosolutions
fleduc@ibiosolutions.com
1-855-346-3449 ext 700
immunebiosolutions.com

De : Karen Espersen and Dave Bilinski <universalostrich@gmail.com>

Date : vendredi, 28 janvier 2022 à 12:49

À : Frédéric Leduc <fleduc@ibiosolutions.com>

Objet : License Agreement

Hi Fred.

Sorry for the delay, we are trying to move this license agreement forward as soon as possible. Here are the questions from our lawyer to put a bit of clarity to some of the questions that are arising from the agreement.

First question:

Are you receptive to making the agreement into two agreements? One a Antigen license and the other a Know How agreement?

“Know-How” Agreement

- Confirm that IBio can extract & purify IgY antibody for Struthio until Sturthio's manufacturing site is up and running
 - If yes, how will IBio be compensated for this work. Will it be a \$/mg basis or something else? Or, will it be covered by the annual fee & royalty?
- You mentioned you'd like the agreement to be for 5 years.
 - Is this acceptable to IBio?

o I would propose a 2 year Transfer Period followed by a 3 year Use Period.¹⁴ Is this acceptable to IBio?

• Confirmation of license payment terms. You indicated the following as being acceptable to Struthio:

o Upfront Payment: \$15,000

o Annual Payment: \$10,000

We need to discuss the royalty for the Transfer Period and the Use Period.

Antigen License

• Will IBio be charging you a price for the antigen or will it be covered by the license fee? If you can get a lower royalty by paying for the antigen, I'd suggest going that route.

• IBio has proposed a 5% royalty. This isn't too bad depending on what royalty you need to additionally pay under the "Know-How" agreement.

o If there will be a 2.5% royalty in the "Know-How" agreement, I suggest we start at 2.5% in the antigen agreement.

• I suggest you talk to Fred about a desire to have a total royalty of 5% as between the agreements.

• Patentability: Does IBio have any information regarding the likelihood of being able to obtain a patent for their antigens?

We discussed the option of having all royalties tied to antigen supply. Is Fred receptive to this? These are questions from the lawyer. Can you please let us know your thoughts? We would like to have a call and our lawyer had said that maybe both lawyers being on the call would be great so we can draw up some license agreements that everyone is happy with. Let us know what works for you?

Can we also get an update on test results? We will be talking with Stu in regards to getting Dr. Tsukamoto's sample as well. Stu was going to once again look into it.

We have another group that is looking at buying the antibodies but we are in initial talks with them right now. We will let you know as we might need you on a zoom call with them to help finalize a deal.

Cheers,
Karen and Dave

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Gowling WLG (Canada) LLP is a member of Gowling WLG, an international law firm¹⁵ which consists of independent and autonomous entities providing services around the world. Our structure is explained in more detail at www.gowlingwlg.com/legal.

References to 'Gowling WLG' mean one or more members of Gowling WLG International Limited and/or any of their affiliated businesses as the context requires. Gowling WLG (Canada) LLP has offices in Montréal, Ottawa, Toronto, Hamilton, Waterloo Region, Calgary and Vancouver.

Struthio BioSciences (“Struthio”) Business Plan – December 2024

1. Introduction

We present a plan for introducing OstriTrim, a powerful and safe dietary supplement that will compete against the GLP-1 Receptor Agonist (GLP-1 RA) obesity drugs in an important market – U.S. employer-funded health plans. Besides higher efficacy and safety, OstriTrim can be used to maintain weight loss, a failing of the GLP-1 RA drugs. Finally, we demonstrate that OstriTrim will contribute positively to the client’s bottom line, unlike the GLP-1 RA drugs, which are a major net negative.

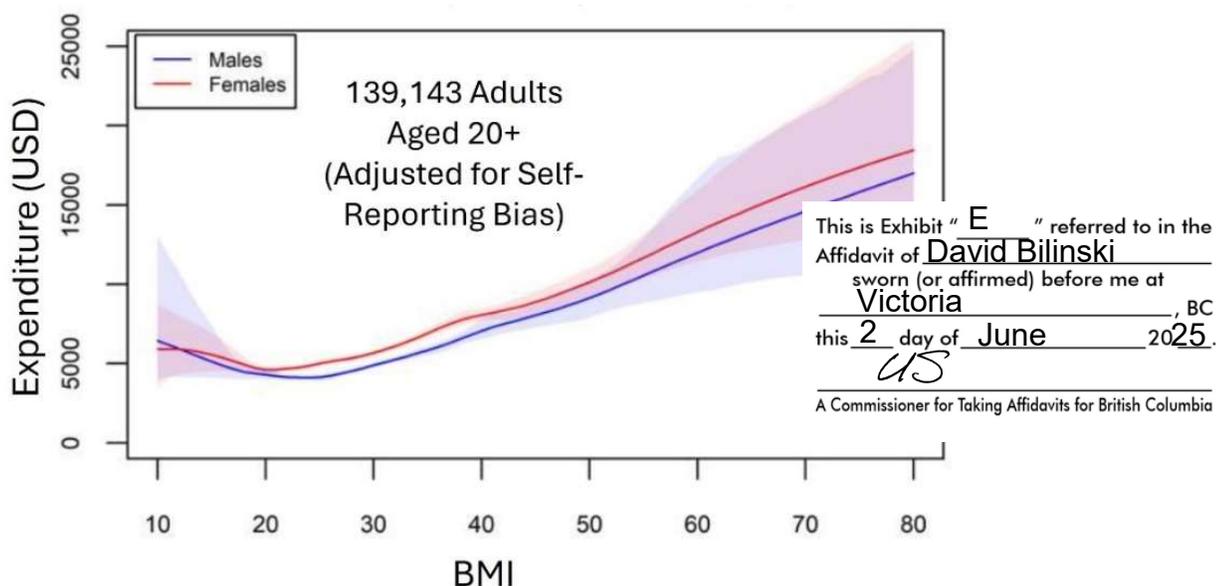
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2. Obesity and GLP-1 RA Drugs

2.1 Obesity

Obesity is a major risk factor for various non-communicable diseases like type 2 diabetes, heart disease, stroke, and some cancers. The World Health Organization estimates approximately 900 million obese individuals worldwide. In the U.S. the CDC estimates an adult obesity level of 40.3 per cent.

There is enormous cost associated with obesity. Researchers ¹ at the Harvard T. H. Chan School of Public Health and George Washington University were able to create a regression model linking medical expenditure and body mass index² (BMI). The relationship is shown below.



Based on this analysis, each unit of BMI reduction for the obese would result in an average annual savings of \$253 in 2019 dollars, or \$294 in 2024 dollars.

¹ [Association of body mass index with health care expenditures in the United States by age and sex](#), Z. J. Ward, S. N. Bleich, M. W. Long, S. L. Gortmaker, *PLoS One*. 2021; 16(3)

² BMI = (weight in kilograms) / (height in meters)²

2.2 GLP-1 RA Drugs and Their Market

GLP-1 receptor agonists (GLP-1 RA) drugs have revolutionized the treatment of type 2 diabetes and obesity. Discovered in the 1980s, GLP-1 RAs mimic the actions of the naturally occurring hormone glucagon-like peptide-1 (GLP-1), which stimulates insulin secretion and suppresses appetite. The first GLP-1 RA, exenatide, was approved in 2005, followed by a wave of longer-acting and more convenient formulations.

GLP-1 RAs represent the first, at-scale, therapeutic drug success for weight management. The global GLP-1 RA market was valued at approximately \$24.4 billion in 2023 and is projected to grow at a CAGR of 9.7% from 2024 to 2032 to \$55.7 billion³. This growth will be driven by an increasing prevalence of diabetes and obesity, the development of novel formulations, and the expansion of their therapeutic indications.

2.3 Performance of GLP-1 RA Drugs and Shortcomings

We use Novo Nordisk's GLP-1 RA drug Semaglutide (Wegovy and Ozempic) as an example. The "Step 1" trial⁴ reported a monthly weight loss of 0.96 kilograms. Novo Nordisk also reported⁵ that the most common side effects of Wegovy are gastrointestinal in nature. These include nausea (up to 44%), diarrhea (up to 30%), vomiting (up to 24%), constipation (up to 24%), abdominal pain (up to 20%). Less common side effects of Wegovy include pancreatitis, gallbladder problems, thyroid tumors, kidney problems, and low blood sugar.

Other reported shortcomings are more serious:

- According to Blue Cross Blue Shields analysis of actual usage data, 58% of members terminate usage of GLP-1 RA drugs before the end of 12 weeks, achieving no clinical success⁶
- Adherence to the treatment regimen drops to 32% by the end of first year⁷
- 67% of lost weight is regained within one year after cessation⁸
- Patients on GLP-1 RAs exhibited a 195% higher risk of major depression, a 108% increased risk for anxiety, and a 106% elevated risk for suicidal behavior⁹

³ [Global Market Insights Report ID: GMI5864 November 2024](#)

⁴ [Once-Weekly Semaglutide in Adults with Overweight or Obesity](#), New England Journal of Medicine, 2021 (Novo-Nordisk "STEP 1 Study Group")

⁵ [Wegovy safety data from three phase 3 weight-management clinical trials](#)

⁶ [Real-World Trends in GLP-1 Treatment Persistence and Prescribing for Weight Management](#), (Blue Cross/Blue Shield Issue Brief, May 2024)

⁷ [Real-World Analysis of Glucagon-Like Peptide-1 Agonist \(GLP-1a\) Obesity Treatment One Year Cost-Effectiveness and Therapy Adherence](#). (Blue Cross/Blue Shield Study)

⁸ [Weight regain and cardiometabolic effects after withdrawal of semaglutide](#). (STEP 1 Study Group)

⁹ [The risk of depression, anxiety, and suicidal behavior in patients with obesity on glucagon like peptide-1 receptor agonist therapy](#) (Nature.com Scientific Report), (2024) 14:24433

- Serious concerns on cost-effectiveness have been expressed ¹⁰

3. The OstriTrim Dietary Supplement

3.1 Ostrich Antibodies

Ostriches are a remarkably valuable source of powerful antibodies. Over its 23-million-year life as a species, the ostrich's immune system has adapted to become what many scientists consider to be the best of any animal. Within 4 weeks after immunization with an antigen, antibodies will appear in egg yolks. Ostrich antibodies are highly resistant to stomach acid and digestive processes, making oral delivery practical.

Struthio's Board Chairman Yasuhiro Tsukamoto, DVM, Ph.D., currently serving as President of Kyoto Prefectural University, has led research efforts in ostrich IgY. These efforts involved the production and testing of antibodies against a wide range of pathogens, allergens, toxins, hormones, and enzymes. Dr. Tsukamoto's Japanese company, Ostrich Pharma KK, holds more than 20 patents, covering both the process for producing the IgY as well as specific antibodies that were created. Ostrich Pharma KK has licensed them exclusively to Struthio for distribution outside of Japan.

3.2 OstriTrim Product

OstriTrim is a dietary supplement that contains the yolk of eggs produced by ostrich hens hyperimmunized against the human digestive enzymes amylase, sucrase, maltase, lactase, and lipase. OstriTrim works by neutralizing the bulk of these enzymes, thereby reducing the amount of carbohydrates and fats that are digested in a meal or snack. It has been referred to humorously as "dieting without dieting."

OstriTrim acts solely in the small intestine. The ostrich antibodies are too large to pass through the intestinal wall, so there is no entry into the bloodstream and consequently no systemic side effects. As a dietary supplement with no direct action on the body, OstriTrim does not require pre-market approval by the U.S. FDA or other regulatory entities.

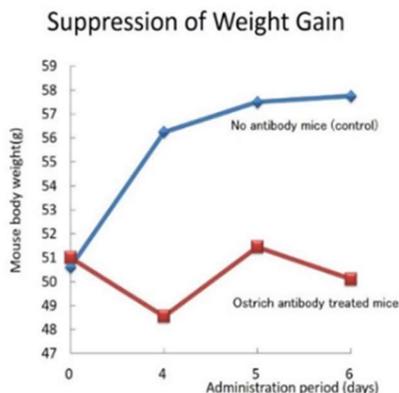
OstriTrim is covered by patents, including U.S. Patent US20180319896A1. ¹¹

3.3 Experience in Japan

Animal testing in Japan included providing mice with high fat intake and antibody dosage. Weight gain was clearly suppressed. The testing also demonstrated the suppression of post-prandial blood glucose level and triglycerides.

¹⁰ [Medications for obesity management: Effectiveness and value](#) (Summary Report from ICER - Institute for Clinical and Economic Review)

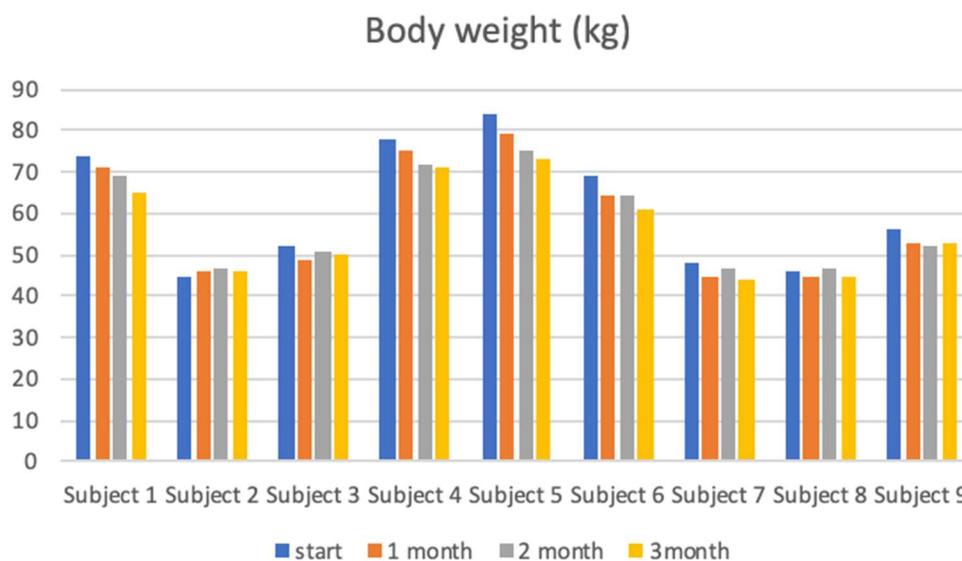
¹¹ [Method for manufacturing digestive enzyme antibody and egg having same, and for manufacturing processed product containing egg as ingredient thereof and composition including antibody](#)



No antibody (control) **Ostrich antibody treated**

High-fat daily diet in old mice allowed to eat freely.

Modest human testing was also conducted in Japan. A nine-person three-month study was performed by physicians at the Osaka University School of Medicine. Daily dosages were recommended, and there were no restrictions on food intake or exercise. The resulting weight measurements are shown below. Lower weight individuals, under 110 pounds, did not lose any appreciable weight; obese individuals did.



MetaSorb, a product containing digestive enzyme antibodies, has been manufactured by Zeal Cosmetics and sold in health food stores in Japan. MetaSorb has had just modest success, primarily because Japan has one of the lowest obesity rates in the world. According to the World Health Organization the prevalence of obesity in adults aged 18 and older in Japan is around 4.3% for women and 6.0% for men, about one-tenth the level of the U.S. The product has been positioned primarily to avoid weight gain from occasional heavy meals, not to lose weight.

4. Basic Advantages of OstriTrim Over GLP-1 RA Drugs

Using Semaglutide as a representative drug, OstriTrim has these basic advantages:

- Monthly weight loss (OstriTrim 3.3 kg vs. Semaglutide 0.96 kg)
- Monthly cost (OstriTrim \$600 vs. Semaglutide \$1,135)
- Side effects (OstriTrim none vs. Semaglutide's issues described in Section 2.3)

A critically important matter is the maintenance of weight loss. Since obesity is a chronic disease, cessation of both OstriTrim and GLP-1 RAs will cause weight to be regained. There is no maintenance dosage of GLP-1 RAs. Full dosage is required to cause the brain to suppress appetite and increase satiety. With OstriTrim, reduced dosage or usage frequency can eliminate weight regain.

5. OstriTrim Target Market and Strategy

5.1 Employer Self-Funded Health Insurance Plans

According to a 2023 study by Statista¹², 86% of companies with 1,000-4,999 employees offer self-funded health insurance plans. For companies with 5,000 or more employees, this percentage rises to 96%.

The Kaiser Family Foundation reported,¹³ as of March 2023, approximately 164.7 million people under the age of 65 in the U.S. were covered by employer-sponsored health insurance. A study by the American College of Occupational and Environmental Medicine (ACOEM)¹⁴ estimates that 29% of employed adults in the U.S. are obese. Thus, the number of obese people in the U.S. covered by employer health plans is estimated to be 47.8 million.

An Accolade survey¹⁵ of 500 employers determined that 25 percent of employers offer coverage of GLP-1 RA drugs, and that percentage is expected to grow to 43 percent in 2024. 38% cited cost as a potential barrier to providing coverage.

5.2 Obesity Cost for Employer Self-Funded Health Insurance Plans

In 2023 there was a total cost of \$265.1 billion to employers due to obesity, consisting of:

- Direct medical costs: \$146.5 billion
- Disability payments: \$31.1 billion
- Workers' compensation: \$5.2 billion
- Absenteeism: \$82.3 billion

¹² [Percentage of U.S. workers covered by self-funded health insurance plans in 2023, by plan type and firm size](#)

¹³ [Employer-Sponsored Health Insurance 101, May 28, 2024](#)

¹⁴ [Obesity Has Causal Impact on Job Absenteeism and Related Costs, July 11, 2021](#)

¹⁵ [Press Release: GLP-1 Coverage in Employer Plans Could Nearly Double in 2024](#)

In effect, for employer self-funded plans, every dollar of medical cost for the obese and overweight, goes along with an accompanying cost of 45 cents. Thus, an employee's loss of 1 BMI produces direct annual savings of \$352 for the employer, along with annual absentee cost savings of \$106.

5.3 OstriTrim and Semaglutide Cost-Benefit Comparison

It is instructive to compare the cost-benefit of OstriTrim and Semaglutide through the example of an obese employee losing 40 pounds. In this example, the employee using OstriTrim reaches the target weight in 4 months and then transitions to a maintenance level at one-sixth of the weight loss level. The employee using Semaglutide achieves the 40-pound loss in 19 months, and then ceases usage, since there is no maintenance dosage for GLP-1 RA drugs. The details of the example are shown below¹⁶.

	OstriTrim	Semaglutide
Months to Achieve	4	19
Monthly Cost	\$600	\$1,135
Monthly Maintenance Cost	\$100	\$0
First Year Cost	\$3,200	\$13,620
First Year Savings	\$2,335	\$1,480
Second Year Cost	\$1,200	\$7,876
Second Year Savings	\$2,335	\$2,335
Third Year Cost	\$1,200	\$0
Third Year Savings	\$2,335	\$778
Succeeding Years Cost	\$1,200	\$0
Succeeding Years Savings	\$2,335	\$778

Savings include healthcare, workers' compensation, and disability. We do not include absenteeism. The savings for Semaglutide drop off dramatically because 2/3 of the lost weight is regained.

Since average employment duration in large companies is 5 years, it is illuminating to look at the 5-year net present value of the annual net savings (savings – cost).

Net Savings	Year 1	Year 2	Year 3	Year 4	Year 5	5 yr NPV @ 5%
OstriTrim	(\$865)	\$1,135	\$1,135	\$1,135	\$1,135	\$3,010.66
Semaglutide	(\$12,140)	(\$5,541)	\$778	\$778	\$778	(\$14,666.39)

¹⁶ Notes: (1) OstriTrim user switches to maintenance in month 5; (2) Savings = Medical + Disability + Workers Comp; (3) Semaglutide savings drop due to the regaining of 2/3 of the lost weight

Beyond the improvement of employee health and well-being, and likelihood of retention, OstriTrim makes a positive contribution to the bottom line of the company.

5.4 Business Concept

OstriTrim will be distributed through partnerships with third-party administrators (TPAs) of employer self-funded plans. Employers would offer OstriTrim at no charge to employees.

The TPA would sign up employees and pass orders for OstriTrim to Struthio for shipping to participating employees. The TPA would bill the employer for OstriTrim and collect payment.

We would also establish an exclusive partnership with a health services provider that is currently providing services such as telemedicine, virtual care, and nurse advice lines. The partner would:

- Introduce and help sell OstriTrim participation to their TPA clients
- Provide guidance and support to employees using OstriTrim

The TPAs and the health services provider would share in OstriTrim revenue.

6. OstriTrim Production

Production of the OstriTrim product is totally driven by the provision of ostrich eggs with yolk containing the requisite antibodies. Ostrich egg production is seasonal, not year-round. Ostriches are vaccinated each year before the start of laying season, and one or boosters follow through the course of the season.

A mature ostrich hen lays about 30 eggs per year. After eggs are collected, the yolks are freeze-dried for storage and eventual inclusion with other ingredients to be pressed into tablets. Each egg contains antibodies sufficient to produce 15 one-month supply bottles of OstriTrim.

Struthio has an exclusive agreement with Universal Ostrich (“UO”), a British Columbia, Canada company, to supply ostrich eggs at a price of USD 500 per egg. UO has developed a network of satellite farms in the U.S. and Canada. The UO network business model will enable enormous growth in the number of ostriches producing the antibodies for OstriTrim. Prior to teaming with Struthio their business model was selling breeding ostriches to the satellite farms, and then buying back yearling ostriches for meat, oil, feather, and leather processing. The plan is to divert ostriches from processing, maintaining them for an additional year until maturity, and then assigning them to OstriTrim egg production. UO will also acquire mature ostriches (approximately \$5000-6000 per bird).

7. Struthio Leadership (brief bios are in the Appendix)

Yasuhiro Tsukamoto, DVM, Ph.D. – Chairman of the Board

Responsible for development and testing of new antibodies and supporting pre-clinical research for new products.

Stuart Greenberg, Ph.D. – CEO

Responsible for overall management of the company and building distribution partnerships.

Carol Epstein, M.D. – Chief Medical Officer

Clinical development and coordination with pharmaceutical partners.

Karen Espersen – Chief Executive Officer of Production Development and Research

Responsible for maximizing egg production and quality of eggs for Struthio

David Bilinski – Chief Executive Officer of Operations and Research

Responsible for expansion of production for Struthio

8. Financial Projections

The assumptions:

Bottle Price (USD)	600	Marketing and Sales	4%	of Revenue
Price per Egg (USD)	500	General & Administrative	3%	of Revenue
Total Cost per Bottle (USD)	47	Contingencies	3%	of Revenue
Bottles per Egg	15	OPKK Royalties	4%	of Revenue
% of Production to Inventory	30%	TPA Share	10%	of Revenue
Egg Pre-purchase %	50%	Health Services Provider Share	20%	of Revenue

The sizable amount of production to inventory is due to the laying season, which runs from April through September. There must be enough inventory to fulfill sales through the first quarter of the following year.

It is believed that demand will exceed supply, which is driven almost totally by the number of egg-laying hens. The plan for hens (and necessary roosters) is:

	2,025	2026	2027	2028	2029
Laying Hens	300	1,000	2,500	5,000	10,000
Roosters	100	333	833	1,667	3,333
TOTAL	400	1,333	3,333	6,667	13,333

Based on the assumptions and the ostrich plan, the five-year P&L projection is shown below.

