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Comments on Proposed Transportation Regulations

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Comments on Impact Study and Executive Summary
Submitted Feb 14, 2017
To

animaltransportanimaux@inspection.gc.ca

To: Dr. Con Kiley; CFIA

Re: Comments on Proposed Transportation of Livestock Regulations.

The Livestock Markets Association of Canada (LMAC) would like to give you some context and background that support the reasons for our comments on the proposed transport regulations:

The LMAC is a National Organization that represents over 200 auction markets, order-buyers, buying stations, assembly yards, electronic auctions and feedlots from all over Canada. The members are involved with approximately 75% of the cattle that are sold by public auction and direct cattle sales each year in Canada.

Its members routinely arrange for the transportation of hundreds of thousands of cattle that are transported to new destinations across Canada and into the United States. In many cases they are also the owners of the cattle being transported.

LMAC supports “Made in Canada” solutions that deal with unique challenges that arise from transporting animals in Canada. We understand that there is a desire from CFIA to have Canada in line with other countries’ transport regulations, however, first and foremost, any regulations must meet the needs of Canada first.

THE BUSINESS PROCESS

The business process in shipping livestock is very clear.

The shipper/owner of the livestock retains ownership until the cattle are delivered.

No payment is made until the cattle arrive and are accepted by the purchaser on delivery.

The cattle in question are normally sold on a price per pound basis with the purchase weight determined prior to the loading of the livestock.

There are industry standards for shrink (the difference between the purchase weight and the delivered weight of the animals) that occurs during transit, based on the number of miles that the cattle have been transported. If the shrink exceeds the normal industry standard, then the purchaser will reject the load or seek a financial adjustment on the price.

Also, if the cattle arrived dehydrated, stressed, over fatigued, sick or injured, the purchaser will reject the load.

If the shipper feels that the transporter is responsible for any of the above issues, they may withhold payment for transport and will probably not use the firm for future loads. In an extreme case, the issue is reported to the CFIA.

The shipper/owner has a vested interest in making sure that the cattle being transported arrive in a healthy condition.

The cattle marketing sector takes the transportation and handling of animals very seriously. It works very hard with its members and other industry sectors to maintain a positive reputation.

The majority of the cattle being transported are insured. If there were an excessive amount of claims, there would be no companies willing to cover livestock transport over long distances. A number of insurance companies continue to offer coverage to the owners of the cattle at a very reasonable cost per head.

Cattle that are being transported for slaughter are usually sold on a carcass grade basis, which means the value of the animal is determined after slaughter. The owner is penalized for any bruising, and for any parts of the carcass that are deemed unfit for human consumption or for any condemned carcasses.

The disposal fees for the condemned carcasses are usually the responsibility of the owner.

Once again it is in the best interest of both the owner and the transporter to make sure that cattle are delivered to the destination in good health and in good condition.

The Livestock Markets Association of Canada would like to formally submit the attached comments on the proposed amendment to the Transport of Animals regulations.

Throughout the Regulations, Auction Markets and Assembly Yards are singled out as places at which animals cannot be unloaded. The Regulators that develop these regulations should be aware that many auction markets, assembly yards and buying stations also offer feed, water and short term storage to transporters hauling livestock long distances. Auction markets, assembly yards and buying stations are also a critical part of the contingency plans required in the regulations in the events of bad weather, road closures and mechanical breakdowns on trucks. Many of those same intermediate sites, as an industry service, allow transporters to stop and use their facilities to deal with animals that have been injured or compromised during the trip. These intermediate sites are an integral part of

the infrastructure required across Canada to assist in Humane Transportation.

Throughout the regulations there is an attempt to have all of the species covered under generalized regulations. Concerns that are more prevalent in swine, equine or poultry transportation should not always apply to cattle. There needs to be more species-specific reference within the regulations.

Section 137: **Knowledge and Skills**

What metrics will be used in the enforcement of this section to determine if the persons referenced in this part have the knowledge and skills to conduct the activities in compliance with the regulations?

In section 136: (2) states that loading begins when an animal is handled, moved or caught for the purpose of placing it in a conveyance. Is it the intent to require all intermediate site employees that bring the livestock to the loading area to have some type of formal training? Intermediate site employees are often required to bring the cattle in question to the loading area, at times under the direction of the transporter. They assist in dividing the consignment into groups that are loaded into the different compartments. Work, Health and Safety policies at most intermediate sites prohibit them from entering the trucks.

Transport Compromised Animals:

Section 136: (1d) Definition of Compromised

Animals that have had pink eye in the past but have healed may have a white cloud on the eye that may impair their sight. Animals with this condition are not usually stressed or liable to cause injury to themselves when loaded for transport. What metrics will be used to determine if this type of animal is considered compromised under this definition?

(f.) Slightly Lamé: The term 'lame' has never been adequately defined by CFIA, this definition is far too broad and too open to individual interpretation by enforcement officers. A usable definition of any condition that could characterize an animal as compromised must be 1) objective, 2) easily identifiable 3) based on some quantifiable scientific analysis. The definitions of terms under this section often miss one or more of these criteria. The definition of lameness misses all three and should be removed or reworked entirely.

Slight lameness can be caused by a variety of conditions, and there needs to be more detail in the definition of "slightly lame" and "slightly imperfect locomotion."

Section 142: (1)

(d) The reference to auction market or assembly yard should be removed from this section when referring to the definitions in 136 (1) (d) and (f).

Section: 159(e):

Current regulations are at 48 hours and can be extended to 52. Since the time that transportation for livestock has switched from rail service to trucks, the 48-hour provision has served the industry very well. We are not aware of any instances where loads of beef cattle have been under investigation by CFIA for showing symptoms of dehydration and stress because they were on the truck for 48 hours, provided that they were fed, watered and rested prior to loading. The beef cattle industry should not be punished because of issues with other species. As mentioned previously, industry practice is to feed, water and rest the cattle prior to loading, in order to ensure healthy strong animals on arrival.

Consideration must given to the fact that there is not enough infrastructure and facilities to accommodate the volume of cattle moved during peak times (fall and spring) if the 36-hour regulation is implemented.

