



February 10, 2017

Dr. Cornelius F. Kiley
National Manager
Animal Welfare, Biosecurity and Assurance Programs Section
Canadian Food Inspection Agency
3rd Floor West, Room 231
59 Camelot Drive
Ottawa, Ontario K1A 0Y9

Dear Dr. Kiley,

On behalf of the Board of Directors, Staff and Volunteers of the Winnipeg Humane Society, I am pleased to submit comments on the proposed amendments to Part XII of the *Health of Animals Regulations* (the “HAR”). These comments are provided in response to the publication of the Regulatory Impact Analysis Statement (“RIAS”) concerning these proposed amendments in the Canada Gazette, Part I, Vol. 150, No. 49 and the Notice to Industry dated December 5, 2016 and issued by the Canadian Food Inspection Agency (the “CFIA”).

At the outset, the Winnipeg Humane Society commends the CFIA and the Government of Canada for taking steps to update and amend Canada’s outdated regulations governing the transportation of farm animals. Canada’s regulations have been criticized as being far too lax and lagging behind those of the European Union, the United State of America and other countries. Canadians are overwhelmingly supportive of improving animal welfare in general and, more specifically, strengthening the laws governing the transport of animals.

The proposed amendments to Part XII of the HAR are a step in the right direction, but only a small step. The HAR has been in existence for nearly forty years. Only 2% of all animal shipments will be affected by the proposed changes. A much larger percentage of animal shipments must be affected before the HAR meets or exceeds animal welfare protections appropriate for the 21st century. As set out in greater detail below, the Winnipeg Humane Society’s recommendations for further amendments to Part XII of the HAR are focused on



improving the proposed amendments as they relate to pigs. The key recommendations are as follows:

- a) First, the critical role of drivers in the welfare of transported animals should be reflected in increased training requirements and an obligation for safe and humane driving;
- b) Second, improving and protecting animal welfare requires additional monitoring and assessments during transport;
- c) Third, the transport times for pigs must be reduced and the rest times during transport must be increased;
- d) Fourth, concrete measures to improve pig welfare during transport are required, such as continuous access to water, reduced ramp slopes and a prohibition on the use of electric prods; and
- e) Finally, additional record keeping requirements and mandatory reporting of non-compliance to the CFIA will make enforcement more effective, efficient and timely.

Background

The Winnipeg Humane Society is Manitoba's oldest animal welfare agency. When it was first established in 1894, it was known as the "Society for the Prevention of Cruelty to Women, Children and Animals". A major focus of the organization in the early days was ensuring that farm animals were cared for humanely. This tradition continues today with the work of the Winnipeg Humane Society's Farm Animal Compassion Committee (the "FACC"). The FACC advocates for the humane treatment of farm animals during all phases of their lives.

Industry data indicates that Manitoba was the largest pig producing and pig exporting province in Canada with 29.6% of national pig production in 2015. Manitoba processes over one-quarter of the hogs slaughtered in Canada. Manitoba is the largest pig exporting province in Canada with over 57% of national pig exports in 2015 (Manitoba Pig and Pork Industry 2015, pp. 5, 10, 11).

It should therefore come as no surprise that pig welfare is a major focus of the FACC. For many years, the FACC has organized the "Quit Stalling Campaign". Volunteers take a sow stall containing a life sized replica of a sow to public places and educate Manitobans about their use.



Over the course of the campaign, volunteers have obtained over 20,000 signatures on a petition to completely end the use of sow stalls. A recent addition to this campaign has been a petition to revise the current farm animal transport regulations. FACC members have obtained signatures from hundreds of concerned citizens that would like to see them changed.

Impact of Transport Stress on Pigs and Humans

Transportation exposes pigs to several unique stressors that can and do severely compromise their welfare. Pigs that become dehydrated during transport can become aggressive and injure themselves and other pigs. Hot weather and high humidity are deadly to pigs because they lack functioning sweat glands. Pigs have thin skins and little body hair and are therefore particularly susceptible to cold temperatures and wind chill. Overexertion can kill pigs and it is a special problem with confinement pigs. Stress susceptible pigs are particularly at risk to suffering negative consequences from transport stress.