	2025	2026	2027	2028	2029
Number of Bottles Produced	135,000	450,000	1,125,000	2,250,000	4,500,000
Number of Bottles in Starting Inventory	15,620	121,500	135,000	337,500	675,000
Number of Produced Bottles to Inventory	121,500	135,000	337,500	675,000	1,350,000
Bottles committed to Trials	9,000	6,000	6,000	6,000	6,000
Number of Bottles Sold	20,120	430,500	916,500	1,906,500	3,819,000
Number of New Users	3,353	70,632	128,088	250,392	485,678
Cumulative Users	3,353	73,986	202,074	452,466	938,144
(In USD 1000s)					
Revenue	12,072	258,300	549,900	1,143,900	2,291,400
Cost of Sales					
Bottle Cost	952	20,377	43,381	90,241	180,766
Health Services Provider Share	1,811	38,745	82,485	171,585	343,710
TPA Share	604	12,915	27,495	57,195	114,570
OPKK Royalties	483	10,332	21,996	45,756	91,656
Total Cost of Sales	3,850	82,369	175,357	364,777	730,702
Gross Profit	8,222	175,931	374,543	779,123	1,560,698
Other Expense					
Marketing and Sales	483	10,332	21,996	45,756	91,656
General & Administrative	362	7,749	16,497	34,317	68,742
Contingencies	362	7,749	16,497	34,317	68,742
Total Other Expense	1,207	25,830	54,990	114,390	229,140
EBITDA	7,015	150,101	319,553	664,733	1,331,558

9. Struthio Investment

9.1 Funds Required

To execute its plan, Struthio requires an investment of USD 10 million. The funds would be used as follows:

Item	Amount (USD)
Purchase of 700 frozen egg yolks from UO	350,000
Pre-purchase of ½ of 2025 eggs from UO	2,073,000
Volume Production Setup	500,000
OPKK Upfront Royalty	3,400,000
Working Capital	3,000,000

9.2 Market Potential and Accelerated Growth Possibilities

If we assume that the average weight loss is 30 pounds, the planned production of Section 8 would engage just 2 percent of all obese employees. Retained earnings will let us achieve the planned production, but we believe that early success will create enormous demand for OstriTrim. To drive faster to a higher penetration level, say 20 to 30 percent, would necessitate raising capital in the several hundred million range, either through an IPO or debt financing.

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9.3 A Unique Investment Opportunity

Struthio has some distinct advantages beyond high growth and profitability:

- A proven product ready for North American manufacturing and distribution
- A natural dietary supplement that is more effective and safer than established medical treatments
- A usage regimen that will make money for, not cost money to, its clients
- Strong intellectual property protection and a massive buildup of ostrich production that forms a barrier to entry for competitors
- A significant contribution to public health and well-being

Appendix – Biographical Information

Yasuhiro Tsukamoto, DVM, Ph.D. – Chairman of the Board

Dr. Tsukamoto is currently President of Kyoto Prefectural University (KPU). Prior to his election as President, he was a professor in the Department of Animal Hygiene, Graduate School of Environmental and Biological Sciences at KPU. He founded Ostrich Pharma KK, in 2009 to develop and commercialize powerful ostrich antibodies. His paper on that subject was commended with a 2009 Minister of Education, Culture, Sports, Science and Technology Award. Prior to his academic position at Kyoto Prefectural University, Dr. Tsukamoto was a visiting research fellow at Ontario Veterinary College, University of Guelph, Canada and was Associate Professor, Veterinary Medical Sciences, Graduate School of Agricultural & Biological Sciences, Osaka Prefecture University. He is the author of more than 70 technical publications and is the holder of several international patents related to ostrich antibodies.

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Dr. Tsukamoto earned his D.V.M. from Veterinary Medicine Study Program, Faculty of Agriculture, Osaka Prefecture University, and a Ph.D. in Veterinary Medical Science from the Graduate School of Agricultural & Biological Sciences, Osaka Prefecture University.

Stuart Greenberg, Ph.D. – CEO

Dr. Greenberg has over 40 years of experience in product development, business development, and management consulting. His areas of focus are information technology, biotech, and energy technology. Dr. Greenberg has held management and executive positions at IBM, The Analytic Sciences Corporation (TASC), Digital Equipment Corporation, and Fidelity Investments. He also founded two startups – InfoPlus and Traceware Corp.

Dr. Greenberg received the B.S. in Electrical Engineering from the University of Pennsylvania, and the M.S. and Ph.D. in Electrical Engineering from M.I.T.

Carol Epstein, M.D. – Chief Medical Officer

Dr. Epstein has been in the biopharmaceutical industry for over 25 years. She has served as Chief Medical Officer of IRX Therapeutics, Inc. She started her career in the pharmaceutical industry in 1983 with Ayerst, a division of American Home Products. She served as Vice President and Chief Medical Officer at Immunex, where she built the clinical group and was responsible for the successful clinical strategy that led to the approval of GM-CSF. She was Chief Medical Officer at Immunogen, and subsequently co-founded BioLogics Services, Inc. Dr. Epstein was co-founder of MediVector, Inc. where she served as Executive Vice President and Chief Medical Officer. Dr. Epstein is a recognized expert in development of clinical and preclinical strategy and in clinical trial management.

Dr. Epstein is board-certified in internal medicine and rheumatology. She received her BS degree from M.I.T., M.D. from Yale University School of Medicine, and did her internal medicine and fellowship training at NYU-Bellevue.

Karen Espersen

Page | 12

Chief Executive Officer of Production Development and Research

Karen has 34 years of research and development within the Ostrich Industry. Karen wrote three scientific research papers which were published with the Government of Canada regarding new and innovative techniques for successful ostrich production. She was instrumental in initiating research in Ostrich oil, establishing processes and diets to create the number one ostrich oil in the world for omegas, 1: 1.2 ratio of omega 3 to 6. With Karen's 34-year experience with Ostrich husbandry skills, she is the first to create innovative treatments for ostrich related problems. She set up quarantines and managed them, working closely with numerous veterinarians with expertise in Ostrich. From them she learned various medical procedures. She owned and operated the largest ostrich farm in Canada and served as a director on the Alberta and Canadian Ostrich Association board. She is the Founder and President of Universal Ostrich Farms inc., Vice President of Omega Ostrich Inc. and Co-Owner of ONU Body Care Inc. Karen co-founded Struthio Bioscience with David Bilinski to harness the immune system of the ostrich.

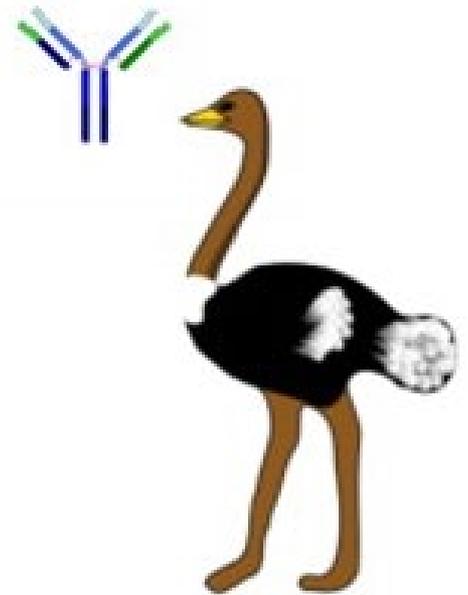
David Bilinski – Vice President of Production Development

Born and raised in B.C. Canada, Dave started his working life as an 18 year old forestry contractor and throughout his career introduced numerous innovative processes and leading edge technologies. He transitioned into beef production owning a 750 cow ranch before realizing that the ostrich had many more benefits for humans. In 1993 Dave partnered with Dr. Bob Church and started Rocky Mountain Ostrich. RMO built ostrich quarantines in Zimbabwe, Namibia, and the UK to import selected genetics into Canada. Joined forces with Karen Espersen who owned the largest ostrich farm in Canada and brought his knowledge and expertise in superior genetics to build Universal Ostrich Farms Inc to what it is today. Dave initiated a DNA fingerprinting program for ostrich. In 2020 Dave co-founded Struthio Bioscience with Karen Espersen to harness the amazing immune system of the ostrich to produce antibodies for improving human health. Dave remains active in all phases of the ostrich industry.

Struthio Bioscience Inc.

Commercialization of Ostrich Antibodies

February 2024



Our Mission

- Our mission is to provide top quality IGY Antibodies
- We are on the leading edge of technology which will change the landscape of how we treat viruses and diseases. We are producing antibodies from a natural process that can create curative products in mass production.

Ostrich Immune System

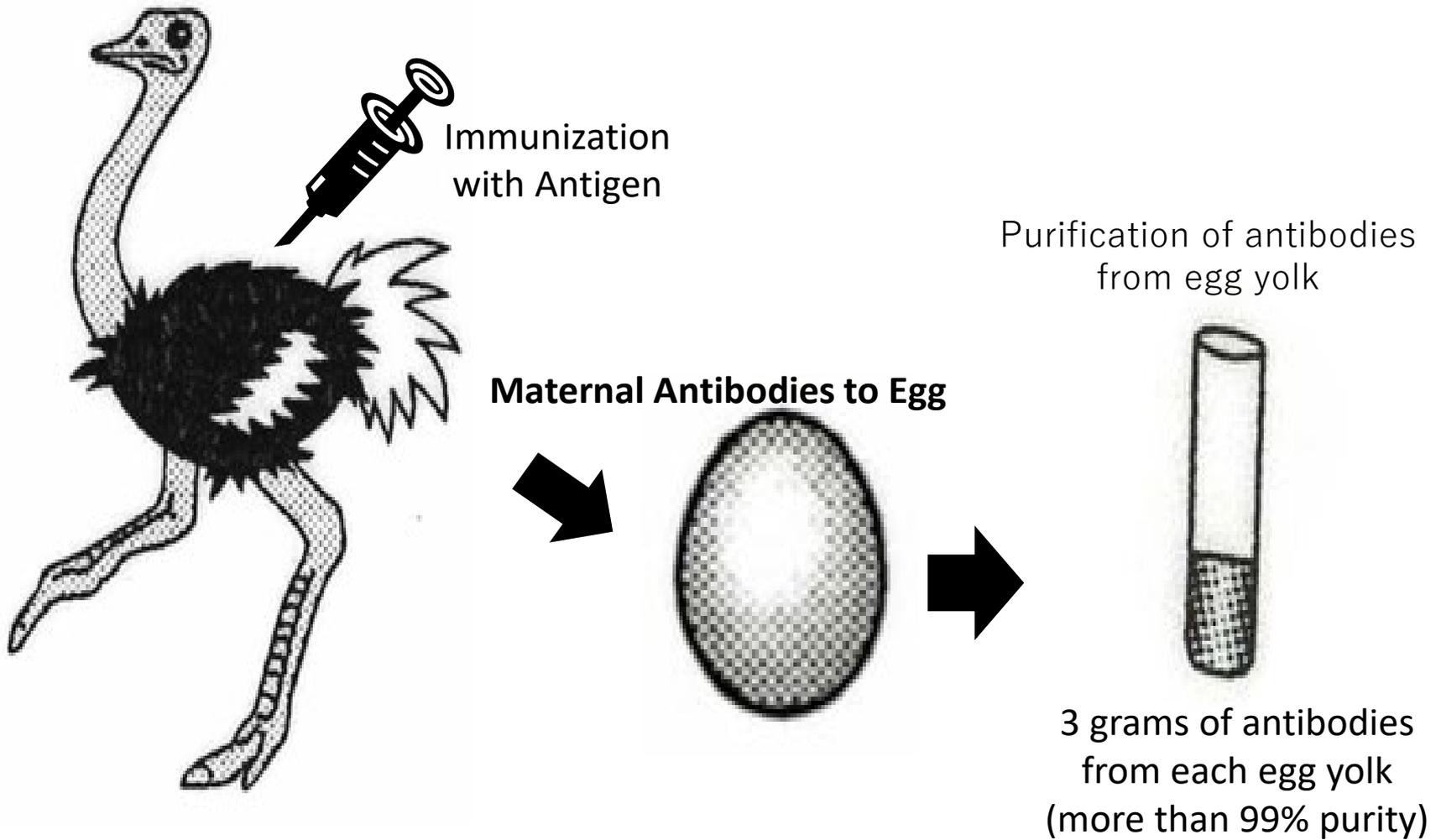
Most Powerful on the Planet

- Developed over 70 million years
- Reacts to a wider range of antigens than other birds or mammals
- Ostrich immunoglobulin (“IgY”)
 - Appears in the blood within two weeks of immunization
 - Appears in eggs within 4 to 6 weeks of immunization
 - Neutralizes its target antigen better than the IgY from other birds or the antibodies produced by any mammal
 - Is acid and high temperature resistant
 - Is minimally affected by digestive enzymes
 - Ostriches are not harmed

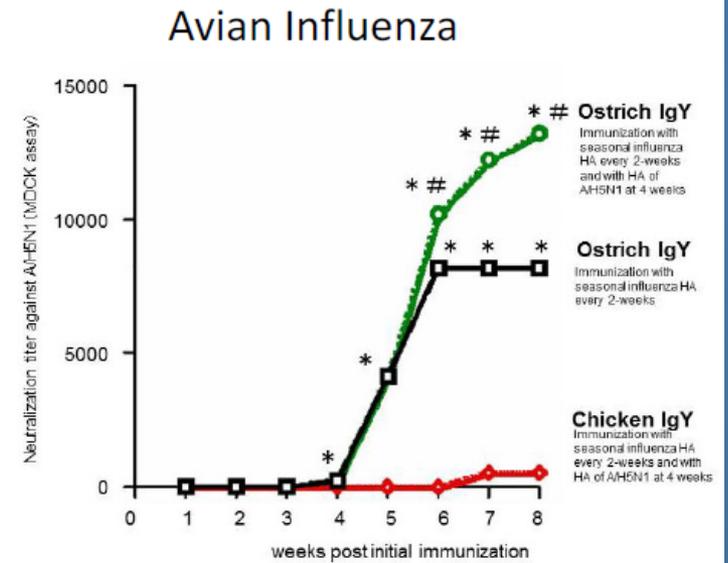
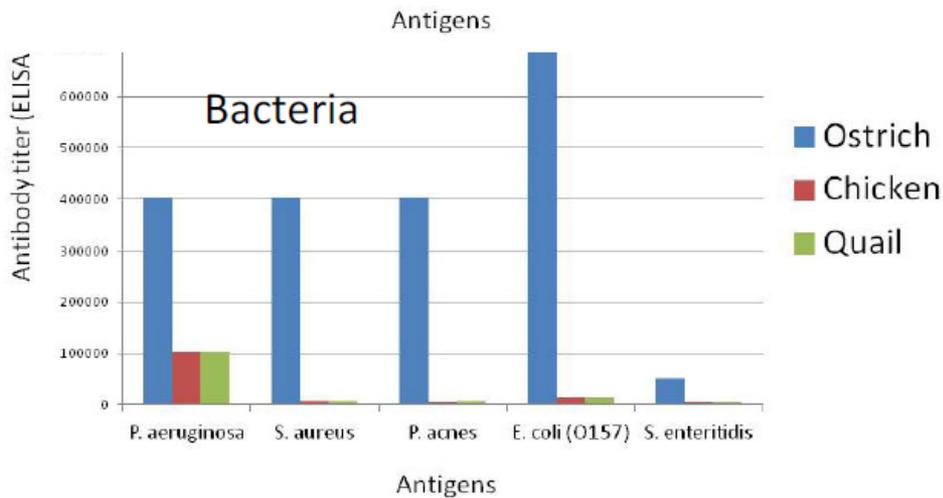
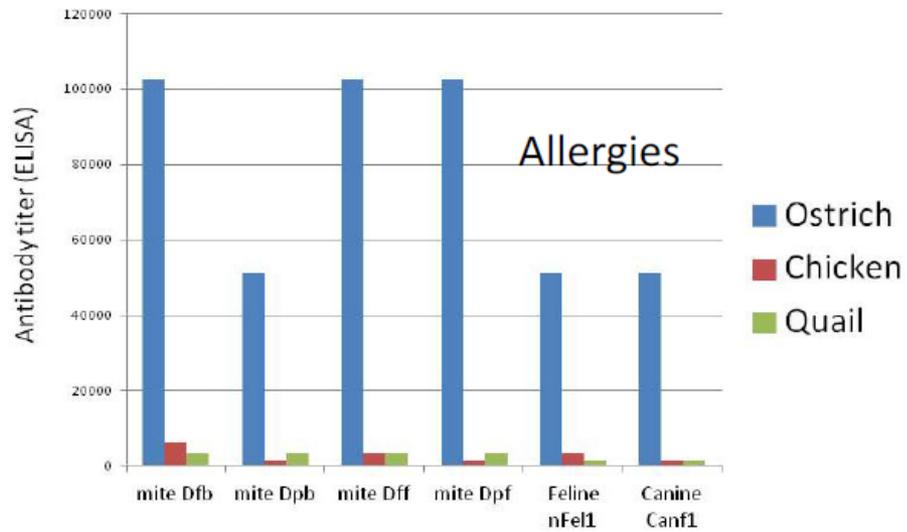
The Driving Force
Yasuhiro
Tsukamoto,
D.V.M, Ph.D,
Currently
President of
Kyoto Prefectural
University, Japan

- Twenty-five years of research funded by Japan Science & Technology (JST)
- 50 ostrich farm in Kobe, Japan for R&D
- Produced IgY against a wide range of bacteria, bacteria toxins, viruses, enzymes, hormones, and allergens
- Developed a highly productive and economical process for purifying IgY
- Formed Ostrich Pharma KK (“OPKK”) to offer IgY as an active ingredient in several products in Japan
- Inventor and assignee of all ostrich IgY patents
- Formed Ostrich Pharma USA (“OPUSA”) with Dr. Stuart Greenberg to develop and market ostrich IgY products.
- Chairman for Struthio BioScience Inc.

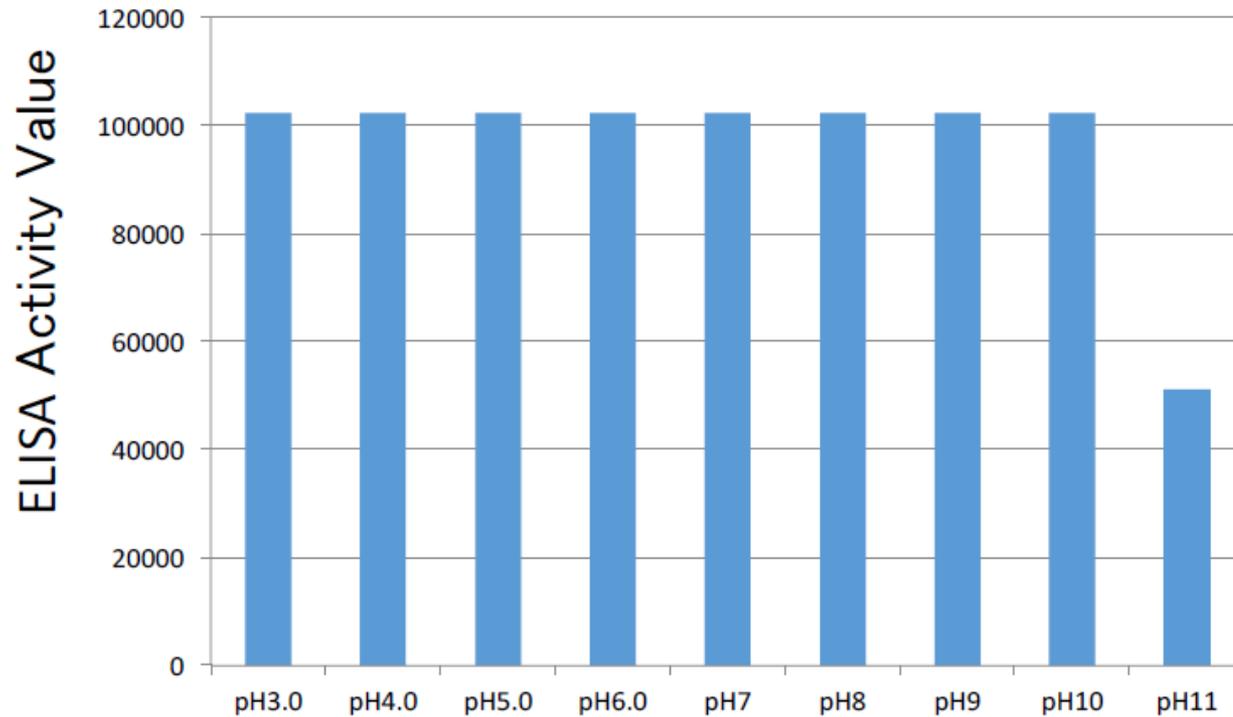
Antibody Production



Ostrich IgY Versus Other IgY

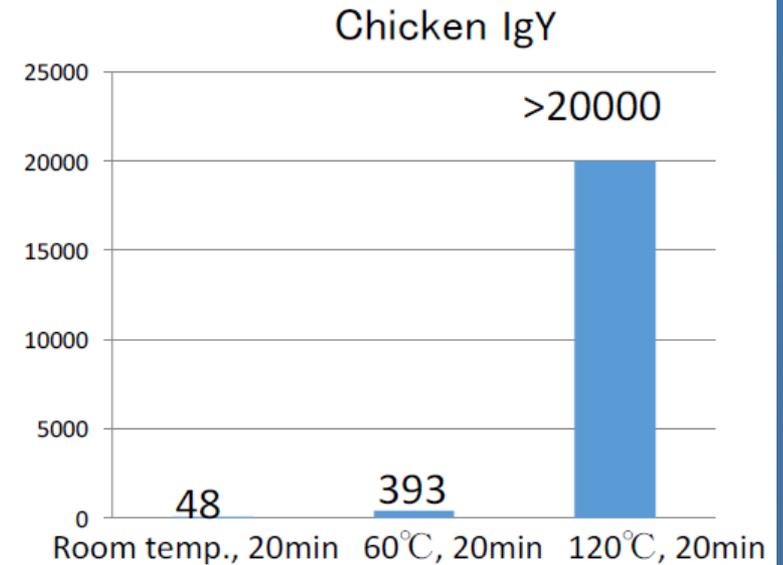
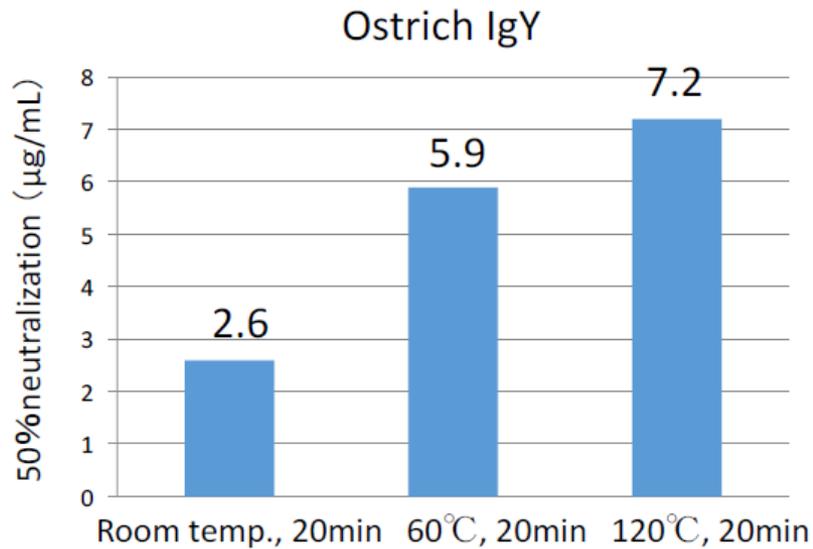


Ostrich IgY Acid Resistance



Binding activity of Ostrich IgY against S. aureus in various pH conditions (ELISA)

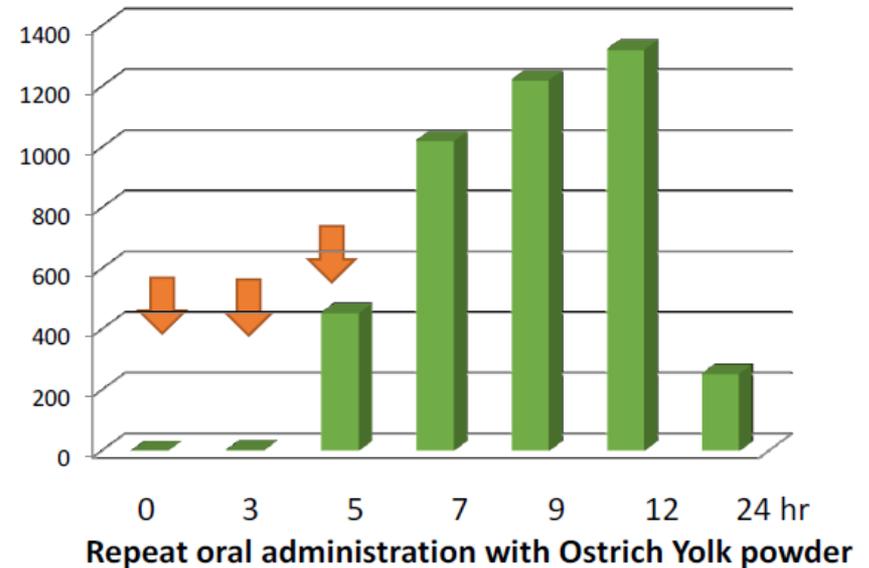
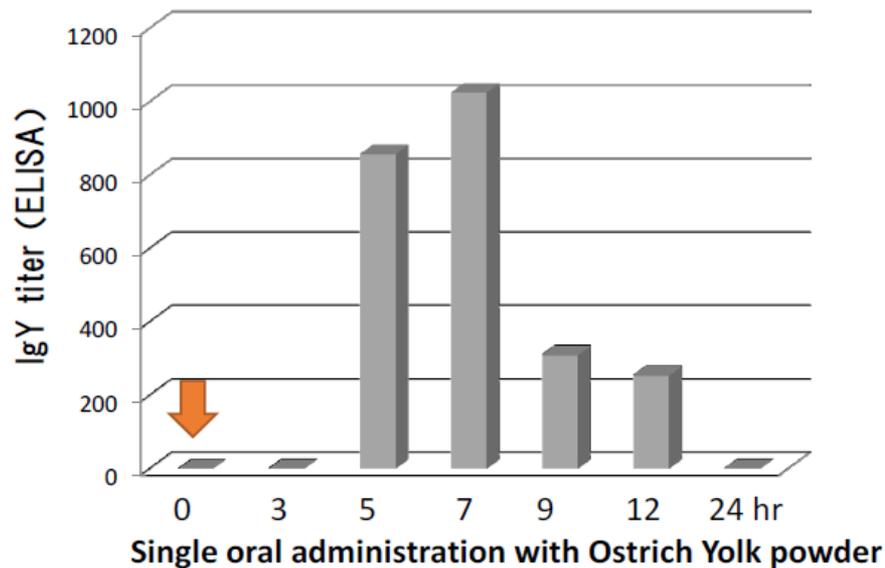
Neutralization Activity of ostrich IgY is Stable at High Temperature



Infection of MDCK cells with seasonal influenza virus A / H1N1 (100 TCID₅₀)

Neutralizing antibody titer of ostrich IgY and chicken IgY was measured after temperature treatment (treatment of IgY solution at 20 mg / mL concentration at room temperature for 20 minutes, treatment at 60 ° C. for 20 minutes, treatment at 120 ° C. for 20 minutes). It is indicated by the amount of antibody showing 50% inhibition of infection. The lower the 50% neutralizing antibody amount (ug / ml), the higher the neutralizing activity.