For example: East of Winnipeg, the only feed and water stations in Northern Ontario are at Thunder Bay. There are two locations: Western Canada Feeding and M & M Cattle Rest and Feeding Station. Combined, they have 38 pens. If a transport has a split load, which is common, and needs to have the animals segregated, one truck may require two or more pens. Transporters leaving from west of Manitoba routinely use these locations to feed, water and rest their loads. The owners of the two locations have indicated that they are normally fully booked Tuesday through Saturday during the peak times (fall and spring). Travelling the most direct route through the north, there are no other locations between Thunder Bay and Ottawa to unload cattle destined to Eastern Ontario or Quebec. Cattle leaving from Manitoba going east require 10 to 12 hours to reach Thunder Bay. The cattle on those loads have been fed, watered and rested prior to loading. Neither the cattle nor the drivers of the trucks are ready to unload after that short trip. There will more stress and chance of injury to the animals loading and unloading than the benefits they will gain by stopping after that short time on the truck. They will consume very little feed and water, especially freshly weaned calves. A common practice is for the drivers to drive until they require a rest break. The truck is stopped on level ground in a well-ventilated area. The driver checks the load prior to resting and sleeps for 8 to 10

hours. Before proceeding, the driver rechecks the load, gets the cattle up, and moves on. Barring bad weather, the cattle reach the final destination within the current 48-hour requirements. This has allowed shipments from Manitoba to reach their destinations within the current regulated time without stopping at Thunder Bay.

If the regulations are changed to 36 hours, this will create a bottleneck at Thunder Bay, and trucks may have to wait hours to unload, while waiting for room at the feed and water stations. The next closest location is Winnipeg to the west. Winnipeg Livestock Sales is an auction market, but they conduct their largest sales of the week on Friday and may have limited room as a service provider for loads in transit during the peak times. They currently provide feed and water pens for their customers who are purchasing livestock at their market and assembling loads at their location.

Second 159 (2): Are CFIA inspectors going to be conducting compliance checks at these feed and water locations on a regular basis under this section? Who is responsible to make sure there is adequate feed and bedding in the pens, clean water bowls and that the cattle are not over crowded?

The Federal government decided that the West Hawk Lake inspection point, which checked loads of livestock while in transit, was no longer needed, which further questions some of the need to reduce the hours from 48 to 36. Obviously, the West Hawk inspectors did not find loads of cattle that were dehydrated or over-stressed on a regular basis.

Section 159.3 (1) (a)

If the intent of this section is to reference the leaving of a compromised animal or one that has become unfit during transportation, then that should be made clear in the regulation and not left to policy.

However under the Proposed Section 159.3 (1) (a) and (b), this requirement would be a burden to industry and not equate with the current business practice. Industry does not offer 24/7 service to receive and unload cattle at the majority of the auctions, buying stations, assembly yards and feedlots. There are many situations where this proposal would be an unrealistic expectation and would impose unnecessary costs to industry without additional benefits. Requiring the cattle to remain on the transport until the receiving site opens or employees are called in would have more potential harm than the current practice. The current practice is that for cattle arriving outside regular

business hours, the transporter will call ahead and will advise of a projected arrival time. A receiving pen, usually with feed and water, will be set up and reserved for that shipment. The driver will unload and put the cattle in the pen upon arrival. In the event that there are animals that are stressed or injured, the truck will call dispatch and dispatch will in turn call the receiver of the cattle. Requiring a representative of the company to physically be there to unload would result in some loads of cattle remaining on the transport longer than necessary while waiting for the vendor to open, or for an employee to arrive. This section should only apply in the event that there are injured or compromised cattle unloaded.

Subsection 159.3 (b): We question the purpose of this sub section. What will be done with the information required under (b)? This would require all shippers to have a feed declaration accompany the livestock and have the consignee or their employee be physically there to accept the document. What purpose would this document serve on short haul cattle for example that transported less than 8 hours? For cattle that are consigned to a intermediate site such as an auction market the time and date when the cattle were last fed would not be needed nor could it be validated by the receiver. In the event that the cattle arrive under the

regulated hours, this information is irrelevant. This requirement will create more unnecessary record keeping.

Section 159.4 (1) Records

Most of the requirements in this section are already covered or will be covered under the Movement Reporting Regulations that are being developed by CFIA. The majority of shippers already use Manifests provided by the shipper. What is the purpose of (c) (d) (g)?

In (g) This proposal's wording is ambiguous, as it leaves too much room for interpretation Does this mean, when the cattle were fed and watered, or when was the time and date the cattle last had access to feed and water?

In (f), the allowable weight for each truck varies due to the different weights of the trucks and trailers and the seasonal "road weight restrictions" allowed by each province. CFIA already has loading density guides that are used by industry.

159.4 (3): LMAC does not see the necessity for this section. In many cases, a third party vendor provides the feed and water. In this case, is it the responsibility of the service provider to supply the declaration? Are these declarations then forwarded to a third party or retained by the transporter?

It is LMAC and industry's understanding that regulations should be deliverable and enforceable. Many of the proposed changes are neither deliverable nor enforceable, nor are they practical. CFIA does not have the manpower in the field nor the budget to enforce many of these changes. It is also our understanding that many of the details will be determined by policy. This is a concern for LMAC as we have learned from the past that policy can change with no consultation with industry. It opens the door for interpretation from individual inspectors, which in turn leads to inconsistent enforcement causing confusion within the industry. Regulatory changes should be based on science rather than public opinion. There has been very little research done in Canada on long haul transportation of cattle. The regulators need to be aware that dehydration is closely linked to temperature and weather conditions and that Industry is very conscientious about making sure that cattle handled in a humane manner and are delivered to the next

destination in the best health possible. Problems with other species should be taken into consideration when formulating regulations for cattle. Species harmonization may be the easiest route from CFIA but in many cases it may hinder the cattle industry.