Stress during transport also increases the susceptibility of animals to infections. An animal's response to transport stress can reduce the efficiency of its immune response which in turn increases the likelihood of infection. Transportation can also increase the fecal shedding of disease agents such as salmonella. The contamination of a pig's skin with salmonella and other pathogens can cause those disease agents to enter the human food chain.

Animal suffering during transport is not just a threat to human safety - it also causes economic losses. For example, the quality of meat from slaughtered pigs can be reduced by transport-related stress prior to slaughter. Stress prior to slaughter can result in meat referred to as "Pale, Soft and Exudative" or "PSE". Excessive stress during transport can result in meat referred to as "Dark, Firm, Dry" or "DFD". Many domestic and international consumers do not like PSE or DFD meat, and DFD meat has a shortened shelf life. Consumers pay more for higher quality meat and pig producers benefit economically when they do. Stress-related quality issues, on the other hand, result in economic loss and the meat from stressed animals being wasted.



Public Support for Stronger Standards and Enforcement

There is considerable public support for strengthening regulatory standards and enforcement of those standards. For example, the RIAS relies on NRG Research Group's interviews of 1002 Canadians in late October, 2015 when it states "Canadians strongly support animal-handling processes that allow animals to express normal behaviours and do not result in animal pain, injury or ill-health". The Winnipeg Humane Society strongly approves and endorses this conclusion.

It is also important to underscore just how strongly those Canadians interviewed by NRG Research Group feel about animal welfare during transportation¹:

- a) 90% support the introduction of new regulations to improve protections for farmed animals when they are being transported;
- b) 42% believe Canadian regulations to ensure humane transportation of farmed animals should be stronger than the regulations in the European Union;
- c) 55% believe Canadian regulations to ensure humane transportation of farmed animals should be stronger than the regulations in the United States of America; and
- d) 95% agreed with the statement "Even if ensuring farmed animals are protected from weather extremes and provided with food, water and rest during transportation means higher costs for livestock producers, transport companies and consumers, it is still important to ensure these animals are treated humanely".

Recommendations

The RIAS confirms that "an estimated 98% of all shipments are already in compliance with the proposed amendments". The Winnipeg Humane Society believes that Canadians are calling for significantly greater animal welfare improvements than simply making the HAR consistent with current industry practice. Additional improvements to the welfare of pigs being transported should be included in the proposed amendments to the HAR.

¹ <http://www.mercyforanimals.org/files/Mercy-for-Animals-2015-Survey.pdf>



The FACC worked with Kevin D. Toyne of the law firm Hill Sokalski Walsh Olson LLP to develop the following specific recommendations intended to improve the welfare of pigs being transported and to both increase and improve regulatory oversight of regulated parties to ensure compliance with the updated requirements of the HAR.

To the extent possible, the recommendations have been grouped according to which of the proposed new section of Part XII of the HAR that the recommendation is most closely related to.

Section 138 - Training

The training required by section 138 should include both animal physiology and the provision of emergency care to the animals being transported.

Drivers involved in the transportation of animals should be provided with specific training to ensure that their handling of conveyances complies with Part XII of the HAR. Consideration should be given to implementing the National Farm Animal Care Council recommendation that drivers undergo a period of apprenticeship with more experienced drivers before transporting a new species (Code of Practice for the Care and Handling of Farm Animals: Transportation, p. 1)

Commercial carriers should be required to create and maintain records of the training their employees receive and to document the steps taken to verify pre-existing knowledge and skills. Also, commercial carriers that become aware of non-compliance with Part XII by any of their employees or agents should be required to take steps to prevent non-compliance in the future, both through additional training and the termination of the non-compliant employees.

Section 139 – Contingency Plans

Contingency plans should be in writing and preserved as a record. Commercial carriers should be required to provide the materials and supplies that the person transporting the animals may require if the contingency plan is activated. Drivers should be required to conduct and document pre-transport inspections to confirm that the necessary materials and supplies are present and in good working order.



