

Show Transcript
Deconstructing Dinner
Kootenay Co-op Radio CJLY
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Title: "Crack" Down on Backyard and Farm-Fresh Eggs

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Jon Steinman: Welcome to Deconstructing Dinner, a syndicated weekly radio show and Podcast which, while usually recorded at Kootenay Co-op Radio CJLY in Nelson, British Columbia, is *today* coming to you from the University of Victoria's CFUV, here in the B.C. capital and one of 38 Canadian radio stations airing Deconstructing Dinner each week.

But it wasn't long *before* Deconstructing Dinner hit the road once again to arrive here on Vancouver Island that we became aware of some *startling* news from our local community - the West Kootenay region of the province. Over the past month, the Canadian Food Inspection Agency, the CFIA, has embarked on a 'crusade' of sorts threatening area businesses with fines unless they remove their farm-fresh eggs from their shelves. Close to a dozen businesses that we're aware of have received such a visit and on today's episode we'll hear from a number *of* those businesses including comments on the issue from the BC Egg Marketing Board's Aryn Alibhai, the CFIA's Deanna Zgrablic, and the regional health authority's Ron Popoff.

And while the availability of eggs from local farms in the region has been significantly curtailed following this "crack" down on local eggs, the increasingly popular alternative to store-bought eggs (that from one's *backyard* chickens) is *too* being met with a *crack* down of its own. In December 2009, Nelson B.C. resident Monica Nissen was paid a visit by a local bylaw enforcement officer who demanded that Nissen *remove* her chickens from her backyard, or too face a fine and the possible confiscation of her birds. The City's bylaw enforcement officer was acting on two *supposed* complaints, and I say "supposed" because according to *all* of Nissen's immediate neighbours, *none* of them took issue with the chickens, leaving Nissen and Deconstructing Dinner wondering just *what* constitutes a valid complaint if it clearly did not come from an immediate neighbour. We'll also be joined by Nelson city councillor Kim Charlesworth who will recount the last year's efforts to revise the local bylaw that *prohibits* backyard chickens within city limits and we'll hear from Ian Fraser - a senior animal control officer for Victoria Animal Control Services - a city that *does* permit backyard chickens and hence, backyard eggs.

Join us for the next hour as we explore what Kootenay businesses and residents are calling an affront to food sovereignty following these *latest* efforts by local and federal authorities who *appear* determined to ensure that the only eggs *easily* accessible to Canadians are the factory-farmed options.

Increase Music and Fade Out

As has been an ongoing topic of discussion here on the show, North Americans have become increasingly frustrated with the many barriers faced by small-scale local farmers, processors, retailers and eaters to provide and be provided with access to local foods. Using the province of British Columbia as a case in point, residents in many of the province's *rural* communities lost the ability in 2008 to produce and access locally raised meats, raw *milk* continues to be illegal to sell across the country despite it being available in many parts of the United States, small scale processors of products like cheese or packaged foods are required to navigate a litany of regulations, which *they* say are only necessary for industrial sized operations, and the barriers to local food go on.

And then we arrive at *eggs*... one of the first topics ever explored here on Deconstructing Dinner and for the sake of today's topic Canadians have two options when purchasing commercial eggs - graded eggs, which pass through what are known as grading stations, or ungraded eggs. Now the latter (the ungraded egg) is, according to regulations, *only* permitted to arrive on our kitchen table either from a farmers market or from the farm itself - retailers and restaurants are *not* permitted to sell *ungraded* eggs. And so, what *is* a graded egg - it's not necessarily common knowledge among the general public. And so we contacted the BC Egg Marketing Board - the provincial entity authorized to facilitate supply management for eggs - supply management being the system throughout Canada that controls production levels of various commodities such as eggs. It's a system that is applauded by many for its ability to assure farmers a market for their product and protect them from cheap imports, but it's also a model that has often been criticized for the barriers it presents to smaller-scale production and entry into the sector. The Marketing Board believes ungraded eggs present "undue risk" to consumers and helping explain just what *grading* eggs is, we spoke to a large egg producer who *does* grade his eggs - Aryn Alibhai - a board member of the BC Egg Marketing Board. Aryn's Sunshine Eggs operation in Kamloops BC *used* to be involved in the grading of eggs until that segment of the business was sold in 2008. Sunshine Eggs is now solely in the business of *producing* eggs and Aryn sends *his* eggs to a registered grading station.

Aryn Alibhai: The grading industry on the egg side involves ensuring that the final product from farmers are Canada Grade Eggs and what that means is that once the process is done the Canada Grade Eggs would be clean, free of any leaks, dirt, cracks, or any other type of defects that could present some type of food safety problem.

The grading of eggs also involves what is known as candling, which by shining a light through the egg enables graders to identify the quality of the air cell, the yolk and the white. It also allows for the identifying of blood spots in eggs, which while unappetizing

to some, is not a food safety concern. Graded eggs are also placed through a detergent-based washing process, which removes any dirt or feces that may be on the surface of the egg.

But for a whole host of reasons this regulation does *not* serve many farmers, many businesses and many eaters.

Perhaps most notably it's clear there are many residents in the Kootenay region, as there are across the country, who have long supported the ungraded eggs from local farms - and are *not* concerned with their quality.