One other concern is the cost benefit analysis. If all of these recommended changes are included in the new regulatory there will be considerable cost to the industry with limited benefits. In closing, the LMAC strongly supports leaving the hours of transport for Beef Cattle at 48 hours. This time allowance has served the industry well in the past and there is very little research to support the reduction in hours. Studies conducted by the Beef Canada Research Center and Alberta Beef Producers showed that 99% of the cattle hauled on 9000 loads arrived without injury and were in good health. As pointed out at the start of our comments, LMAC and its customers have a vested interest in ensuring that cattle are well cared for during handling and transporting.

LMAC looks towards CFIA and government to develop regulations that are “Made in Canada” to address Canadian challenges without putting unnecessary regulatory burden and undo cost on to the cattle industry.

Thank you for this opportunity to comment on the proposed changes.

Livestock Markets Assoc. of Canada
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Appendix Comments on the
Impact Analysis Statement and the Executive Summary

Highlighted in green are comments from LMAC.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations.)

Executive summary

Issues: The current provisions of the *Health of Animals Regulations* (HAR or the Regulations) dealing with the transportation of animals do not reflect current science regarding the care and handling of animals, **do not align with the standards of Canada's international trading partners,** (Canada's Trading Partners are asking for Canada to change the regulations nor are they restricting trade due to the current regulations) and are not aligned with the World Organisation for Animal Health (OIE) welfare standards for animals transported by land, air, and sea. This leads to a continuing risk that animals will suffer during transportation.

Description: The HAR would be amended to

- Provide clarification by adding definitions (for example definitions for compromised and unfit animals) and establishing clear requirements for regulated parties to better understand what is expected of them;
- Improve animal welfare and reduce risk of suffering during transportation by establishing clear and science-informed requirements that better reflect animals' needs and current industry practices;
- Better align with the standards of Canada's international trading partners and the OIE animal welfare standards for animals transported by land, air, and sea; and
- Remove obsolete or unnecessary requirements to reduce the burden on the industry.

Cost-benefit statement: It is anticipated that a small portion of commercial carriers that transport animals by land would bear additional costs, as an estimated 98% of all shipments are already in compliance with the proposed amendments. (There has been no consideration given to the industry's costs of having to have

personal physically on site to receive cattle on arrival.) Some processors in the poultry industry may experience incremental costs associated with changes in management practices, but will realize cost savings in relation to the benefits resulting from these changes. The present value of the total industry costs is estimated to be approximately \$3.9 million.

In addition to improving animal welfare, the proposed amendments would reduce transport losses and improve marketability and product quality, leading to benefits for consumers.

“One-for-One” Rule and small business lens: The “One-for-One” Rule would apply to the proposed amendments. The total administrative cost increase is estimated to have an annualized value of approximately \$320,000. The small business lens would also apply. The total cost savings of the flexible option for small business is estimated to have an annualized value of approximately \$87,000.

Domestic and international coordination and co-operation:

Protecting animal welfare in Canada is a shared responsibility between federal, provincial and territorial governments, producers, transporters, processors, retailers, and many other stakeholders.

The proposed amendments to the HAR would significantly improve alignment with the OIE animal welfare standards for animals transported by land, air and sea. Furthermore, based on a comparative review conducted by the Canadian Food Inspection Agency (CFIA), the proposals respecting feed, water and rest would align Canada’s regulatory outcomes more closely with those of its trading partners, such as New Zealand, Australia, the United States, and the European Union (EU). One cannot compare the transportation of cattle in Canada to that in New Zealand, Australia, the United States, and the European Union, the climate, geography, the distance covered, terrain and commerce in Canada is unique to Canada. Just because it is practical in those countries does not mean that their standards are applicable in Canada.

Background

Animals are valued by people for social, cultural, economic and emotional reasons. They provide food, fibre, and companionship; are used in sport, recreation, education, and scientific study; and have increasing importance as aesthetic assets in their own right. Canadians strongly support animal-handling processes that allow animals to express normal behaviours and do not result in animal pain, injury, or ill health. [\(see footnote 1\)](#) Good animal welfare practices contribute to reduced food safety risks and increased environmental sustainability by reducing the risk of disease. [\(see footnote 2\)](#) Similarly, poor animal welfare practices can contribute to economic losses. [\(see footnote 3\)](#)

The transportation of animals in Canada is a complex and wide-ranging activity carried out by a diverse set of stakeholders. Humane transportation of animals is a shared responsibility between several partners, including owners, producers, buyers, sellers, auction markets, assembly points, abattoirs, and transporters. Businesses range from small operators that move one animal to vertically integrated systems that transport multiple animals over short and long distances. It is estimated that 700 million animals are transported per year in Canada.

Transportation is an unfamiliar event for animals that can cause significant anxiety. [\(see footnote 4\)](#) Poor welfare leads to increased physiological and psychological stress, which in turn can lead to increased susceptibility to disease among animals and increased shedding of pathogens due to increased intestinal motility. This poses a risk to human and animal health. [\(see footnote 5\)](#)

Animals are transported, sometimes for long distances, for many reasons, including breeding, shows, feeding, sale, and slaughter. The continual consolidation of growing and finishing operations in the Canadian agriculture sector, as well as processing plants, has contributed to an increase in the distances animals are transported to reach production points. For example, the number of federal facilities processing beef decreased from 400 in 1976 to 30 in 2015. Similar consolidation has occurred at the farm level. For example, the number of farms decreased by 45.8% between 1976

and 2001. ([see footnote 6](#))

Due to these increased distances, animals may be loaded and unloaded multiple times, over prolonged periods, and can be exposed to adverse environmental conditions such as excessive heat, cold, snow, and rain. The equipment used to transport animals is similarly varied, ranging from home-made trailers to commercial stock liners to containerized jumbo jets and specialized ships.

Part XII (Transportation of Animals) of the *Health of Animals Regulations* (HAR), which was first passed into law in 1977 pursuant to the authorities of the *Health of Animals Act* (the Act), regulates animal transportation, including the loading and unloading of animals within Canada as well as entering into or leaving Canada, by imposing requirements on those individuals involved in the transportation of animals and setting out prohibitions to address the welfare (humane treatment) of animals during transportation.

