



**CANADIAN
CATTLEMEN'S
ASSOCIATION**

National Voice Of Cattle Producers

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February 15, 2017

Canadian Food Inspection Agency
59 Camelot Drive
Ottawa ON K1A 0Y9
Attention: Dr. Cornelius F. Kiley
Email: animaltransportanimaux@inspection.gc.ca

Re: Canada Gazette Part 1, Volume 150, No. 49 – Published December 3, 2016
Proposed Regulations Amending the Health of Animals Regulations

Dear Dr. Kiley,

The Canadian Cattlemen's Association (CCA) appreciates the opportunity to provide comments in response to the December 3, 2016 Canada Gazette Part 1 pre-publication of proposed regulations amending the *Health of Animals Regulations (HAR)*.

The CCA represents Canada's 68,500 beef farms, ranches and feedlots. Founded by producers and led by a producer-elected board of directors, CCA works to address issues that concern Canada's beef producers. The CCA's vision is to have a dynamic, profitable Canadian beef industry with high-quality beef products recognized as the most outstanding by customers at home and around the world.

Proper animal care and welfare is paramount in the beef industry, and producers continue to ensure the best life possible for their livestock. This proactive approach includes maintaining animal health, minimizing stress when handling, treating, or transporting animals, and continually updating and improving practices. The cattle industry's objective is to achieve the best possible outcomes for animals that are transported while at the same time ensuring the industry remains competitive. The CCA is supportive of changes in cattle transport regulations that will meaningfully work towards that objective.

CCA has emphasized the importance that any regulatory change needs to be based on scientific evidence and wherever possible, use outcome based guidelines that focus on the animal. The CCA believes that for a new rule to be meaningful, the supporting research needs to be conducted using commercial cattle, transport trailers, and drivers under typical commercial distances and conditions in Canada. Arbitrary rule changes that are based solely on perception rather than science could potentially result in worse outcomes in terms of cattle welfare rather than further improving the positive outcomes being demonstrated by industry today.

The following section provides an overview of our comments on the Proposed Changes to Part XII of the Health of Animals Act Regulations.

Use of Canadian Research on Cattle Transportation:

While a number of scientific papers were referenced in this regulatory proposal, CCA is concerned and disappointed that the body of beef transport research Agriculture and Agri-Food Canada (AAFC) has conducted in recent years was not

included in the proposal. Canada has conducted more large-scale transport research under commercial conditions and using commercial transporters than anywhere else in the world. Since 2006, researchers from AAFC and Canadian universities have worked to establish benchmarks for common industry practices and examined the effects of loading density and trailer ventilation. Researchers have also investigated the effects of animal and handler behavior, transport conditions, time and distance and transit, and driving practices on transport outcomes and carcass parameters (shrink, bruising, and dark cutters) in fed cattle and market cows.

Cattle producers have also played a role in this research. Industry has allocated national and provincial check-off dollars towards research with the objective of improving animal welfare outcomes. Given the lack of recognition of AAFC research projects or findings within the proposed regulations, CCA would like CFIA to provide further explanation for the exclusion of this research.

Outcome Based Regulatory Framework:

While CCA supports the move toward a more outcome-based regulatory framework we want to ensure that the application of regulatory requirements is consistent as possible.

Minimizing stress and preventing the injury of animals during transport is a principle industry wholeheartedly endorses. However, if the application of regulatory requirements is not consistent across all jurisdictions and supply chain links then the industry cannot, 1) educate users of the system about what is and is not acceptable, and 2) take steps to improve processes for animals in transit.

- In an effort to work towards greater uniformity and accuracy of inspection outcomes, CCA recommends that CFIA work with all livestock groups, transporters, auctions, feedlots and processors to participate in CFIA's Humane Transportation Program training.
- CCA recommends that CFIA make their inspector training materials publicly available.

Regulatory Impact Analysis Statement (RIAS):

CCA is pleased that CFIA recognized the Canadian Livestock Training (CLT) program within the regulatory overview and acknowledged that this initiative provides drivers with all of the required competencies referred to in the amendment.