And then there are the farmers. For so many small-scale farmers, having direct access to retailers is critical to remain viable and especially in light of an already-challenging sector to operate a business in. For one, grading eggs is an added expense for farmers and access to grading stations is not always easy. For many farmers in and around the hometown of Deconstructing Dinner, the closest grading stations are the two located in the Creston Valley (anywhere between 125 to 160 km away - that's 78-100 miles away keeping in mind that those eggs would then *return* that same distance to a retailer). Now for many farmers this *transportation* expense is another hindrance and a challenge that is further exacerbated by the low-volume production of many small-scale producers, making the practice of transporting eggs also resource and economically inefficient. But shipping one's eggs to a grading station is only possible *if* that grading station is willing to grade those eggs... there is no requirement that they do so, and with many grading stations grading their *own* eggs (at least the smaller ones) it's likely that those stations would choose to *not* facilitate their competition. And so this leaves small-scale producers wishing to sell to retailers and restaurants with only one option left - setting up their *own* grading station, but of course, egg-laying hens are, for many farmers, a component of a diverse farming system and egg-production is not their sole focus to justify the construction and licensing of such a station. And so for those farmers who are unable to justify pursuing that last option... all that's left for them to sell their eggs is at the farmgate or at farmers markets... And so perhaps one of the most fundamental questions to ask on today's show is *why* does the Canadian Food Inspection Agency permit the sale of ungraded eggs at farmers markets or at the farmgate, and *not* at stores and restaurants?

We'll be exploring that question in just a moment, but let's come back to the case in the West Kootenay region of BC - where over the past month, a CFIA inspector has been spending considerable time patrolling regional businesses for ungraded eggs. About a dozen businesses that *we* know of at this point were paid a visit by the inspector including farmer and entrepreneur Kevin Smith. Kevin and his wife Darla operate a small farm in the community of Ainsworth, and similar to most farmers, seek *off*-farm employment through their bakery business that they operate in the nearby community of Balfour - Old World Bakery.

Kevin spoke to Deconstructing Dinner.

Kevin Smith: My wife Darla and I own the Old World Bakery at the Balfour Ferry Landing and are happy to have an opportunity to get to feed the community. I also have a small farm in Ainsworth, which we've been proud to own and run for the last 10 years. We've been slowly building it up in different ways, including a wonderful brood of free-range chickens of all sorts and we're happy to start providing our eggs for sale out of the bakery.

Jon Steinman: About a month ago, the Old World Bakery was visited by an inspector with the Canadian Food Inspection Agency and Kevin describes the interaction.

Kevin Smith: I think it was relatively pleasant, I wasn't there at the time but my staff member was confronted by the individual and he hastened to say that the selling of eggs was not permitted and they would have to be removed from the shelf.

Jon Steinman: According to Kevin, while the visit appeared cordial, the inspector *later* made sure to inform Kevin's landlords that illegal eggs were being sold out of the business and that he would be back to make sure that they were no longer there - an interaction that Kevin was *not* pleased with. But the purpose of the visit by the inspector came as a shock to Kevin because only a couple of years *prior* to the opening of their Bakery business, Kevin was told by the regional health authority - Interior Health, that the sale of ungraded eggs *was* indeed allowed

Kevin Smith: When we first bought the business, just going on two years we attended a FoodSafe course in Nelson just to renew our certification and at that time the individual who was leading the course who is, as far as I understand, the head of Interior Health for the Nelson area, quite a nice gentleman, was in fact very pleased to inform us that B.C. had ruled - I think it was just a couple months previous - that the sale and use of farmgate eggs was acceptable. And so, with that reassurance, as well as from the individual that we work with as far as the inspection of the bakery, we were confident that selling of the eggs was well within the permitted regulations.

Jon Steinman: Kevin refers to a few cases on Vancouver Island that received some notable media attention when *another* health authority (Vancouver Island Health) was mentioned in Victoria's daily newspaper, The Times Colonist. That story read "restaurants and grocery stores can now sell ungraded farm-fresh eggs after a *policy* change by the Vancouver Island Health Authority". The article continues, "Under Vancouver Island Health Authority's old policy, farm-fresh eggs could only be sold at farmers markets unless they were first evaluated at a grading facility approved by the Canadian Food Inspection Agency. As of February 1, 2009 health inspectors no longer differentiate between graded and ungraded eggs." According to Alan Kerr *of* the Vancouver Island Health Authority who was quoted *in* that article he says, "The change in policy is to expand beyond the farmers market and say that retail facilities, like grocery stores and restaurants can use and serve ungraded eggs."

Now this, of course left many businesses, farmers, and individuals on Vancouver Island under the impression that selling ungraded eggs is permissible. Which now, following the

many businesses approached this past month in the West Kootenay of the province leaves everyone wondering, well which is it, can ungraded eggs be sold at stores and restaurants or not?

Now Deconstructing Dinner followed up with Interior Health and the Canadian Food Inspection Agency to figure out just what the regulations are and *who* is in charge of enforcing them - the Canadian Food Inspection Agency or the health authorities? Deanna Zgrablic is a Food Processing Specialist Inspector with the CFIA in Abbotsford, B.C. specializing in eggs, and despite the position of the *Vancouver Island* Health Authority (as quoted moments ago), *she* says that health authorities *have* authority to deal with ungraded eggs, however the provincial regulation still stands as it does in other provinces stating that ungraded eggs are *not* permitted for sale in commercial establishments.

Deanna Zgrablic: The local health authorities have jurisdiction under that area to make decisions based on their provincial authority. However, like many of the other provinces in Canada, British Columbia does require that only graded eggs be sold at stores and institutions.

Jon Steinman: Now this of course left us confused as there appears to be a widely differing set of positions between the CFIA and the health authorities on this topic of ungraded eggs, and so we *also* followed up with the health authority for the West Kootenay region, Interior Health. Speaking to us from his office in Cranbrook was Ron Popoff - an Environmental Health Team Leader. Ron says Interior Health supports, in theory, the CFIA's regulations.

Ron Popoff: Because it's one of those issues between what's the food safety risk and what the regulations speak to, we've coming up with a saying - if it's farmgate sales or a farmers market, where it's for the buyer's personal use, I go there, to the farmgate or the farmers market, I'm buying the eggs directly from the producer, and I'm going to then go home and consume them for me and my loved ones, then that's ok. But when it comes to commercial sales - so the farmer getting it retailed by a third party and then me going and buying it at retail, that's when the legislation kicks in. Our legislation also kicks in and we wouldn't necessarily be in favour of food or of ungraded eggs - therefore not from an "approved source" - being sold third party.