Issues

Part XII of the HAR was enacted to address animal welfare problems encountered during the long distance transport of cattle by rail. At the time, there was little research or information pertaining to the effects or risks of transportation on the well-being of animals. The provisions of the HAR were consequently written in general terms, using words such as “undue” as it applies to suffering, to qualify prohibitions. This can lead to inappropriate decisions, such as loading animals deemed unfit for transportation or loading compromised animals for transportation over long distances without special measures. This, in turn, may increase the risk of animal welfare issues.

By extrapolating from the rate of compliance in inspection data, it can be estimated that 2% of all shipments of animals being transported in Canada are not in compliance with the current regulatory requirements. **This represents an estimated 14 million animals per year that may be suffering during transportation, of**

which 1.59 million animals per year are reported as dead on arrival at their final destination. Given the strong public support for preventing the suffering of animals, and the risk to human and animal health, this must be addressed. This statement is misleading and re-enforces the cattle industry's view that these new regulations need to be species specific. Of the 1.59 million animals that are supposedly dead on arrival, how many are cattle? The cattle industry would argue and rightfully so that only a very small percentage of the 1.59 million are cattle. The proposed changes lump all of the species together suggesting that all species have the same percentage of animals that die on transport. This in turn leads to regulations that have a major negative impact and regulatory burden to certain species and industry sectors.

More recent scientific evidence shows that transportation can be one of the most stressful experiences for animals, when animal welfare is not taken into account and addressed. ([see footnote 7](#)) The HAR do not reflect current science regarding the care and handling of animals, and frequently do not take the physical, behavioural, and physiological needs of animals into consideration. In addition, the HAR do not consistently align with current, generally accepted industry practices. The joint industry–government National Farm Animal Care Council (NFACC) develops codes of practice, which are nationally developed guidelines for the care and handling of farm animals. A code of practice for the transportation of farm animals was released in 2001. While the transportation code of practice considered the current requirements of the HAR when it was drafted, the recommendations in more recent codes of practice for the care and handling of farm animals meet, and in certain circumstances exceed, the requirements of the HAR.

Finally, the HAR do not consistently meet the standards of Canada's international trading partners, such as the United States and the European Union (EU), and are not adequately aligned with the World Organisation for Animal Health (OIE) welfare standards for animals transported by land, air and sea. As a member country

of the OIE, Canada is expected to meet or exceed OIE standards. This lack of alignment could compromise market access for Canadian products in the future. For example, a recent European survey concluded that 93% of Europeans agree it is important to establish animal welfare standards that apply to products sourced from within and outside of the EU. (see footnote 8) **The EU does not restrict trade with Canada on beef because of our transportation regulations the trade barriers are based on hormone use in Canada.**

Objectives

The proposed amendments to the HAR would

- Move towards a more outcome-based regulatory framework (for example replacing the requirement for a plane to “provide a change of air not less than once every five minutes” with a requirement to provide “adequate ventilation to prevent injury, suffering or death”), which would give regulated parties greater flexibility to apply technological advances in transportation, while maintaining high standards for animal welfare;
- Clarify expectations and better reflect new science regarding the care and handling of animals, thereby reducing the risk to animal welfare during loading, transportation, and unloading;
- Better align Canada’s requirements with those of other jurisdictions (for example the United States, Australia and the EU) and the OIE’s animal welfare standards for animals transported by land, air and sea; and
- Satisfy Canadian societal expectations regarding the responsible care of farm animals and the humane treatment of animals during transport, including loading and unloading.

Description

The HAR would be amended to

- Provide clarification by adding definitions (for example definitions of compromised and unfit animals) and establishing clear requirements for regulated parties to better understand what is expected of them;
- Improve animal welfare and reduce the risk of suffering during

transportation by establishing clear and science-informed requirements that better reflect animal needs and current industry practices; Throughout this document there are references made about science and science – informed and science based studies, however in Canada there has been very little modern research and studies in this field under Canadian conditions to support many of the changes proposed in the regulations.

- Better align with the standards of Canada’s international trading partners and the OIE’s animal welfare standards for animals transported by land, air, and sea; and
- Remove obsolete or unnecessary requirements.

Clarifications – definitions and outcomes

The proposed amendments would provide clear requirements for animal transportation to allow regulated parties to better understand what is required of them to be in compliance. The proposed amendments would establish either prescriptive requirements (in which case the process or procedure requirements are defined in regulation) or outcome-based requirements (in which case the required outcome or level of performance is defined in regulation), where appropriate. Prescriptive requirements would be established in cases where any alternative to the prescriptive requirements or ambiguity would predictably result in animal suffering, injury, or death. In other situations, outcome-based amendments were deemed appropriate for obtaining desired results.

(i) Definitions and outcomes for “compromised” and “unfit” animals

Definitions for both “compromised” and “unfit” would clarify whether an animal could be transported with special measures (compromised) or not transported at all (unfit).

The proposed amendments state that compromised animals can be transported provided that they are segregated from other animals; that measures are taken to avoid injury, death, or suffering; and that the animals are transported directly to the nearest place, other than an auction market or assembly yard, where they can receive

care, receive treatment, or be humanely killed. A compromised animal may be transported with one other animal with which it is familiar. A list of conditions that would mean an animal has an impaired capacity or is in a compromised state would be provided in the amendment as part of the proposed definition.

Unfit animals would only be able to be transported for diagnosis, care or treatment on the advice of a veterinarian. A list of conditions that would mean an animal is unfit would be provided as part of the proposed definition.

To prevent suffering or further injury, the proposal also includes options for how an animal is to be treated, cared for, or humanely killed when it is found to be in a compromised or unfit condition on board a vessel, in a conveyance or in a container during transportation. The options provide for some flexibility when situations arise in which an animal's status changes during transportation.

Provisions are proposed that would clarify when the activities of loading and unloading would be considered to begin and end, which should contribute to defining critical periods when transfer of responsibility for the animal's care occurs between regulated parties.