Ostrich IgY is Active in Gastrointestinal Tracts

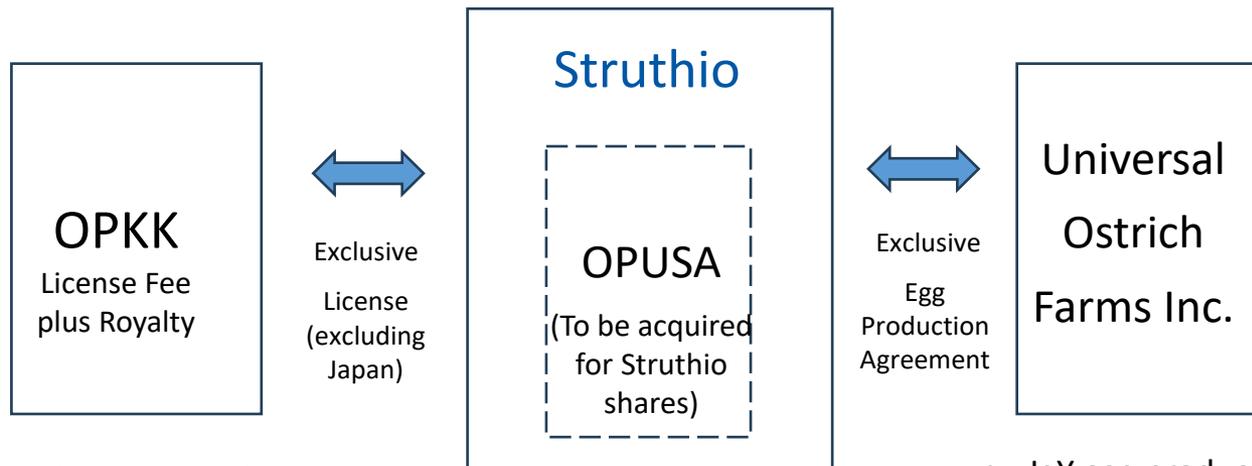


Hamsters were orally administered with ostrich yolk powder from cholera toxin immunized ostrich, and IgY titer against cholera toxin was measured in feces by ELISA

Ostrich IgY production in Eggs

- Approximately 30 eggs per year in a 55 year productive lifetime
- 3g of IgY per egg
- 99%+ IgY purification from egg yolk
- Production cost is two to three orders of magnitude lower than that of other avian and rodent antibodies

Ostrich IgY Team



- Antigen production
- IgY R&D
- Pre-clinical testing of IgY for Struthio products

- IgY Processing
- IgY Purification
- Product Development
- Marketing and sales

- IgY egg production
- Management of IgY egg production in satellite farms

Ostrich Pharma KK
("OPKK")
IgY R&D, Antigens,
IgY Sales in Japan

36 Different Antibodies Created and Tested to Date

Viruses

Bacteria and bacteria toxins

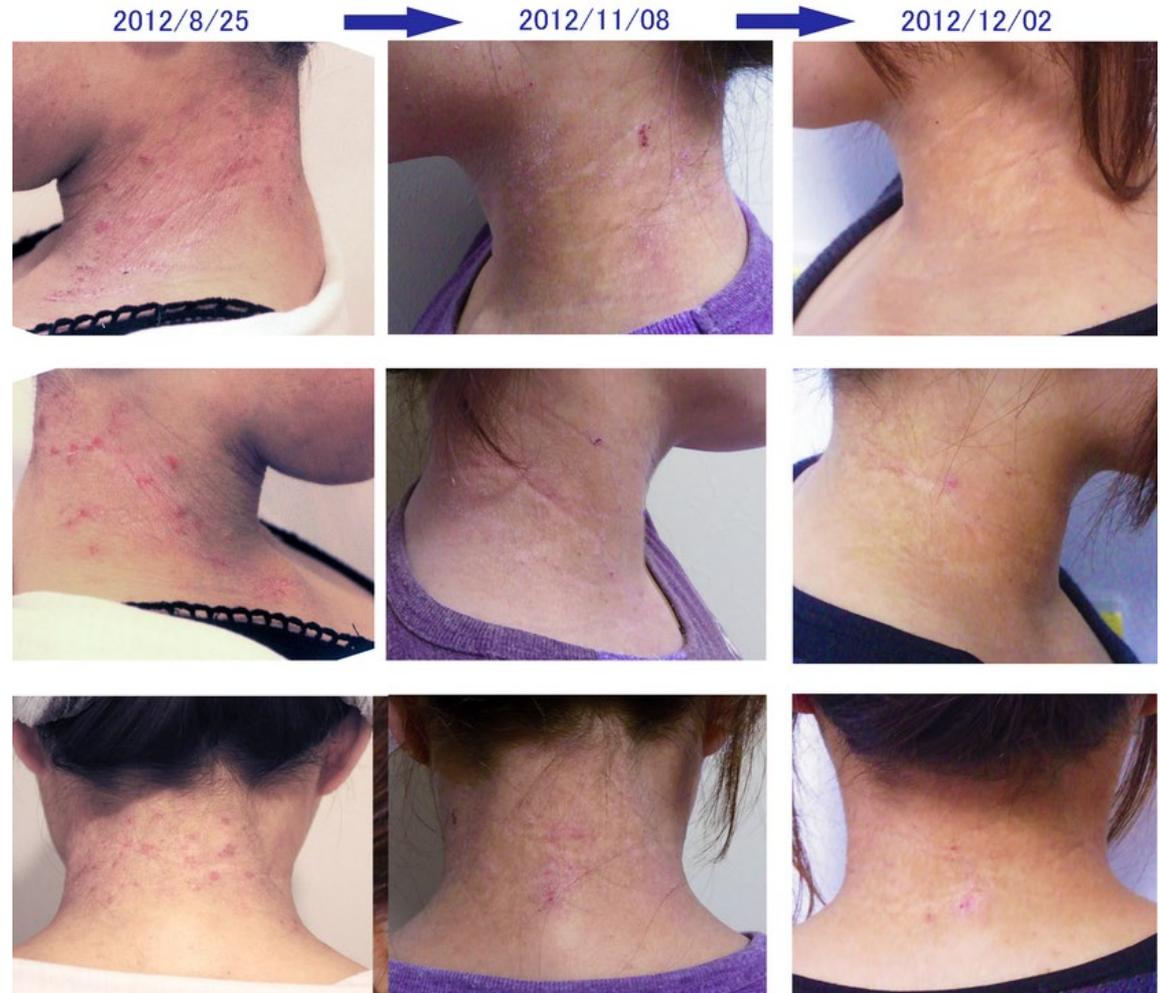
Pollen and dust allergens

Enzymes

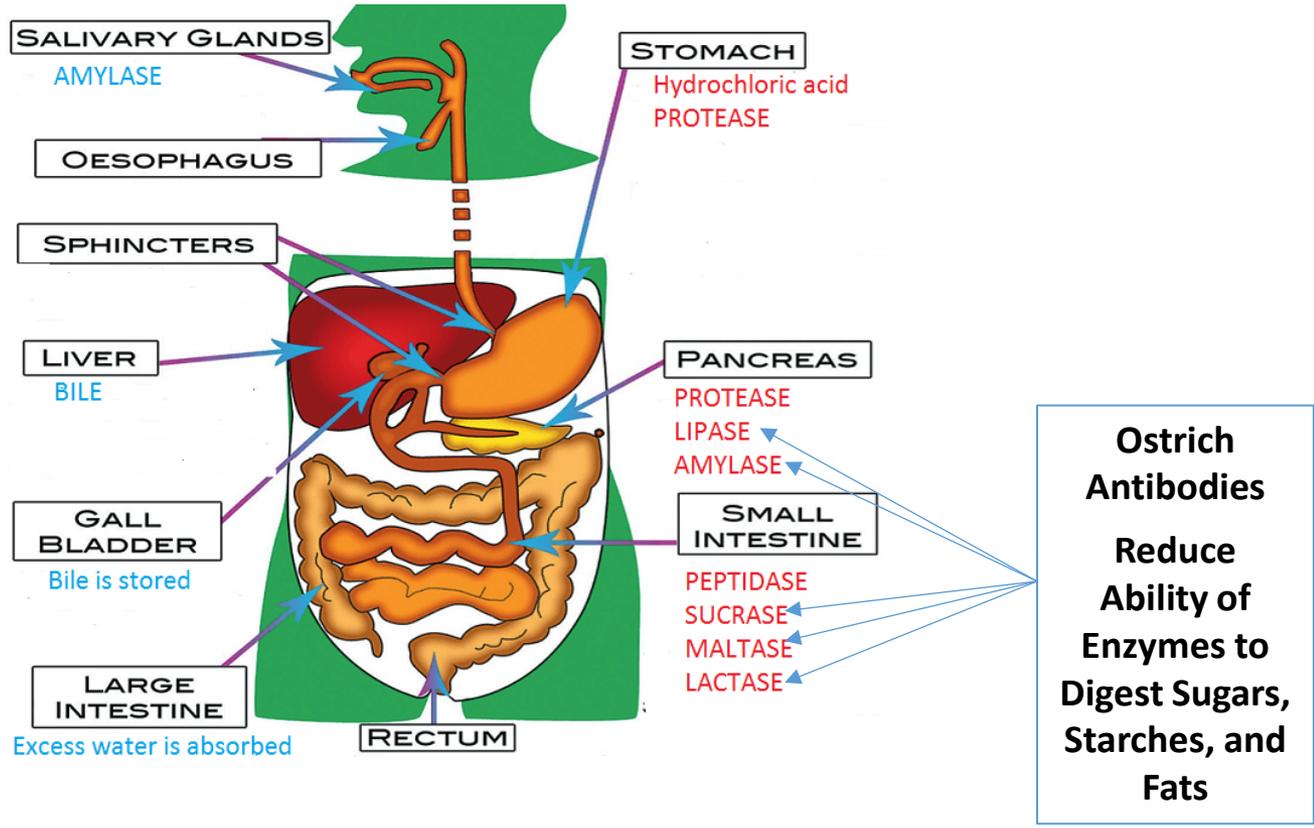
Hormones

**Worldwide patents on the processes and on
specific antibodies have been issued**

Ostrich
Antibodies
to *P. acnes*
and *S.*
aureus



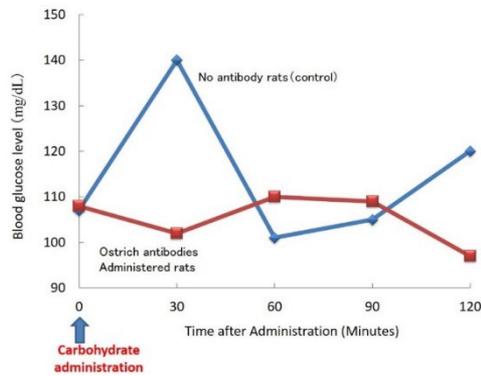
Digestive Enzyme Neutralization



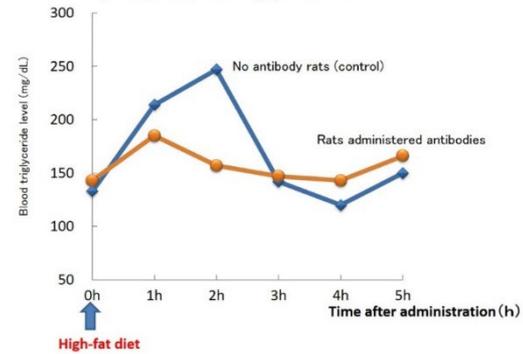
15

Animal Testing

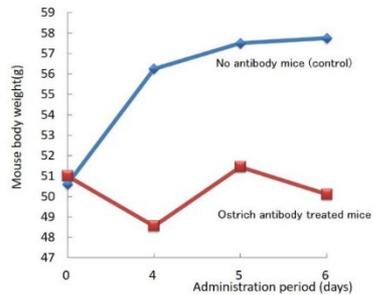
Suppression of the Rise of Postprandial Blood Glucose Level



Drinking ostrich antibodies suppresses the rise of postprandial triglycerides



Suppression of Weight Gain

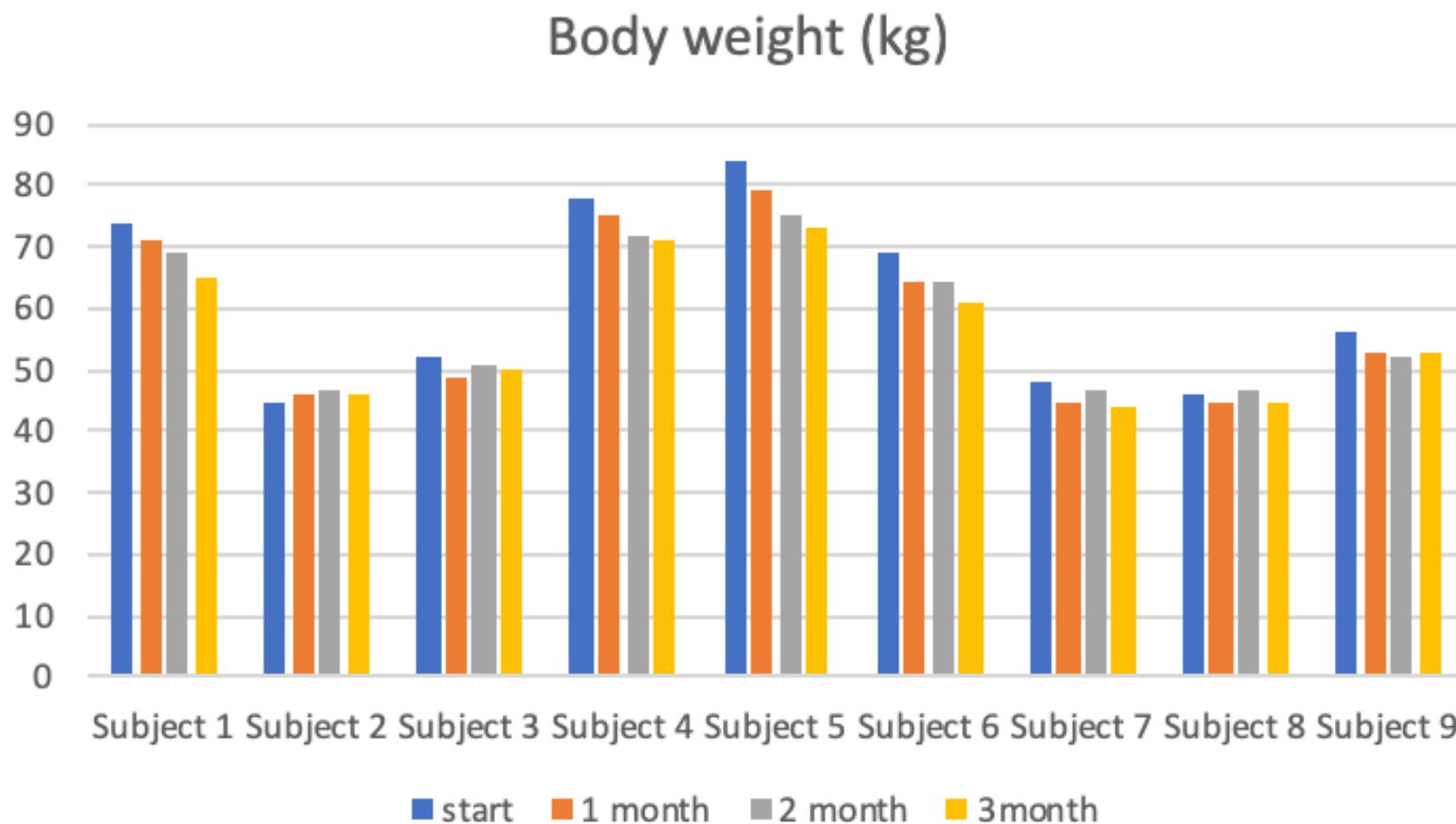


High-fat daily diet in old mice allowed to eat freely.

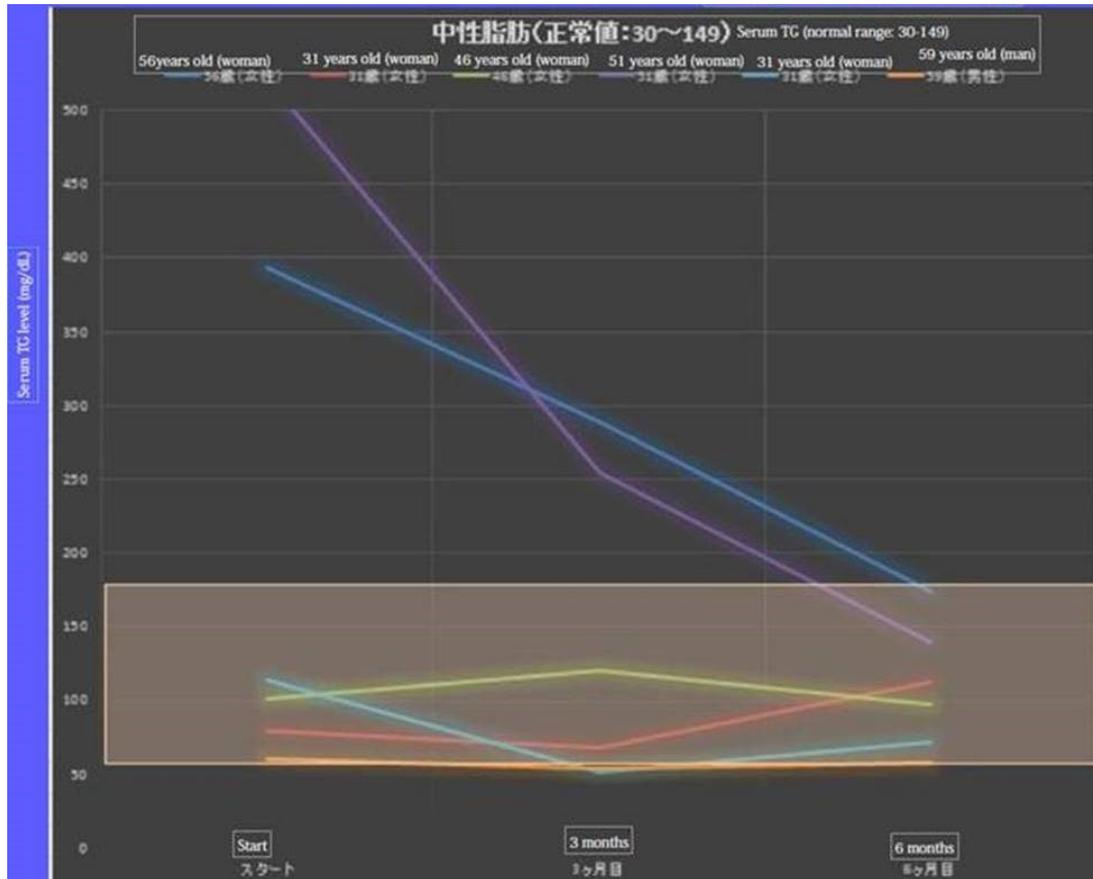


No antibody (control) **Ostrich antibody treated**

Human Testing - Weight



Human Testing – Blood Triglycerides



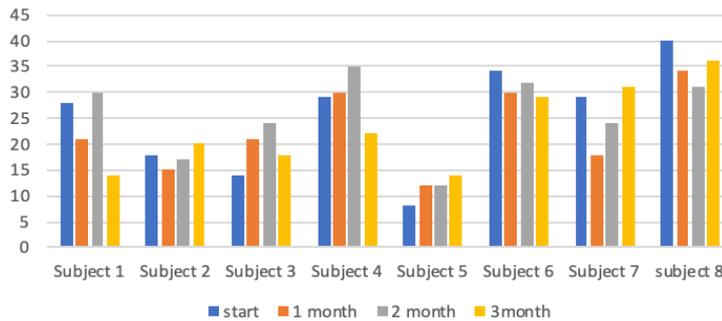
Blue – Subject 4

Purple – Subject 5

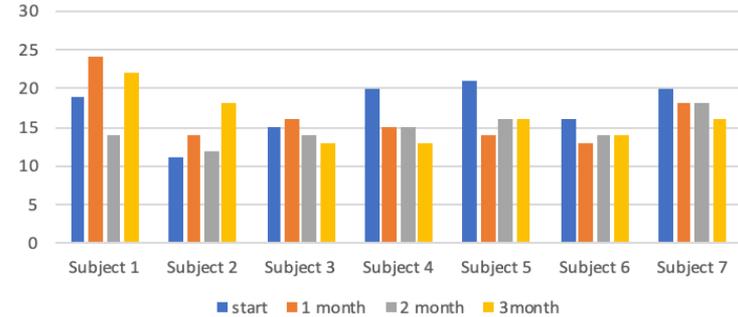
Human Testing - Safety

Liver

ALT (GPT)
normal (4-44 U/L)



AST (GOT)
normal (8-38 U/L)



Kidney

BUN (UN)
normal (7-24 mg/dL)



All Results
Within
Normal
Range

Human Data – Additional Example

- Type II Diabetes Patient
 - 226 lbs.
 - 3,000 calories per day “normal diet”
- 75-day supplement use
 - No change in diet or exercise
 - Weight reduced to 196 lbs.
 - Triglycerides from 608 to 495
 - HDL from 37 to 44
 - A1C from 7.0 to 6.4