JS: Now despite Interior Health *supporting* the regulation that prohibits the sale of ungraded eggs, Ron Popoff says that as far as Interior Health is concerned, the food safety risk is *low* enough that they take a somewhat hands-off approach on the issue - choosing to *not* police retailers such as has recently been practiced by the CFIA.

Ron Popoff: We have few staff that have huge responsibilities and workloads, so unless we get specific complaints about unsafe food or food practices we're not going to be, at least right now, going on a crusade going around to stores ordering them to take them off their shelves

JS: And so with Interior Health choosing to *not* invest its financial and human resources to the policing of ungraded eggs, the Canadian Food Inspection Agency is clearly choosing to do so. Another business visited within the past month by the same inspector was Nature's Den - a small health food store in the city of Rossland. Bonny Kavaloff and her husband Sid operate the business where farm-fresh *ungraded* eggs have been a popular product for the past three years.

Bonny Kavaloff: During the day that's what I do, I sell eggs pretty much most of the day. There's people coming in to buy eggs, and it's a wonderful service because Sid and I feel really good supplying the eggs because they're local, they're free range, Kirby's are organic, and Terry has really good eggs that are free range and the people in Rossland are health-conscious and they want good food for their family and it's a wonderful service that we were providing. And it's really too bad, and sad that it's gone. I really miss people coming in for the eggs.

JS: Similar to Kevin Smith of the Old World Bakery, Bonny was *too* unfamiliar with the regulation that prohibits her business from selling ungraded eggs.

Bonny Kavaloff: I had no idea that we weren't allowed to, and in fact when the fellow came through, David Mutch from Creston, he's with the Government of Canada Food Inspection Agency, he's from Creston, and when he came through I wasn't here my husband was here, and he told him we had to get rid of our eggs immediately, the fine is up to ten thousand dollars and he can shut us down. So we got rid of our eggs that day. He told Sid that he would come in two weeks and check. And then, last week, we had a glimmer of hope because this fellow from Interior Health from the Kootenay Boundary Area - who lives here in Rossland and his office is in Trail - came through, and he had no idea that that's what happened and he said he was going to phone David and duke it out with him because apparently this is Graeme's territory and that other fellow probably had bigger fish to fry. And he said he was going to contact me and I haven't heard anything else about it now.

Jon Steinman: This is Deconstructing Dinner, now we did follow up with Ron Popoff of Interior Health to ask him about the comments that Bonny indicates were made by the Interior Health inspector, and according to Ron, there is *no* division of jurisdiction on the issue between Interior Health and the Canadian Food Inspection Agency. But again, if Bonny's recollection of her interaction with the Interior Health inspector is correct then clearly there are a number of health authority officials such as the Interior Health inspector and the Vancouver Island Health Authority's Alan Kerr who *disagree* with the CFIA's regulation on ungraded eggs.

Yet another of the dozen or so businesses that Deconstructing Dinner is aware of who received a visit from the Canadian Food Inspection Agency in the past month was Kootenay Liquidators - a business based in the city of Castlegar and operated by Wayne Popoff (who I should add has no relation to Ron who we heard from earlier). Wayne operates a small hobby farm outside of town and has been selling eggs *at* the store for many years.

Wayne Popoff: Well we have a few chickens, we're not a huge commercial operation, it's a little hobby farm we have. We supply our family, our kids with eggs, and excess eggs we sell to whomever feels they want to buy farm fresh eggs. I'm sold out by eleven o'clock every morning, we bring six or eight dozen in every morning, they'd be from the prior day, but they're sold out by eleven o'clock. If I had thirty dozen I could probably sell them in a day but, like I say, we're not a commercial farmyard, we're just a little hobby farm.

JS: Wayne Popoff is extremely upset following the visit from the CFIA inspector and is in turn vowing to uphold the principles of food sovereignty by continuing to sell eggs to the community from his store. Food sovereignty is the human right of all peoples and nations to grow food in ways that are culturally, ecologically and economically appropriate for them.

Wayne Popoff: A young fellow came in here and we sell livestock feed, chicken feed, and cow and horse feed and cat and dog food. So he walked in and said, "so you sell some feed" and I said, "yeah, we sell some feed." And then he said, "and you sell eggs too" because we had a little mini fridge that was sitting here that said 'Farm Fresh Eggs For Sale.' And then he brought about five pages of criteria out about why I couldn't sell these eggs and told me that if I kept selling these eggs then he would be back and fine me, and so forth and so on. I got a little bit angry and told him that he should leave and that I would keep selling eggs, and he basically told me that I can't sell them out of the store but I can keep selling them out of my house. So I just don't understand what difference that would make, but that's where it stayed. I don't think I'm hurting anybody - I have customers that come in and have heard that story and they're telling me that the reason they buy the stuff here is they don't want to poison their children, they don't want to poison themselves, they love the eggs, and they want me to keep doing it - and so, that's why I will keep doing it.

JS: Wayne Popoff raises a pretty fundamental question... why would the Canadian Food Inspection Agency not allow a farmer himself to even sell his eggs at his store yet would allow him to sell the eggs at the farm? We posed this question to the CFIA's Deanna Zgrablic.

Deanna Zgrablic: The major reason that there's some concession for them to be permitted to be purchased on the farm is that the purchaser, the consumer, can go direct to the farm, they can understand where the eggs are coming from, they have more direct knowledge of the conditions that those eggs were produced under and that the hens were raised.

JS: Now from an ecological footprint perspective, many of the farmers and businesses we spoke to on this issue take exception to a regulation that requires multiple individual vehicles to each make their way to a farm in order to access a food that they believe to be more suitable to their needs, certainly a much heavier ecological footprint.