Specific to the RIAS, CCA is concerned that the statistical information used in the rationale misrepresents the Canadian cattle industry. The RIAS states, "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." Based on calculations from Agriculture and Agri-Food Canada's Red Meat Condemnation Report by Species for Federally Inspected Plants, in 2015, 539 cattle were dead upon arrival at the slaughter facilities and additional 280 were condemned, which is less than 1% of the total cattle slaughtered at the federal plants. Lumping all species groups together could give the impression many cattle are dead or condemned upon arrival, which isn't the case. It would be more appropriate to provide numbers for each of the species categories subject to the amended regulations.

CCA believes that the proposed regulations overestimate the benefits to cattle producers. In the RIAS, it is indicated that the proposed changes will result in improved compliance and that the improved compliance will lead to reduced suffering and better animal welfare. CCA is challenged to find the connection between the proposed changes to time intervals and improved compliance. It could be argued that a prescriptive reduction in transport time without flexibility may actually decrease compliance. In addition, it should be recognized that bruising and shrinkage also occur during loading and off-loading, not only as a result of increased time in transit.

CCA believes that the proposed regulations underestimate the costs to cattle producers. The global numbers presented in the introductory section create misleading perceptions of the reality of cattle transportation. In almost all the other livestock industries, primary production is more intensive and is located in closer proximity to the processing facilities. The cattle industry is much more extensive and less vertically integrated, resulting in longer hauls, and more small

independent operators. This changes the benefit and costs considerably. Unfortunately, there is no data presented regarding costs to the cattle industry of the proposed amendments. All the data considered, and the costs presented, relate to the poultry or hog industries. While these industries may be somewhat similar to each other, they are very different from the cattle industry.

All of the estimated costs included in the analysis are allocated to transport businesses. It is CCA's view that these additional costs will be passed down to cattle producers through increased trucking fees. Commercial carriers will not bear any incremental costs in the cattle sector – producers will.

CCA would also like CFIA to provide a more in depth cost-benefit analysis regarding the transfer of responsibility requirements and on current Canadian transportation infrastructure. Please see further comments on these items in the next sections.

Time in Transport:

The maximum hours cattle will be able to be transported without food, water or rest will be reduced from 48 (52 if animals can reach final destination) to 36 hours. Ruminants “too young to be fed exclusively on hay and grain” will be able to be transported a maximum of 12 hours without a rest stop, down from 18.

Comments:

The Canadian cattle industry's geography, markets and climate are much different from other cattle jurisdictions, such as the European Union's, a jurisdiction that CCA believes has limited applicability in the Canadian context. While Canadian research has found that over 95% of cattle spend less than 30 hours in transit¹, a reduction in the maximum number of hours cattle can be transported without feed, water and rest will certainly have an impact on current cattle transportation practices and the competitiveness of the Canadian cattle industry. Research conducted by AAFC found that 99.95% of cattle on a longer haul (over 4 hours) and 99.98% of cattle on a short haul (<4 hours) reach their destination in good condition.² CCA is concerned that the reduction in hours could have unintended consequences that reduce positive cattle welfare outcomes rather than improve them.

Unlike the current HAR, there is no provision for an additional 4 hour grace period for “ruminants that will reach their final destination in Canada where they may be fed, watered and rested ...”. It will be a hard 36-hour maximum with no additional grace period. The elimination of any flexibility for unforeseen circumstances ignores the realities of long-distance transport. Even if transporters believe they will make the trip within the allowable time maximum, unforeseen delays beyond what one can reasonably assume do happen (e.g. Nipigon bridge closure, weather, traffic, equipment breakdown).

- CCA recommends that the existing 4-hour grace period be retained.
- CCA recommends that further flexibility be provided to transporters who experience extraordinary delays by establishing an emergency approval request telephone line to allow extended time in transport under certain circumstances.
- CCA recommends that CFIA provide further explanation about how animals classified as “too young to be fed exclusively on hay or grain” will be determined. Would it be a verbal declaration, estimated weight etc.?

In addition, CCA is concerned that the proposed reductions in maximum transport time may not align with the current transportation infrastructure in Canada. In particular we are concerned about the capacity for existing rest stations to handle increased volume as well as the suitability of existing rest station locations across Canada. Has upgrading and/or expanding rest station infrastructure been accounted for in CFIA's business survey and cost-benefit analysis?