Commercial Uses in Japan

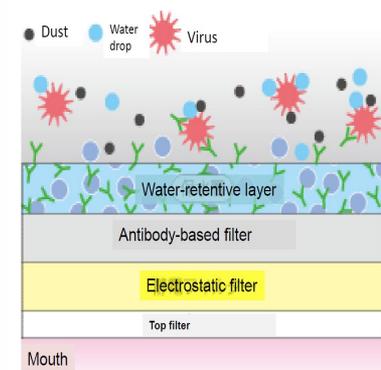


Cosmetics with antibodies against *P. acnes* and *S. aureus*

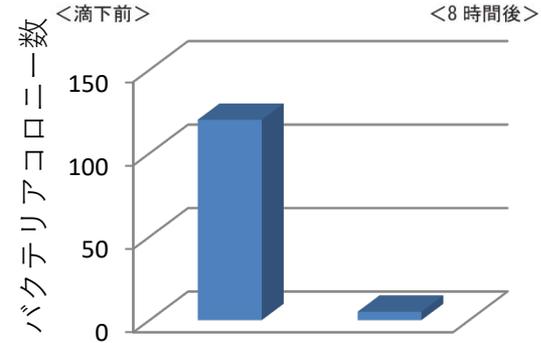
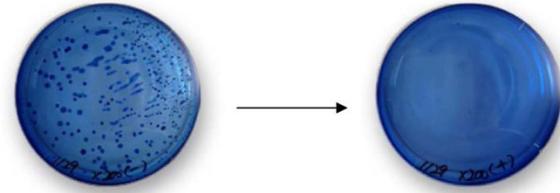


Antibodies to *Salmonella* and *E. coli* added to soy sauce

Antibodies against influenza and allergens added to masks



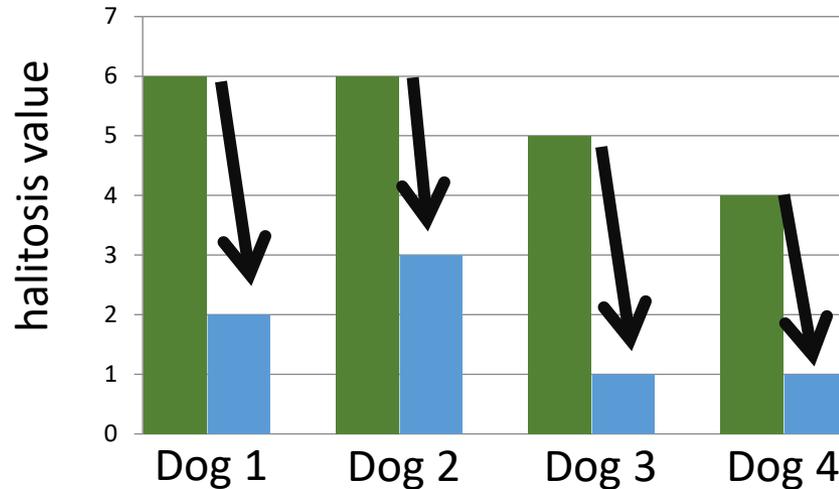
Ostrich antibody against tooth decay bacteria



Suppression of growth of Streptococcus mutans



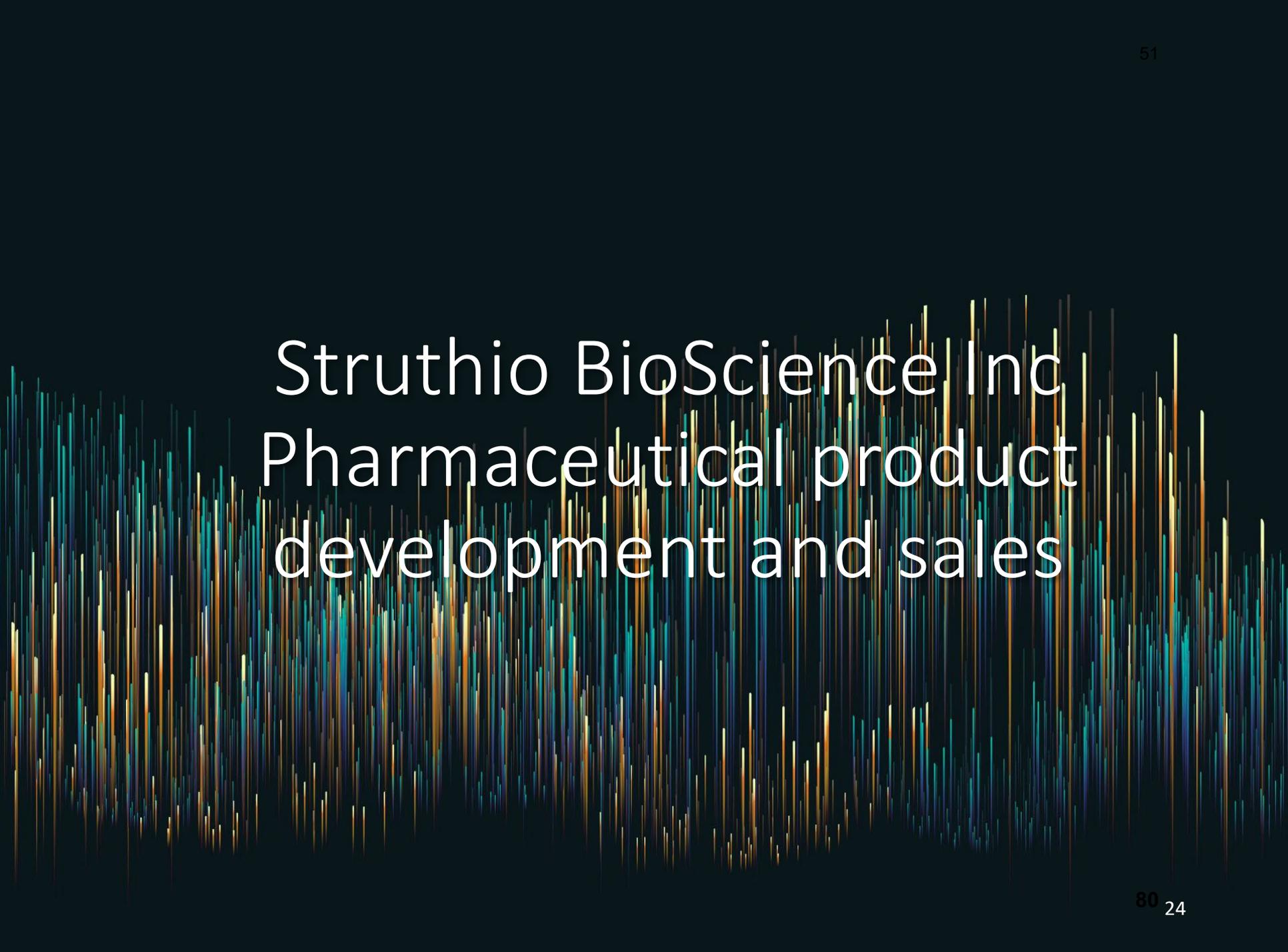
Halitosis Meter



Halitosis reduction effect of ostrich antibody drinking water (dog)

Patents Issued and Assigned to OPKK

Antibody and antibody-containing composition
 Method for production of antibody using ostrich
 Method for producing antibody against influenza virus
 Ebola virus treating agents
 Monoclonal antibody to CD166 and method for production thereof
 Antibody for norovirus, and method for producing the same
 Antibody and antiserum against mers
 Production method of antibodies preventing infection of chickens
 Antibody against alopecia-inducing substance as antigen, composition and ...
 Therapeutic drug of highly pathogenic avian influenza virus h5n1 infection ...
 Antibody produced using ostrich and method for production thereof
 Ostrich yellow egg antibody-containing candy production method and ostrich ...
 Aqueous solution of ostrich antibody
 Method for manufacturing digestive enzyme antibody and egg having same, and for ...
 Antibody produced from ostrich and filter using the same
 Antibody-including pollen allergy protective material
 Method for producing antibody to food poisoning bacterium
 Antibody to nicotiana tabacum extract and production method thereof
 Antibody for hair improvement use
 Ostrich antibody for bacterial infectious diseases
 Method for manufacturing digestive enzyme antibody and egg having same, and for ...
 Diagnostic agent for cancer and rheumatism, and inspection/diagnosis method
 Diagnostic agent for cancer and rheumatism, and examination and diagnostic ...
 Allergen antibody, and composition having the same
 Allergen antibody, composition having the same, and filter having antibody



Struthio BioScience Inc
Pharmaceutical product
development and sales

Struthio Business Model

- Create and sell new end consumer products where justified
 - OstriGrow – hair growth for androgenetic alopecia
 - OstriTrim – weight loss
- Jointly create end consumer products with R&D and pharmaceutical company partners
 - OstriChol – cholera prophylactic
 - OstriHeal – wound and burn treatment
 - OstriClear – acne and atopic dermatitis treatment
- Create with R&D partners ingredients for inclusion in third-party end consumer products
 - OstriZon – Zonulin neutralizer

Hair Loss Treatment – U.S. Market

- 2022 U.S. Market Size – USD 3.4bn with 2.7% Compound Annual Growth Rate (source: IBISWorld)
- Several hundred products containing minoxidil or finasteride form the bulk of the market
- Minoxidil
 - Increases blood flow to follicles, helping stimulate hair growth
 - Does nothing to stop follicle miniaturization, so effect is temporary, and eventually it will be ineffective
 - Side effects include a light-headed feeling and increased heart rate
- Finasteride
 - Works by reducing production of 5 α 2 in the body, so that less DHT reaches the follicles
 - Reduced DHT in the bloodstream causes side effects like impotence, loss of libido, and gynecomastia

OstriGrow Relative Efficacy

	Test Group	Control Group	Age Range	12 Weeks	24 Weeks Over Control	48 Weeks Over Control
OstriGrow	17	-	39 to 78	71%	-	-
Minoxidil	18	18	18 to 40	-	9%	22%
Finasteride	28	27	22 to 40	-	6%	9%

Vera Price, Emory Menefee,
Matilde Sanchez, Patrick
Ruane, Keith Kaufman
Department of Dermatology,
University of California, San
Francisco

Changes in hair weight and hair count
in men with androgenetic alopecia,
after application of 5% and 2% topical
minoxidil, placebo, or no treatment, J.
American Academy of Dermatology,
Volume 41, Issue 5, November 1999.

Changes in hair weight and hair
count in men with androgenetic
alopecia after treatment with
finasteride, 1 mg, daily, J. American
Academy of Dermatology 2002
Apr;46(4):517-23 **83** 28

OstriGrow Safety

Ostrich IgY molecular weight is 190,000 g/mol

Compare with:

	Use	Molecular Wt (g/mol)
Minoxidil	Vasodilator	209
Finasteride	DHT Blocker	373

Typically applied ostrich IgY is much too large to enter the bloodstream

No Bloodstream Entry  **No Systemic Effects**

OstriGrow – Business Projections

- Key assumptions (derived from market test)
 - USD 20 ad cost to sell starter package (USD 5 after FDA approval)
 - 25% customer conversion after trial (30% after FDA approval)
- Operational Performance in Year 6 (no FDA approval)
 - Sales growth to USD 803 million
 - Gross margin growth to 70%
 - Number of customers: 2.54 million
 - Number of vaccinated ostriches: 4,000
- Operational Performance in Year 6 (FDA approval)
 - Sales growth to USD 3.5 billion
 - Gross margin growth to 70%
 - Number of customers: 11.2 million
 - Number of vaccinated ostriches: 15,000

OstriGrow - a Good Investment

- Will be the most effective and safest product in an important market
- Will have high growth and profitability
- Will have a unique competitive advantage
 - Patents will not expire until 2038
 - On patent expiration, generic competition is unlikely, because it will be impossible for competitors to acquire enough ostriches

Alessio Fasano – Founder Zonulin OstriZon

- Professor of pediatrics at Harvard Medical School
- Professor of nutrition at Harvard T.H. Chan School of Public Health
- Director of Center for Celiac Research & Treatment at MassGeneral Hospital
- Co-director of the Harvard Medical School Celiac Research Program
- Director of the Mucosal Immunology and Biology Research Center at MassGeneral Hospital for Children (50 scientists and staff)
- Director of the European Biomedical Research Institute of Salerno (EBRIS)
- Practicing outpatient clinician in pediatric gastroenterology and nutrition

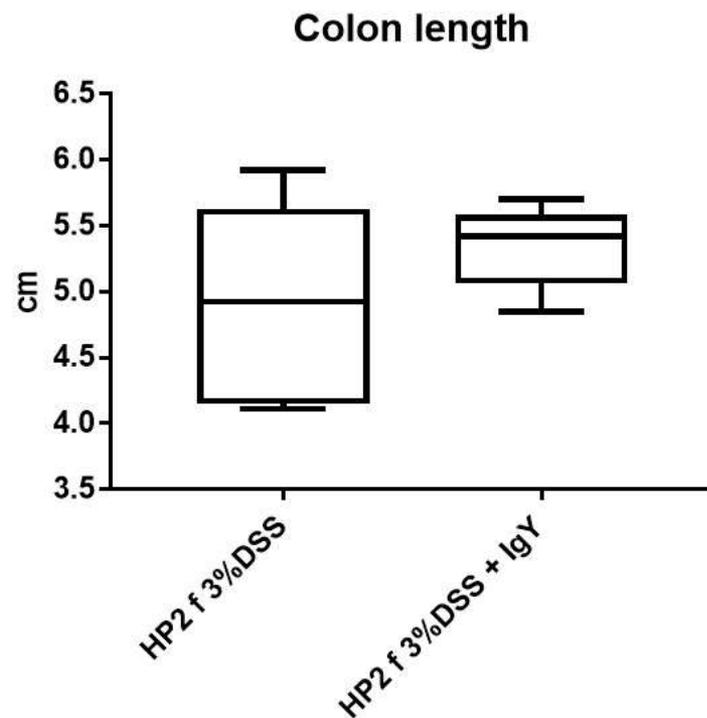
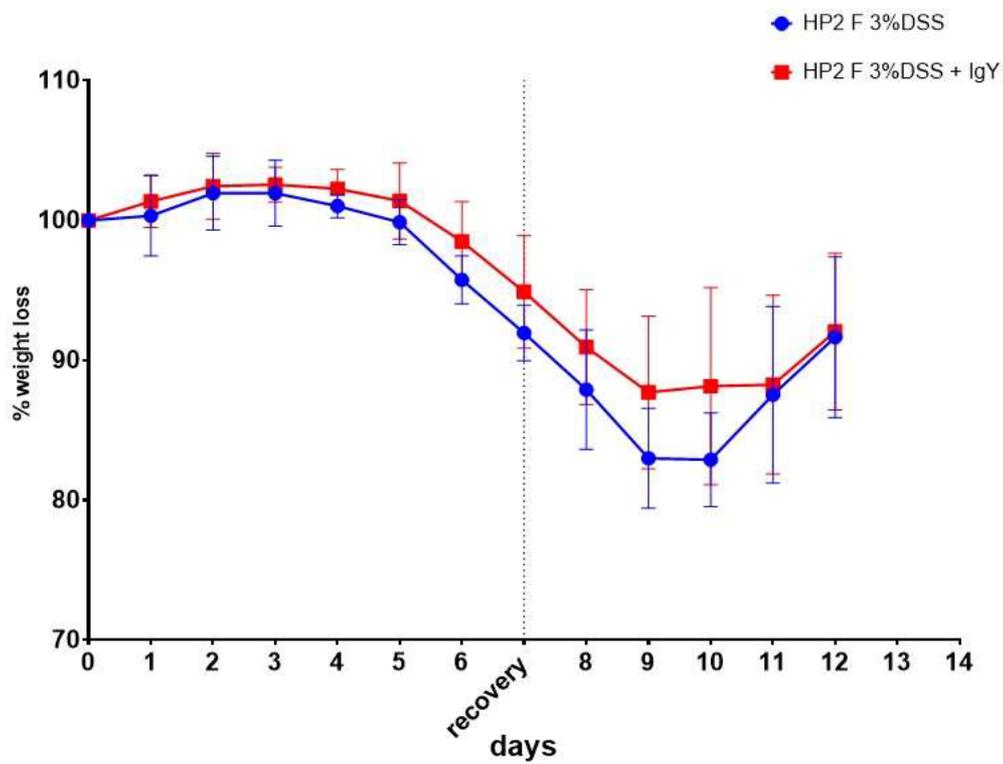
Zonulin

- A protein that increases the permeability of tight junctions between cells of the wall of the digestive tract (“leaky gut”)
- Discovered in 2000 by Alessio Fasano and his team at the University of Maryland School of Medicine
- Mammalian analog of zonula occludens toxin, secreted by cholera pathogen *Vibrio cholerae*
- Implicated in the pathogenesis of celiac disease, type 1 diabetes, and possibly other autoimmune diseases

Anti-zonulin IgY - OstriZon

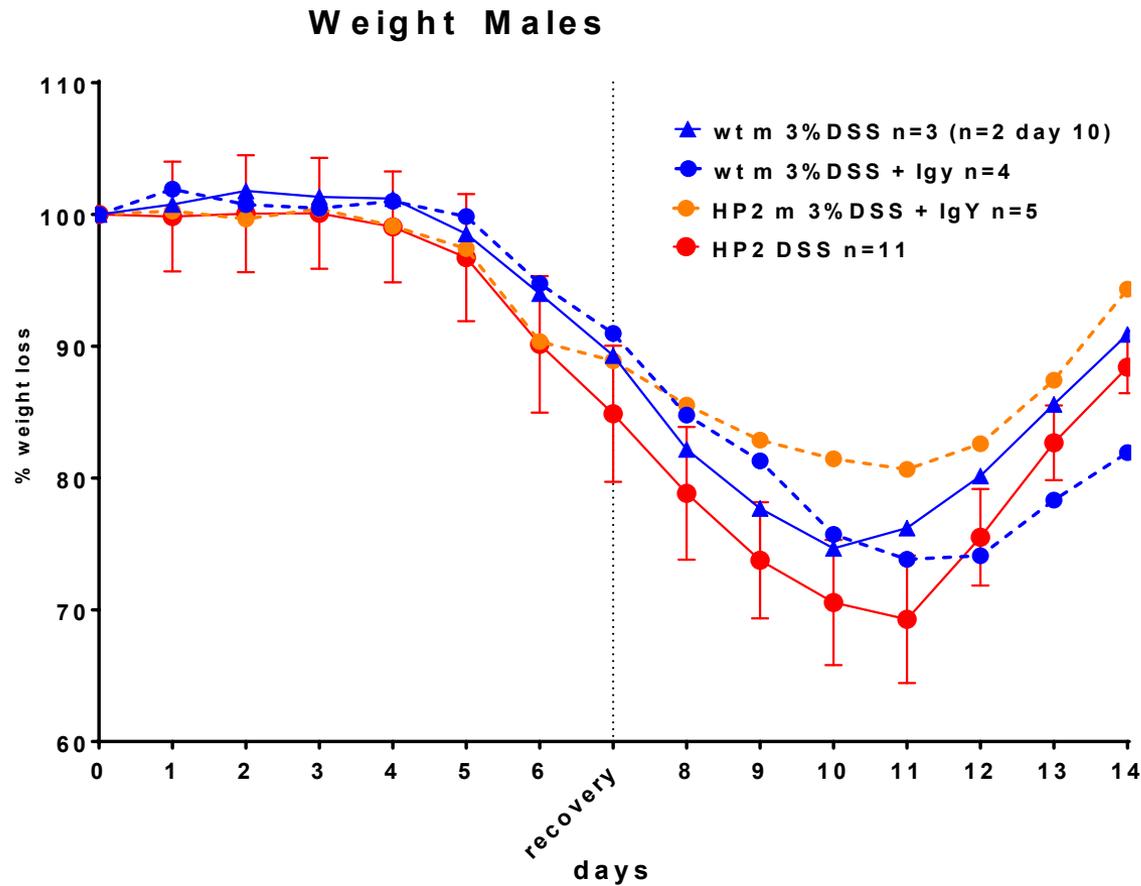
- Zonulin used as antigen to create ostrich IgY
- Dr. Fasano's team at MGH has tested our antibodies with zonulin transgenic Hp2 mice ("Ztm")
- Ztm were administered dextran sodium sulfate (DSS) for 7 days, followed by 4–7 days recovery
- Zonulin impairment of the intestinal wall allows the DSS to cause profound weight loss and colitis in the Ztm.

Presence of Anti-Zonulin IgY with Female Mice
 Weight loss mitigated
 Colitis reduced as shown in colon length graph

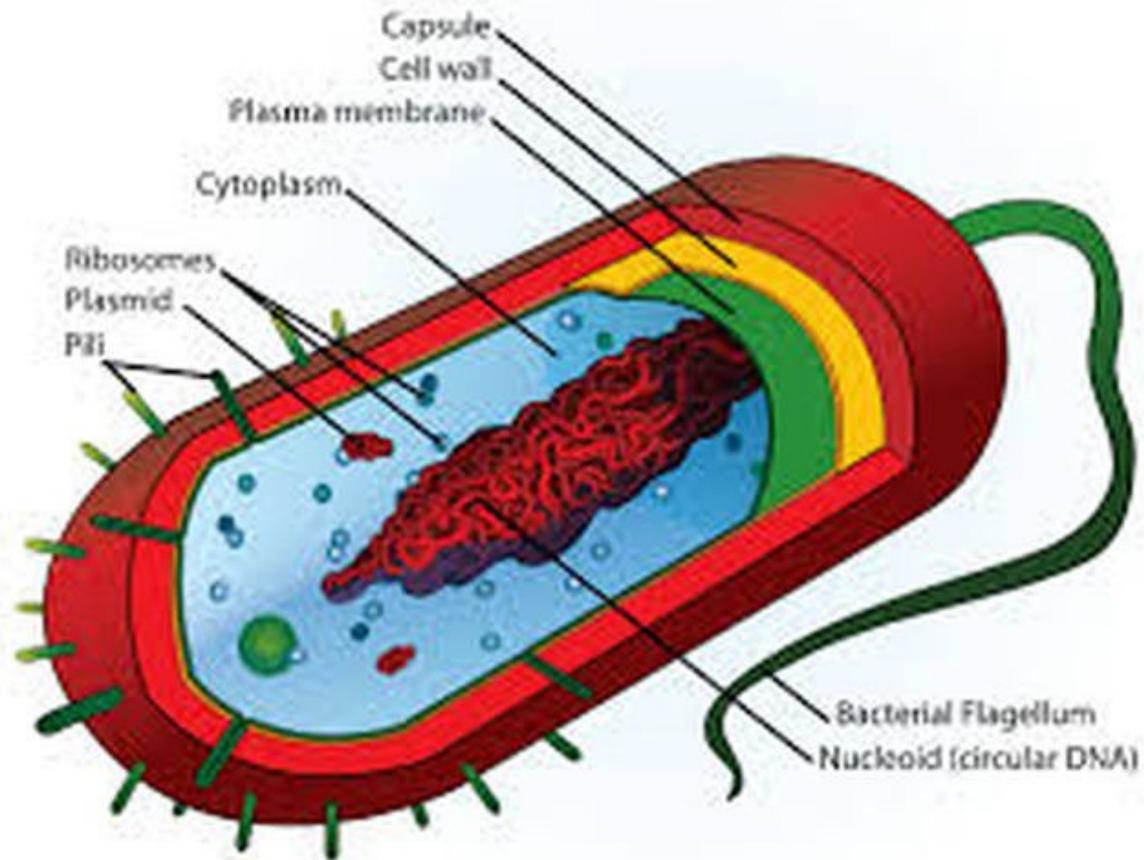


Presence of Anti-Zonulin IgY with Male Mice

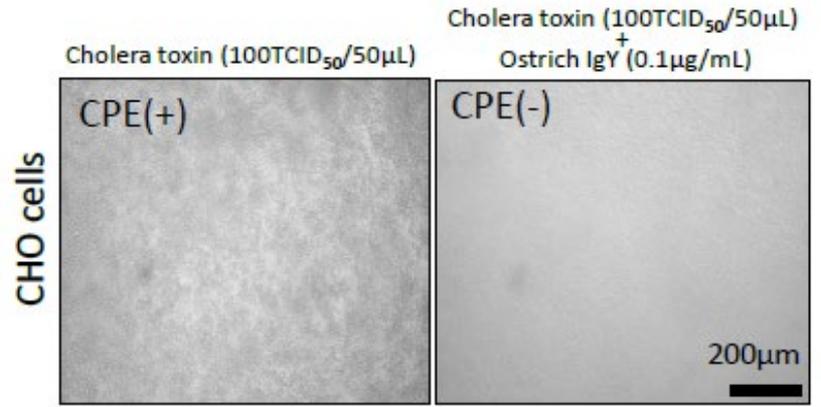
Weight loss mitigation more dramatic



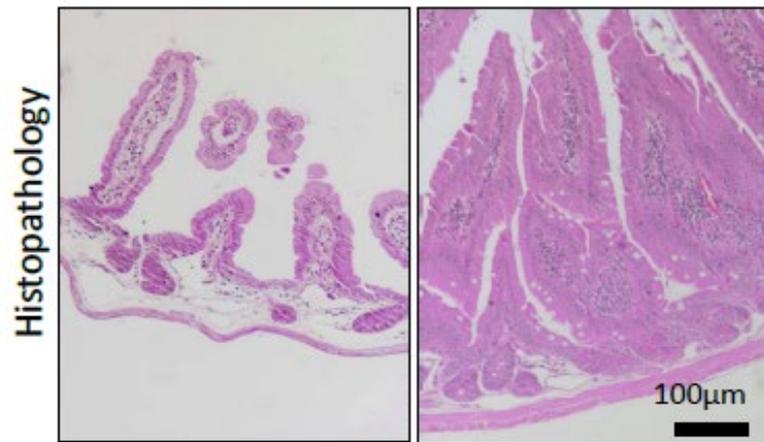
Vibrio cholerae



Ostrich IgY Reduction of Lesions from Cholera Toxin



Neutralization activity of ostrich IgY on cholera toxin induced cell damage (CHO cells)



Hamsters were inoculated with Cholera toxin, and their GI tracts were examined 6 hours post inoculation. In the animals orally administered ostrich IgY at 10 minutes post inoculation, the intestinal lesions were clearly lessened.