A definition of confinement is also proposed to support improving animal welfare. The proposed definition would include the period of time an animal is held in a container prior to being placed on a conveyance, the period during transportation, and the period of time after the container is removed from the conveyance.

(ii) Clearer, science-informed standards of conduct

As stated previously, the current HAR are written in general terms, which may lead to misunderstanding of the required conduct for ensuring animal welfare. In order to address this, provisions in the proposed regulatory amendments described below would provide clear standards of conduct for regulated parties.

Knowledge, skills, and training

The proposed amendments would establish standards of

knowledge and of care in the *Health of Animals Regulations* (the Regulations) for any person loading, transporting, or unloading animals.

Commercial carriers would be responsible for training, or ensuring that training is or has been received by, their employees or agents to conduct activities in compliance with Part XII of the HAR. The training would cover animal behaviour, animal handling, restraint, loading densities, and transportation methods for the species being transported, as well as risk factors that can impact animal welfare and contingency plans.

Risk factors and contingency planning

There are a number of interrelated factors that must be included in a regulatory framework if animals are to be transported safely and humanely. Therefore, it is proposed that any person loading, transporting, or unloading animals would be required, prior to loading, transporting, or unloading, to assess risk factors that could reasonably be viewed as having an impact on the animal's capacity to withstand the loading, transportation and unloading (for example foreseeable weather conditions, duration of transportation, loading density).

As a complementary element to this risk factor assessment prior to loading, it is further proposed that every person who transports an animal, or causes one to be transported, establish a contingency plan for unanticipated events, for example what to do in case of a mechanical failure while en route. **This contingency plan would need to be communicated to any person involved with the loading, transportation, or unloading of animals. Once the cattle are loaded, those that were involved with the loading but not directly involved with the transportation should be relieved of their responsibility. Once the cattle have been delivered and accepted by the receiver the transporter should then be relieved of their responsibility for the care and control of those cattle.**

Having a contingency plan would support mitigating the risk of injury, suffering, or death of an animal on the conveyance should an event occur while in transit that could place the welfare of the

animals in the conveyance at risk.

Animal handling

The proposed regulatory amendments would include prohibitions against unacceptable handling practices by persons involved in the loading, transportation, confinement, and unloading of animals. It would be prohibited to handle an animal in any way that would likely result in suffering, injury, or death to the animal.

The regulatory proposal would limit the use of an electric prod during the loading, confinement, transportation, or unloading of an animal. While electric prods are commonly used to encourage animals to move in a required direction (for example to move animals onto a conveyance), the regulatory proposal would prohibit the use of an electric prod on sensitive areas or regions on an animal's body (for example belly, genital, or facial regions) and if animals do not have a clear path to move forward.

Loading density and overcrowding

The proposed requirements related to loading density would establish clear parameters for what conditions would constitute overcrowding in a container or conveyance. Loading, confining, or transporting animals in a conveyance or container that is overcrowded would be prohibited. **CFIA already has loading density parameters and segregation policies for cattle.**

Overcrowding would occur when, due to the loading density or the size of the conveyance or container, the animal cannot maintain its preferred position or adjust its body position to protect itself from injuries or from being crushed or trampled; the animal is likely to develop conditions such as hyperthermia, hypothermia, or frostbite; or the animal is likely to suffer, sustain an injury, or die.

Segregation

The prescriptive nature of the current requirements respecting segregation by species, age, and weight would be replaced with an outcome-based provision that would prohibit loading, transporting, or confining animals that are incompatible (by reason of their nature, species, temperament, gender, weight or age, which are likely to result in injury, suffering or death to any animal transported in the same conveyance), unless they are segregated.

This outcome-based approach is consistent with OIE standards, and provides the flexibility for animals that prefer travelling together to be kept together; under the current requirements, these animals would need to be segregated irrespective of compatibility. Guidance would be made available to industry to assist in the determination of compatibility in respect of species, class, size, level of fitness, familiarity with one another, and behaviour. The guidance would be available on the Canadian Food Inspection Agency (CFIA) Web site.

Container or conveyance requirements

These amendments would also provide additional clarity about the preferred position of various species during transportation and propose outcome-based requirements respecting the height of the roof or top of the conveyance or cover of the container needed to accommodate the animal's natural behaviour. For example, horses may wish to hold their heads straight or hold their heads up, depending on the breed, size and type.

Condition, maintenance, and use of conveyances

Requirements respecting the condition, maintenance, and use of conveyances and containers used for transporting animals, including sea vessels and aircraft, would be clarified by these amendments. In addition, requirements that pose an unnecessary regulatory burden would be removed, such as specific ventilation requirements for aircraft or vessels. The proposed amendments would also provide clarity on what conditions would be prohibited due to the potential for an animal to be injured, suffer, or die.

Feed, water, and rest for animals

Recent scientific studies provide more conclusive species-specific guidance than what was available at the time Part XII of the HAR first came into force. ([see footnote 9](#)) ([see footnote 10](#)) ([see footnote 11](#)) ([see footnote 12](#)) Significant advances have been made in determining animals' needs for feed, water, and rest to prevent suffering from extreme hunger, dehydration, or excessive fatigue. ([see footnote 13](#)) With this new information, there is a

basis for redefining time periods during which animals can be without feed, water, or rest to reduce their risk of suffering, injury, or death during transportation. The regulatory proposal establishes new maximum intervals without access to feed and water, which are summarized in Table 1 by species and class.

Once the proposed maximum time intervals without feed and water are reached, a minimum rest period of eight hours, increased from five hours in the current Regulations, would be required during which animals would be provided with access to feed and water.

The rest period could be conducted on a stopped conveyance that is suitably equipped to provide space for the animals to lie down at the same time, to eat and to drink, while providing adequate ventilation and other acceptable environmental conditions.

Alternatively, animals could be unloaded to a suitable rest area.

In addition to the feed, water, and rest time requirements, the regulatory proposal also includes an outcome-based requirement to provide feed, water, and rest to animals to prevent them from becoming dehydrated, suffering from nutritional metabolic abnormality, or suffering from fatigue during transportation. Both the prescriptive requirements and the outcome-based requirements would need to be met. The combination of prescriptive and outcome-based requirements would provide flexibility and clear expectations to the regulated party without compromising animal welfare.