¹ González, L. A., Schwartzkopf-Genswein, K.S., Bryan, M., Silasi, R. and Brown, F. 2012. *Benchmarking Study of Industry Practices During Commercial Long Haul Transport of Cattle in Alberta, Canada*. Journal of Animal Science 2012 (90: 10: 3606-3617) doi:10.2527/jas.2011-4770

² Ibid.

- CCA recommends that CFIA share with industry a more in-depth analysis of current transport infrastructure before any regulatory change affecting transport times come into effect. Location suitability, capacity availability, biosecurity practices, and rest station infrastructure (pen capacity, handling systems, staffing, etc.) need to be included in this analysis.

Feed, Water and Rest Time:

159.1(4) - For the purposes of this section, an interval ends and the next interval begins,

(a) in the case of water, when the animal has taken sufficient safe water to prevent dehydration;

(b) in the case of feed, when the animal has taken sufficient feed to prevent nutritional metabolic abnormalities; and

(c) in the case of rest, when the animal has rested for at least eight hours.

Comments:

(a & b) – How would one know if animals have taken in sufficient feed and/or water? How is “sufficient” measured? There must be clear recognition that one cannot force an animal to eat or drink. The best one can do is provide access.

- CCA recommends CFIA provide further explanation on how “sufficient” will be interpreted.
- CCA recommends that these clauses be reworded to acknowledge that the best an individual can do is provide *access* to feed, water and rest.

(c) - What research has determined that 8-hours is the optimum rest time for improved animal welfare outcomes? What makes 8-hours of rest better than 5, 6 or 7-hours?

- CCA recommends that CFIA provide scientific rationale to justify the increase in the minimum number of hours livestock must be fed, watered and rested.

Industry and animal welfare researchers in Canada have identified a number of research priorities that require further examination. These include but are not limited to: the effects of rest stop durations on cattle welfare and recovery, and the comparison of cattle welfare outcomes/recovery on a journey with a rest stop compared to completing an entire trip without a rest stop. As this new science becomes available over time, how will CFIA choose to update regulations to reflect advancements in this science?

Transfer of Responsibility:

No person who transports an animal(s) shall leave the animal at the destination unless the recipient is physically present and accepts responsibility for the animals care and records the acceptance in writing. In addition, the owner/custodian must provide a written declaration outlining when (date and time) the animal(s) was last fed, watered and rested.

Comments:

Given the record keeping requirements in 159.4, we question the necessity of this clause and what it is designed to accomplish. Having a person physically present to accept responsibility during all arrivals is unrealistic and impractical since cattle are routinely offloaded outside typical business hours and many auctions, feedlots, assembly yards and small processors do not employ staff 24 hours a day. Implementing this change would pose significant costs to small and medium sized businesses. Has the extra cost of personnel for receiving cattle been accounted for in the cost-benefit analysis?

Would feedlot/assembly yard employees or joint feedlot/assembly yard and trucking businesses transporting their own livestock be subject to the same requirements?

- CCA recommends that the transfer of care requirement to have recipients physically present to accept incoming livestock be re-evaluated and include the anticipated costs to intermediate and terminal sites to employ staff 24 hours a day.

Import/Export:

The proposed regulations prohibit the export of an animal unless the person has reasonable grounds to believe that the animal will be transported in accordance with Canadian regulations, including reasonable grounds to believe the feed, water and rest requirements could be met for the entire journey

Comments:

This is impractical. There is no reasonable way to determine whether the animals will be compliant with the HAR once the shipment leaves Canadian jurisdiction. In fact, export shipments are required to comply with the importing country standards, which may differ from those in Canada. The responsibility lies with the importing country to verify compliance with its regulated standards.

136.1 – Import – No person shall import an animal unless the animal is transported in accordance with this Part.

- CCA recommends that *Import* should be redefined because the importer will not have control over transport regulations in other countries, only when they cross the border into Canada.
- Ex: 136.1 – Import - *No person shall import an animal unless that person has reasonable grounds to believe that the animal will be transported in accordance with this Part.*

Definition of “Suffering”:

Comments:

Despite recognition that the term “suffering” should specify “undue suffering” within the context of the transportation of animals all references to “suffering” within the proposed regulatory text omit the word “undue”, which is concerning. The Canadian Agricultural Review Tribunal and the Federal Court of Appeal have recognized that the transportation of animals does result in some degree of unavoidable stress or suffering. As such, regulatory requirements have and should continue to be based on whether animals have experienced “undue suffering”.