OstriChol - Dr. Edward Ryan

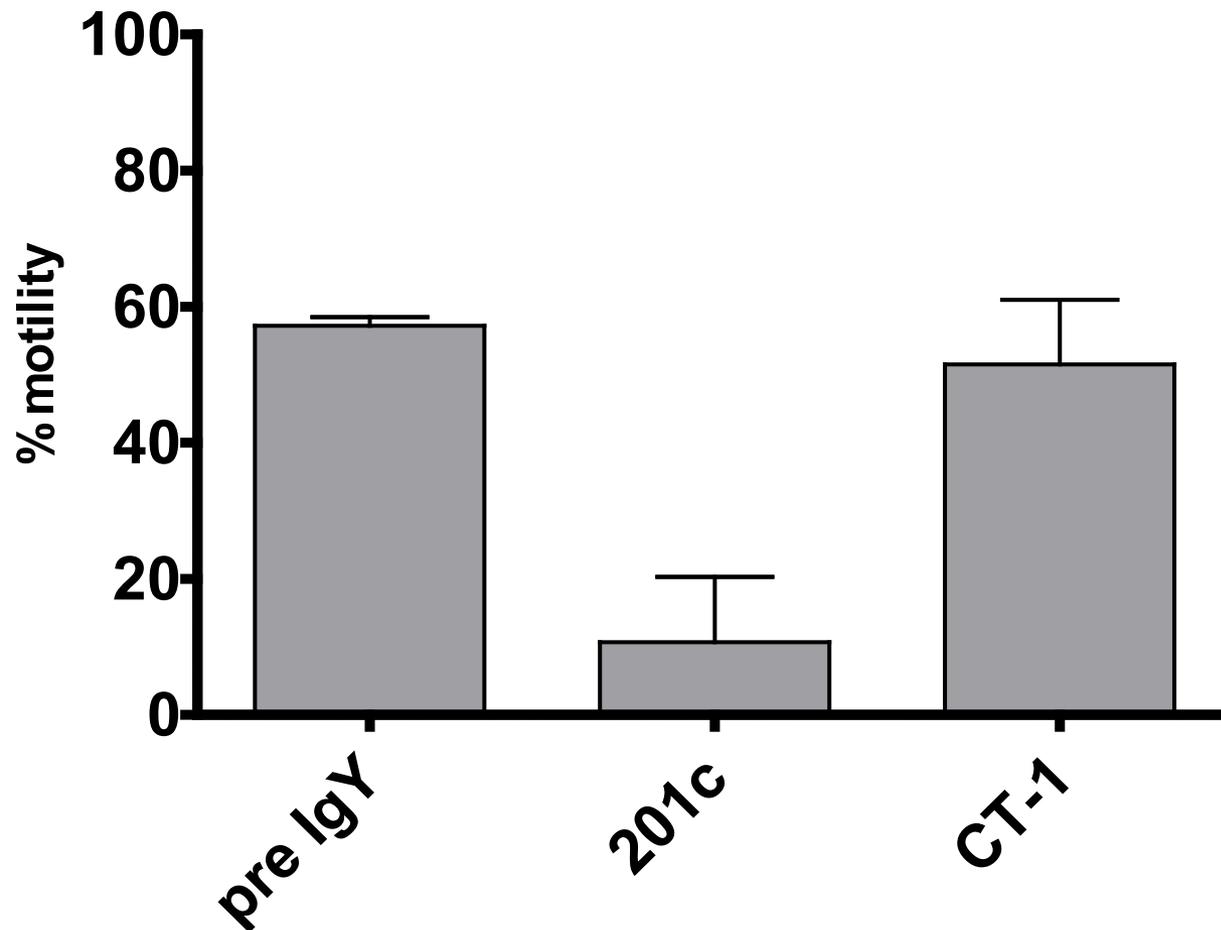
- Director of Global Infectious Diseases, Massachusetts General Hospital
- Professor of Medicine, Harvard Medical School
- Professor of Immunology and Infectious Diseases, Harvard T.H. Chan School of Public Health
- President of the American Society of Tropical Medicine & Hygiene (ASTMH) from 2009-2010
- Currently chairing the Standards and Treatment Guidelines Committee of the ASTMH

Ryan Laboratory at MassGeneral - Ostrichol

- Research on host-bacterial pathogen interactions and immune responses, with a particular focus on the development of vaccines against enteric infections
- Specific targets:
 - *Vibrio cholerae*
 - *Salmonella enterica* (typhoid fever)
- Collaborate with researchers at the International Centre for Diarrhoeal Disease Research (ICDDR) in Dhaka Bangladesh
- Producing an improved cholera vaccine - OSP conjugate

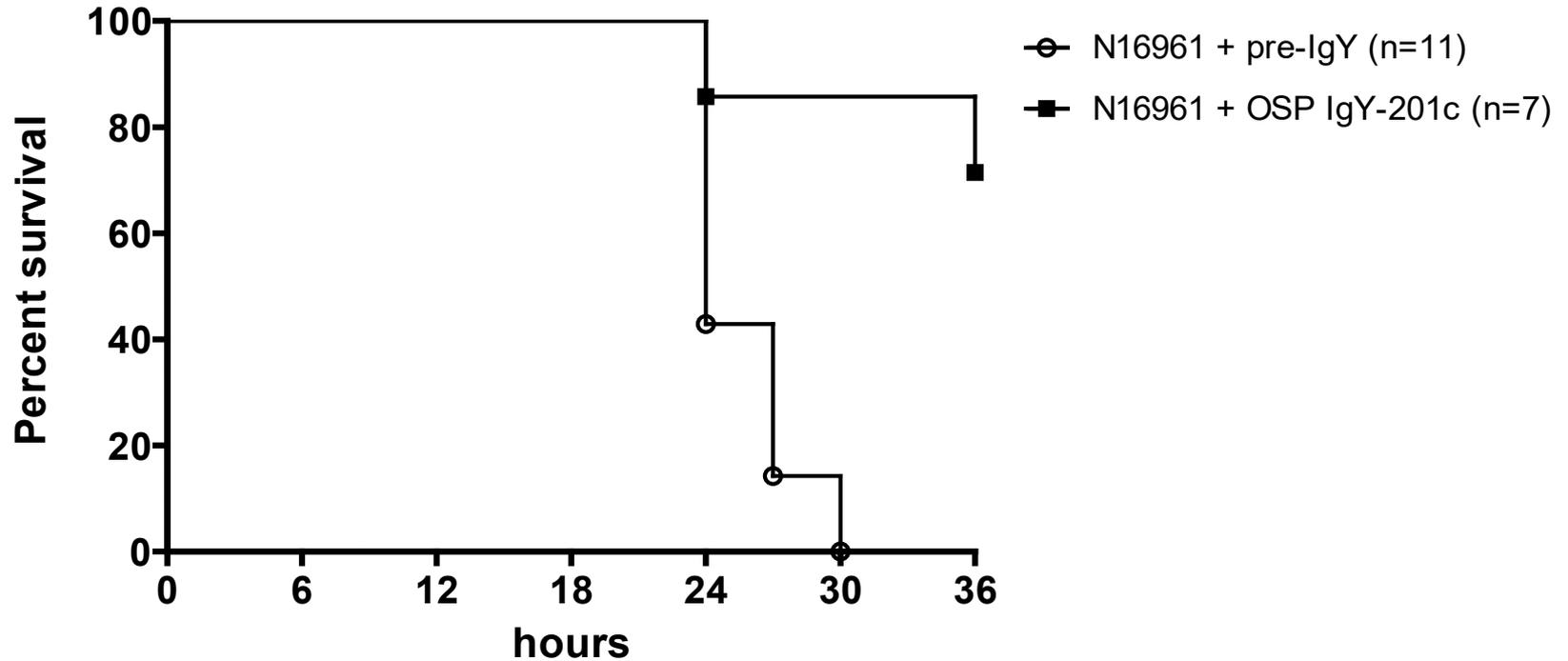
Ostrich anti-OSP IgY (not anti-CT) IgY blocks *V. cholerae* motility

Ostrich IgY



Giving oral anti-OSP IgY protects against wild type *V. cholerae* challenge in mice

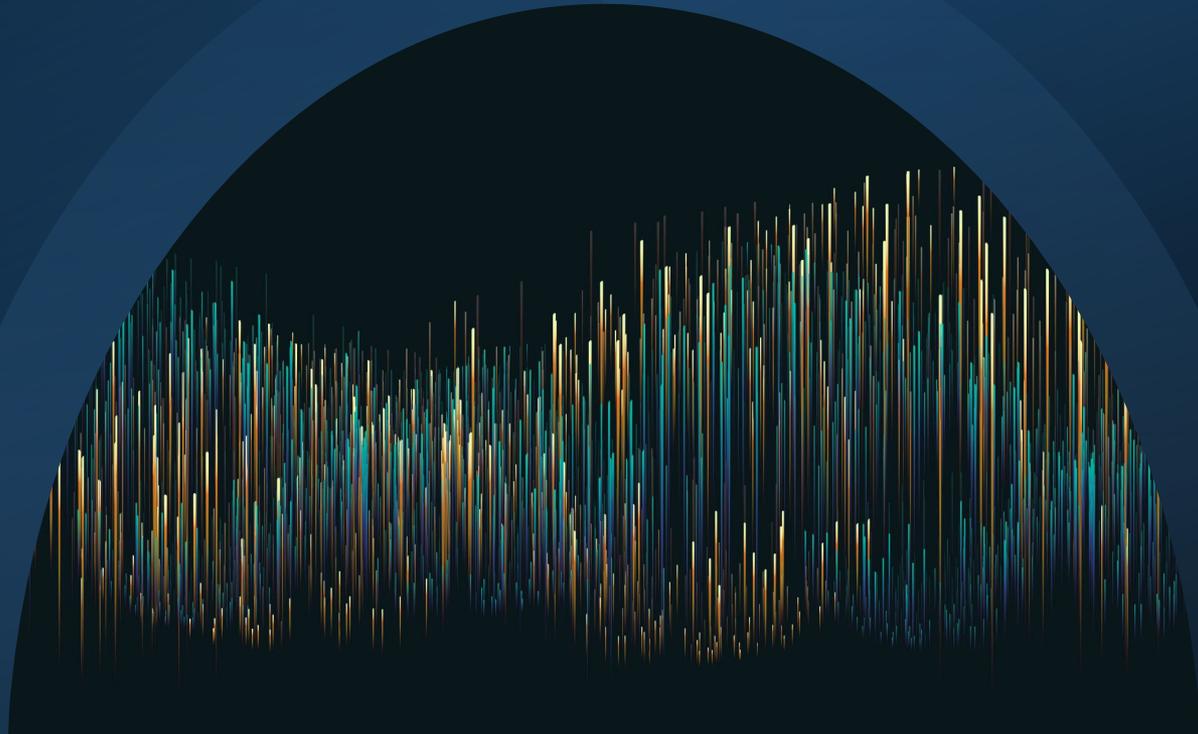
Survival Curve



Struthio's
Immediate Focus
Advancing
Health with
Innovative, and
Curative Products

- **OstriGrow** - Enhancing Hair Health and a Curative⁶⁹ for Hair Loss
- Antibody for hair improvement use" to address hair loss (Alopecia) and improve scalp health.
- **OstriTrim** - Digestive Health Nutraceutical
- Digestive Enzyme Antibody:
 - - Patent technology to produce antibodies that target digestive enzymes. These could be used to manage conditions such as obesity by interfering with the digestion and absorption of certain nutrients. Benefits for Diabetics to lower blood sugar and cholesterol.
- Gastrointestinal Product Development
OstriZon – (anti-Zonulin) – Curative Product IBS
- A pioneering treatment tested for IBS (Irritable Bowel Syndrome) management which currently has no effective treatment
 - According to WHO – affects 10-15% of the world population
- **Dr. Tsukamoto currently sells some of his IgY products in Japan with annual sales of \$190,000,000 CAD.**

Struthio Bioscience
Large-Scale IgY Production
Extraction, purification of IgY
Product Sales





○ Headquarters

● Operational

● Good Prospect

Backlog of inquiries to join the network

Ostrich Satellite Farm Network

Board of Directors

- **Chairman – Dr. Yasuhiro Tsukamoto**- President of Kyoto University, Founder and Scientist of Ostrich IgY patents,
- **CEO – Interm - Dave Bilinski** - Presently recruiting for full time position - Production Expert for Ostrich, 31 Years experience
- **VP – IgY Egg Production - Karen Espersen** -, IgY Egg Production Expert for Ostrich, Director Alberta Ostrich Association, 33 Years experience
- **VP Product Development - Dr. Stu Greenberg** –, CEO Ostrich Pharma USA,
- **Board Member - Dr. Lyle Oberg** – Presently Chariman of Alberta Health Services.
- **CFO** – Actively recruiting for position
- **CMO - Carol Epstein, M.D.** .Dr. Epstein has been in the biopharmaceutical industry for over 25 years. She has served as Chief Medical Officer of IRX Therapeutics, Inc
- **Board Member** – To be chosen by investor

Struthio BioScience Inc.

Advisory Board

- **Dr. Alessio Fasano**- Director of Center for Celiac Research & Treatment at MassGeneral Hospital. Director of the Mucosal Immunology and Biology Research Center at MassGeneral Hospital for Children (50 scientists and staff). Founder of Zonulin.
- **Dr. Meer Janjua** - BioNektar Inc. Founder and Chief Medical Officer, International Distribution management through Doctors network
- **Dr. William Bithoney MD, FAAP** - Dr. William Bithoney is an experienced healthcare professional with more than 35 years of experience in the healthcare sector having served as a physician executive in diverse academic and hospital systems.
- **Dr. Elma Hawkins, Ph.D.** – Dr. Hawkins’s 30-year career encompasses pioneering efforts in biotechnology and drug development, and executive roles in corporate development, strategy, fundraising, and general management.
- **Hassan Hassan** = Business Development – CEO of Aim-X Canada. Dedicated International Entrepreneur in Natural Resource Exploration & Sustainable Development
- **Ken Davidson , CPA, CA, CFP, ICD.D** -Ken Davidson is an accomplished corporate director, consultant, entrepreneur, Chartered Professional Accountant (CPA) and certified Corporate Director (ICD.D) with over 30 years of experience in a diverse range of industries across Canada, the US and the Caribbean.

Complete Financials

Complete Financials are attached on another slide deck

Terms of Struthio BioScience (“Struthio”) and Ostrich Pharma KK (“OPKK”) Agreement

This document contains the terms of an agreement that would be signed simultaneously with other agreements at the closing of an anticipated investment in Struthio that is satisfactory to OPKK.

Struthio name will be changed to Ostrich Pharma North America.

Struthio will receive an exclusive license to existing patents:

- For production and sale of IgY and products containing IgY outside of Japan
- Upfront payment of JPY 500 million to OPKK
- 4% royalties paid to OPKK on sales of IgY and Struthio products containing IgY

Struthio will have the right of first refusal on new patents with an additional upfront fee.

Technology transfer from OPKK to Struthio:

- OPKK will set up purification process in British Columbia
- OPKK will train Struthio staff on ELISA technique used by OPKK for quality control

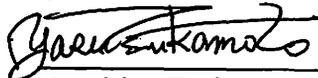
OPKK will provide, where available and allowable:

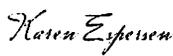
- Test data and reports from experience with products sold in Japan
- Specification of formulations for these products.

Struthio will purchase material for ostrich vaccination from OPKK, the purchase price to be determined by OPKK’s cost plus a 15 per cent fee.

Dr. Yasuhiro Tsukamoto will become co-CEO of Struthio and Chairman of the Board of Directors.

Agreed to: April 11th, 2024

Ostrich Pharma KK

 Yasuhiro Tsukamoto

Struthio BioScience

 Karen Espersen

Struthio BioScience

 David Bilinski

This is Exhibit “ F ” referred to in the
 Affidavit of David Bilinski
 sworn (or affirmed) before me at
Victoria, BC
 this 2 day of June 2025.

 A Commissioner for Taking Affidavits for British Columbia

Terms of Struthio BioScience Inc. (“Struthio”) and Universal Ostrich Farms Inc. (“UOF”) Agreement

This document contains the terms of an agreement concerning ostrich eggs produced after vaccination to hyperimmunize against various antigens (“IgY Ostrich Eggs”). An agreement based on these terms would be signed simultaneously with other agreements at the closing of an anticipated investment in Struthio that is satisfactory to OPKK and UOF.

Struthio has an exclusive arrangement with UOF to purchase all of the IgY Ostrich Eggs produced by UOF.

Struthio will have an exclusive arrangement with UOF for all of Struthio’s IgY supply requirements.

Struthio will:

- Provide all antigens to UOF at no charge.
- Purchase yolks of all IgY Ostrich Eggs for \$500 US each.
- Pay in advance for 1.5 years production of IgY Ostrich Eggs by UOF

UOF will:

- Only use antigens supplied by Struthio
- Produce eggs for whatever IgY products are required
- Maintain all hens with good animal husbandry practices at all times
- Expand to meet demand for Struthio’s requirements with one year lead time notice.
- Deliver either frozen or freeze-dried yolks of IgY Ostrich Eggs to Struthio as required by Struthio’s production.

Agreed to: April 11th, 2024

Universal Ostrich Farms
Inc

Karen Espersen

Karen Espersen

Struthio BioScience Inc.

Stuart H. Greenberg

Stuart Greenberg

This is Exhibit “ G ” referred to in the
Affidavit of David Bilinski
sworn (or affirmed) before me at
Victoria, BC
this 2 day of June 2025.

US

A Commissioner for Taking Affidavits for British Columbia



Statistics
Canada

Statistique
Canada

[Home](#) > [Census of Population](#) > [Data products, 2021 Census](#) > [Census Profile, 2021 Census of Population](#)

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

Census Profile, 2021 Census of Population

Profile table

This is Exhibit " H " referred to in the
Affidavit of David Bilinski

sworn (or affirmed) before me at

Victoria

, BC

this 2 day of June 2025.

US

A Commissioner for Taking Affidavits for British Columbia

Characteristic	Total
Population and dwellings	
Population, 2021 ¹	235
Population, 2016 ¹	236
Population percentage change, 2016 to 2021	- 0.4
Total private dwellings ²	139
Private dwellings occupied by usual residents ³	128
Population density per square kilometre	114.3
Land area in square kilometres	2.06
Age characteristics	
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
Household and dwelling characteristics	
Total - Occupied private dwellings by structural type of dwelling - 100% data	130

📎 12 attachments (4 MB)

AI 2022 BC BC-820 Dave Bilinski 2024-12-284206 Q AMENDMENT(22930) Koetsier,M.pdf; AI 2022 BC BC-820 Dave Bilinski 2024-12-304204 (22873) Zhang,I.pdf; AI 2022 BC BC-820 Dave Bilinski 2024-12-31 1509 Gen (22875) Zhang,I.pdf; AI 2022 BC BC-820 Dave Bilinski 2024-12-314202 (22874) Zhang,I.pdf; Biosecurity for owners of an IP.pdf; Blank LOD.pdf; H275Y Mutation_BCPoultry_12092024_forIndustry_final_signed.pdf; Privacy Notice Statement for Animal Disease Investigations.pdf; Requirement to Quarantine - Producer Information Sheet.pdf; What to Expect - Step by Step.pdf; AI General Information.pdf; BC CDC Letter 2024.pdf;

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

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 <universalostrich@gmail.com>, universalostrich@hotmail.com <universalostrich@hotmail.com>

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

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

Hello!

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)

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-Ouest/Aagentdecassept.acia@inspection.gc.ca

Call or Text: 403-795-9461





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 CHOSE

<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>
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<p>The requirement must be met in the following manner during the period commencing on the date of this notice</p> <p>I find or suspect that the animals/things described below are affected or contaminated by AVIAN INFLUENZA</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: center;">2024-12-28 _____ Date</p> <p>MEGHAN KOETSIER _____ Name of Inspector / Nom de l'inspecteur</p>	<p>L'obligation imposée doit être remplie de la façon suivante à compter de la date du présent avis</p> <p>Je constate ou soupçonne que les choses ou les animaux visés ci-dessous sont atteints ou contaminés par _____</p> <p>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.</p> <p style="text-align: center;">_____ Signature</p> <p style="text-align: center;">_____ Telephone / Téléphone</p>
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<p>TERMINATION OF QUARANTINE TERMINAISON DE QUARANTAINE</p> <p style="text-align: center;">_____ Date</p> <p>_____ Name of Inspector / Nom de l'inspecteur</p>	<p style="text-align: center;">_____ Signature</p> <p style="text-align: center;">_____ Telephone / Téléphone</p>
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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)
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 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.

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 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	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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I have determined or suspect that the disease 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.	Avian Influenza 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.
<u>Ian Zhang</u> Inspector Name / Nom de l'inspecteur	<u>2024-12-30</u> 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
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			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 autre 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 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	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 2024-12-30
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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:

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

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.

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



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

Name / Nom 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		Address / Adresse 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.			
The entry / removal of the following animals / things may occur in accordance with these conditions:			
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			
Inspector Name / Nom de l'inspecteur Ian Zhang		Inspector - Signature - Inspecteur	Date 2024-12-31

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

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



**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 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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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

Avian Influenza

and pursuant to 48.(1) of the *Health of Animals Act*, 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 *Loi sur la santé des animaux*, 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:

les mesures décrites ci-dessous :

Method of Destruction to be communicated by CFIA

2024-12-31

Inspector / Inspecteur: Ian Zhang Date: 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 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.

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) 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.

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 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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La description d'animaux/de choses auxquels s'applique le présent formulaire figure sur la(les) copies 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

Avian influenza in BC for individuals in close contact with poultry

October 2024



Avian influenza and human health

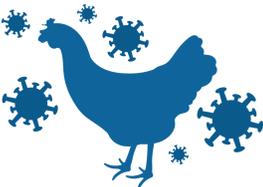
Avian influenza virus easily spreads from bird to bird. It can also infect a wide range of other wild and domestic animals such as cows, goats, skunks, and cats.

