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Regulations Amending the Health of Animals Regulations: SOR/2019-38

Canada Gazette, Part II, Volume 153, Number 4

Registration

SOR/2019-38 February 1, 2019

HEALTH OF ANIMALS ACT

P.C. 2019-59 January 31, 2019

Her Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and Agri-Food, pursuant to subsection 64(1) ^a of the *Health of Animals Act* ^b, makes the annexed *Regulations Amending the Health of Animals Regulations*.

Regulations Amending the Health of Animals Regulations

Amendments

1 (1) The definition *non-ambulatory animal* in section 2 of the *Health of Animals Regulations* ¹ is replaced by the following:

non-ambulatory animal means livestock, poultry, rabbits or an animal of the cervid or camelid species that is unable to stand without assistance or to move without being dragged or carried. (*animal non ambulateur*)

(2) The definition *transporteur maritime* in section 2 of the French version of the Regulations is replaced by the following:

transporteur maritime Propriétaire ou exploitant d'un navire qui se livre au transport des animaux par voie maritime. (*sea carrier*)

2 Part XII of the Regulations is replaced by the following:

PART XII

Transport of Animals

Interpretation

136 (1) The following definitions apply in this Part.

assembly centre means a place to which animals are transported for the purpose of assembly and includes an auction market, an assembly yard and a holding facility, other than a slaughter establishment, that holds, on behalf of a slaughter establishment, animals that are destined soon afterwards for slaughter at that slaughter establishment. (*centre de rassemblement*)

commercial carrier means

- (a) the owner of a motor vehicle who is engaged in the business of transporting animals by land for financial benefit;
- (b) the owner of an aircraft who is engaged in the business of transporting animals by air for financial benefit;
- (c) the owner of a vessel who is engaged in the business of transporting animals by water for financial benefit; or
- (d) a railway company. (*transporteur commercial*)

compromised, in respect of an animal, means an animal that

- (a) is bloated but has no signs of discomfort or weakness;
- (b) has acute frostbite;
- (c) is blind in both eyes;
- (d) has not fully healed after a procedure, including dehorning, detusking or castration;
- (e) is lame other than in a way that is described in the definition *unfit*;

(f) has a deformity or a fully healed amputation and does not demonstrate signs of pain as a result of the deformity or amputation;

(g) is in a period of peak lactation;

(h) has an unhealed or acutely injured penis;

(i) has a minor rectal or minor vaginal prolapse;

(j) has its mobility limited by a device applied to its body including hobbles other than hobbles that are applied to aid in treatment;

(k) is a wet bird; or

(l) exhibits any other signs of infirmity, illness, injury or of a condition that indicates that it has a reduced capacity to withstand transport. (*fragilisé*)

confine means, for the purpose of transporting an animal, to hold an animal in a conveyance or container from the time that the animal is in the conveyance or container until the time that the animal is out of the conveyance or container. (*confinement*)

container means a structure that is moveable, that has rigid sides and a rigid bottom and may have a cover and that is used to confine an animal and includes a cargo container and a crate. (*caisse*)

humanely kill means to kill as rapidly as possible with the least possible pain, suffering, fear and anxiety and includes to slaughter in accordance with applicable legislation. (*tuer sans cruauté*)

nutritional deficit means an inadequate amount of feed or deprivation of feed that causes behavioural or physiological effects. (*déficit nutritionnel*)

safe water means potable water or water that does not pose a risk to the health of the animal drinking it. (*eau salubre*)

unfit, in respect of an animal, means an animal that

(a) is non-ambulatory;

(b) has a fracture that impedes its mobility or causes it to exhibit signs of pain or suffering;

(c) is lame in one or more limbs to the extent that it exhibits signs of pain or suffering and halted movements or a reluctance to walk;

(d) is lame to the extent that it cannot walk on all of its legs;

(e) is in shock or is dying;

(f) has a prolapsed uterus or a severe rectal or severe vaginal prolapse;

(g) exhibits signs of a generalized nervous system disorder;

(h) is a porcine that is trembling, has difficulty breathing and has discoloured skin;

(i) has laboured breathing;

(j) has a severe open wound or a severe laceration;

(k) has sustained an injury and is hobbled to aid in treatment;

(l) is extremely thin;

(m) exhibits signs of dehydration;

(n) exhibits signs of hypothermia or hyperthermia;

(o) exhibits signs of a fever;