Interpretive guidance is being developed to accompany the proposal, which would also provide additional information for clarity. For example, the guidance would define when an interval of time is considered to have ended and the next interval begun.

This information would assist in improving compliance and would reduce the risk of animals suffering. **If there was a continuous problem with cattle arriving at destination between 36 and 48 hours of transit that are dehydrated, over fatigued, in poor health or suffering undue stress, there would be limited to no demand for cattle that would have to travel that far. There is a strong demand for these cattle especially originating from western Canada to**

Ontario and Quebec. The profitability of these cattle is directly tied to performance in the feed yard. Cattle arriving that are dehydrated, over fatigued, in poor health or suffering undue stress do not perform well and would likely be rejected by the receiver. This happens very rarely, commerce dictates that in the beef cattle both the vendor and the transporter have a vested interest in making sure that the cattle arrive in good health with as little stress as possible.

Table 1: Proposed maximum intervals for access to feed and water

iii) Transfer of responsibility

Many people are involved in the transportation of animals. The chain of responsibility for animal welfare during transport begins with the owner or their agent, and extends to the final receiver of the animals. The welfare of animals during loading, transport, and unloading is the joint responsibility of all those involved.

Producers, handlers, shippers, drivers, and receivers share important responsibilities, as they ensure animals are transported safely.

According to the proposal, it would be prohibited for any person who transports an animal to leave the animal at a slaughter establishment, auction market, assembly yard, or feedlot without a representative of those locations being present and accepting responsibility for the animal's care upon arrival, in writing. 24/7

service is not currently a part of the movement process! Cattle are delivered at all hours of the day and night. One of the priorities is getting the cattle off the transport and into a feed and water pen as possible. The common practice is when a load is delivered outside of normal business hours a feed and water pen is assigned and set up. Having the cattle wait on the transport until the receiving yard opens or an employee arrives is counter-productive to the health and welfare of the cattle. Agriculture is and has been facing an acute shortage of skilled labour for quite sometime. Having to employ more employees or pay overtime would be an unfair burden to the industry especially the smaller operations.

Moreover, the person accepting responsibility for the animal's care at the destination location would be responsible for taking the measures that would be necessary to prevent suffering, injury, or death of the animal, including meeting feeding and watering requirements.

(iv) Record-keeping

Record-keeping is essential to encouraging compliance, ensuring a complete chain of custody for shipments, and further enabling CFIA enforcement activities. All commercial carriers would be required to maintain records of animal transport for each shipment of animals, including, for example, the amount of floor space in the conveyance available to the animals, **the last time the animals were fed and watered prior to loading, (how would the carrier be able to validate this information, does mean when the cattle were last fed, or the last time they had access to feed and water?)the date, time and place the animals were unloaded at destination, This information is currently being include in the movement reporting regulations that are being developed,** and the name of the person who accepted responsibility for their care. Records are currently required for carriers engaged in the inter-provincial or international transportation of livestock, and must be retained for a duration established in Part X of the HAR. The proposed amendments would only constitute a change for commercial carriers either transporting non-livestock animals, such as zoo animals, or operating intra-provincially.

(v) Application of animal welfare transportation requirements to import and export shipments

Currently, all shipments of animals transported into, transported within, or leaving Canada must comply with Part XII of the HAR. In terms of export of animals, this means that the CFIA is unable to take enforcement actions in situations where the shipment is compliant as it leaves Canada, but may not be compliant once it reaches its destination. The proposed amendments prohibit the export of an animal unless the person has reasonable grounds to believe that the animal will be transported in accordance with Part XII of the HAR. Therefore, for example, for animals in a

shipment that would require a feed, water, and rest stop during the transport, the person exporting the animals would be required to have reasonable grounds to believe that the feeding, watering and resting requirements could be met for the entire journey. This amendment would better allow the CFIA to take enforcement action in situations where there are reasonable grounds to believe that the animals cannot be, or would not be, transported in compliance with Part XII of the HAR.

Regulatory and non-regulatory options considered

Option 1 – Status quo

Under this option, the CFIA would maintain the regulatory requirements for the transportation of animals as currently prescribed in Part XII of the *Health of Animals Regulations*.

This option would result in a continued risk that animals transported in Canada could be injured, suffer, or die. An estimated 14 million animals are transported every year in a way that is not compliant with Part XII of the HAR, and 1.59 million animals each year are reported dead on arrival at their final destination.

Continuing with the current humane transport requirements would result in continued use of general terms in the HAR, ineffectiveness in protecting animals often due to the regulated parties' misunderstanding of the required conduct for ensuring animal welfare, gaps in enforceability, lack of relevance regarding current practices, and a continued misalignment with the OIE animal welfare standards for the transport of animals and the animal welfare standards of Canada's international trading partners. While the current code of practice, developed jointly by industry and Government, outlines best practices during transportation, it is not law. Further revisions to the transportation code of practice are pending, and have been delayed for some time in the hopes that amendments to Part XII are made first.

This option would not move towards meeting societal expectations regarding responsible farm animal care and the humane treatment of animals during animal transport, including loading and unloading.

Option 2 — Amend Part XII using a combination of outcome-based and prescriptive requirements

Under this option, Part XII of the HAR would be amended to clarify and modernize requirements, using a combination of outcome-based and prescriptive requirements. Modernized requirements would better reflect the needs of the animals. This option would clearly define prohibitions. Greater clarity would allow regulated parties to better understand the standards of conduct expected of them in order to comply with the requirements and would make the requirements more easily enforceable.