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?

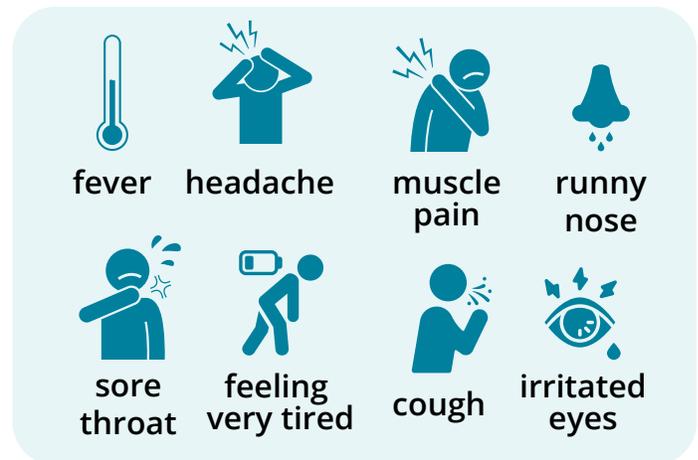
- **Limit direct contact** with sick or dead birds and their environments, and work in **well-ventilated spaces**, whenever possible
- Wear **personal protective equipment (PPE)**:
 - N95 mask and rubber or disposable gloves
 - Eye protection (e.g., goggles, face shields, safety glasses)
 - Disposable 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

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



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 Witness¹ _____
Date

¹ 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

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 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.

- 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 CO₂ 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 CO₂ 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.

- Compensation is **not available for the cleaning and disinfection costs**. There may be options for insurance, or provincial programs to support this, but CFIA is unable to compensate for this.
 - In the event you do not wish to complete cleaning and disinfection, a 120-day **Fallow period** is an option. In this situation, the declaration of infected premises and the movement controls will remain in place for 120 days after primary decontamination. During this time, you are not allowed to place birds, or disrupt the area that is subject to the fallow. You will also be contacted or visited approximately once a month until this is completed for CFIA to verify that the fallow is being maintained.
- Your **key contact through this process will be a member of the compensation team**. Your case officer can still be involved, but as this is a bit more involved process, direct communication with the compensation team is important.

This is Exhibit " J " referred to in the
 Affidavit of David Bilinski
 sworn (or affirmed) before me at
Victoria, BC
 this 2 day of June 2025

 A Commissioner for Taking Affidavits for British Columbia

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

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 5:21 PM

Subject: FW: Exemption from Depopulation Required Documents

To: universalostrich@hotmail.com <universalostrich@hotmail.com>, Karen Espersen and Dave Bilinski <universalostrich@gmail.com>

Hi Again,

Forwarding this to you again as it's one of the most important parts of the process. Please read my email below if you haven't already.

Thanks,

Cassandra Berreth

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

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

Sent: Thursday, January 2, 2025 12:31 PM

To: universalostrich@hotmail.com

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

Subject: Exemption from Depopulation Required Documents

Hello Again,

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*

Here's what we need from you at this time to get started:

- We need documented proof that these birds are distinctive from standard commercial flocks. The highlighted section above gives good examples of the types of documents we're looking for.
 - If you have any documentation of the agreement between you and the university – that'd be really helpful to send to us.
- I'll also need you guys to fill out the attached document Distinct Unit Package that will need to be completed and sent back to me.

Thanks,

Cassandra Berreth

Case Officer 007
Western Area Avian Influenza Response
Canadian Food Inspection Agency

Call or Text: 403-795-9461



Government of Canada
Gouvernement du Canada



Distinct Unit Request Package

Background

Canada's response to the ongoing H5N1 highly pathogenic avian influenza (HPAI) event includes humane depopulation of all susceptible domestic birds on an infected premises. An epidemiological unit (epi unit) means a group of animals with the same likelihood of exposure to a pathogenic agent. This aligns with the "stamping out" policies of the World Organization for Animal Health (WOAH) and helps to hasten Canada's claim of HPAI freedom and resumption of any trade that may have been discontinued. Canada's national poultry industries continue to support a stamping out approach to HPAI management in Canada.

In most situations, all birds on a premises owned by the same owner or that regularly share staff or equipment are considered to be a single epi unit.

In some exceptional circumstances, a distinct population of birds may be recognized by the CFIA on a premises that becomes infected. This distinct population of birds, including the land on which they reside, are referred to as a "distinct unit". If a group of birds are physically and functionally separate from the rest of an infected epi unit, the CFIA may exercise its discretion to consider this group of birds as a distinct unit and exempt it from depopulation.

Distinct unit request package

A producer with an infected epi unit may request to have a distinct unit evaluation by submitting a request package for consideration to the CFIA via their case officer.

The distinct unit request package includes the following:

- Part 1 – Distinct unit initial assessment
- Part 2 – Flock health attestation
- Part 3 – Producer declaration
- Relevant documents to support the request:
 - Aerial photo map of premises outlining the boundaries of the distinct unit
 - Biosecurity Standard Operating Procedures (SOP) with site map
 - Movement log of any poultry movements in or out of the distinct unit with origin/destination
 - Visitor log and staff schedule for the distinct unit AND the infected epi unit for the past 21 days
 - Most recent On-Farm Food Safety Audit (OFFSA) and/or biosecurity audit, if applicable

You may ask your flock veterinarian or industry association for assistance filling out the required information.

Assessment process

Once the distinct unit request package is submitted to CFIA, the assessment process consists of:

- **Document review:** The CFIA will review the information included in the producer request package that supports the claims of the distinct unit being a physically and functionally separate epi unit. Missing or poorly documented information will slow down the process or result in a denied request.
- **On-site audit:** An on-site audit by CFIA staff is conducted to ensure procedures on the farm reflect what is provided in the request package.
- **Dead bird surveillance:** A minimum of 3 dead bird surveillance events with negative results are required prior to final distinct unit approval.
- **CFIA response:** The producer will receive a written response indicating if the request for the CFIA to recognize a distinct unit was accepted or denied with explanations.



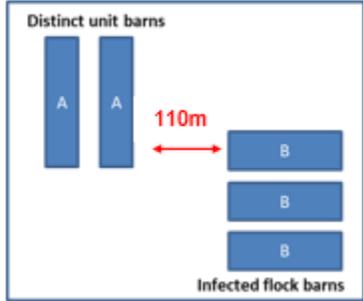
Additional resources:

Producers are encouraged to refer to the following documents for additional guidance on biosecurity measures including but not limited to:

- [National Avian On-Farm Biosecurity Standard \(second edition\)](#)
- [General Producer Guide - National Avian On-Farm Biosecurity Standard](#)
- [Poultry Service Industry Biosecurity Guide](#)

Part 1 – Distinct unit initial assessment

The distinct unit initial assessment serves as a self-screening tool. Any “no” responses will likely result in a denial of the request. If there is a “no” response, additional documentation must be provided to justify why the request should still be considered and will be evaluated on a case-by-case basis.

Background information		
The distinct unit is physically and functionally separate from the infected epi unit and has been for 21 days prior to the first clinical signs in the infected epi unit	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The distinct unit contains galliformes such as turkeys or chickens (i.e. does not contain anseriformes such as ducks and geese).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Site design and layout		
Birds are confinement-reared in barns with solid walls (e.g. no curtain walled barns, no outdoor access)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Barns in the distinct unit are more than 110m away from barns housing the infected epi unit.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
 <p>In the illustration, the distinct unit barns are labelled “A” and the infected epi unit barns are labelled “B”. The closest distance between barns is measured even if clinical signs are not apparent in the B barn closest to the distinct unit.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The distinct unit is protected from surface water accumulation (pooling and run-off) from manure, compost, and mortality storage from the infected premises and surrounding areas.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Site access management and zoning		
Traffic pathways to access the distinct unit are: <ul style="list-style-type: none"> completely independent from the infected epi unit (e.g. separate driveway) OR <ul style="list-style-type: none"> physically separated by a permanent or semi-permanent barrier such as a fence 	<input type="checkbox"/> Yes	<input type="checkbox"/> No



Operational management (people)		
The distinct unit barns have a two-zone entry system with a physical barrier (e.g. bench), or a three-zone entry system with a shower, to separate the controlled access zone (CAZ) from the restricted access zone (RAZ). Dedicated clothing and footwear and hand sanitation is required for all people entering the barns/pens, including family, owner, staff and visitors.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Entirely different personnel (e.g. family, owner, hired staff) work on the distinct unit OR There is a deliberate separation of personnel (e.g. family, owner, hired staff) through scheduling and biosecurity where staff have dedicated days for work in the distinct unit and are required to shower, change clothing and footwear (don clean personal clothing and footwear not worn on the infected premises) prior to their next shift on the distinct unit.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Service providers and visitors entering the distinct unit RAZ must don dedicated/clean footwear and coveralls, sanitize hands and use a biosecurity SOP that they normally would use between <u>different</u> premises. Service providers may include: <ul style="list-style-type: none"> • Feed trucks • Catching crew • Veterinary services • Vaccination crew • Deadstock • Other service providers, e.g. an electrician 	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Pest control, domestic animal and wildlife management		
There is an effective monitored pest control program (for both insects and rodents) in place on the infected premises and the distinct unit	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Domestic animals (e.g. dogs/cats) cannot enter the distinct unit RAZ	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Wild birds do not have access to the distinct unit RAZ	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Deadstock and waste management		
Carcasses and manure/litter from the distinct unit are stored and disposed of in a different area than those from the infected epi unit. Appropriate biosecurity SOPs are in place for managing carcasses. Carcasses are contained or covered to prevent scavengers/contact with other pests.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Carcasses and manure/litter from the infected epi unit are not stored nor disposed of in close proximity (less than 110 meters) to the distinct unit barns	<input type="checkbox"/> Yes	<input type="checkbox"/> No



Garbage from the infected epi unit is not stored/disposed of on the distinct unit. Garbage is securely stored in a manner that will not attract other birds or animals that may act as vectors	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Birds, products, equipment and supplies		
Birds or their products have not moved into the distinct unit from the infected epi unit for a minimum of the past 21 days	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Equipment or supplies are dedicated for the distinct unit OR have not moved into the distinct unit from the infected epi unit without a full cleaning and disinfection process.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Feed and bedding storage for the distinct unit: <ul style="list-style-type: none"> • are separate from the storage areas for the infected premises • is protected from contamination by scavengers and pests 	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Surplus feed has not moved from the infected premises into the distinct unit	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The water source for the distinct unit is either from a deep well (>60m depth), municipal source, or treated (e.g. with chlorine or hydrogen peroxide)	<input type="checkbox"/> Yes	<input type="checkbox"/> No



Part 2 – Flock health attestation

Submit the same Flock Health Attestation used for movement permitting in a primary control zone. A Flock Health Attestation form can be requested through the applicable provincial marketing board organization or [relevant contacts listed by province](#).

Complete the flock health attestation with information from the distinct unit only. The reporting period is 14 days: the last day of the reporting period is the day that the Distinct Unit Request Package is submitted. Do not include information on the health status of the birds included in the original infected premises.



Part 3 – Producer declaration

Date: _____

Location (civic address or legal land location of the current infected premises):

Producer /Farm /Corporation name: _____

I, _____ (name of person signing this document) understand and acknowledge the following:

- The duration of the distinct unit assessment period may take up to 2 weeks
- I am the owner of the birds or have possession, care or control of the birds in the distinct unit, at the location noted above, during the assessment period;
- I am responsible for ensuring the birds in the distinct unit are cared for and fed during this assessment period
- There is no guarantee that a distinct unit will be recognized if a Distinct Unit Request Package is submitted
- I will immediately notify CFIA of any clinical signs in the distinct unit consistent with HPAI such as increased mortalities, reduced feed or water consumption, or a drop in egg production; and
- If a distinct unit is recognized by the CFIA, it is subject to the same requirements as other premises within the primary control zone as per the authority under the *Health of Animals Act*. If the distinct unit is <200m from barns housing the infected epi unit, it will be considered a high risk contact premises.

Documents included in this Distinct Unit Request Package include (check all that apply):

- Part 1 – Distinct unit initial assessment
- Part 2 – Flock Health Attestation
- Aerial photo map of premises outlining the boundaries of the distinct unit
- Biosecurity Standard Operating Procedures (SOP)



- Site map if not included in Biosecurity SOP
- Movement log
- Visitor log
- Staff schedule
- Most recent On Farm Food Safety Audit (OFFSA) and/or biosecurity audit, if current and available

I, _____ (name of person signing this document)
am authorized to sign on behalf of _____ (farm
/corporation name) at _____ (location).

By signing this document, I acknowledge my understanding and agreement with the
above, and attest that all information submitted in this Distinct Unit Request Package is
accurate and true:

Producer/Owner/Signee signature: _____

Producer/Owner/Signee name: _____

This is Exhibit " K " referred to in the
 Affidavit of David Bilinski
 sworn (or affirmed) before me at
Victoria, BC
 this 2 day of June 2025.
US
 A Commissioner for Taking Affidavits for British Columbia

From: Karen Espersen and Dave Bilinski <universalostrich@gmail.com>
Sent: June 2, 2025 1:05 PM
To: Umar Sheikh <usheikh@sheikhlaw.ca>
Subject: Fwd: Fw: BC-820-IP-233 Letter Regarding Exemption Request

Message Is From An External Sender - Please verify sender, attachments, and links are safe before opening.

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

From: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)
 <cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>
Date: Fri, Jan 10, 2025 at 3:27 PM
Subject: BC-820-IP-233 Letter Regarding Exemption Request
To: Karen Espersen and Dave Bilinski <universalostrich@gmail.com>
Cc: West AI Case Officer Lead / Ouest IA Chef de cas (CFIA/ACIA) <cfia.WestAICaseOfficer-OuestIAChefdecas.acia@inspection.gc.ca>, West AI Commander / Ouest IA Commandant (CFIA/ACIA) <cfia.WestAIcommander-OuestIacommandant.acia@inspection.gc.ca>

Hi Dave and Karen,

Thank you for submitting the Distinct Unit Assessment request package for the HPAI infected premises of Universal Ostrich Farms Inc. We take these requests seriously and give each request that meets our initial screening criteria due consideration. Please find the attached letter detailing the review of the screening criteria and final decision CFIA has made.

Please take the weekend to review the letter and information we have provided. Should you wish to discuss anything that has not already been provided or next steps, please send those questions back to me for CFIA to review. If needed, we are happy to arrange a call with the necessary parties from the CFIA to discuss.

Additionally, we are aware that these decisions may cause a tremendous amount of stress. If you, or one of your colleagues, friends, or family members are feeling anxious or stressed, don't hesitate to

visit the [AgSafe](https://agsafebc.ca/mental-wellness/) mental health website. They have valuable resources that you may find helpful.¹²²
<https://agsafebc.ca/mental-wellness/>

Please note that I will be away from my desk this weekend please use the Lead Case Officer email at cfia.WestAICaseOfficer-OuestIAChefdecas.acia@inspection.gc.ca that will be monitored.

Regards,

Cassandra Berreth

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

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

Call or Text: 403-795-9461





CFIA Highly Pathogenic Avian Influenza (HPAI) Event 2022 - Western HPAI Response

10 January 2025

Re: Distinct Unit Evaluation and request for exemption from destruction order issued on December 31 2024 for Ostriches on BC-820-IP-233 (Universal Ostrich Farms Inc., Edgewood, B.C.)

To Whom It May Concern,

Thank you for submitting the Distinct Unit Assessment request package for the HPAI infected premises of Universal Ostrich Farms Inc.

It is critical that, in honouring requests for exemptions from depopulation, we at CFIA remain aligned with our World Organisation for Animal Health (WOAH) obligations to Canada's stamping-out policy with regards to the detection of HPAI. We take these requests seriously and give each request that meets our initial screening criteria due consideration. Conclusions reached in reviewing these applications are final and will not be re-evaluated.

WOAH considers the genus *Struthio spp.* (Ostrich) as "poultry" in their definition of poultry and they are not exempt from a stamping-out policy. This stamping-out policy reflects the risks posed by HPAI infected poultry flocks to humans, domestic animals, and wildlife. As part of the stamping-out policy, the CFIA does not consider individual bird test results when evaluating the epidemiological unit on an HPAI infected premises. In order for Canada to mitigate the risks posed by HPAI infected poultry, maintain its international obligations and the expectation of our trading partners, all birds within the HPAI infected epidemiological unit of a non-commercial poultry infected premises must be destroyed and appropriately disposed.

All criteria listed in the Distinct Unit Assessment must be adequately addressed in order to be granted an exemption from depopulation.

The CFIA defines a Distinct Epidemiological Unit as a group of animals on an infected premises that are separated from an infected susceptible population such that they are not considered exposed to the pathogenic agent. After reviewing all the information provided, including, but not limited to, email communications from Universal Ostrich Inc., an on-site visit conducted by CFIA staff as well as all communications for the purposes of completing the premises investigation questionnaire, we did not find that this proposed distinct unit adequately met the criteria for:

- *A distinct epidemiological unit.* There is no evidence that a subset of animals are a distinct unit or at a different level of risk; all animals on the infected premises are under the same risk of HPAI exposure.



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,

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

Planning Chief, Western HPAI Response

Cortnie Fotheringham

Incident Commander, Western HPAI Response

This is Exhibit " L " referred to in the
 Affidavit of David Bilinski
 sworn (or affirmed) before me at
Victoria, BC
 this 2 day of June 2025.

 A Commissioner for Taking Affidavits for British Columbia

From: Karen Espersen and Dave Bilinski <universalostrich@gmail.com>
 Sent: May 29, 2025 10:00 PM
 To: Umar Sheikh <usheikh@sheikhlaw.ca>
 Subject: Fwd: FW: BC-IP-233 Amended Legal Docs, Feed Delivery, Biocontainment Plan, Future Plans

Message Is From An External Sender - Please verify sender, attachments, and links are safe before opening.

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

From: **Karen Espersen and Dave Bilinski** <universalostrich@gmail.com>
 Date: Tue, Jan 14, 2025 at 7:59 PM
 Subject: Fwd: FW: BC-IP-233 Amended Legal Docs, Feed Delivery, Biocontainment Plan, Future Plans
 To: danielle.bullen <danielle.bullen@dentons.com>, <chelsea.denton@dentons.com>

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

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

Hello,

Thanks again for chatting with me this afternoon.

As discussed last week, please see attached amended legal documentation to reflect the¹²⁶ 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 envcia@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,

Case Officer 007

Western Area Avian Influenza Response

Canadian Food Inspection Agency

cfia.WestAICaseOfficerSeven-Ouest/Aagentdecassept.acia@inspection.gc.ca

Call or Text: 403-795-9461



Government of Canada Gouvernement du Canada



**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**

<p>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</p>	<p>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 49.863702N 118.148781W 49.863301N 118.149275W 49.862402N 118.149296W</p>
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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

Avian Influenza

and pursuant to 48.(1) of the *Health of Animals Act*, 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 *Loi sur la santé des animaux*, 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:

les mesures décrites ci-dessous :

Method of Destruction to be communicated by CFIA

2025-01-12

Ian Zhang Inspector / Inspecteur Date 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

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) 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.

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 201 Lancelotti 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 49.865251N 118.150970W 49.863702N 118.148781W
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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:

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

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.

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



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

Name / Nom 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	Address / Adresse Starting from the SW corner moving counter clock-wise: 49.862388N 118.152837W, 49.864145N 118.154210W, 49.865251N 118.150970W, 49.863702N 118.148781W, 49.863301N 118.149275W, 49.862402N 118.149296W
Is hereby permitted to Est autorisé par les présentes à	<input checked="" type="checkbox"/> Remove out of: enlever des : Starting from the SW corner moving counter clock-wise: 49.862388N 118.152837W, 49.864145N 118.154210W, 49.865251N 118.150970W, 49.863702N 118.148781W, 49.863301N 118.149275W, 49.862402N 118.149296W <input checked="" type="checkbox"/> Remove to: ajouter aux : Starting from the SW corner moving counter clock-wise: 49.862388N 118.152837W, 49.864145N 118.154210W, 49.865251N 118.150970W, 49.863702N 118.148781W, 49.863301N 118.149275W, 49.862402N 118.149296W
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.	
The entry / removal of the following animals / things may occur in accordance with these conditions:	
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.	
This revokes and replaces the 1509Gen issued on 2024-12-31 by Ian Zhang. Reason for amendment of original: correct quarantine location with GPS. Original 1509Gen is attached to this amendment. The date of issue of the 1509Gen referenced above is not changed by this amendment.	
File Number: BC-820 23297	
Inspector Name / Nom de l'inspecteur Ian Zhang	Inspector - Signature - Inspecteur
Date 2025-01-12	

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

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 autre 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 Universal Ostrich Owner Name (legal owner of premise): Dave Bilinski Email: universalostrich@gmail.com Phone #: 778-692-9389 201 Lonsdale Road, Edgewood, BC, V0G 1J0	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 49.862702N 118.148781W
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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(les) 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:

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

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.

La description d'animaux/de choses auxquels s'applique le présent formulaire figure sur la(les) copies 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 CHOSE(S)

<p>To: / À : 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</p>	<p>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 49.863702N 118.148781W 49.863301N 118.149275W 49.862402N 118.149296W</p>
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<p>The requirement must be met in the following manner during the period commencing on the date of this notice</p> <p>I find or suspect that the animals/things described below are affected or contaminated by AVIAN INFLUENZA</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: center;">2025-01-12 _____ Date</p> <p>Ian Zhang _____ Name of Inspector / Nom de l'inspecteur</p>	<p>L'obligation imposée doit être remplie de la façon suivante à compter de la date du présent avis</p> <p>Je constate ou soupçonne que les choses ou les animaux visés ci-dessous sont atteints ou contaminés par _____</p> <p>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.</p> <p style="text-align: right;">_____ Signature</p> <p style="text-align: right;">_____ Telephone / Téléphone</p>
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<p>TERMINATION OF QUARANTINE TERMINAISON DE QUARANTAINE</p>	<p>_____ Date</p>	<p>_____ Signature</p>
<p>_____ Name of Inspector / Nom de l'inspecteur</p>	<p>_____ Telephone / Téléphone</p>	

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			Sick bird Call Log#:773
8			This revokes and replaces the amended 4206Q issued on 2025-01-02
9			by Meghan Koetsier.
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			

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.

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.

This is Exhibit " M " referred to in the
 Affidavit of David Bilinski
 sworn (or affirmed) before me at
Victoria, BC
 this 2 day of June 2025.
US
 A Commissioner for Taking Affidavits for British Columbia

From: Karen Espersen and Dave Bilinski <universalostrich@gmail.com>
 Sent: May 29, 2025 10:21 PM
 To: Umar Sheikh <usheikh@sheikhlaw.ca>
 Subject: Fwd: Amended control documents - BC IP 233 Universal Ostrich

Message Is From An External Sender - Please verify sender, attachments, and links are safe before opening.