With the regional health authority's Interior Health *also* supporting the regulation *despite* their position of not policing businesses, Ron Popoff also suggested the same thing, that the consumer would have better knowledge of where the eggs are coming from.

Ron Popoff: If it was me doing the purchasing for my family, my loved ones, I would want to be asking the producer, "tell me about these eggs and how have you kept them," and making sure there was some kind of continuity of safety that I can make a judgment on and decide if I want to buy them or not. If I'm getting them from a third party they may not be able to answer any quality control questions, and I would be further at risk of not knowing what I'm buying and is it safe for my family.

JS: Now certainly this is a position increasingly shared by North Americans wishing to know the origins of their food, and so a pretty fundamental question can be posed, that if the regulation *permits* the sale of ungraded eggs at farmers' markets and at the farm-gate *because* the consumer can know where the eggs are from, could the CFIA not allow retailers to sell ungraded eggs so long as indication is made either on the refrigerator or on the carton that the eggs are ungraded, come from a specific farm, and provide the farm's contact information to the consumer? We posed that question to Deanna Zgrablic of the CFIA.

Deanna Zgrablic: The regulations at this time don't permit for that.

JS: Another business in the region who also received a visit from the CFIA in the past month is a business who chooses to remain anonymous but that has been purchasing farm-fresh eggs for many years. He believes the inability to sell ungraded eggs that are nevertheless permitted for sale at farmers markets and at the farm is a threat to human rights and food sovereignty. A question remaining on *his* mind, is *why* did the CFIA choose to only now, after years of seeming inactivity with the issue, choose to police so many businesses in the area selling ungraded eggs.

anonymous voice: A lot of the process is complaint-driven. So you're going to get someone to make a complaint, and then they're going to have to apply whatever law they have on their books, if they feel like that's a need-to measure because of the complaint they received. If the CFIA appears to be making a bit of an enforcement, then the question is, why are they? What triggered this? Is there a new guy in the area and he knows the rules and he's going to apply them, or has he got someone above him that's suggesting that this is what we need to be doing.

JS: According *to* the CFIA, the wave of visits *in* the Kootenay region were indeed the result of a complaint received that ungraded eggs *were* on the shelves of retail establishments. Deconstructing Dinner spoke with one farmer in particular who has chosen to remain anonymous who is of the belief, as many farmers are, that the complaint could only have come from a grading station located in the area seeking to secure their market and that that would explain *why* so many businesses received visits.

The business owner, who again chooses to remain anonymous, views this latest crack down on locally produced foods as an affront to the rights of Canadians to choose what they want to eat.

anonymous voice: All of us in this area that have any concern whatsoever for locally grown product obviously are really concerned when we hear that the CFIA is enforcing the rule. That those are our rights to choose the food we buy locally and someone's saying, "no you can't." Now I understand "yes you can" if it's right from the farmgate. But they keep putting more and more onerous rules on us that are forcing us now that we can't buy chickens from the farmgate, we can't buy beef from the farmgate. So I think that the basic point to a lot of people is the actual rights to be able to buy, and buy from a store what you want. The experts will tell you all the different reasons why these eggs potentially might be harmful for you but again, we've been selling this many eggs in this area at different stores forever. We've had farms here and different people selling their eggs. And what I've heard from the farmers is that if this rule is applied, they're going to be out of business. So as soon as they're out of business, what do you do? You buy store eggs that came from a lot of caged birds. And again, part of the concern is that when people talk about free-range and their commercial free-range chickens, a lot of the times their rules are just saying it only needs this number of square feet and a door can be open for them to go outside, but none of them seem to go outside - I'm not sure what the reason is for that - but they stay inside where they're really not free-range chickens like you and I would think. Because as soon as I hear that word 'free-range' I think of them being pasture-fed, I think of them eating grubs outside. I don't think of them being in a big huge barn where they've got so many feet that they can run around in - and they call that free-range.

JS: With the only eggs produced in the region now being available from one or two graded products, the anonymous business owner is *not* interested in purchasing those eggs because he and his customers prefer the practices of his longstanding local supplier and as a result, just like Wayne Popoff, he *too* will continue to sell ungraded eggs but he believes it will take the region-wide community to rally behind farmers and retailers and ensure that those businesses standing up for such principles *don't* suffer the consequences of their actions and to ensure that those eggs remain available and that those farmers remain in business.

anonymous voice: I want to go under the radar, keep supplying it. If they try to enforce it, I'm one of these guys that believes that you have to make a stand. But what I don't want to do is enflame CFIA and have them in our store next week and saying "ok, you've got to get those eggs out." And then I'm going to say, "flock off" - I don't want to get into that. I don't want to have to do that, but I'll tell you this Jon, if it comes to that I will do that and I hope that the community will support us and stand up with us because if they do not, we can't do it alone. We cannot do it alone.

JS: While some business owners are choosing to defy the regulation and continue selling ungraded eggs, business owners like Kevin Smith of the Old World Bakery are choosing to discontinue selling them. Despite Kevin's decision though, he remains

concerned with this now-*inability* to provide his community with easy access to farm-fresh eggs.

Kevin Smith: Well, certainly as a business partner in this venture, we have a great product line already and a wonderful customer base. Really, the farm and bakery, for us, are two separate entities. So we're going to comply until we can come up with a strategy where we can be assured that we're not going to come into conflict with the Canadian Food Services. But on a personal level, and this is personal as a farmer, who I'm accountable to as a farmer are my customers, my friends, my community, my family - that's who I'm growing food for. So, we know what the egg industry is based on, and it's based on inhumane practices, an unsustainable way of farming and I'm certainly not interested in eating the eggs that are readily available in the grocery stores. We know they're months old and you don't know their personal history. I mean, my chickens eat like kings, and I'm going to ensure that the quality products that come from our farm are going to reach the consumers who, like I said, I'm accountable to.

JS: Kevin Smith of the Old World Bakery in Balfour, British Columbia.

