

Modernizing Canada’s Farmed Animal Transport Regulations

Prepared By: Anna Pippus

Table of Contents

Introduction	2
Overview of the Problems	2
Overview of Recommended Reforms	3
Applicable Legislation	4
Health of Animals Regulations	4
Meat Inspection Regulations	5
Fitness For Transport	5
<i>Table of Animals Arriving Dead or Otherwise Condemned By Species, 2013</i>	5
Maximum Transport Times and Related Welfare Concerns	7
Handling	8
Electric Prods	9
Exposure to Weather	9
Loading Densities	10
De-tusking	10
Ramps	11
Delays	11
Licensing and Training	12
Penalties	12
Conclusion	13
Endnotes	15

Introduction

Canadian laws governing the transportation of farmed animals are arguably the worst in the western world. Europe, Australia, New Zealand and even the United States have more stringent standards than Canada to protect farmed animals in transport. Transportation exposes animals to a number of unique stressors that severely compromise their well-being.ⁱ

This report outlines the inadequacies of Canadian transport regulations and recommends reforms largely based on the standards enacted in the European Union.

Overview of the Problems

Because of vague regulations and lax enforcement, animals are often loaded for arduous transport journeys that kill or otherwise harm them. In 2013, more than eight million farmed animals arrived at slaughterhouses dead or so sick or injured that they were declared not fit for human consumption.

The stress of transport increases with the length of the journey. Nevertheless, transportation times in Canada are disgracefully long. Pigs, chickens, and turkeys can be transported without food, water, or rest for up to 36 hours. Cows, sheep, and goats can be transported for up to 52 hours without food, water, or rest. By contrast, in Europe, the limit for all animals is eight hours.

Farmed animals are subjected to violent and often injurious handling prior to transport. Chickens in particular—both spent egg-laying hens and broiler chickens used for meat—are grabbed by their fragile wings or legs and loaded hastily by unskilled workers and frequently suffer from broken bones and other serious injuries.

Canadian regulations only prohibit using electric prods on the anal, genital, and facial regions of animals. There are no regulations governing when to use them, on which type of animals they may be used, for how long they may be used, and the use of preferred alternatives. As a result, animals are subjected to unnecessary, painful electric shocks.

Transport trucks in Canada are not adequately enclosed, ventilated, or climate controlled. Consequently, animals in transit are exposed to the severe hot and cold that characterize Canadian weather, as well as wet, windy, humid, or otherwise intolerable conditions.

Although Canadian regulations prohibit overcrowding in transit, no measurable standards are set out. Some animals do not have space to stand or lie down comfortably, and the jostling in transit can cause animals to crush one another, sometimes leading to injury and even death. When combined with inadequate ventilation, overcrowding can also compromise air quality, causing asphyxiation.

Mature boars—uncastrated male pigs—have their innervated tusks cut off without any painkillers. This barbaric practice should be illegal and regulations should require mature boars to be segregated during transport as they do in the European Union.

During loading and unloading, confused and scared animals are forced to walk on steep, treacherous ramps, often leading to injuries or exacerbating injuries for those who have become sick or injured during the journey. In the European Union, shallow slope angles are required and in practice hydraulic lifts are often used.

Current regulations are silent as to how delays and other emergencies in transit should be managed. Upon arrival at the slaughterhouse, animals are often forced to wait in crowded, stationary trucks without access to food or water because there are already trucks queued to unload.

Transportation companies and personnel are unregulated with respect to animal welfare. Drivers are not required to know their responsibilities to ensure that animals are transported safely and in compliance with the regulations. They are not required to understand even basic animal welfare criteria.

The penalties for transport violations are so low and offences so under-prosecuted as to be ineffective at ensuring compliance. Fines are treated by producers as a cost of doing business.

Overview of Recommended Reforms

The regulations should be strengthened to better protect animals in transit. Stronger penalties and better enforcement are required to ensure compliance with the regulations and reduce cruelty to animals.

- The regulations should clearly define when an animal is not fit for transport.
- The regulations should state that transport journey length should be limited as much as possible. The maximum transport time for all species without food, water or rest should be eight hours.