(p) has a hernia that

(i) impedes its movement, including when a hind limb of the animal touches the hernia as the animal is walking,

(ii) causes the animal to exhibit signs of pain or suffering,

(iii) touches the ground when the animal is standing in its natural position, or

(iv) has an open wound, ulceration or obvious infection;

(q) is in the last 10% of its gestation period or has given birth during the preceding 48 hours;

(r) has an unhealed or infected navel;

(s) has a gangrenous udder;

(t) has severe squamous cell carcinoma of the eye;

(u) is bloated to the extent that it exhibits signs of discomfort or weakness;

(v) exhibits signs of exhaustion; or

(w) exhibits any other signs of infirmity, illness, injury or of a condition that indicates that it cannot be transported without suffering. (*inapte*)

(2) For the application of this Part,

(a) loading of an animal begins when the animal is handled, moved or caught for the purpose of confining it in a conveyance or a container and ends when the animal is confined in the

conveyance, or if it is confined in a container, when the container is placed on the conveyance;

(b) in the case of an animal that is confined in a conveyance, unloading of the animal begins when the animal is handled or moved for the purpose of removing it from the conveyance and ends when the animal is removed from the conveyance or from any ramp, gangway, chute, step or apparatus used for unloading the animal; and

(c) in the case of an animal that is confined in a container, unloading of the animal begins when the container is handled or moved for the purpose of removing it from the conveyance and ends when the container is removed from the conveyance and the animal is removed from the container.

(3) An animal that is both *compromised* and *unfit* as defined in subsection (1), is deemed not to be compromised.

Application

137 This Part applies to the transport of animals entering or leaving Canada or within Canada.

Knowledge and Skills

138 Every person who loads, confines or transports an animal in or unloads an animal from a conveyance or container shall have the necessary knowledge and skills to conduct those activities in compliance with this Part.

Training

138.1 (1) Every commercial carrier shall provide training to, or ensure that training is received by, its employees and agents or mandataries who load, confine or transport an animal in or unload an animal from a conveyance or container or who take part in decision making, or advising the person operating the conveyance, in respect of the loading, confining, transporting or unloading of an animal so that they have the necessary knowledge and skills to conduct those activities in compliance with this Part.

(2) The training shall cover subjects that include the following in respect of the species of animals that are to be loaded, confined, transported and unloaded:

- (a) animal behaviour;
- (b) an assessment of an animal's capacity to withstand loading, confinement, transport and unloading;
- (c) animal handling, restraint and space requirements and methods for the loading, confinement, transport and unloading of animals;
- (d) a contingency plan;
- (e) effective monitoring of animals during loading, confinement, transport and unloading; and
- (f) the risk factors set out in subsection 138.3(1).

Contingency Plans

138.2 (1) Every commercial carrier and any other person who transports animals in the course of business or for financial benefit shall have a contingency plan that establishes measures that are to be taken in order to comply with the requirements of this Part if

- (a) there are any unforeseen delays or circumstances that could result in the animal's unnecessary suffering, injury or death; or
- (b) the animal becomes compromised or unfit during loading, confinement, transport or unloading.

(2) Any person who is required to have a contingency plan under subsection (1) shall inform their employees and agents or mandataries who load, confine, transport or unload animals or who take part in decision making, or advising the person operating the conveyance, in respect of the loading, confining, transporting or unloading of animals of the contingency plan.

Assessment and Monitoring of Risk Factors Related to Transport

138.3 (1) Every person who loads, confines or transports an animal in or unloads an animal from a conveyance or container, or causes one to be so loaded, confined, transported or unloaded, shall, before loading, confining, transporting or unloading the animal, assess the animal's capacity to withstand the loading, confinement, transporting and unloading by taking into account any risk factors that could reasonably be viewed as having an impact on the animal's capacity to withstand the loading, confining, transporting and unloading, including

- (a) the current condition of the animal;
- (b) any pre-existing infirmity, illness, injury or condition of the animal;
- (c) the space requirements for the animal;
- (d) the compatibility of the animal with any other animal;
- (e) animal handling and restraint methods;

- (f) the expected time that the animal will be without feed, safe water and rest;
- (g) the expected duration of the transport and confinement of the animal in the conveyance or container;
- (h) the foreseeable delays during transport and at the destination;
- (i) the foreseeable weather conditions during transport;
- (j) the foreseeable conditions that may be encountered during transport that could result in sharp inclines and declines, vibration and shifting of the container or swaying of the conveyance; and
- (k) the type and condition of the conveyance, container and equipment.