And in closing out this first segment on the farm-fresh egg crackdown and lead into yet another crack-down taking place on *backyard* eggs, Deconstructing Dinner was left wondering, if washing the shells of eggs is the primary mechanism to assure the public that the egg is free of food safety concerns, then why are eggs perhaps the most exposed foods on grocery store shelves. Eggs after all are completely exposed through the cartons and after produce are probably the most handled food of any in grocery stores, just think of how many consumers open up that carton and handle the eggs before making a choice of which carton to purchase. And while it's common knowledge to wash *produce*, washing eggs is not at all a common practice and the CFIA's egg safety recommendations also do *not* suggest washing your eggs at home.

With the BC Egg Marketing Board *supporting* the grading of eggs for food safety concerns, we asked the Board's Aryn Alibhai what his thoughts were on the food safety concerns posed by the often-*handled* nature by consumers of store-bought eggs.

Aryn Alibhai: Yeah, I haven't really thought of it that way, I guess you're right, generally you want to take a look at the eggs and you open it up. That could go for, I'm thinking, a lot of other food product. But when you're actually talking about something that consumers and food retailers can have that sense of security and knowledge that the eggs, when they've come to the store, have gone through a certain process to ensure that these eggs are going to come top-notch - that they're going to be clean, that they're going to be free of any cracks, that they have been inspected. I think that there's a value there that you're not going to get buying ungraded eggs at a corner store.

JS: Aryn Alibhai of the BC Egg Marketing Board.

Deconstructing Dinner will no doubt be paying close attention to this issue and how it unfolds and we'll check in with area farmers to learn more about how *they'll* choose to respond to the many lost markets for their product that they are now faced with.

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This is Deconstructing Dinner produced at Kootenay Co-op Radio CJLY in Nelson British Columbia, which today has in part been recorded at CFUV at the University of Victoria. I'm Jon Steinman. If you miss any of today's episode, it's archived on our web site at deconstructingdinner.ca and posted under the May 6, 2010 broadcast. The show today is titled "Crack" Down on Backyard and Farm-Fresh Eggs, up until now we've focused on a series of visits by the Canadian Food Inspection Agency paid to retailers in the West Kootenay region of British Columbia who have for many years (in some case decades), been selling ungraded eggs as is practiced in many places across the country. About a dozen businesses that we're aware of were threatened with fines if the eggs were *not* pulled off of the shelves. And so with many West Kootenay residents unable to access farm-fresh eggs from local retailers, *one* alternative increasingly popular throughout North America is raising one's own hens in the backyard. But while many cities *do* permit for the raising of backyard chickens, there are still many cities that do not including Deconstructing Dinner's hometown, Nelson B.C. And with many residents in the city raising their own chickens to access those lucrative fresh eggs, that practice is too, under threat. When in December 2009, Nelson resident Monica Nissen was paid a visit by one of the city's bylaw enforcement officers. Monica first began raising chickens in June of last year and her reason for doing so echoes so many North Americans who are seeking to become more connected to their food.

Monica Nissen: Well I'm really interested in local food, so a couple years ago I started gardening. I'm pretty new to the whole thing but I just got really, really excited about growing my own food and doubled the size of my garden here in my backyard, and just got really excited about producing my own food. So chickens that lay eggs seemed like the next logical step. I've got a bunch of produce and I'm fortunate enough to have a couple fruit trees, so I thought it would be awesome to have locally produced protein. So that was the impetus for getting chickens, and I guess I'd heard of a few other people who were talking about doing it and having chickens in a smaller space. I did a trip to the coast and visited some people in Vancouver and Victoria, and that was more for a school garden program that I was interested in learning more about, and I just started chatting with people about chickens and what it would be like to have them in an urban setting and a lot of people really encouraged me. They said that they don't need too much space, they're pretty easy to care for. I've also got a friend in Kaslo and she's got chickens out there and she said it's easy and it's really rewarding, so I guess that kind of what motivated me to try it out. And I thought this would be a really good educational piece both for myself and for other people who are interested in doing it. There's a lot of talk about the local food thing in Nelson and so I thought, why not?

JS: When Monica decided to get chickens the necessary information on how to set up a backyard operation was pretty easy to find on the Internet. She contacted some friends in the nearby community of Blewett (outside city limits) who had chickens of their own.

Monica Nissen: I was fortunate enough to get them from some friends. So I was researching how to get chickens, and a lot of people talked about mail-ordering them and I thought that sounds crazy to actually order them by mail. So I got them from a farm in Blewett, so they weren't little baby chicks, they were pullets at the time, which is a teenage chicken. I did a lot of research on the Internet about how to build a chicken coop and what they need in terms of food and shelter, so I did a fair bit of prep for the chickens arrival. I told my neighbours and my neighbours' kids were really excited and they couldn't wait. I remember that day they were just hanging around saying, "when are the chickens getting here?" I promised them they could name the chickens.

JS: Now despite the City of Nelson being a hotbed of food security projects including the longest running and largest independent co-operative food store in the country, Nelson does *not* permit the raising of backyard chickens. Monica *was* aware of the bylaw.

Monica Nissen: I was aware at the time that there was a bylaw that prohibited chickens and so I knew that I was taking a bit of risk and I just was under the impression that unless there was a specific complaint that it was a bylaw that wasn't too heavy-duty. And so I thought, ok I'll try it and I'll just see how long I can get away with it.

Jon Steinman audio on tour of Monica's backyard: So you're pretty close to the road, and I guess anybody who was driving by over here or even walking by, would see your coop.