Benefits and costs

It is anticipated that the following stakeholders would be affected by the proposed regulatory amendments:

- Commercial carriers transporting livestock (pigs: 480 businesses, horses: 96 businesses, cattle: 470 businesses, sheep/goat: 71 businesses); **Not all carriers are commercial, does this mean that private carriers and transports that carry their own cattle are exempt?**
- Commercial carriers transporting poultry (135 businesses);
- Commercial carriers who either transport non-livestock animals or operate intra-provincially;
- Abattoirs (i.e. meat product processors) [348 businesses];
- Livestock and poultry producers (approximately 84 000 businesses);
- Retailers and consumers;
- The Canadian public; and
- The Canadian Food Inspection Agency (CFIA).

The proposed regulatory amendments would reduce the maximum time limits for animals to be without access to feed, water, and rest. Training would also be required for drivers who cannot demonstrate the knowledge and skills needed for transporting animals. Finally, commercial carriers transporting non-livestock animals, or those who operate only intra-provincially, would be required to keep records for each shipment of animals. Commercial carriers transporting animals by land would be expected to carry

incremental costs as a result of these proposed requirements.

Benefits

The potential benefits associated with the regulatory proposal would be the following.

Increased compliance with regulatory requirements

The amended Regulations would clarify expectations and, in turn, make it easier for industry to comply with the HAR. For example, the record-keeping requirements for commercial carriers who transport non-livestock animals, and those who operate intra-provincially for commercial purposes, would facilitate enforcement by the CFIA. This, in turn, is expected to lead to increased compliance rates, which would improve the welfare of animals and reduce the resources allocated to respond to non-compliance. It is similarly expected that the requirements for regulated parties to assess risk factors and have a contingency plan would also increase compliance.

Furthermore, the move from prescriptive to outcome-based regulatory requirements would provide the industry the flexibility to choose the least costly option to achieve the required outcome under the proposal. This is also expected to contribute to improved compliance with the regulatory requirements. For example, the current segregation requirement of species, age, and size is based on those differences alone, while the proposed amendment would instead focus on incompatibility of the animals in load. A further example is the removal of the specific number of attendants per number of animals transported by sea, to focus instead on the provision of adequate care.

Improved animal welfare and prevention of animal suffering during transportation

The implementation of the proposed regulatory amendments, and the resulting increased compliance, would prevent animal suffering, thus improving animal welfare and ensuring that animals are free of pain. Added clarity, such as defining a compromised or unfit animal, would provide clear expectations for producers and transporters. This, in turn, is expected to reduce the number of compromised and unfit animals loaded and transported.

The implementation of the proposed regulatory amendments would also benefit Canadian livestock and poultry producers by reducing economic losses as a result of animals being injured, dying, or being severely bruised in transport. Bruising and losses due to shrinkage (depletion of body reserves) increase with increased transportation times. ([see footnote 14](#))

According to the Food and Agriculture Organization (FAO) of the United Nations, the benefits of animal welfare extend to consumers through the availability of a secure and safe food supply. ([see footnote 15](#)) Consuming safe food is important for Canadians. Stressed animals are more likely to shed pathogenic organisms and, as a result, increase the risk to food safety. It is anticipated that the improved animal welfare during transportation resulting from the proposed regulatory amendments would contribute to reducing risks to food safety from animal-based food products.

Improved regulatory alignment

The regulatory proposal would also lead to improved regulatory alignment between Canada and international trading partners (for example the United States and the European Union) and would contribute to improving alignment with the OIE animal welfare standards related to the transport of animals by land, sea, and air.

This, in turn, could facilitate or maintain trade and market access for Canadian products, by avoiding trade barriers that could arise due to differences in regulatory requirements. This statement is purely speculative and should not be considered when evaluating regulatory changes with regards to transportation. Once again our trading partners are not requiring the proposed changes to continue commerce with them.

If amended, the HAR would better reflect current science regarding the care and handling of animals and animal needs. Since the transportation of farm animals code of practice was drafted with consideration of the current Regulations, subsequent updates of this code of practice would be strengthened.

Increased consumer confidence in animal food products

As a result of the previous three benefits — increased compliance,

improved animal welfare, and improved regulatory alignment — the proposed regulatory amendments would move towards meeting Canadian societal expectations that animals be free of pain, be healthy, and have the ability to express natural behaviours. [\(see footnote 16\)](#) [\(see footnote 17\)](#) Decisions on animal welfare are therefore considered an ethical issue, not just an economic one. [\(see footnote 18\)](#) Consumers consider animal welfare when making purchasing decisions and assessing the quality of animal products, whether implicitly or explicitly, [\(see footnote 19\)](#) and improved management practices during transportation would help ensure that those consumers have the assurances they need to make those decisions. [\(see footnote 20\)](#)

Since the regulatory proposal is designed to improve animal welfare conditions that are of importance to consumers, such as transportation and maximum intervals without feed, water, and rest, it is expected that the proposed amendments would contribute to increased consumer confidence in animal food products purchased. **In this section the regulators seem to feel the need to speak on behalf of the consumer and their purchasing decisions. The information also eludes that an ethical decision must be taken into consideration, which may indicate that the regulator have the opinion that the producers, and the additional parties involved in the raising and transportation have no ethics when it comes to their livestock. Nothing could be further from the truth; producers take great pride in the livestock and do not require the government to make ethical decisions on their behalf. These type of comments are out scope when looking for reason for change.**

Costs

Costs associated with feed, water, and rest

The CFIA conducted a survey of businesses that would be potentially affected by the proposed regulatory change to feed, water, and rest provisions. Based on survey results and CFIA inspection data collected at federally registered abattoirs, it was concluded that, overall, 98% of current shipments would not be

affected by the proposed requirements, as the shipments already meet the proposed maximum intervals. This percentage varies across commercial carriers depending upon the animal being transported.

The proposed maximum interval for access to feed and water for pigs is 28 hours, compared to the 36 hours under the baseline scenario (i.e. in the current regulation). With the shorter time interval, some commercial carriers transporting pigs currently exceed the proposed time limits. These carriers, representing approximately 1% of all commercial pig carriers, would assume additional upfront costs associated with potentially retrofitting or installing feed and water systems in the conveyances and ongoing costs associated with maintaining the feed and water systems in the retrofitted conveyances in order to comply with the proposed requirement. These upfront costs are estimated to be \$5,000 per retrofit with annual maintenance costs of \$1,000.