(2) Every person who confines or transports an animal in a conveyance or container shall monitor the animal in a manner and frequency that is appropriate to assess the animal's capacity to withstand the confinement and transport, taking into account the risk factors set out in subsection (1).

Unfit Animals

139 (1) Subject to subsections (2) to (5), no person shall load, confine or transport an animal that is unfit, or cause one to be loaded, confined or transported, in a conveyance or container.

(2) An unfit animal may be loaded and confined in a conveyance or container and be directly transported to and unloaded at a place, other than a slaughter establishment or assembly centre, where it can receive veterinary care if

- (a) it is individually loaded and unloaded without having to negotiate any ramps inside the conveyance;
- (b) it is isolated during confinement and transport;
- (c) measures are taken to prevent the animal's unnecessary suffering, injury or death during loading, confinement, transport and unloading; and
- (d) a veterinarian recommends that the animal be transported to receive veterinary care.

(3) An unfit animal may be loaded and confined in a conveyance or container and be directly transported to and unloaded at an assembly centre where it can receive veterinary care if the unfit animal is seized and detained under a provincial or federal Act and the requirements set out in paragraphs (2)(a) to (d) are met.

(4) Every person who confines or transports an animal that becomes unfit during confinement or transport in a container or conveyance, other than a vessel, shall take reasonable measures as soon as possible to prevent the animal's unnecessary suffering, injury or death and, as soon as possible,

- (a) transport the animal directly to the nearest place where it can receive care or be humanely killed; or
- (b) if the animal is not transported to the nearest place, humanely kill the animal in the conveyance.

(5) If an animal becomes unfit during confinement or transport while on board a vessel, the vessel master or a veterinarian shall, as soon as possible,

- (a) take reasonable measures to prevent the animal's unnecessary suffering, injury or death or cause such reasonable measures to be taken by a person on board the vessel who is trained to provide care to the animals and provide care to the animal or cause care to be provided to the animal by a person on board the vessel who is trained to provide care to the animals; or
- (b) if reasonable measures are not taken and care is not provided, cause the animal to be humanely killed by a person on board the vessel who is trained to use humane killing devices.

139.1 (1) Subject to subsection (2), no person shall unload an unfit animal, or cause an unfit animal to be unloaded, from a conveyance or container for the purpose of humanely killing the animal unless

- (a) in the case of an unfit animal that is non-ambulatory,
 - (i) the animal is rendered unconscious before it is unloaded, or
 - (ii) the animal is humanely killed before it is unloaded; and
- (b) in the case of an unfit animal that is ambulatory,
 - (i) the animal is unloaded individually in a manner that is not likely to cause unnecessary suffering, injury or death,
 - (ii) the animal is rendered unconscious before it is unloaded, or
 - (iii) the animal is humanely killed before it is unloaded.

(2) In the case of an unfit animal that is non-ambulatory and in a container, the animal may be manually removed from the container before it is rendered unconscious or humanely killed if to do so would not likely cause the animal to unnecessarily suffer, sustain an injury or die.

139.2 (1) A veterinary inspector or an inspector acting under the advice of a veterinary inspector may, if they have reasonable grounds to believe that an unfit animal is being or has been loaded, confined, transported or unloaded in contravention of section 139 or 139.1, make an order directing the person who is in contravention of either of those sections to take measures in order to prevent unnecessary

suffering, injury or death of the animal.

(2) The order may include

- (a) a requirement that the animal be humanely killed;
- (b) a requirement that the animal be transported as soon as possible directly to a place where the animal can receive care or be humanely killed;
- (c) the place to which the animal is to be transported;
- (d) any condition to be met when loading, confining, transporting or unloading the animal; and
- (e) the manner in which and the time when the animal is to be humanely killed.

(3) Every person who receives an order made under this section shall comply with the order.

Compromised Animals

140 (1) Subject to subsections (2) to (6), no person shall load, confine or transport a compromised animal in or unload a compromised animal from a conveyance or container, or cause one to be so loaded, confined, transported or unloaded, unless

- (a) it is isolated;
- (b) it is individually loaded and unloaded without having to negotiate any ramps inside the conveyance;
- (c) measures are taken that are necessary to prevent the animal's suffering, injury or death during loading, confinement, transport and unloading; and
- (d) it is transported directly to the nearest place, other than an assembly centre, where it can receive care or be humanely killed.

