

November 5, 2025

Animal Health, Vernon
Canadian Food Inspection Agency
4708 34 St
Vernon, BC V1T 5Y9

Cassandra Berreth
Western Area Avian Influenza Response
Canadian Food Inspection Agency
Lethbridge, AB

Dear Inspectors:

Re: URGENT Request to Halt Ostrich Cull and Conduct Re-Testing

I write to you urgently on behalf of Animal Justice, Canada's leading national animal law organization, on the eve of the anticipated judgement on leave to appeal by the Supreme Court of Canada in the matter of *Universal Ostrich Farms Inc v Canadian Food Inspection Agency* (File No. 41992). Should the Supreme Court decline to grant leave, therefore resulting in the expiry of the interim stay preventing the cull of these animals, we urge the Agency to refrain from its plans to cull the hundreds of ostriches kept by Universal Ostrich Farms Inc. Before taking this irreversible step, which would undoubtedly cause physical and psychological distress to these intelligent animals, it is incumbent on the Agency to carry out renewed testing for avian influenza and to undertake a new assessment regarding whether the cull remains an appropriate exercise of discretion.

While it is understandable that the Agency has vigorously defended its decision-making authority before the courts, we urge you not to proceed with the cull merely as a matter of principle in light of the courts' confirmation of your authority to issue the original orders more than 10 months ago. Given the unique circumstances of this case and the significant passage of time since the original orders were issued, the Agency retains the discretion and moral responsibility to obtain and consider new and independent information before acting.

In short, depending on the Supreme Court's leave decision, the Agency may have the legal authority to kill these animals, but public outrage over the Agency's conduct in this matter shows that the Agency does not have the social licence to do so. Killing these animals without clear and independent evidence that it is necessary for public health will further erode public trust in the CFIA.

Leading infectious disease experts have raised serious concerns about the necessity and efficacy of the Agency's planned "stamping out" of this flock. One has indicated that PCR testing could help to detect whether any of the ostriches continue to shed the virus.¹ Indeed, as far as we are aware, no testing of the birds has been done since December 2024, leaving the Agency and the public without current information about the health statuses of these animals.

¹ <https://theyee.ca/Opinion/2025/06/05/Scientific-Ethical-Case-Sparing-Ostriches/>

Similarly, experts have stated that culling is a last resort, and other, less drastic measures should be considered. Given the widespread presence of avian flu in Canada, killing these ostriches would likely have little impact on the broader risk of the disease.²

Animal Justice is also deeply concerned about what methods might be employed to kill these approximately 400 ostriches. We have previously raised concerns with culling methods carried out by the Agency and contractors following avian flu concerns which have resulted in error and prolonged pain and suffering of helpless chickens.³ Given ostriches are much larger and are much less commonly kept, it is likely the CFIA has little, if any, expertise in “humanely” killing them. Animal Justice is concerned that harmful methods could be employed and that animals could be subject to prolonged, painful deaths.

The lives of hundreds of living beings are at stake. The situation demands careful, cautious, and evidence-based consideration. We therefore urge the Agency to conduct new testing of these animals, and to consider their present health status and benefit to the public before proceeding with the cull. This would not only ensure that the animals’ interests are properly considered, but would demonstrate the CFIA’s commitment to measured, science-based, and holistic decision-making.

Thank you,



Alexandra Pester (she/her)
Staff Lawyer

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² <https://www.theglobeandmail.com/canada/article-bc-farmers-challenge-government-order-to-cull-ostrich-herd-over-avian/>

³ See <https://theijf.org/avian-flu-response>