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

From: Karen Espersen and Dave Bilinski <universalostrich@gmail.com>
 Date: Fri, Jan 24, 2025 at 6:28 PM
 Subject: Fwd: Amended control documents - BC IP 233 Universal Ostrich
 To: Michael Carter <michael@clevelanddoan.com>, HBG1010@gmail.com
 <HBG1010@gmail.com>

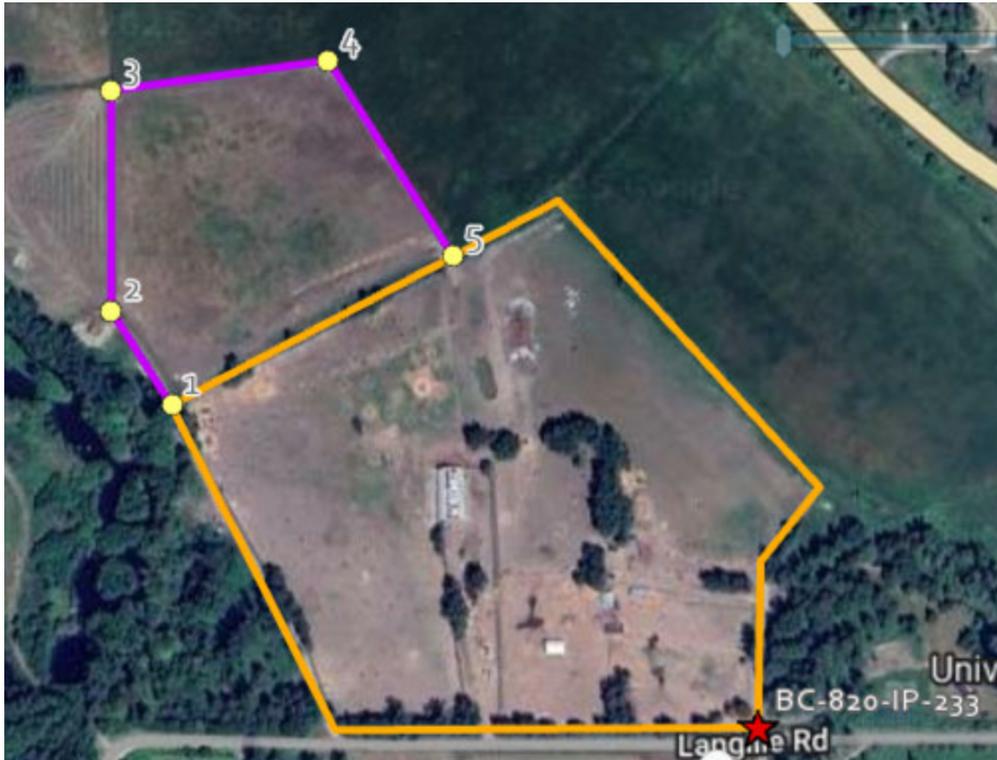
tonight

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

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



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



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 CHOSE

<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 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: 49.862388N 118.152837W, 49.864145N 118.154210W, 49.865251N 118.150970W, 49.863702N 118.148781W, 49.863301N 118.149275W, 49.862402N 118.149296W</p> <p>Disposal Pile from SW corner moving counter clock-wise: 49.864145 -118.15421, 49.864657 -118.154713, 49.865847 -118.154716, 49.86601 -118.152896, 49.86495 -118.151851</p>
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<p>The requirement must be met in the following manner during the period commencing on the date of this notice</p> <p>I find or suspect that the animals/things described below are affected or contaminated by AVIAN INFLUENZA</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: center;">2025-01-24 _____</p> <p style="text-align: center;">Date</p> <p>MEGHAN KOETSIER _____</p> <p style="text-align: center;">Name of Inspector / Nom de l'inspecteur</p>	<p>L'obligation imposée doit être remplie de la façon suivante à compter de la date du présent avis</p> <p>Je constate ou soupçonne que les choses ou les animaux visés ci-dessous sont atteints ou contaminés par _____</p> <p>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.</p> <p style="text-align: center;">_____ Signature</p> <p style="text-align: center;">_____ Telephone / Téléphone</p>
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<p>TERMINATION OF QUARANTINE TERMINAISON DE QUARANTAINE</p> <p style="text-align: center;">_____ Date</p> <p>_____ Name of Inspector / Nom de l'inspecteur</p>	<p style="text-align: center;">_____ Signature</p> <p style="text-align: center;">_____ Telephone / Téléphone</p>
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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)
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			Description of susceptible species present on-site:
5			All Avian species on this premise.
6			Sick Bird Call log: 773
7			
8			This revokes and replaces the amended 4206Q issued on 2025-01-12
9			by Xiang Zhang. Reason for amendment of original: to include quarantine
10			location of disposal pile with GPS. Original amended 4206 Q is attached
11			to this amendment. The date of issue of the amended 4206Q referenced
12			above is not changed by this amendment.
13			
14			

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.

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.



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

Name / Nom 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	Address / Adresse Starting from the SW corner moving counter clock-wise: 49.862388N 118.152837W, 49.864145N 118.154210W, 49.865251N 118.150970W, 49.863702N 118.148781W, 49.863301N 118.149275W, 49.862402N 118.149296W Disposal Pile from SW corner moving counter clock-wise: 49.864145 -118.15421, 49.864657 -118.154713, 49.865847 -118.154716, 49.86601 -118.152896, 49.86495 -118.151851	
Is hereby permitted to Est autorisé par les présentes à	<input checked="" type="checkbox"/> Remove out of / enlever des : <input checked="" type="checkbox"/> Remove to / ajouter aux : <small>Starting from the SW corner moving counter clock-wise: 49.862388N 118.152837W, 49.864145N 118.154210W, 49.865251N 118.150970W, 49.863702N 118.148781W, 49.863301N 118.149275W, 49.862402N 118.149296W Disposal Pile from SW corner moving counter clock-wise: 49.864145 -118.15421, 49.864657 -118.154713, 49.865847 -118.154716, 49.86601 -118.152896, 49.86495 -118.151851</small>	
The following animals and or things: / Les animaux ou substances suivantes :		
<p>"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.</p>		
The entry / removal of the following animals / things may occur in accordance with these conditions:		
<p>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.</p>		
<p>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.</p>		
<p>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.</p>		
<p>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.</p>		
<p>e) All conditions apply until further notified by an inspector of the CFIA.</p>		
<p>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.</p>		
<p>g) CFIA approved biocontainment procedures are to be followed.</p>		
<p>This revokes and replaces the 1509Gen issued on 2024-01-12 by Ian Zhang. Reason for amendment of original: to include quarantine location of disposal pile with GPS. Original 1509Gen is attached to this amendment. The date of issue of the 1509Gen referenced above is not changed by this amendment.</p>		
Inspector Name / Nom de l'inspecteur MEGHAN KOETSIER	Inspector - Signature - Inspecteur 	Date 2025-01-24

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

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



**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**

<p>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</p>	<p>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, 49.863702N 118.148781W, 49.863301N 118.149275W, 49.862402N 118.149296W Disposal Pile from SW corner moving counter clock-wise: 49.864145 -118.15421, 49.864657 -118.154713, 49.865847 -118.154716, 49.86601 -118.152896, 49.86495 -118.151851</p>
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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

Avian Influenza

and pursuant to 48.(1) of the *Health of Animals Act*, 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 *Loi sur la santé des animaux*, 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:

les mesures décrites ci-dessous :

Method of Destruction to be communicated by CFIA

2025-01-24

Inspector / Inspecteur
MEGHAN KOETSIER

Date

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 poultry and poultry carcasses along with other material
2			approved by CFIA disposal crew from the above noted poultry
3			production premises.
4			
5			This revokes and replaces the 4202 issued on 2025-01-12 by Ian Zhang.
6			Reason for amendment of original: to include to include quarantine
7			location of disposal pile with GPS. Original 4202 is attached to this
8			amendment. The date of issue of the 4202 referenced above is not
9			changed by this amendment.
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11			File Number: BC-820-IP-233 23709
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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) 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.

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 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,49.865251N118.150970W,49.863702N 118.148781W,49.863301N 118.149275W,49.862402N
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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 MEGHAN KOETSIER	Inspector (Signature) Inspecteur	Date 2025-01-24
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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:

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

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.

La description d'animaux/de choses auxquels s'applique le présent formulaire figure sur la(les) copies 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**

<p>Owner or occupier Propriétaire ou occupant</p> <p>Universal Ostrich</p> <p>Owner Name (legal owner of premise): Dave Bilinski</p> <p>Email: universalostrich@gmail.com / 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: 49.862388N 118.152837W, 49.864145N 118.154210W, 49.865251N 118.150970W, 49.863702N 118.148781W, 49.863301N 118.149275W, 49.862402N 118.149296W</p> <p>Disposal Pile from SW corner moving counter clock-wise: 49.864145 -118.15421, 49.864657 -118.154713, 49.865847 -118.154716, 49.86601 -118.152896, 49.86495 -118.151851</p>
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<p>I have determined or suspect that the disease</p> <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.</p>	<p>J'ai constaté ou soupçonné que la maladie</p> <p>Avian Influenza</p> <p>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.</p>
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<p>MEGHAN KOETSIER</p> <p>Inspector Name / Nom de l'inspecteur</p>	<p>_____ Inspector (Signature) Inspecteur</p>	<p>2025-01-24</p> <p>Date</p>
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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)
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 2025-01-12 by Xiang
14			Zhang. Reason for amendment of original: to include quarantine
15			location of disposal pile with GPS. Original 4202 is attached
16			to this amendment. The date of issue of the 4202 referenced
17			above is not changed by this amendment.
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25			File Number: BC-820-IP-233 23708
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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 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,49.865251N118.150970W,49.863702N 118.148781W,49.863301N 118.149275W,49.862402N
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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 MEGHAN KOETSIER	Inspector (Signature) Inspecteur	Date 2025-01-24
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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:

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

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.

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 CHOSE

<p>To: / À : 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) 301 Langille Road, Edgewood, BC, V0G 1J0 Lat: 49.862402 Long: -118.149296 Premise ID: BC44K4PMR</p> <p>Eggs collected during critical period (month of December 2024) Location: Residence of Karen Espersen Lat: 49.860419N Long: 118.149508W</p>
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<p>The requirement must be met in the following manner during the period commencing on the date of this notice</p> <p>I find or suspect that the animals/things described below are affected or contaminated by AVIAN INFLUENZA</p> <p>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 (Eggs) to quarantine the animals/things described below. 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.</p> <p>Report any signs of avian influenza or increased mortality to the Canadian Food Inspection Agency (CFIA) immediately. Quarantine conditions must remain in effect until released by an inspector of the Canadian Food Inspection Agency.</p> <p>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.</p> <p style="text-align: center;">2025-01-24 _____ Date</p> <p>MEGHAN KOETSIER _____ Name of Inspector / Nom de l'inspecteur</p>	<p>L'obligation imposée doit être remplie de la façon suivante à compter de la date du présent avis</p> <p>Je constate ou soupçonne que les choses ou les animaux visés ci-dessous sont atteints ou contaminés par _____</p> <p>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.</p> <p style="text-align: center;">_____ Signature</p> <p style="text-align: center;">_____ Telephone / Téléphone</p>
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<p>TERMINATION OF QUARANTINE TERMINAISON DE QUARANTAINE</p> <p style="text-align: center;">_____ Date</p> <p>_____ Name of Inspector / Nom de l'inspecteur</p>	<p style="text-align: center;">_____ Signature</p> <p style="text-align: center;">_____ Telephone / Téléphone</p>
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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)
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			
5			
6			Eggs collected during critical period (month of December 2024).
7			Location: Residence of Karen Espersen
8			Lat: 49.860419N Long: 118.149508W
9			
10			Quarantine conditions must remain in effect until released by an
11			inspector of the Canadian Food Inspection Agency.
12			
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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.

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.

This is Exhibit " N " referred to in the
 Affidavit of David Bilinski
 sworn (or affirmed) before me at
Victoria, BC
 this 2 day of June 20 .
US
 A Commissioner for Taking Affidavits for British Columbia

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

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

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

Date: Fri, Feb 14, 2025 at 1:54 PM

Subject: RE: Amended control documents and Bio Con info - BC IP 233 Universal Ostrich

To: Michael Carter <michael@clevelanddoan.com>, West AI Case Officer Seven / Ouest IA

Agent de cas sept (CFIA/ACIA) <[cfia.WestAICaseOfficerSeven-](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)

[OuestIAagentdecassept.acia@inspection.gc.ca](mailto:cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca)>, Karen Espersen and Dave Bilinski

<universalostrich@gmail.com>

Cc: Katrina Jones <katrina@clevelanddoan.com>

Good afternoon,

Thank you for submitting the morality log on behalf of your clients. Please be reminded that we had requested Ms. Espersen and Mr. Bilinski to conduct and submit a daily update of the mortality log as outlined in the quarantine conditions. We ask and remind your clients that the mortality log is to be sent in to us accordingly.

We have not received any follow up information required to issue the permits identified by your clients as being needed for equipment and extra personnel to come help with chores. Please refer to the email sent on February 6, 2025 that identified the information needed by CFIA in order to issue these permits. A reminder that any movements on or off the property without the proper documentation (permits) and biosecurity in place will be considered a violation of the quarantine (4206Q) and declaration of infected place (4204) controls.

Below you will find the responses to the questions/concerns identified in your previous emails:

Q1 Answer in regards to quarantine conditions: As you have identified, we also appreciate the concerns of: "All the roosters (old and young) would need to be put together in one pen, which would result in fighting amongst them. Also the roosters at the bottom of the pecking order would be shunned out in the snow and cold. The same thing would happen with the hens." As stated on the quarantine and explained in the associated email: "Birds on the premises must be housed in a method to prevent breeding, and segregated by age and sex." This should address concerns about potential fighting, as the quarantine is clear with respect to avoiding mixing different age classes of birds. Additional pens may need to be constructed, or existing pens may need reinforcing to accommodate this. We recognize that there are challenges with the current winter conditions to put up additional fencing or reinforce existing pens. Permits can be issued to bring on appropriate machinery to aide in reinforcing or constructing additional pens.

Q2 Answer in regards to testing: The entire ostrich herd already meets the case definition for HPAI¹⁵¹ (confirmed positive results within the epidemiological unit). Because of this, further testing would have no impact on the measures required to meet the goals of eradicating HPAI in domestic poultry in Canada and fulfilling the expectations of our trading partners. Amending the quarantine order to allow further testing, even if the results of the testing were negative for this instance in time, would not result in any change to the required measures.

Some species of birds, including ostriches, can be infected with avian influenza while showing few or no clinical signs of illness. In these cases, the ostriches can appear healthy yet actively shed and transmit the virus while also facilitating potential mutation. Mutation is a serious concern because certain mutations can create new strains of the virus and cause the virus to become more pathogenic or likely to infect other birds and mammals, including people. A specific group of mutations that help the virus replicate better in mammals are known to commonly occur during infections in ostriches. The National Center for Foreign Animal Disease (NCFAD) identified that the current HPAI infection in these ostriches is a novel reassortment not seen elsewhere in Canada during the HPAI 2022 event. The propensity of the virus to mutate combined with the continued existence of a diseased population of birds, such as this ostrich farm, whereby the birds remain a vessel for further novel viral mutation and inapparent hosts of disease, renders a high public health concern related to the continued survival of the infected birds. CFIA has adopted a policy of “stamping out”, which aligns with international standards including those employed by the World Organisation of Animal Health (WOAH) and ensures that poultry flocks infected with or exposed to highly pathogenic Avian Influenza are humanely destroyed, regardless of whether the animals show clinical signs. The stamping out policy necessarily mitigates the risk of further spread of the virus, its opportunity for mutation, and the risk of transmission to humans.

On December 30 2024 CFIA staff sampled two dead ostriches from the premises. Influenza Virus H5 positive results were received from the BC Animal Health Centre laboratory (a member laboratory of the Canadian Animal Health Surveillance Network) on December 31 2024, meeting the current case definition for HPAI. Once the case definition for HPAI is met, disease eradication measures are applied to the entire infected epidemiological unit. In some cases, additional samples may be collected at the time of destruction to ensure sufficient viral genetic material is present to allow for whole genome sequencing, or to allow for more detailed epidemiological investigations (e.g. disease presentation on a specific farm is unusual). The results of these samples collected at the time of destruction do not influence, or change, the case definition or status of the farm as it undergoes depopulation. The epidemiological unit includes all of the exposed birds, and for the purposes of completing disease eradication measures on the premises, all other materials and areas of the premises that are considered contaminated with HPAI. The information provided by this premises clearly indicated that all of the birds on-site are considered one epidemiological unit, with no appreciable biosecurity and management practices to prevent the transmission of disease throughout the premises. On December 31 2024, a CFIA Form 4202 *Requirement to Dispose of Animals or Things* was issued for the premises; this requirement includes the destruction of the birds, as well as the subsequent disposal of the carcasses/contaminated products, for the purpose of mitigating further spread of disease. The time allotted to complete the destruction and disposal process is not intended to permit the further spread of HPAI within the birds, the further contamination of the premises with HPAI, and then to repeat testing of infected birds to gather more information. The time allotted for destruction and disposal is inclusive of the entire process which can take several weeks to complete, particularly for non-commercial poultry flocks that often do not have more intensively commercialized management practices. The conditions outlined on the movement control documents (CFIA Form 4206 *Requirement to Quarantine and/or Licence to Transport Animals or Things* and CFIA Form 4204 *Declaration of an Infected Place*) are intended to mitigate risk until these disease eradication measures are complete. Additional testing of individual live birds from an already confirmed infected flock of poultry is outside of, and does not reflect, a stamping out policy and disease eradication measures. This testing cannot wholly evaluate the current and future risk of disease spread posed by an entire flock of confirmed infected birds continuing to exist on a known contaminated premises. This is reflected in CFIA’s established goals of eradicating HPAI in domestic

poultry in Canada, goals that fulfill the expectations of our trading partners and facilitate an expedient return to Canada’s freedom status from HPAI in poultry. Those goals are to:

- rapidly identify and find all exposed animals and premises,
- humanely destroy all infected animals, products, and materials,
- safely dispose of carcasses and animals products,
- and thoroughly decontaminate infected premises, equipment and vehicles.

Case Officer Seven
 West AI Operations / Ouest IA Opérations (CFIA/ACIA)
cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca

From: Michael Carter <michael@clevelanddoan.com>
Sent: 2025-02-11 1:49 AM
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>
Cc: Katrina Jones <katrina@clevelanddoan.com>
Subject: RE: Amended control documents and Bio Con info - BC IP 233 Universal Ostrich

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

Hello,

I’m emailing to follow up on question below about testing. Given the concerns CFIA has raised it seems important to test the ostriches to confirm whether there is any active virus in the ostrich population. Can you please confirm whether CFIA will permit this testing?

I’ve also attached the mortality log that you requested. If a field is empty then there were no deaths on that date.

Regards,

Michael D. Carter / Partner*
michael@clevelanddoan.com



Cleveland Doan LLP
 T: 604 536 5002 F: 604 536 7002
 1321 Johnston Road, White Rock, BC V4B 3Z3
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*practicing through a law corporation.

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From: Michael Carter
Sent: Friday, February 7, 2025 7:13 PM
To: 'West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)'; Karen Espersen and Dave Bilinski
Subject: RE: Amended control documents and Bio Con info - BC IP 233 Universal Ostrich

Hello,

We act for Universal Ostrich Farms Inc. and are responding to the email sent below.

The quarantine conditions listed in the most recent notice are impractical. For example, there is no practical way to construct an additional line of fencing around the front perimeter of the property when the ground is frozen. As well, segregating the hens and roosters will create mayhem on the farm. All the roosters (old and young) would need to be put together in one pen, which would result in fighting amongst them. Also the roosters at the bottom of the pecking order would be shunned out in the snow and cold. The same thing would happen with the hens.

The necessity for these conditions is premised on the assumption that the ostriches have live virus that is potentially shedding. We note that the conditions provide for having the ostriches presented to CFIA in a handling facility that allows for inspection and testing. Given that the implementation of the conditions will create undue burden for Universal Ostrich, and the ostriches themselves, we ask that the ostriches be tested to determine whether the virus is circulating. If the ostriches are not shedding the virus, that should affect CFIA's assessment of what quarantine conditions are necessary in the circumstances.

Will CFIA conduct or permit testing of the ostriches to confirm whether there is currently any live virus? My clients are more than happy to facilitate obtaining nasopharyngeal swabs under the supervision of CFIA, or if CFIA has other testing suggestions we are open to discussing those.

I look forward to hearing from you.

Regards,

Michael D. Carter / Partner*

michael@clevelanddoan.com



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

Sent: Thursday, February 6, 2025 3:48 PM

To: Karen Espersen and Dave Bilinski; West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)

Cc: Michael Carter

Subject: RE: Amended control documents and Bio Con info - BC IP 233 Universal Ostrich

Good afternoon Karen and Dave,

Please find attached an amended quarantine (4206Q) and 1509G that we have provided some clarity and details on what is expected and also what is not allowed on your ostrich premise. I have summarized the key points that must be observed below with some having further explanation.

We've also resent the quarantine (4206Q) we issued on the ostrich eggs that were collected during the critical period currently at Karen's residence as a reminder that those eggs are also still under control. It was reported that these eggs had been removed from the cold room and are currently in a bucket in a shop. Please be reminded you will need permission from CFIA to further handle or move those egg remains. Feel free to contact us about any actions you are considering taking with them so we can work with you on the proper permitting and procedures to do so.

And finally, we have included a MS Word and PDF version (use the version that you prefer) of a pre-populated daily mortality log for January and February that must be filled out and sent to this email **daily** reporting **ALL** deaths (regardless of the cause) for each pen on the quarantined premises. In order to catch up on the mortality reporting please fill out all the daily mortalities accordingly for the month of January and first part of February in the log and send it back to us by 4 pm PST, February 7, 2025. After you've provided your catch up mortality documentation you can send your updates for the previous day's deaths daily to this Case Officer 7 email.

Below are the details/conditions of the attached amended quarantine (4206Q) dated 2025-02-05 that you should be aware of:

- Confine all ostriches 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. Confinement can include fencing, netting, and other means to prevent access from wild birds and other wildlife.
- No breeding or hatching of avians on the premises can occur. ***This means that if the ostriches begin to lay eggs, those eggs cannot leave the premises and must be stored either inside one of the buildings/shelters or under cover on the quarantined site.***
- Birds on the premises must be housed in a method to prevent breeding, and segregated by age and sex.
- Birds must be presented to CFIA in a handling facility that allows for inspection and testing.
- All feed and water access to avians must be stored and distributed in a manner that prevents access from wild birds or other wildlife, including residual feed to be removed.
- All avian carcasses and by-products must be stored indoors or covered prior to disposal methods acceptable to the CFIA.
- Biocontainment zones as established and communicated by CFIA must be observed.
- No movement of animals, animal products or by-products or things in contact with them out of or into the biocontainment zones or between barns within the biocontainment zone can occur without permission by CFIA. ***This includes vehicles, any equipment, and any person. Please contact us to obtain a permit for movement of these things.***
- All entrances and access points to the premises and to the animal housing areas must be locked and secured.
- Fencing must be maintained on all animal housing areas on the property.
- Double fencing must be in place around the front perimeter of the property ***(the south side of the property adjacent to Langille Road)***
- Fencing and netting around any open water sources on the property must be in place to prevent the animals described on the quarantine and wild bird from having access to the water source..

- Report any signs of morbidity or any mortality in the animals to the CFIA immediately. ¹⁵⁵ **A template for daily mortalities as has been provided to you, ALL deaths (regardless of the cause) must be reported to the CFIA daily.**
- Sick animals must be segregated into a separate housing area on the premises that must be indoors and enclosed.
- Carcasses must be maintained for sampling and testing by the CFIA as directed.
- Regular inspections by the CFIA will occur, which can include access to health records.
- Regular reporting of health and production parameters must be done on the provided Daily Mortalities Log submitted to the CFIA daily.
- 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.
- Quarantine conditions must remain in effect until released by an inspector of the Canadian Food Inspection Agency.

To address your request to bring on an excavator or other equipment to dig burial pits, as mentioned in previous emails, we remind and encourage you if you haven't already to consult with the BC Ministry of Environment to make sure you are abiding by their rules and regulations for on-farm burial. You can visit their website Avian Influenza Waste page (on-farm burial tab) at [Avian Influenza waste - Province of British Columbia](#) for information and also email envcia@gov.bc.ca to request further guidance.

As for obtaining the permits we will need to first complete the Biosecurity SOP you have been working on that will be followed to bring the equipment on and off the property as there are still some outstanding details that need to be confirmed. In a previous version (attached to this email) of your Biosecurity SOP you mentioned you would be purchasing Prevail and were also using Virkon. Can you please confirm the information you've provided from that template below and provide the details that are missing (highlighted) not included in the SOP that are still needed.