- CCA recommends that all references within the proposed regulatory proposal to animal “suffering” include the word “undue”.
- CCA recommends that the term “undue suffering” be defined within the definitions section of the proposed regulatory proposal.

Comments on Proposed Regulatory Text:

136.1

Definition of compromised:

(b) - has laboured breathing;

Comments:

“Laboured” needs clarification. CCA recommends that it should be changed to: *(b) has **distressed breathing***;

(e) - has not fully healed after an operation, including dehorning or castration;

Comments:

CCA suggests adding *an injury* into this definition. It should be reworded as: *e) has not fully healed after an **injury** or operation, including dehorning or castration*;

(f) – is slightly lame in one or more limbs with slightly imperfect locomotion

Comments:

Using “slightly” lame is problematic, as it is too subjective. CCA recommends it should be redefined as: *f) is lame in one or more limbs, exhibiting a noticeable limp;*

- (c) has acute frostbite;
- (d) is totally blind in one or both eyes;
- (i) has an unhealed or acutely injured penis;

Comments:

These ailments can often be quite difficult to confidently diagnose under normal circumstances. CCA recommends that CFIA provide interpretive guidance on how regulators will confidently diagnose these conditions.

Safe Water:

safe water means potable water, or water that does not pose a risk to the health of the animal drinking it and, in the case of an animal that is being loaded or transported to be slaughtered and prepared as food for human consumption, that does not pose a risk of contamination of that food

Comments:

CCA recommends removing *potable water* from the definition, as the term safe water already inherently implies potability.

Definition of Unfit:

(p) - is in the last ten percent of its gestation period or has given birth during the preceding 48 hours

Comments:

Specifying the last 10 percent of gestation or given birth during the preceding 48 hours is too prescriptive and also very difficult to identify. As defined, this would also prohibit the transportation of animals to and from many purebred production sales.

CCA recommends keeping the definition from the current regulations *p) is probable that the animal will give birth during the journey;*

- (k) is dehydrated;
- (l) is hypothermic or hyperthermic;
- (m) has a nervous system disorder or is showing signs of one;
- (n) has a fever

Comments:

These ailments can often be quite difficult to confidently diagnose under normal circumstances.

CCA recommends that CFIA provide interpretive guidance on how regulators will confidently diagnose these conditions. CCA recommends that any regulatory condition used to determine whether an animal is fit for transport be “visually observable” or “identified upon visual observation”.

CCA also recommends adding severe cancer eye under the “unfit” definition.

140 – Assessment of Risk Factors Related to Transport:

“Every person who intends to load or transport an animal shall...assess its capacity to withstand the loading, transportation and unloading, including:

- b) any pre-existing disease, injury or condition

Comments:

Health issues that make an animal less fit for transport are not always obvious or visible. The terms “disease” and “condition” are extremely vague and open to considerable interpretation (or misinterpretation).

CCA recommends that CFIA provide interpretive guidance around the assessment of animals to withstand loading, transport and unloading.

Animal Handling:

145(1)(c) - has a secure surface that prevents the animal from tripping, slipping, falling or sustaining an injury;

145(1)(f) - is constructed, maintained and used in a manner that prevents the animal from suffering or injury

Comments:

In both cases the use of “prevent” is problematic because you cannot foreseeably prevent all possible accidents. CCA recommends these be redefined as:

145(1)(c) - has a secure surface that is **designed to minimize** the animal from tripping, slipping, falling or sustaining an injury;

145(1)(f) - is constructed, maintained and used in a manner that is **unlikely to cause** animal suffering or injury

Weather Protection and Ventilation:

146 – No person shall confine, load, transport or unload an animal, or cause one to be confined, loaded, transported or unloaded, in a conveyance or container if the animal is likely to suffer, sustain injury or die by being exposed to meteorological or environmental conditions, humidity or inadequate ventilation.