Monica Nissen audio: Well yeah, there is a fence so it's kind of nice, dogs don't come in or anything. But at the same time, the fence has gaps in it. So yeah, it's a pretty visible coop. The coop used to be a lot smaller, that's the old summer home over there, it was made out of an old table and then when it came closer to winter I decided the chickens needed a little more indoor space because they wouldn't be outside as much, and so a friend helped me build this - which is actually half wood shed and half chicken coop. But yeah, it's a pretty solid structure, and as you can see, outside there's a nest box with a kind of trap door here just to make getting the eggs easy, so you wouldn't even have to go into the fenced area. And then here's the door to their run.

JS: So right on the other side of this coop are your neighbours, so these would have been the neighbours you would have discussed this with beforehand, right?

Monica Nissen: Yeah, so we chatted, we share a fence-line and the kids play area is pretty close to where the chickens would be running around, and they really did enjoy watching them. Like I said, they were sitting there all afternoon the day I got the chickens saying, "when are the chickens coming?" This is the little door that they'd come in and out of and you can lock it up at night. It's just suggested that if you keep chickens that you're able to totally lock them in so that predators don't get to them at night, you know, raccoons, skunks, dogs, and stuff.

Jon Steinman: Monica Nissen. Images of Monica's coop are posted on the Deconstructing Dinner web site.

Now the enforcement of bylaws in many municipalities *is* often a complaint-driven process (similar to our previous segment on the complaint-driven visits of area retailers selling ungraded eggs). Recognizing this, Monica made sure to check with her most immediate neighbours to ensure that they would be ok with chickens adjacent to their backyard.

Monica Nissen: I'm not trying to do this to be rebellious or rock the boat or anything, I just think it's a neat idea. But I did want to check with my neighbours first, especially the folks who share a boundary. I live on a corner lot so I actually only have one true neighbour. So yeah, I did check with them, and I was little apprehensive because I was pretty much well on the way to getting the chickens before I talked to them, to be honest I sort of had started to build the coop and make some plans and I sort of timidly mentioned it to them, and they're great, great neighbours, they said, "Oh, that's awesome, we were thinking about getting chickens too, but we just didn't think we'd have the time." And so they were really supportive from the start. And like I said, when I did get the chickens the kids helped me name them, which was kind of neat. So they helped as well, if I was gone overnight or for a couple days, sometimes they'd help let them in or out. So I guess I wanted to make sure that no one would be inconvenienced by me having chickens. Although I guess honestly don't know why they would because they're really not very loud.

JS: So with Monica's most immediate neighbour giving her the backyard chickens thumbs up, it came as quite a surprise, when in mid-December Monica received a knock at the door.

Monica Nissen: So I've had chickens since June, I hadn't had any complaints, nothing but supportive comments. I was actually on the edible garden tour in the late summer and so people came to visit and so I went from being pretty low-profile with the whole thing to starting to talk about it a bit more and starting to invite people to come in and take a look at them and a lot of people did. And a lot of people were very inspired by the whole thing. So throughout the summer I felt like, alright this is good, people are appreciating it and no one seems to be having a hard time with the fact that I have chickens. And so, I have to say that I was really, really surprised when, in mid-December, there was a knock at the door, and it was a bylaw officer. It was really ironic too, because just a day or two before someone had said something like, "oh, you have chickens, isn't that against the law?" And I said, "well yeah, but no one seems to be complaining and so it seems to be fine." So I was completely shocked, I was actually on a conference call at the time and I was wondering who on earth was knocking on the door, and I was a bit bothered by the fact that there was someone interrupting my call. And so I just went and peaked my head out and thought I'd shoo some friend away or something, and sure enough it was a bylaw officer in uniform standing there saying, "do you have a few minutes to talk about your chickens?" And I said, "well no actually I'm in the middle of a call." And he said, "well,

you've got four days to get rid of them." And I just was pretty shocked and so, yeah, middle of December, right? And so, fortunately, I was able to bring them back to the farm where I got them from. Otherwise I don't know what I would have done.

JS: Ten days following the visit *from* the bylaw enforcement officer, he arrived on the door once again and hand-delivered a letter - a letter that Monica read for Deconstructing Dinner.

Monica Nissen: He actually came back about ten days later or so and hand-delivered a letter, I guess to make it more official. The letter also stated that there had been some complaints, and it says actually that they were in October. But again, it just said that the Nelson Bylaw Department had received complaint of poultry in your backyard. So it didn't actually say because they were loud or smelly. So yeah, I don't know what the real problem was, I know that my direct neighbours never mentioned anything about having any problems. They were always, like I said, very supportive and they never said they're loud or they're smelly, and they really aren't. It says, "Dear Ms. Monica Nissen: In October, 2009 the Nelson Police Department and Nelson Bylaw Department received a complaint of poultry (chickens) in your backyard, contrary to the Nelson Animal Control Bylaw Number 223, Section 12. This was the second telephone complaint received by our department with respect to your residence. Upon investigation of the complaint it has been confirmed that there are poultry residing in your backyard. A record of this incident has been documented as file number NP095444. The City of Nelson Bylaw Number 2333 states the following: Poultry means chickens, pigeons, turkeys, geese, ducks, pheasants, partridge, quail, and includes both male and female species. Section 12: No animal or poultry, except for a dog or cat, shall be kept or harbored within the municipality. The Nelson Bylaw Department hereby advises that the poultry in question must be removed from the municipality of Nelson. Failure to comply with this directive may lead to a bylaw violation notice, prosecution, and possible seizure of the poultry."

JS: Monica Nissen reading a letter dated December 23, 2009 and signed by the Chief Constable of the Nelson Police Department and a bylaw enforcement officer for the city. Now with Monica's most immediate neighbour being highly *supportive of* the chickens that left really only three neighbours who could *from* their homes *see* or hear the chickens and in *theory* smell them, *if* they smelled (a rare concern when coops are well taken care of). And so Deconstructing Dinner took the next logical step and we looked up the phone numbers *of* those neighbours, picked up the phone, and asked them what they thought of Monica's chickens, when of course they were there. Surprisingly, *all* of them were supportive of the chickens. One neighbour had even been under the impression for the past five and a half months that Monica must have *eaten* the chickens which would explain their disappearance. She was even anticipating that more chickens would be arriving soon. Both her and another neighbour described the chickens as a "asset to the neighbourhood", and have even considered getting chickens of their own. Her neighbours also confirmed that the chicken coop produced no odour.