Disinfectant # 1

Name of Disinfectant: *Prevail*

DIN (Drug Identification Number) # of Disinfectant: *02436809*

Dilution Rate (mixing rate): *please provide*

Contact time: *please provide*

Disinfectant #2

Name of Disinfectant: *Virkon*

DIN (Drug Identification Number) # of Disinfectant: *please provide*

Dilution Rate (mixing rate): *2% solution rate*

Contact time: *10 minutes*

This is a link with some examples of common disinfectants (if the above are not what you are using) and guidance on their use (including Prevail) that are known to be effective against the avian influenza virus: [Commercial poultry producers: Process when a premise is declared infected - inspection.canada.ca](#)

If you are going to be bringing 3rd party operators on to the premise there will need to be proper PPE (personal protective equipment) usage as outlined in the Biosecurity SOP template. As mentioned I've attached a previous version of your Biosecurity template, you will have to write out what PPE measures the individuals (besides Dave and Karen) will be using in section 2.4 of the SOP.

As a reminder PPE that must be provided and worn include:

- a) Durable footwear that can be disinfected or disposed of (e.g. rubber boots)
- b) 1 layer of disposable coveralls with a hood (e.g. chemical resistant Tyvek-style suit)

- c) 1 pair of disposable gloves, though 2 pair are still recommended. the inner layer of which will be¹⁵⁶ chemical resistant (e.g. Nitrile gloves)
- d) Fit-tested Respirator mask (recommended) or minimally an N95 disposable mask.
- e) Eye protection

Once you've provided this information and we've approved your amended Biosecurity SOP please be sure to share this with the driver/operator of the equipment and the person who will be coming in to help with chores.

For the permit requests we will require the following information provided to us any equipment being rented or brought on to the property:

- Date range of equipment us (when it will arrive and when will it leave):***
- Reason/activity for bringing equipment in:***
- Equipment Rental/owner company name and address:***
- Contact name and phone # for equipment;***
- Description of equipment (include license plates and model numbers if applicable):***
- Name and contact info of the driver/operator of equipment if they will be entering into the quarantined area:***

As for having someone come in to help with chores we will require the following information in order to issue a permit:

- Date range:***
- Reason/activities for entering into the quarantined site:***
- Name, address and contact info of person:***

If you have any further questions regarding the summary of quarantine conditions, permitting requests or missing information to complete the SOP please let us know so we can clarify.

Case Officer Seven
West AI Operations / Ouest IA Opérations (CFIA/ACIA)
cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca

From: Karen Espersen and Dave Bilinski <universalostrich@gmail.com>
Sent: 2025-02-05 7:29 PM
To: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>
Cc: Michael Carter <michael@clevelanddoan.com>
Subject: Fwd: Amended control documents and Bio Con info - BC IP 233 Universal Ostrich

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

We have the ability to bring a machine in to do a bigger hole and bury the birds that you had seen when coming to the farm. There are no new deaths since we stopped reporting to you. We know that when the hole was being dug that it was not sufficient but the excavator broke while digging the hole which CFIA is also aware of. We want to do our due diligence and make sure that the hole and the dead are dealt with properly.

We sent you a request on January 24th, for a permit to bring in another excavator but have not heard back from you.

. We need to rent one though as our friends out here is not fixed and needs more work. We live a distance away from the city so things take longer out here. The rental of the machine is approximately \$1500. which we have someone that will transport the machine to the farm and back once we have a permit. We would expect that this is dealt with in a timely manner.

We would also need a permit if we need someone else to drive as Dave had an eye operation and has doctor appointments coming up. When he had the operation, Karen had to do chores all by herself as we did not want to break quarantine protocol. We would appreciate a permit for one other person to be able to come on the property if needed to accommodate these situations.

Cordially,
Karen Espersen

On Sat, Jan 25, 2025 at 2:37 PM West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA) <cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca> wrote:

Good day,

Thank you for the updated mortality report.

To confirm, there are burial site(s) located outside the “orange” or “purple” quarantine areas outlined in the map below? If so, where are the additional burial site(s)? If possible, could you provide the locations on a map.

As shared previously, on-site burial may be a CFIA approved method for disposal. The approval of the burial specifications (depth, volume, dimension, etc.) and the location(s) begins with the province.

From the BC Gov – Avian Influenza Waste page ([Avian Influenza waste - Province of British Columbia](#))

On-farm burial is an option for disposing of small quantities of avian influenza waste.

Quantities less than 5 tonnes

The [AEM Code](#) outlines requirements for burial of quantities less than 5 tonnes.

Since this waste is hazardous, additional requirements apply.

- To find out the additional requirements, review the [Small Flock Burial Guidance \(PDF, 254KB\)](#).

Quantities more than 5 tonnes

For burial of quantities more than 5 tonnes, the ministry needs to issue a site-specific authorization. The 5 tonne requirements would not apply.

- Contact the ministry for more information

Contact

Email envcia@gov.bc.ca for guidance

Any request for on-site burial should continue to be submitted to the email address above. CFIA can coordinate with you, should you need support. If provincial requirements are met, please inform us if/when any equipment may need to be brought on-site and CFIA permits can be issued.

Thank you,
Case Officer Seven
403-338-5223

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

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

From: Karen Espersen and Dave Bilinski <universalostrich@gmail.com>
Sent: Friday, January 24, 2025 9:50 PM
To: West AI Case Officer Seven / Ouest IA Agent de cas sept (CFIA/ACIA)
<cfia.WestAICaseOfficerSeven-OuestIAagentdecassept.acia@inspection.gc.ca>
Subject: Re: Amended control documents - BC IP 233 Universal Ostrich

<p>EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE</p>

Good evening ,

First of all today we want to make clear we did not put in yesterday's death count. We were extremely busy trying to get all our chores done before dark as we waited all morning for CFIA to arrive. We lost one on ice that clearly did the splits and was not able to recover herself. It was very cold and she laid on the ice all night and died some time through the night. We are attaching pictures that were taken of her to show that she did not die from H5N1.

There were no deaths today. Clearly the new quarantine area cannot be a quarantine area as you claim the lines 1,2,3,4,5 are where the burial sites are. The burial sites are outside that area. This area is for the ostrich in the summer and is not to be used for anything else. We put a large amount of new fencing around that 6 acres you have lined out.

The eggs that were laid through the time of deaths but not after CFIA decided to quarantine us and stored in the cold room downstairs were getting smelly and we separated the yolks from 4 of them and the rest we have in a bucket frozen outside in a shed to be put into the new bigger pit we are going to get dug to accomodate the dead carcasses that are presently in it under the tarp and pellets and fencing to keep predators out. If you want the bucket dealt with any other way let us know. You also told us you would provide us with a

solution that we can add to our disinfectant so our bottles do not freeze up while we are ¹⁵⁹ out doing chores.

We also need a permit issued to us ASAP so we can make the pit bigger to cover the dead birds properly to CFIA standards.

Cordially,
Karen and Dave



Update on the Canadian Food Inspection Agency's actions at an HPAI infected premises at a British Columbia ostrich farm

From: Canadian Food Inspection Agency

Statement

The Canadian Food Inspection Agency (CFIA) and Canada's national poultry sectors have been responding to detections of highly pathogenic avian influenza (HPAI) in Canada since December 2021. Industry has been highly supportive of the CFIA in its response to HPAI, working collaboratively to implement control measures and protect animal health.

The CFIA has acted to minimize the risk of the virus spreading within Canadian flocks and to other animals. All avian influenza viruses, particularly H5 and H7 viruses, have the potential to infect mammals, including humans. Our disease response aims to protect public and animal health, minimize impacts on the domestic poultry industry, and the Canadian economy.

The CFIA's response to highly pathogenic avian influenza in domestic poultry is based on an approach known as "stamping-out", as defined by the World Organisation for Animal Health (WOAH) Terrestrial Animal Health Code. Stamping-out is the internationally recognized standard and is a primary tool to manage the spread of HPAI and mitigate risks to animal and human health as well as enable international trade. It includes steps to eliminate the virus from an infected premises, including the humane depopulation and disposal of infected animals, and disinfection of premises.

There are ongoing risks to animal and human health and Canada's export market access

Allowing a domestic poultry flock known to be exposed to HPAI to remain alive means a potential source of the virus persists. It increases the risk of reassortment or mutation of the virus, particularly with birds raised in open pasture where there is ongoing exposure to wildlife.

CFIA's National Centre for Foreign Animal Disease (NCFAD) identified that the current HPAI infection in these ostriches is a novel reassortment not seen elsewhere in Canada. This assortment includes the D1.3 genotype, which has been associated with a human infection in a poultry worker in Ohio.

A human case of H5N1 in BC earlier this year required critical care, and an extended hospital stay for the patient, and there have been a number of human cases in the United States, including a fatality.

Stamping-out and primary control zones enable international trade as it allows Canada to contain outbreaks within a specific area, meet the requirements of zoning arrangements with trading partners, and permit Canada's poultry industry to export from disease-free regions. Continued export market access supports Canadian families and poultry farmers whose livelihoods depend on maintaining international market access for \$1.75 billion in exports.

Current status of the infected premises at Universal Ostrich Farm

Universal Ostrich Farm has not cooperated with the requirements set out under the *Health of Animals Act* including failure to report the initial cases of illness and deaths to the CFIA and failure to adhere to quarantine orders. Universal Ostrich Farm was issued two notices of violations with penalty, totaling \$20,000.

The farm also failed to undertake appropriate biosecurity risk mitigation measures such as limiting wild bird access to the ostriches, controlling water flow from the quarantine zone to other parts of the farm, or improving fencing. These actions significantly increase the risk of disease transmission and reflect a disregard for regulatory compliance and animal health standards.

Universal Ostrich Farm has not substantiated their claims of scientific research. CFIA has not received any evidence of scientific research being done at the infected premises.

Research documentation was not provided during the review of their request for exemption from the disposal order based on unique genetics or during the judicial review process. Further, the current physical facilities at their location are not suitable for controlled research activities or trials.

On May 13, 2025, the Federal court dismissed both of Universal Ostrich Farm's applications for judicial review. The interlocutory injunction pausing the implementation of the disposal order was also vacated.

Following the [May 13 court ruling](#), the farm owners and supporters have been at the farm in an apparent attempt to prevent the CFIA from carrying out its operations at the infected premises. This has delayed a timely and appropriate response to the HPAI infected premises, resulting in ongoing health risks to animals and humans.

CFIA's next steps at the infected premises

Given that the flock has had multiple laboratory-confirmed cases of H5N1 and the ongoing serious risks for animal and human health, and trade, the CFIA continues planning for humane depopulation with veterinary oversight at the infected premises.

The CFIA takes the responsibility to protect the health of animals and Canadians extremely seriously as we conduct these necessary disease control measures to protect public health and minimize the economic impact on Canada's poultry industry.

For more detailed information on the CFIA's continued response to HPAI at this infected premises, please visit our [website](#).

Contacts

Media Relations

Canadian Food Inspection Agency

613-773-6600

cfia.media.acia@canada.ca

The Canadian Food Inspection Agency (CFIA) touches the lives of all Canadians in so many positive ways. Each day, hard-working CFIA employees—including inspectors, veterinarians and scientists—inspect food for safety risks, protect plants from pests and invasive species, and respond to animal diseases that could

threaten Canada's national herd and human health. Guided by science-based decision-making and ¹⁶²modern regulations, the Agency works tirelessly to ensure access to safe and healthy food in Canada, and support access to international markets for our high-quality agricultural products. To learn more, visit inspection.canada.ca.

Search for related information by keyword: [Animal diseases](#) | [Animal health](#) | [Canadian Food Inspection Agency](#) | [Canada](#) | [Avian influenza \(H5N1\)](#) | [general public](#) | [government](#) | [statements](#)

Date modified:

2025-05-31

This is Exhibit "P" referred to in the Affidavit of David Bilinski sworn (or affirmed) before me at Victoria, BC this 2 day of June 2025.

US

A Commissioner for Taking Affidavits for British Columbia

ORDER NO. N° DE COMMANDE	DEPT. SECT.	DATE <u>May 23/2021</u>
SOLD TO VENDEUR A <u>Mountain Han Dog Sled Adventures</u>	SHIP TO EXPEDIENT <u>SELLER</u>	
ADDRESS ADDRESSE <u>Chris + Taryn Schwanke</u> <u>3240 McGillivray Creek Rd.</u> <u>Heffley Creek, BC V0E 1Z1</u>	ADDRESS ADDRESSE <u>Universal Ostrich Farm Inc</u> <u>301 Langille Rd</u> <u>Edgewood, BC V0G 1S0</u>	
SHIPPING DATE DATE D'EXPÉDITION	VA	TERMS CONDITIONS
		TAX REG. INFO N° DE TAXE
		SOLD BY VENDEUR PAR

QUANTITY QUANTITE	DESCRIPTION	PRICE PRIX	AMOUNT MONTANT
1	Rooster 444 WT - 4 years old Blue/Black	7500	
1	Rooster - 44 - BT - 5 years old. Blue	7500	
1	Hen - 234 232 BT - 5 years old Blue/Black	7500	
1	Hen 233. BT - 4 years old Black	7500	
1	Hen 231 BT - 4 years old Black	7500	
1	Hen 232 234 BT - 4 year old - Blue/Black	7500	
Deposit Paid - \$22,500 April/2021			
Final Payment Due immediately 22,500 May 23/2021			
	Paid. N Kobi Incubator \$4500 + Hatcher	\$4500	
		TVM - HST TPS - GST PST - TVP	49,500
		TOTAL	49,500

SALES ORDER
FORMULAIRE DE VENTE

STAPLES 820



MLA Steve Morissette ♦ Kootenay-Monashee

January 9th, 2025

Cassandra Berreth
Western Area Avian Influenza Response
Canada Food Inspection Agency
3605 14 Avenue North
Lethbridge, AB T1H 6P7

This is Exhibit " Q " referred to in the
Affidavit of David Bilinski
sworn (or affirmed) before me at
Victoria, BC
this 2 day of June 2025.
US
A Commissioner for Taking Affidavits for British Columbia

Dear Ms. Berreth,

My constituents David Bilinsky and Karen Espersen have reached out to my office and provided your contact information. I am writing to express my strong support for their business, Universal Ostrich, in Edgewood, B.C.

As you consider the implementation of the Avian Flu response at their facility, I respectfully request that you explore any options that may mitigate the impact on this business.

Universal Ostrich has been a part of our local landscape for over 30 years. The MLA office has been acquainted with their operations for at least five years, during which time Universal Ostrich has demonstrated their commitment to resilience, innovation and maintaining a local B.C. identity. In the past, our office has supported Universal Ostrich in various ways, including assisting them in navigating the challenges posed by the pandemic, and referring them to business development resources to support their growth and sustainability.

We understand the challenges inherent in keeping livestock and people safe, particularly in today's epidemiological climate, and we defer to the experts on Avian Flu response. However, it is our understanding that the work Universal Ostrich is doing with researchers on viral antibodies is promising, and we hope that CFIA could also consider this in their decision making.

As a rural government representative, I am advocating for providing every available opportunity to support continued success and growth of this business, while respecting your authority and the important principles of disease control. I am grateful for anything you can do. Thank you for your time and consideration of this important matter.

Sincerely,

Steve Morissette, MLA
Kootenay-Monashee

Constituency Office:

#2 - 1006 3rd Street, Castlegar, BC, V1N 3X6
T 250-304-2783 F 250-304-2655
Steve.Morissette.MLA@leg.bc.ca

From: Lyle Oberg
Sent: Wednesday, January 8, 2025 12:36 PM
To: 'cassandra.berreth@inspection.gc.ca' <cassandra.berreth@inspection.gc.ca>
Cc: 'universalostich@hotmail.com' <universalostich@hotmail.com>
Subject: Universal ostrich

Dear sir/madam.

I take this opportunity to express my support for Dave Bilinski and Karen Esperson as their flock of ostriches has been infected with the Avian Flu virus. I would urge you to not automatically move to complete culling as you would with other smaller birds. I agree with keeping the ostriches out of the food chain and in isolation until the illness has passed and I know the owners are in agreement with this as that is not their primary focus with the birds. Depopulating the flock should only be done as a last resort. These are not chickens in a confined space . They are a large bird with a complex immune system that has the ability to fight off infections such as Avian flu.

As a Medical Doctor and a prominent member of the medical community and former Minister of Finance I see the potential for the antibodies that are produced by recovered birds to potentially have a positive benefit for the defense of this disease possibly saving the taxpayers millions of dollars in the future.

Thank you for your consideration.

Hon. Dr. Lyle Oberg ECA, MD
Board Member, Alberta Health Services Board
10030 107 Street NW | Edmonton | AB
lyle.oberg@albertahealthservices.ca
Cell: 825-967-0489



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Canada Wants to Kill 400 Ostriches. Kennedy and Dr. Oz Want to Save Them.

Ostriches on a British Columbia farm have died of the avian flu. Canada ordered hundreds of others to be culled. But two top Trump administration officials have objected.

 Listen to this article · 5:45 min [Learn more](#)

By Vjosa Isai
Reporting from Toronto
May 28, 2025

This is Exhibit " R " referred to in the
Affidavit of David Bilinski
sworn (or affirmed) before me at
Victoria, BC
this 2 day of June 2025.
US
A Commissioner for Taking Affidavits for British Columbia

Sign up for the Canada Letter Newsletter Back stories and analysis from our Canadian correspondents, plus a handpicked selection of our recent Canada-related coverage. [Get it sent to your inbox.](#)

What do the U.S. health secretary, Robert F. Kennedy Jr., the celebrity physician Mehmet Oz and some Canadian animal lovers have in common?

They all want to save a flock of 400 ostriches on a British Columbia farm.

But there's a catch. The birds were in contact with a deadly virus: H5N1, a type of avian flu.

Canada ordered the birds to be culled after the avian virus spread through Universal Ostrich Farms in Edgewood, British Columbia, a town in the province's interior, north of Washington State.

The plight of the wobble — a term sometimes used to describe a group of ostriches — has divided Canadians, but the birds have won allies across the border, namely top officials in the Trump administration.

Mr. Kennedy last week urged the Canadian authorities not to kill the ostriches but to do further testing to try to better understand the virus.

"We believe significant scientific knowledge may be garnered from following the ostriches in a controlled environment," Mr. Kennedy said in a letter to the head of the Canadian Food Inspection Agency, which ordered the culling.



Robert F. Kennedy Jr., the U.S. health secretary, has urged Canadian authorities not to kill the ostriches. Pete Kiehart for The New York Times

Dr. Oz, who oversees Medicare and Medicaid for the Trump administration, offered to relocate the doomed birds to his 900-acre ranch in Florida.

John Catsimatidis, a billionaire Republican businessman who owns a New York City radio station, made a plea to save the birds on his radio program, demanding “truth, justice and the American way for the ostriches up in British Columbia.”

But most veterinarians agree that keeping birds alive that may still have active infections and could spread the virus to others is a threat to public health.

An outbreak of the virus in the United States has killed millions of birds, spread to cattle farms and infected dozens of people since 2024, one of whom died.

But a national campaign against the bird virus has been undermined by the political upheaval in Washington, which has led to funding cuts and the dismissals of scientists to detect the virus’s spread.

Canada’s outbreak has been most prevalent in British Columbia, where the avian virus has killed 8.7 million birds since 2022 — more than half of the national total.

In December, a young ostrich at Universal Ostrich Farms fell ill with symptoms that looked like pneumonia. But testing revealed it was the H5N1 virus, and just over a month later, 69 of the 468 ostriches on the farm had died.

Tests by officials from the Canadian Food Inspection Agency confirmed a few of the birds had died of the same virus.

The agency ordered the farm’s owners, Karen Espersen and Dave Bilinski, to eradicate the surviving birds, but they argued that the animals should be kept alive to test their antibodies in order to potentially develop treatments for the virus.

The couple lost a legal battle in federal court to keep the birds alive.

“When they issue an order to euthanize all of our healthy ostriches,” it “crossed the total moral line,” Katie Pasitney, Ms. Espersen’s daughter, said in an interview.

Shayan Sharif, a professor of immunology at the Ontario Veterinary College who specializes in avian viruses, said, however, that the condemned ostriches were of limited scientific value because there had already been similar studies in other parts of the world.

Still, he added, “I know that those animals are near and dear to a lot of people, especially their owners.”

Ms. Pasitney, 43, grew up on the 65-acre farm, which has been raising ostriches for 30 years, at first for meat and oil derived from the bird’s liver. More recently, she said, the farm has switched its focus to research, partnering with scientists to study the birds and their immune systems.

Despite the potential presence of the virus, protesters have descended on the farm, which is under quarantine, holding news conferences and filming visits by food safety inspectors dressed in white coveralls and masks.



Dr. Mehmet Oz, who oversees Medicare and Medicaid, has offered to relocate the doomed birds to his 900-acre Florida ranch. Anna Rose Layden for The New York Times

Canadian officials have not given Ms. Pasitney a date for the cull, she said. In Canada, birds that need to be euthanized are typically put down using carbon dioxide gas.

“We have a duty to protect Canadians from the serious potential risks that avian influenza presents to our people and our economy,” the Canadian Food Inspection Agency said in statement.

People opposed to the cull are using walkie-talkies to surveil the road leading to the farm for any signs of “a dumpster and a convoy of vehicles coming out here to kill our healthy animals,” Ms. Pasitney said.

Ms. Pasitney said she was moved by the support of Trump officials, and by a special guest who visited the farm, a 13-year-old girl. The girl’s mother identified her as the teenager who contracted the first human case of bird flu in Canada, which was detected in November 2024, and who wanted the birds to live.

“They’re worth way more alive than they are dead because they have natural immunity,” Ms. Pasitney said of the remaining birds, but noted that a replacement flock of younger birds would be more susceptible to catch the avian virus.

She also said that exporting the flock was moot: The same agency demanding the bird cull would have to sign off on releasing the ostriches, and the family prefers to keep them on the farm.

For his part, Dr. Oz told The New York Post that the ostrich farm presented an opportunity for researchers to study herd immunity of the birds by keeping them alive.

“The Canadians should stop putting their heads in the sand,” he said.

Vjosa Isai is a reporter and researcher for The Times based in Toronto, where she covers news from across Canada.

A version of this article appears in print on , Section A, Page 8 of the New York edition with the headline: Canada Wants to Kill 400 Ostriches Exposed to Avian Flu. Kennedy Wants to Save Them.

This is Exhibit " S " referred to in the
Affidavit of David Bilinski
sworn (or affirmed) before me at
Victoria, BC
this 2 day of June 2025.
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A Commissioner for Taking Affidavits for British Columbia

MEDIA RELEASES

Statement on Planned Mass Killing at B.C. Ostrich Farm

January 15, 2025

EDGEWOOD, B.C.— Animal Justice is deeply concerned by the Canadian Food Inspection Agency's (CFIA) heavy-handed plan to kill around 400 ostriches at a farm in Edgewood B.C. after an avian flu outbreak was declared on December 31.

According to [media reports](#), the farm has been under quarantine since the outbreak declaration, and while multiple birds have died (around 10 percent reportedly), the majority of the ostriches are healthy and showing resilience to the illness.

When discussing the outbreak, Dr. Scott Weese—a highly-respected professor at the Ontario Veterinary College—[noted mass culls may no longer be the best approach](#) given that H5N1 influenza is now endemic, especially in situations where risk of transmission is reduced.

To combat the growing threat of bird flu, [the root causes of disease in industrial farming](#) must be addressed in order to protect both animal and human health. Animal Justice believes each of these surviving ostriches deserves a better fate than to be shot through the head by a bolt gun, which is the manner in which the CFIA [would likely kill them](#).

"These ostriches shouldn't be forced to pay for the failures of factory farming. Avian flu outbreaks are a symptom of this broken system, yet it's the individual birds who pay the ultimate price," said Camille Labchuk, lawyer and executive director at Animal Justice. "Like all animals, these ostriches are not mere disposable items. They are self-aware, living beings who deserve dignity and protection. Mass culls are not a solution to systemic issues that encourage highly-infectious diseases to thrive."

Contact:

Josh Lynn
Public Relations Manager
jlynn@animaljustice.ca

Camille Labchuk
Executive Director
camille@animaljustice.ca

Animal Justice is a federally incorporated not-for-profit dedicated to advocating for the humane treatment of animals.

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