Also, based on current industry practice, pigs are not off-loaded during rest periods. These conveyances would also require sufficient space for all animals to lie down at the same time, and to be fitted with equipment which would allow animals to eat and drink while providing adequate ventilation and protection. The costs of these measures were also estimated to be \$5,000 per retrofit with annual maintenance costs of \$1,000.

For some commercial carriers transporting slaughter and feeder horses that would exceed the time limit, there would be a need to off-load the animals at stations (off-loading is an industry practice), to allow them to rest and be provided with feed and water. Approximately 14% of all commercial horse carriers would assume the incremental cost of the amount paid to the owners of rest stations for the entire duration of the stay of the animals. This amount was estimated to be \$200 per 8–10 hour stay. For commercial poultry processors, less than 1% would assume the incremental costs of changing the management of their operation to reduce the lairage times, that is, the length of time that poultry are kept in containers at processing establishments waiting to be

slaughtered. This would be required to comply with the proposed maximum intervals for access to feed and water. The costs associated with change would be the time and salary required for a scheduling expert to make adjustments to their standard operating procedures in order to comply with the requirements. This reduction in lairage time could benefit some businesses, due to the reduced costs associated with keeping the lairage area lit, cooled, and heated. The rest of the poultry processors are already in compliance with the proposed feed, water, and rest requirement. Provincial and federal regulations have been enacted that outline driver hours of service and rest requirements during long-haul transportation. These requirements were taken into consideration when analyzing the impact of the proposed regulatory amendment. It is anticipated that animal and driver rest stops can be managed to occur at the same time and, as a result, the affected commercial carriers would not expect to carry additional feed, water, and rest costs due to additional stops. **The above information deals with pigs, equine and poultry but there is not reference to beef cattle.**

Costs associated with training

The proposed regulatory amendments would require the training of those drivers who operate under a commercial carrier. Some commercial carriers would assume training costs for their drivers who have not received training. It was estimated that approximately 1.45% of commercial carriers transporting pigs, horses, cattle and sheep/goat and 2.45% of commercial carriers transporting poultry would be impacted.

Due to a lack of data and information, the CFIA estimated the number of drivers who would require training by analyzing CFIA inspection data for the rate of shipments that were not compliant with the current regulatory requirements for animal transport. Non-compliant shipments can be considered evidence that those drivers require training or retraining.

The Canadian Livestock Training (CLT) program is considered to provide drivers all the required competencies referred to in this amendment. It is therefore used as a reference for estimating

training costs.

The livestock transportation industries have been proactively making livestock transport training mandatory for drivers. As a result, the training costs attributable to the proposed regulatory requirements would be expected to decrease over time, and to be negligible within five years, as this training will be the livestock transportation industry standard.

Costs associated with record keeping

There would be incremental costs associated with record-keeping requirements assumed by all commercial carriers who transport non-livestock animals and those who operate for commercial purposes intra-provincially. Costing assumptions for these incremental costs can be found in the “One-for-One” Rule section below. Note that commercial carriers of poultry would not assume incremental costs in this respect, since they are already required to maintain records for inter-provincial and international movements, and flock-based records for all loads of commercial poultry irrespective of destination. In addition, the proposed Regulations would not specify technical formats for record keeping, which would allow commercial carriers to select the method that involves the least cost or greatest efficiency to them. **There is no consideration for the cost that would be applicable to the shipper, and the receiver and what would be done with the documents required after delivery.**

Methodology

All of the identified costs have been monetized in the analysis, while all of the identified benefits are described qualitatively. The standard cost model was used to estimate incremental costs associated with feed, water, and rest; training; and administration. The standard cost model takes into account the time required for individuals to perform a task, the individuals’ wage rate and how often the task must be performed. Data sources used for the analysis include industry survey data, the CFIA’s Compliance Verification System (CVS) database, the input of program subject matter experts, and published data. The assumptions used in the

cost estimation were made based on the best available information.

Consultation

The CFIA has consulted with stakeholders on this initiative, in both broad and targeted consultations, starting with informal consultations in the early 2000s, a Web consultation in 2006, and one-on-one meetings with industry stakeholders from 2006 to 2016. Taken together, a broad cross-section of Canadians has been consulted, including representatives from each of the affected industry groups, veterinarians, animal welfare advocates, federal and provincial governments, researchers, and the general public. Most stakeholders agree that regulatory amendments are needed, and support the need for them. Opinions, however, are polarized. For example, with respect to the changes to feed, water, and rest periods, animal welfare groups believe that the proposed maximum periods without access to feed and water are too long, and the rest periods too short, which would in turn impact the animal's well-being. In order to address the concerns raised by animal welfare groups, the CFIA is proposing to include an outcome-based requirement in addition to the proposed reduced maximum intervals without feed, water and rest. This outcome-based requirement will ensure that animals' needs are met at all times to prevent the animals from suffering from dehydration, nutritional metabolic abnormalities or exhaustion, irrespective of the proposed durations. Conversely, some industry representatives believe that the proposed maximum durations are too short and would impact the profitability of their businesses. Profitability is not the only concern, the lack of infrastructure in certain regions of Canada to accommodate the unloading of cattle for feed and water if the hours are reduced from 48 to 36. There is also little consideration by the regulators to the stress and possible injury of the loading and unloading cattle over allowing them to rest on the vehicle while parked. This is especially true for cattle moving from Manitoba to Ontario and Quebec. If the cattle are forced to stop a Thunder Bay after approx. 10 hours on the road, to reach their destination within

36 hours after reloading, the cattle gain very little benefit by stopping for 8 hours at Thunder Bay as they will not be hungry or thirsty if they have been feed, watered and rested prior to loading in Manitoba. If both the driver and the cattle are allowed to rest on truck for 8 hours they will arrive at the destination in under 48 hours the current regulations. Cattle brokers have years of experience in shipping cattle long distances with minimal stress on the animals. If the cattle do not arrive in good condition they do not get paid so they have a vested interest in delivering cattle in good health.