(2) Paragraphs (1)(a) and (b) do not apply to rabbits and poultry, other than ratites, that are confined in containers.

(3) Paragraph (1)(a) does not apply to a compromised animal that is confined and transported with one other animal with which it is familiar if to do so is unlikely to cause either animal suffering, injury or death and if they are segregated from other animals.

(4) Despite paragraph (1)(d), a compromised animal may be transported directly to an assembly centre where it can receive care or be humanely killed if the animal has been seized and detained under a provincial or federal Act.

(5) Every person who confines or transports an animal that becomes compromised during confinement or transport in a container or conveyance, other than a vessel, shall take reasonable measures as soon as possible to prevent the animal's unnecessary suffering, injury or death and, as soon as possible,

- (a) transport the animal directly to the nearest place where it can receive care or be humanely killed; or
- (b) if the animal is not transported to the nearest place, humanely kill the animal in the conveyance.

(6) If an animal becomes compromised during confinement or transport while on board a vessel, the vessel master or a veterinarian shall, as soon as possible,

- (a) take reasonable measures to prevent the animal's unnecessary suffering, injury or death or cause such reasonable measures to be taken by a person on board the vessel who is trained to provide care to the animals and provide care to the animal or cause care to be provided to the animal by a person on board the vessel who is trained to provide care to the animals; or
- (b) if reasonable measures are not taken and care is not provided, cause the animal to be humanely killed by a person on board the vessel who is trained to use humane killing devices.

140.1 (1) A veterinary inspector or an inspector acting under the advice of a veterinary inspector may, if they have reasonable grounds to believe that a compromised animal is being or has been loaded, confined, transported or unloaded in contravention of section 140, make an order directing the person who is in contravention of that section to take measures in order to prevent unnecessary suffering, injury or death of the animal.

(2) The order may include

- (a) a requirement that the animal be humanely killed;
- (b) a requirement that the animal be transported as soon as possible directly to a place where the animal can receive care or be humanely killed;
- (c) the place to which the animal is to be transported; and
- (d) any condition to be met when loading, confining, transporting or unloading the animal.

(3) Every person who receives an order made under this section shall comply with the order.

Livestock, Camelids or Cervids of Eight Days of Age or Less

141 (1) No person shall load, confine or transport livestock, camelids or cervids of eight days of age

or less in or unload such an animal from a conveyance or container or cause one to be so loaded, confined, transported or unloaded, unless

- (a) the animal is loaded and unloaded individually without having to negotiate any ramps within the conveyance;
- (b) sufficient space is provided to allow the animal to lie down without lying on top of another animal;
- (c) measures are taken that are necessary to prevent the animal's suffering, injury or death during loading, confinement, transport and unloading;
- (d) the animal is segregated from animals that are not livestock, camelids or cervids of eight days of age or less;
- (e) the expected period of time between the beginning of the animal's loading and the end of the animal's unloading is not longer than 12 hours;
- (f) stops during transport are made only to load other livestock, camelids or cervids of eight days of age or less; and
- (g) the animal is transported to a final destination that is other than an assembly centre.

(2) No person shall reload an animal referred to in subsection (1) after it has been unloaded at its final destination.

(3) Paragraph (1)(d) does not apply to livestock, camelids or cervids of eight days of age or less who are loaded, confined or transported in or unloaded from a conveyance or container with their dam if to do so is unlikely to cause either animal suffering, injury or death.

Lactating Animals

142 No person shall load, confine or transport a lactating animal, or cause one to be so loaded, confined or transported, in a conveyance or container without its suckling offspring unless the animal is milked at intervals that are sufficient to prevent mammary engorgement.

Young Ruminants

143 (1) No person shall load, confine or transport ruminants that are too young to be fed exclusively on hay and grain in, or unload such animals from, a conveyance or container, or cause one to be so loaded, confined, transported or unloaded, unless the expected period of time between the beginning of the animal's loading and the end of the animal's unloading is not longer than 12 hours.

(2) No person shall reload an animal referred to in subsection (1) after it has been unloaded at its final destination.