- The regulations should require all personnel involved in transporting animals to handle animals gently in a manner that does not cause additional fear, suffering, or injury.
- The regulations should prohibit the use of electric prods.
- The regulations should require all animals in transit, regardless of the distance, to be protected from the elements
- The regulations should set out specific, measurable loading densities that ensure all animals in transit can comfortably stand up and lie down without crushing each other and causing additional stress and injury.
- The regulations should prohibit cutting boars' teeth.
- The regulations should require the use of hydraulic lifting systems. In the alternative, the permitted slope of ramps used for loading and unloading should be greatly reduced to prevent injuries.
- The regulations should establish welfare standards to be followed in the event of unanticipated delays or other emergencies.
- The regulations should require transport companies and transport personnel to undergo standardized training, testing, and licencing.
- Penalties should be effective, dissuasive, and proportionate.

Applicable Legislation

Health of Animals Regulations

Regulations regarding the transportation of animals are laid out in Part XII of the Health of Animals Regulations. They apply to the transportation of animals entering or leaving Canada or within Canada. Animals transported by rail, road, air, or sea may be subject to inspection at all times.

The requirements span just 23 sections. There are very few species-specific standards and virtually no precise guidance. For example, although it is prohibited to cause “undue suffering” to animals because of “undue exposure to the weather,” neither of these terms is defined or accompanied by measurable guidelines.

Meat Inspection Regulations

The Meat Inspection Regulations apply to the handling and slaughtering of “food animals” at federally inspected slaughter plants. Part III includes some provisions respecting “humane treatment and slaughter,” which apply to animals being unloaded at slaughter plants.

Fitness For Transport

Current

Canada’s current regulations governing fitness for transport are incredibly vague. Section 138 of the Health of Animals Regulations prohibits transporting or causing to be transported animals who, “by reason of infirmity, illness, injury, fatigue or any other cause cannot be transported without undue suffering during the expected journey” or animals if “it is probable that the animal will give birth during the journey.”

The Canadian Food Inspection Agency (CFIA)’s Compromised Animals Policy—a non-binding document intended to guide enforcement—states that an animal should be considered unfit if there is a “**high risk** that transportation will lead to undue suffering.”ⁱⁱ

Consequently, unacceptable numbers of animals arrive at slaughterhouses dead, or arrive so sick or injured that they are “condemned” (i.e. declared not fit for human consumption). The CFIA reports data on animals who arrive dead or are condemned at federally inspected slaughterhouses.

In 2013, at federally inspected slaughterhouses alone:

- Almost **1.7 million farmed animals were dead on arrival**
- Almost **7 million farmed animals were otherwise condemned** for being too diseased or injured to be fit for human consumption.
- In total, **almost 8.5 million farmed animals arrived dead or were otherwise condemned** at federally inspected slaughterhouses.

Table of Animals Arriving Dead or Otherwise Condemned By Species, 2013

	DOA PER 10,000	OTHERWISE CONDEMNED PER 10,000	TOTAL SLAUGHTERED	DOA TOTAL NUMBER	% DOA
TURKEYS	10.27	35.17	21,027,566	21,595	0.10%
CHICKENS	26.96	109.38	606,506,334	1,635,141	0.27%
CATTLE	2.31	24.4	2,583,952	597	0.02%
PIGS	7.19	25.3	19,824,405	14,254	0.07%
TOTAL			649,942,257	1,671,587	0.26%

	OTHERWISE CONDEMNED TOTAL NUMBER	% OTHERWISE CONDEMNED	TOTAL CONDEMNED AND DOA	% CONDEMNED AND DOA
TURKEYS	73,954	0.35%	95,549	0.45%
CHICKENS	6,633,966	1.09%	8,269,107	1.36%
CATTLE	6,305	0.24%	6,902	0.27%
PIGS	50,156	0.25%	64,409	0.32%
TOTAL	6,764,381	1.04%	8,435,968	1.30%

Notes:

- “DOA” means dead on arrival
- Raw data provided by the Canadian Food Inspection Agency, available on the Agriculture and Agri-Food Canada website
- Calculations and table by Mercy For Animals Canada

Proposed

The regulations should clearly define when an animal is not fit for transport. Animals should not be considered fit for transport if:

- they are unable to walk unassisted, even if they are not showing any visible signs of pain
- they present a severe open wound or prolapse.
- they are slightly injured or ill and transport would cause additional suffering. If there is any doubt, veterinary advice must be sought
- they are pregnant females and 90 percent or more of the gestation period has passed, or females who have given birth in the previous week
- they are newborn mammals and the navel has not completely healed.