Contingency plans should also contain regularly updated lists of the “nearest suitable place” along their transport routes to facilitate compliance with sections 141 and 142. The recommendation made in the Interpretative Guidance for Regulated Parties that regulated parties maintain such lists is insufficient.

Section 140 – Assessment of Risk Factors Related to Transport

The proposed amendments impose separate and distinct obligations on those persons loading, transporting and unloading animals to conduct an assessment. Persons conducting these assessments should make a written record of that assessment.

The regulation should also ensure that persons required to conduct assessments prior transport or unloading are able to do so once the animals have been loaded. For example, the visibility requirement contained in section 151(1)(a) should be revised to ensure that once an animal is loaded there is sufficient visibility for a person to conduct the assessment required by section 140(1).

A new subsection should be added to require drivers to conduct regularly monitor and conduct frequent inspections of animals being transported. The Manitoba Pork Council recommends that pigs should be checked once within the first hour after loading and every two hours thereafter (Pigs In Transit: Handling and Transportation Guide (2012), pg. 10). The recommendation contained in section 11.3 of the Interpretative Guidance for Regulated Parties is insufficient to ensure that such checks are conducted.

Section 141 and 142 – Transport of Unfit and Compromised Animals

These sections prohibit the transport of animals that become unfit or compromised during transport without requiring any monitoring, inspections or assessments during transport to ensure that the prohibition is complied with. The regulation should be amended to require some form or monitoring, inspection and/or assessment during transport to ensure that animals that become unfit or compromised during transport receive appropriate care and treatment. The visibility



requirement contained in section 151(1)(a) should be revised to ensure that the proposed monitoring, inspection and/or assessment can occur.

Section 144 – Animal Handling

Subsection (1)(d) prohibits the application of electric prods on horses, goats and sheep. This prohibition should be extended to pigs. Alternatively, if the use of electric prods on pigs is to be permitted, the use of electric prods on pigs should be more restricted and the “sparingly and only when absolutely necessary” recommendation The Manitoba Pork Council noted in its 2012 “Pigs in Transit: Handling and Transportation Guide” document that “[e]lectric prods can be dangerous to pigs” (pg. 7).

A specific requirement that drivers handle conveyances in a safe and humane manner should be added to ensure avoid any potential confusion that section 144 applies to drivers. The recommendations contained in section 11.3 of the Interpretative Guidance for Regulated Parties provide helpful parameters to craft this proposed safe and humane driving requirement.

Section 145 – Loading and Unloading

The slope for pigs is too steep. The appropriate maximum permitted slope for pigs should be 20 degrees from horizontal. A maximum permitted slope of 20 degrees from horizontal is recommended by both the 2014 Code of Practice for the Care and Handling of Pigs (p. 40) and the 2001 Code of Practice for the Care and Handling of Farm Animals: Transportation (p. 7).

Section 146 – Weather Protection and Ventilation

Conveyances and containers should contain monitoring devices to ensure that appropriate transport conditions are maintained throughout the journey. “Inadequate ventilation” does not provide sufficient guidance and more specific language concerning air quality during transport is necessary. The HAR should also set minimum and maximum temperatures for the transport of pigs, as well as maximum levels of humidity.



Section 149 - Segregation

Section 141 of the current HAR provides some limited guidance on how pigs should be segregated during transport. Section 149 removes that guidance. A subsection should be added to provide additional guidance on how pigs should be segregated to avoid potential confusion by regulated parties. The recommendation contained in the Manitoba Pork Council's Pigs In Transit: Handling and Transportation Guidelines that "[w]here possible, pen mates should be shipped together in the same compartment to reduce fighting and accompanying injury risks" should be adopted as well (p. 11).

Sections 150 and 151 – Conveyances and Containers

The proposed amendments do not contain any requirements that conveyances and containers be kept in good working order, receive regular maintenance and be cleaned and disinfected regularly. The regulation should be updated to include such requirements as well as imposing an obligation to create and maintain records concerning maintenance and cleaning.

The visibility requirement needs to be amended to reflect the need for persons involved in transport and unloading to assess and inspect the animals. The visibility requirement must also not compromise the steps taken to ensure that the animals are transported in an appropriate environment. For example, the visibility requirement must not expose animals to freezing temperatures.