Comments:

CCA recommends adding “foreseeable” as written below:

*...if the animal is likely to suffer, sustain injury or die by being exposed to **foreseeable** meteorological or environmental conditions, humidity or inadequate ventilation.*

Overcrowding and Space Requirements:

147(1) No person shall confine, load or transport an animal, or cause one to be confined, loaded or transported, in a conveyance or container that is overcrowded.

Comments:

It is not clear if this requirement will be outcome-based or whether a particular loading density guideline will be provided. It would be inappropriate to prescribe stocking density guidelines beyond currently accepted practices until revisions to the Transport Codes of Practice have been completed.

Conveyance and Containers:

150(1)(c) does not provide a secure surface to prevent the animal from tripping, slipping, falling or sustaining an injury

Comments:

As noted previously, the use of “prevent” is problematic because you cannot foreseeably prevent all possible trips, slips, falling or injury, but equipment can be designed to minimize accidents.

CCA recommends adding “designed” as seen below:

*150(1)(c) does not provide a secure surface **designed to minimize** the animal from tripping, slipping, falling or sustaining an injury*

150(2) - No person shall confine, load or transport an animal in — or unload an animal from — a conveyance or container, or cause one to be so confined, loaded, transported or unloaded, if the animal is exposed, or is likely to be exposed to any thing, including exhaust from the conveyance, that is toxic or noxious or that is likely to cause the animal's suffering, injury or death.

Comments:

CCA would like to gain some clarity on this regulatory language, as there needs to be a confirmed recognition that animals will be exposed to exhaust from trucks, but that this exhaust is unlikely to cause any welfare issues. It is unrealistic to expect truckers to shut off their trucks during loading and unloading, etc., and is apparent that exhaust will flow back from the truck to the trailer while in motion.

CCA recommends CFIA provide further explanation on how this would be measured and enforced.

Feed, Water and Rest:

159.1 - No person shall confine or transport an animal, or cause one to be confined or transported, in a conveyance or container unless the animal

(a) is provided with

(i) safe water in amounts and at intervals that are sufficient to prevent the animal from becoming dehydrated, and

(ii) feed of an appropriate type for the species and in amounts and at intervals that are sufficient to prevent nutritional metabolic abnormality; and

(b) is rested in accordance with the animal's needs and at intervals that are sufficient to prevent the animal from suffering due to fatigue.

Comments:

How would one know if animals have taken in sufficient feed and/or water? How is "sufficient" measured? CCA recommends CFIA provide further explanation on how "sufficient" will be interpreted.

159.2 (1)

(a) sufficient space to allow the animals to lie down without lying on top of each other;

Comments:

This requirement needs to be clarified. Does the requirement imply that all animals must have space to lie down at the same time? If so, this may not be achievable for all cattle under the current conditions and is likely an unnecessary requirement given existing research on animal behavior.

(c) well-drained and clean floors that provide a secure surface to prevent the animals from tripping, slipping, falling or sustaining an injury;

Comments:

"Floor" insinuates a barn or other such facility, which would seem to exclude outdoor pens. As noted previously, the use of "prevent" is problematic because you cannot foreseeably prevent all possible trips, slips, falling or injury, but equipment can be designed to minimize accidents.

CCA recommends this be redefined as:

(c) well-drained and clean surface **designed to minimize** the animals from tripping, slipping, falling or sustaining an injury;

(d) sufficient straw or other bedding to protect the animals from suffering or injury;

(e) sufficient straw or bedding to keep animals clean and dry

Comments:

CCA recommends CFIA provide further explanation about how "sufficient" will be interpreted.