The regulations should require lactating cows, sheep, and goats not accompanied by their offspring to be milked at intervals of not more than 12 hours.

Maximum Transport Times and Related Welfare Concerns

Current

Canada's maximum allowable transport times are the longest in the western world. Under section 148 of the Health of Animals Regulations, horses, pigs, and other monogastric animals can be transported for up to 36 hours without access to food, water, or rest. For cattle, sheep, goats, and other ruminants, the maximum is 52 hours. Chicks may be deprived of food and water for up to 72 hours after hatching. Section 149 allows calves to be deprived of food and water for up to 18 hours.

Section 151 of the Health of Animals Regulations requires transport companies to keep records identifying the place of departure; the place of destination; the number of animals; the square footage of the floor area; and times and dates of loading, resting, and unloading. These records must be kept for a period of two years. There is no method for verifying the content of these records – they are recorded using the honour system. A 2010 report found that not only are some drivers not keeping complete records, but they do not even know that they are required to.ⁱⁱⁱ

Proposed

The regulations should state that transport time should be limited as much as possible. The maximum transport time for all species should be eight hours. Transportation of animals for more than eight hours should not be permitted for calves 14 days or younger, pigs 10 kilograms or under, and horses four months or younger unless registered. For other animals, transportation may exceed eight hours only if the following conditions are met:

- animals should have access to appropriate bedding suitable for the species, number of animals being transported, journey time, and weather. Material should ensure adequate absorption of urine and feces.
- animals should have sufficient quantity of feed available in containers that cannot be overturned.
- animals should have instant access to water. Watering devices should be in good working order and be appropriately designed and positioned with regard to the species.

- the vehicle should be fitted with an electronic navigation system that records information about: the place of departure, the place of destination, the transport route, and the opening and closing of the loading flap.

For cattle, sheep, goats, horses, and pigs, for journeys that exceed eight hours, the following limits should be in place:

- Un-weaned calves, lambs, kids and foals who are still on a milk diet must, after nine hours of travel, be given a rest period of at least one hour. After this rest period, they may be transported for a further nine hours.
- Pigs may be transported for a maximum period of 24 hours, during which they have continuous access to water.
- Horses may be transported for a maximum period of 24 hours, during which they must be given liquid and fed every eight hours.
- Cattle, sheep, and goats must, after 14 hours, be given a rest period of one hour during which they are given liquid and feed. After this rest period, they may be transported for a further 14 hours.

After these journey times, animals must be unloaded, fed and watered and be rested for at least 24 hours.

For poultry, domestic birds, and rabbits, suitable food and water should be available to them on the transport vehicles unless the journey lasts less than 12 hours. If chicks have hatched within 72 hours, the limit is 24 hours.

Vehicles in which animals are transported should be clearly and visibly marked indicating the presence of live animals.

Handling

Current

Section 139 of the Health of Animals Regulations prohibit beating animals, but only in a way likely to cause injury or undue suffering. Section 62 of the Meat Inspection Regulations prohibits subjecting animals to avoidable distress or avoidable pain. These are the only requirements relating specifically to handling animals in transit and at the slaughterhouse.

Proposed

It should be prohibited to cause any additional fear, suffering, or injury to animals in transport.

The regulations should set out specific, measurable standards to guide behaviour and eliminate abusive or otherwise harmful handling. For example, the regulations should stipulate that animals should not be separated from their group and mixed with others; that animals should be moved in small groups; and animals should be moved with the aid of guiding devices that cannot be used for goading, prodding or beating.

The regulations should not be vague, open to subjective interpretation, or variably enforced.

Companies should be prohibited from rewarding workers for moving a high volume of animals in a short period of time. Instead, workers should be incentivized to attend to animal welfare, which may be measured in part by a lack of injured or dead animals.