So this leaves some pretty fundamental questions needing to be answered, if *none* of Monica's immediate neighbours were *either* of the two complaints *supposedly* received

by bylaw enforcement, then *where* did the complaint come from and what *was* the complaint? It should also be asked, what *constitutes* a valid complaint if the complaint is not from a neighbour even within sight, sound or smell of the chickens? Now these are all questions that unfortunately were unable to be answered by the time this broadcast goes to air and we'll be sure to pose those questions *to* the city's bylaw enforcement to learn more about these questionable complaints.

Now we'll come back to Monica Nissen in just a moment, but let's first learn more about the process that the City of Nelson's council had been undergoing over the past year - a process which, with the rise in interest in backyard chickens, many municipalities throughout North America are now undertaking.

Deconstructing Dinner spoke with Nelson City Councilor Kim Charlesworth - a proponent of having the bylaw overturned to permit backyard chickens within city limits.

Kim Charlesworth: Well the initial presentation was by a couple members of the public, who were interested in having it be possible for people to keep chickens in Nelson. Right now, our Animal Control Bylaw states that the only animals that are allowed to be kept are dogs and cats. So, being law-abiding citizens, they wanted to keep chickens and have it be legal. I agree with that, I think that for a number of reasons, for food security reasons as well as the more we can produce our own food the more we are less reliant on oil in transportation, the whole idea being to reduce our greenhouse gas emissions by not transporting our food long distances. So there's a number of reasons why I thought it was a great idea. Because that presentation was done by the community as a whole, we're not actually empowered to pass resolutions. It was referred to as a regular business meeting and it was asked that staff prepare a report on what was being done in other jurisdictions, some of the issues and how they have been addressed.

JS: Kim goes on to explain the *process* that proceeded among city staff who were tasked with compiling the report.

Kim Charlesworth: Staff did report back, it was in approximately October. They came back with a very thorough report, they had canvassed about four jurisdictions, I might get them wrong, but I think it was Victoria, Kamloops, Vancouver, and there was one other jurisdiction. Three of those jurisdictions had amended their bylaws so that chickens were allowed to be kept and one, which was Kamloops, had decided not to because they actually listed the same issues that had been raised by our city councilors, which were: noise, potential for smell, potential for attracting predators, and potential for abuse of the chickens or if somebody, for example, gets pets and then decides that it's way too much work and the poor animal is neglected. So those were, I think, the major concerns, and Kamloops had chosen not to go ahead based on those concerns. The other three jurisdictions had said those were all the same concerns that everyone had voiced, and they had gone ahead with amending their bylaws to allow chickens. They had put in regulations, in terms of either getting a license or specifying how coops had to be built, where on the property they were allowed to be built, those kinds of things to minimize

frictions with the neighbours. A common one was limiting the number of hens and not allowing roosters at all, so that basically that would address both the noise and smell issues. So they came back with a very thorough report and staff actually recommended going ahead with it and the majority of council felt that chickens don't belong in a city.

JS: As mentioned, one of the jurisdictions studied which in part led staff to *recommend* that chickens be allowed within the city was the City of Victoria - where today's broadcast has in part coincidentally been produced. It wasn't long ago that the senior Animal Control Officer for Victoria Animal Control Services Ian Fraser was interviewed by John Alton of Kootenay Co-op Radio. Ian explains how backyard chickens there do not present significant problems to them or to neighbours.

Ian Fraser: I've been an Animal Control Officer in the City of Victoria now for just going on 11 years. And the City of Victoria, it's Animal Control Bylaw, allows for persons to keep fowl, so that means chickens, ducks, geese, and actually turkey. Overall, generally speaking it's not much of an issue. However I think lately, in the last year or two, backyard chickens are becoming more and more popular and as a result the complaints have increased a little bit. We're generally getting one or two or three complaints a month about chickens, some months we're getting no complaints.

The reason why my phone rings and people complain is usually because the person who has the chickens hasn't really spent much time, money, or effort into keeping the chickens properly. The problems usually persist around poorly built chicken coops, and if you have a poorly built chicken coop, you've spent 10, maybe 15, dollars worth of materials on, you have a very awkward coop usually that is very difficult to get into and clean. And if you don't clean it regularly you're going to create odour issues for your neighbour and the feces will attract flies and often there's no feeders being used, feed is just thrown about, which starts to attract rats and mice - these are the sort of issues. There's also the noise, which is sometimes an issues in the early summer months - the hens can get pretty excited when the sun's coming up and I'm recommending that hens should be enclosed into a secure chicken coop between 10 o'clock at night until 7 o'clock the next morning.

JS: As suggested by Ian, while the City of Victoria *does* permit the raising of fowl in backyards, the increased interest in the raising of chickens, in particular for eggs, will likely encourage *some* soon-to-be-made changes to their bylaw.

Ian Fraser: The city of Victoria has recognized that because there is really very little regulation pertaining to backyard chickens that that's a bit of a problem now. So later this year in 2010, I expect the city is going to be placing restrictions on the quantity of chickens and make sure that chicken coops have setbacks, and also make sure that chickens coops are cleaned on a regular basis, and they're kept in backyards, they won't allow frontyard chickens.

JS: Ian Fraser - an Animal Control Officer for Victoria Animal Control Services.

Now despite the testimonials like that heard from Ian Fraser that backyard chickens are easily managed within city limits and *despite* City of Nelson staff recommending that Nelson's bylaw be changed, the majority of council continued to *not* support the bylaw being changed.