A new subsection should require conveyances to be equipped with monitoring equipment that monitors temperature, humidity, air quality and the proper functioning of equipment providing continuous access to water. This monitoring equipment should also provide real-time alerts to drivers and the commercial carriers when the monitored conditions require the driver to take action to prevent the likelihood of harm, injury and/or death to the transported animals. Conveyances should also be able to transmit the data to the commercial carrier for analysis and storage pursuant to section 159.4.



Failing to keep the monitoring and transmission equipment in good working order should be prohibited, as should tampering with the equipment.

Sections 159.1 and 159.2 – Feed, Water and Rest

Section 159.1(1) needs to be revised so that pigs continuously have safe drinking water available. The interval for pigs should be further reduced to 24 hours, with further reductions of two hours to come into force every two years until the interval has been reduced to 12 hours. The scheduled reductions of intervals for pigs will provide regulated parties with sufficient time to adjust their operations accordingly.

Section 15.91(4) should be revised to reflect a 12 hour interval for rest for pigs. A twelve hour rest interval is consistent with the equivalent provision in the 2012 Australian Animal Welfare Standards and Guidelines: Land Transport of Livestock (SB9.1).

Section 159.2(2) should be amended to require the unloading of pigs after an interval of transport.

Commercial carriers should be required to report non-compliance with intervals to CFIA.

Section 159.4 - Records

The record keeping obligation for each shipment of animals should also include: pre-loading assessments, pre-transport assessments and monitoring data transmitted during transport.

Records should also be created and kept for matters that do not relate to specific shipments of animals. For example, commercial carriers should be required to create and maintain records of conveyance maintenance, cleaning and disinfection.

Additional Recommendations

Persons that have been convicted of animal cruelty offences, animal welfare offences and breaches the HAR or related regulations should be prohibited from directly or indirectly taking part in the loading, transportation and unloading of animals.



A greater proportion of violations of Part XII of the HAR should be prosecuted as offences under section 65 of the *Health of Animals Act* as opposed to the *Agriculture and Agri-Food Administrative Monetary Penalties Regulations*. Recognizing that many violations of Part XII of the HAR will continue to be dealt with under those regulations, it is recommended that the penalties for each of the three offence classifications (minor, serious and very serious) be increased and that a greater number of offences be classified as serious and very serious.

Section 91.3 of the *Health of Animals Act* should be amended to require that records generated under Part XII are kept for longer than 2 years. Commercial carriers should also be required to review records generated by their employees for non-compliance, take steps to reduce and prevent non-compliance and report non-compliance to CFIA. Both of these recommendations are intended to increase timely and effective enforcement before the two-year limitation on summary conviction proceedings contained in section 68 of the *Health of Animals Act* expires.

The Meat Inspection Regulations should be amended to ensure that they are consistent with the amendments to the HAR. The HAR should be reviewed and amended following the NFACC's pending 2018 update to the Code of Practice for the Care and Handling of Farm Animals: Transportation. Finally, CFIA should consider how a permit and licensing regime could be developed and implemented for Canada's animal transportation sector.

Conclusion

The Winnipeg Humane Society supports the review of animal transportation guidelines in Canada and has also endorsed the submission of the Canadian Federation of Humane Societies (CFHS) pointing at the same issues we highlight in this document. Humane Societies and Animal Welfare organizations across Canada, and a clear majority of Canadians, expect standards to drastically improve. The notion of a Humane Canada is not abstract, it is predicated in our actions and regulations.

Improving animal welfare during transportation protects human health, reduces economic losses and relieves the suffering of the millions of animals consumed by Canadians each year. The



Winnipeg Humane Society therefore strongly urges the CFIA to adopt the above recommendations into the new Part XII of the HAR.

Yours very truly,

A handwritten signature in black ink, appearing to be "Javier Schwersensky", is written over a horizontal line. The signature is fluid and cursive.

Javier Schwersensky
Chief Executive Officer, Winnipeg Humane Society