Electric Prods

Current

Section 62 of the Meat Inspection Regulations states only that electric prods cannot be applied to animals' anal, genital, or facial regions.

Proposed

The use of electric prods should be prohibited.

Exposure to Weather

Current

Section 143 of the Health of Animals Regulations prohibits causing "injury or undue suffering" by reason of "undue exposure to the weather," but only for journeys of more than 12 hours. Neither of these terms are defined. There are no measurable standards to guide behaviour.

Proposed

Vehicles should be fitted with ventilation systems (forced air) and heating systems that keep the trucks, whether stationary or moving, within 5 and 30 degrees Celsius.

The system should be required to be capable of operating for four hours independently of the vehicle engine. Vehicles should be required to be fitted with: a means for monitoring temperature, particularly in the parts of the truck likely to experience the worst climatic conditions; a means for recording such data, which should be dated and made available to law enforcement upon request; and a means for alerting drivers when the temperature reaches the maximum or minimum limit. Trucks should be equipped with adequate protection from the elements, and ensure that furs and feathers stay dry during transport.

Loading Densities

Current

Section 140 of the Health of Animals Regulations prohibits loading, causing to be loaded, transporting, or causing to be transported any vehicle if it is crowded to such an extent that injury or undue suffering is likely. There are no specific, measurable guidelines that set out appropriate loading densities. “Crowded” is not defined.

Section 142 of the Health of Animals Regulations requires only that animals are able to stand in their natural position without coming into contact with a ceiling.

Section 64 of the Meat Inspection Regulations stipulates that pens used to hold animals awaiting slaughter “shall not be used in a manner that results in their overcrowding.” There are no specific, measurable guidelines that set out appropriate density. “Overcrowded” is not defined.

Proposed

The regulations should set out maximum loading densities by species, age, transport type (i.e. road, rail, or air), and climatic conditions. The loading densities should allow animals to stand up and lie down in their natural positions, and should ensure that animals are not harmed by jostling and inadvertent piling in transit.

For example, recent research shows that pigs should not be transported at a greater density than 179 kilograms per square metre.^{iv} By contrast, the industry’s code of practice suggests loading pigs at a significantly higher density of 275 kilograms per square metre.^v

De-tusking

Current

Canada's transport regulations allow producers to cut the tusks of boars without the use of painkillers, exposing nerves and blood vessels.

Proposed

Adult boars should be transported separately from one another as they are in the European Union. It should be prohibited to cut the teeth of boars or otherwise mutilate animals in preparation for transport.

Ramps

Current

Section 139 of the Health of Animals Regulations states that the slope of ramps used for loading and unloading shall not be greater than 45 degrees.

Proposed

Vehicles should be fitted with hydraulic lifting systems. In the alternative, ramps should not be steeper than 20 degrees for pigs, calves and horses, and 26 degrees for sheep and cattle other than calves. If the slope is steeper than 10 degrees, ramps should be fitted with foot battens and other features that allow animals to ascend and descend without risk or difficulty.

Delays

Current

The regulations are silent on the possibility of unforeseen delay and how it should be managed. If, for instance, a vehicle breaks down, there is no requirement to attend to the animals' welfare. Additionally, animals may spend hours queued up waiting to be unloaded upon arrival at the slaughterhouse.

Proposed

Animals should not be delayed in transit unless it is necessary for the welfare of the animals. In the case of unforeseen delay, appropriate arrangements should be made for the care of the animals, including feed, water, unloading, and shelter.

Animals should not be left to languish in transport trucks upon arrival at the slaughterhouse. The regulations should require companies to adequately coordinate vehicles' arrival such that delay is eliminated if not drastically reduced. All companies involved in the transport of farmed animals should be required to be equipped to attend to animals' welfare in the event of delay upon arrival at the slaughterhouse.

Licensing and Training

Current

Section 153 of the Health of Animals Regulations requires only sea carriers to have someone experienced with livestock on board the vessel. There is no required or specific level of experience. There are no animal welfare training, equipment, or compliance requirements for transporting animals by road, air, or rail.

Proposed

Transport companies should only be licensed to transport animals if they have demonstrated that: they have sufficient and appropriate staff; they have equipment and operational procedures that ensure they can comply with transport regulations; and they have no record of infringing animal welfare standards in the last three years unless it can be demonstrated that all steps have been taken to avoid future infringements.