Kim Charlesworth: The only concerns that were not addressed by the report that people still had were the disposal of chickens - were we going to end up with dead chickens in the garbage, were people going to abuse their chickens and try to slaughter them themselves and botch the job? So, both a health aspect to it and a humane aspect to it. At the end of that meeting in October the resolution to amend the bylaw to allow chickens was tabled, which means that it wasn't voted against but it wasn't voted for. And we didn't leave staff with any specific direction to come back to us again with more information. So myself, along with a member of the public who was very interested in seeing this happen - she did the research, she went to probably about twelve different jurisdictions on the issue of disposal of chickens, and looked at it from both from the humane aspect and the health aspect - came back with several suggestions from all of those jurisdictions as to how this issue could be dealt with appropriately. So we talked to staff about bringing it back to council again with that information - which was the only information that had been missing in the fall - but again just doing an informal sort of temperature check there still was not enough support around the council table to bother even bringing it back to a meeting to have it debated. The feeling around the council table is predominantly that they don't think chickens belong within city limits.

JS: Nelson City Councillor Kim Charlesworth.

Earlier on the show we heard from a number of businesses who too received a crack-down on their eggs - in their case ungraded eggs from farms and while some of those business have chosen to continue to provide their communities with eggs, Monica *did* choose to bring the chickens back to the farm from where they came. I asked her why she didn't just keep them.

Monica Nissen: Well, I guess I'm not just thinking about myself here. What I would really like to see is a new bylaw. What I would really like to see is other people being able to have chickens in their backyards. And so me, being really, I guess, rebellious, I don't think helps the cause, I think that what I've done is an experiment, a pretty successful experiment in raising chickens backyard chickens and I have a lot of information and, I think, a great experience to share with people. And so, I want to hold on to that. So yeah, I guess I just didn't feel like making a big commotion and being a rebel about it all would be that beneficial. I think as well I was a little concerned about what they would do with them. So they said they were going to seize them, and I thought, oh, where are they going to put them? And are they going to kill them? What will happen? So I thought, luckily, because I could bring them back to where they came from and I knew they would be well cared for, the plan, I mean to be honest, the plan is that they're only there temporarily. I'm hoping that the bylaw will be changed and I can get them back. When I brought them to Blewett we actually banded them, we banded their legs so that I can recognize them, cause they're with their moms and their sisters and their

cousins so they all look very similar. My plan is I would like to have my hens back, and hopefully within a few months. So yeah, I guess I just thought complying would be the best way in terms of facilitating the change of a bylaw so that I could have a more positive leg to stand on in this whole debate.

Monica Nissen audio: It's kind of sad to be looking in here actually cause, you know, usually I'd come in here every morning making sure they had food.

Jon Steinman audio: Well that was actually going to be my next question, do you miss them?

Monica Nissen: I totally miss them, you know, it was like having a pet. Like, not in the same way as a dog or a cat, but whenever I'd come home, they'd always come through the gate, they'd jump and see who was coming, and say hello. So yeah, it was a really nice thing to come out every morning and give them water. You can see the feeder, I filled it up pretty full and it would be good for a number of days. But they still sort of need care every day, being fresh water and also getting the eggs. So I definitely miss the little ritual.

Jon Steinman: So where are you getting your eggs now? So it's been like, what, a month, almost since you've had access to eggs? Have you stopped eating eggs altogether.

Monica Nissen: Well, I have been eating less eggs I guess. But I just buy them. Yeah, it feels funny, I had my girls, they were producing eggs for me and now suddenly I have to go buy them.

JS: Now Deconstructing Dinner visited with Monica *before* the Canadian Food Inspection Agency visited with about a dozen businesses in the region requesting that they remove the ungraded farm eggs from their shelves thereby making Monica's interest among so many other residents to access local farm eggs from producers they support - an *increasingly* difficult task.

Again, today's episode including additional information on today's topic is archived on our web site at deconstructingdinner.ca and the May 6, 2010 broadcast. Tune in next week for more on today's topic including our continued efforts to determine just *what* the nature of the complaint was that led to Nelson resident Monica Nissen receiving a visit from a bylaw enforcement officer - and just what *constitutes* a valid complaint when as we've discovered, *none* of her immediate neighbours were offended by the presence of chickens, and instead have expressed the complete opposite.

You can also expect recordings from the huge rally that took place on the streets of Victoria and in front of the B.C. Legislature on May 8, when biologist Alexandra Morton completed a two and half week long journey on foot from the community of Sointula to the B.C. capital of Victoria, demanding alongside *thousands* of supporters that the province and the federal government remove salmon farms from B.C. waters and protect the wild salmon. Deconstructing Dinner was at the event so stay tuned for many exciting recordings.

Jon Steinman audio: And do you notice a notable economic impact as far as buying these eggs now? Now you're paying for your eggs, I mean, you were obviously indirectly paying them by buying feed and all of this, but is there an economic benefit to having chickens? Did you notice?

Monica Nissen: Well, that's interesting Jon, I don't know if I ever actually did the math, and it wasn't just about money. It was about having an egg that was still warm when I took it out of the nest box and having an egg that came from a chicken that I knew was happy and had lots of space and got fed all of my organic kitchen scraps. So it's not just about the money. I'm sure it's worthwhile having your own eggs in terms of the cost - I mean, I was getting three or four eggs a day. Certainly I bought some of their feed, but I also gave them a lot of my compost so it was a pretty good deal.

soundbite

JS: And that was this week's edition of Deconstructing Dinner, produced and recorded at Nelson, British Columbia's Kootenay Co-op Radio. I've been your host Jon Steinman. I thank my technical assistant John Ryan. The theme music for Deconstructing Dinner is courtesy of Nelson-area resident Adham Shaikh. This radio program is provided free of charge to campus/community radio stations across the country, and relies on the financial support from you the listener. Support for the program can be donated through our web site at deconstructingdinner.ca or by dialing 250-352-9600.