(f) protection from meteorological or environmental conditions or humidity in order to prevent suffering, injury or death;

Comments:

Clarity is needed on what “protection” means and what exactly it is as this wording is very subjective. CCA recommends that CFIA further explain “protection” and provide clarity on the types of conditions that fall under this requirement. CCA also suggests that “foreseeable” and “designed to” be added:

(f) ...foreseeable meteorological or environmental conditions or humidity designed to prevent suffering, injury or death;

(g) - adequate ventilation to prevent suffering, injury or death;

Comments:

CCA recommends redefining as:

*(g) adequate ventilation **designed to prevent suffering, injury or death from suffocation;***

Records:

Requirements: Every transporter must make in writing the following information at the time of loading:

- Name and address of the shipper, consignee and person operating the conveyance;
- Conveyance registration number;
- Number of square meters/feet of floor area available to the animals;
- Date and place the conveyance was last cleaned and disinfected;
- Date, time and place the animals came into the transporters custody;
- Number, description and gross weight of the animals;
- Date and time when the animals were last fed, watered and rested; and
- Name and address of the destination

Comments:

159.4(1)(d) - Not all trucks are disinfected after every load but should be cleaned. CCA recommends that this clause be redefined as:

*(d) the date on which and place where that the conveyance or container was last cleaned **and/or** cleaned and disinfected;*

159.4(1)(f) – As it relates to the proposed records requirement to disclose the gross weight of the animals on the truck we question whether this will require a certified scale weight or whether an estimated weight will suffice? CCA recommends that CFIA provide clarity in regards to the proposed records requirement to document the gross weight of the animals.

159.4(1)(g) - For clarification on animal lactation CCA suggests redefining as:

*(g) the date on which and time when the animals were last fed, watered and rested prior to loading and, in the case of **dairy** animals in heavy lactation, when they were last fully milked prior to loading; and*

159.4(2) - These are already requirements for international transport and transport across provincial borders. How many truckers only transport within province?

159.4(3) – How would this requirement be recorded in practice? Would a separate document be required or can it be included as a statement on a manifest?

How will this requirement, along with all other record keeping requirements, align with record keeping requirements under the approaching traceability regulations?

The biggest concern we would raise would be the practicality of requiring the date and time the animals were last fed, watered and rested to be recorded. Disclosing the last time cattle were fed, watered and rested would be an estimation at best given the subjective definitions for each and the challenge that some truckers and order buyers may face in obtaining that information. Time in transport on the other hand is much less subjective and easier to enforce and monitor.

- CCA recommends that this requirement be replaced with an outcome based approach that requires those in the care of the animals to provide feed, water and rest to animals to prevent undue suffering during transport.

For clarity on lactating animals, CCA also recommends that this part be reworded as:

*The owner of the animals shall...rested and **if a dairy animal in heavy lactation, fully milked.***

(4) The person operating the conveyance shall, with each shipment of animals being transported, keep on board the original or a copy of the record and the declaration.

Comments:

How long do these records have to be kept?

Summary:

Canadian beef cattle producers and the CFIA share the goal of continually improving animal health and welfare outcomes. CCA supports CFIA's efforts to modernize and amend the Health of Animal Regulations by bringing more clarity to certain definitions and endeavoring to make regulations less prescriptive and more outcome-based. CCA is concerned with aspects of some regulatory proposals and the effect they could have on the Canadian beef cattle industry.

- The rationale and data presented lumps all livestock together and distorts the issue for the cattle industry.
- The cost-benefit analysis does not accurately represent the cattle industry and fails to acknowledge that producers will bear the majority of added costs created by the regulations. CCA recommends that CFIA provide a more sector-focused analysis that includes transport infrastructure needs and costs associated with the transfer of responsibility requirement.
- Canadian research that accounts for the jurisdiction's unique climate, geography and transport infrastructure conditions should be the determining factor for regulatory change. The effects of rest stop durations on cattle welfare and recovery, and the comparison of cattle welfare outcomes/recovery on a journey with a rest stop compared to completing an entire trip without a rest stop are areas that require further examination. It is critical that this research be conducted before any regulatory changes come into force.
- CCA recommends that the existing 4-hour grace period be retained, as there needs to be reasonable flexibility for unforeseen circumstances that occur during long distance travel.
- Industry is supportive of further collaboration with government on knowledge, skills and training initiatives.

Canadian Cattlemen's Association appreciates the opportunity to have participated in these important consultations and would welcome the opportunity to provide input into future iterations of the framework. If you have any questions, please contact CCA staff Brady Stadnicki at (613) 233-9375 or via stadnickib@cattle.ca.

Respectfully Submitted,



Dan Darling
President
Canadian Cattlemen's Association

cc: Hon. Lawrence MacAulay, Minister of Agriculture & Agri-Food Canada