Drivers should be required to obtain a certificate of competence indicating they have been trained in and understand: animal physiology and in particular drinking and feeding needs, animal behaviour and the concept of stress; practical aspects of handling animals; impact of driving behaviour on the welfare of transported animals; and emergency care for animals.

Penalties

Current

Under the Health of Animals Act, anyone who violates the regulations may face imprisonment for up to two years or fines of up to \$250,000. The offence can be prosecuted by indictment.

Under the Meat Inspection Act, violations of the regulations can carry fines of up to \$50,000.

However, the Administrative Monetary Penalties Act allows the Minister of Agriculture to create an alternative penalty scheme. This Act is considered a “non-punitive means to promote regulatory compliance.”^{vi}

The Administrative Monetary Penalties Regulations set out markedly reduced penalties. Violations committed in the course of business or in order to obtain a financial benefit carry penalties of up to \$1,300 for minor violations, \$6,000 for serious violations, and \$10,000 for very serious violations. In practice, fines are frequently much lower. These fines were established in 2010, indicating that they are not considered out of date.

Transporting animals who cannot stand in their natural position is considered “minor,” as is failing to keep records indicating the length of time animals have been in transit, loading density, and other particulars. Loading an animal who cannot be transported without suffering is considered “serious.” Transporting animals for longer than the prescribed time is also considered “serious.” Few violations rise to the level of “very serious;” one such violation is beating an animal being loaded or unloaded in a way likely to cause injury or undue suffering.

Proposed

Penalties must be effective, proportionate and dissuasive. Checks for compliance should be frequent and penalties harsh enough to deter regulatory violations.

Offences should be more regularly prosecuted under the Health of Animals Act and the Meat Inspection Act, as they were in *R. v. Maple Lodge Farms*, 2013 ONCJ 535.

Fines under the Administrative Monetary Penalties Regulations should be dramatically increased in an effort to ensure compliance.

Violations that compromise animals’ well-being should be considered “very serious.”

Conclusion

Canada’s transport regime has been criticized by virtually all major animal welfare organizations in the country, including Humane Society International, World Animal Protection (formerly World Society for the Protection of Animals), and the Canadian Federation of Humane Societies. Yet, Canada continues to lag behind the rest of the western world by exposing 700 million farmed animals every year to unjustifiably inhumane transport journeys.

Long-distance transport is incredibly stressful for farmed animals, subjecting them to injury, illness, starvation, dehydration, exhaustion, abusive handling, extreme weather, painful mutilations, and severe overcrowding. Where live animal transport cannot be eliminated altogether, it should be significantly curtailed and strict animal welfare standards enforced.

The current standards allow for a high degree of suffering that is not in keeping with current scientific knowledge about animal sentience or public sentiment regarding animal welfare. Canada is long overdue for a comprehensive overhaul of its outdated and archaic transport regulations.

Endnotes

ⁱ Schwartzkopf-Genswein KS, Faucitano L, Dadgar S, Shand P, Gonzalez LA, Crowe TG. “Road transport of cattle, swine and poultry in North America and its impacts on animal welfare, carcass and meat quality: a review. *Meat Science*, 2012.

ⁱⁱ Canadian Food Inspection Agency, Transportation of Animals Program Compromised Animals Policy, Available at: <http://www.inspection.gc.ca/animals/terrestrial-animals/humane-transport/compromised-animals-policy/eng/1360016317589/1360016435110>

ⁱⁱⁱ World Society for the Protection of Animals. *Curb the Cruelty*. 2010.

^{iv} Gerritzen MA, Hindle VA, Steinkamp K, Reimert HG, van der Werf JT, Marahrens M. “The effect of reduced loading density on pig welfare during long distance transport.” *Animal*, 2013.

^v National Farm Animal Care Council. “Appendix 2 Density Charts.” *Code of Practice for the Care and Handling of Farm Animals: Transportation*, 2001.

^{vi} Canada Agricultural Review Tribunal, “About.” Available at: <http://cart-crac.gc.ca/eng/canada-agricultural-review-tribunal/?id=1277928993362>