Animal Handling

144 (1) No person shall, during the loading, confinement, transporting or unloading of an animal in or from a conveyance or container,

- (a) beat, strike, whip or kick the animal;
- (b) use a prod, whip or any other driving device on the animal in a manner that is likely to cause the animal's suffering, injury or death;
- (c) use a prod, whip or any other driving device on an animal to make it move if it does not have a clear path to move;
- (d) apply an electric prod or a device that has a similar effect to an animal unless the animal is a bovine or porcine of at least three months of age and the prod or device is not applied to sensitive areas of the animal including the belly and the anal, genital and facial regions of the animal;
- (e) drag the animal;
- (f) lift the animal by its fleece, fur, feathers, head, neck, ears or horns or by one wing;
- (g) handle or lift the animal by its tail; or
- (h) handle the animal in any other way that is likely to cause the animal's suffering, injury or death.

(2) No person shall, when an animal is in a container,

- (a) drop, kick or throw the container; or
- (b) handle the container in any other manner that is likely to cause the animal's suffering, injury or death.

145 (1) A person who is loading or unloading an animal in or from a conveyance or container shall use a fixed or movable ramp, gangway, chute, step or apparatus unless the animal is not likely to suffer, sustain an injury or die by stepping directly from or onto the ground or other surface.

(2) No person shall load or unload an animal in or from a conveyance or container, or cause one to be so loaded or unloaded, using a fixed or movable ramp, gangway, chute, step or apparatus unless it is used in a manner that is not likely to cause the animal's suffering, injury or death and the following conditions with respect to the ramps, gangways, chutes, steps or apparatuses are met:

(a) they can bear the weight to which they are subjected without collapsing, twisting, breaking or bending;

(b) there are side rails of sufficient strength and height to prevent the animal from falling off;

(c) they have a surface that is designed, constructed and maintained to prevent the animal from tripping, slipping and falling; and

(d) they are placed so that there is no unprotected gap through which the animal could trip, slip, fall or escape.

(3) Side rails are not required if the animal is loaded and unloaded individually in a manner that is not likely to cause the animal's suffering, injury or death.

(4) No person shall load or unload livestock or cervids — or cause them to be loaded or unloaded — into or from a conveyance or container using ramps, gangways, chutes or apparatuses that have a slope from the horizontal that exceeds

(a) 20° in the case of a porcine;

(b) 25° in the case of a bovine;

(c) 30° in the case of an equine; and

(d) 35° in the case of a cervid, caprine or ovine.

Protection from Inadequate Ventilation and Weather Conditions

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

Exposure to Toxic or Noxious Things

146.1 No person shall load, confine or transport an animal in or unload an animal from a conveyance or container, or cause one to be so loaded, confined, transported or unloaded, if the animal is likely to suffer, sustain an injury or die by being exposed to anything that is toxic or noxious, including exhaust from the conveyance.

Space Requirements

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

(a) in the case of livestock, cervids, camelids and ratites, the animal is able to stand at all times within the conveyance or container with all feet on the floor, with head elevated, with sufficient space to permit a full range of head movement and without any part of its body coming into contact with a deck, roof or top of the conveyance or cover of the container;

(b) in the case of poultry, other than ratites, confined in a container, the animal is able to maintain a squatting or sitting position with sufficient space to permit a full range of head movement without coming into contact with the cover of the container; and

(c) in the case of all other animals, and poultry that is not confined in a container, the animal is able to maintain its preferred position with sufficient space to permit a full range of head movement.

(2) No person shall load, confine or transport an equine, or cause an equine to be loaded, confined or transported by land, in a conveyance that has more than one deck.

Overcrowding

148 (1) No person shall load an animal, or cause one to be loaded, in a conveyance or container, other than a container that is used to transport an animal in an aircraft, in a manner that would result in the conveyance or container becoming overcrowded, or transport or confine an animal in a conveyance or container, or cause one to be transported or confined, in a conveyance or container that is overcrowded.

(2) For the purposes of subsection (1), overcrowding occurs when, due to the number of animals in the container or conveyance,

(a) the animal cannot maintain its preferred position or adjust its body position in order to protect itself from injuries or avoid being crushed or trampled;

(b) the animal is likely to develop a pathological condition such as hyperthermia, hypothermia or frostbite; or

(c) the animal is likely to suffer, sustain an injury or die.

148.1 No person shall transport an animal by air, or cause one to be transported by air, unless it is transported in a container that meets the stocking density guidelines that are set out in the *Live Animals Regulations*, 44th edition, published by the International Air Transport Association, as amended from time to time.

Isolation

149 (1) No person shall load, confine, transport or unload incompatible animals, or cause incompatible animals to be loaded, confined, transported or unloaded, in the same conveyance or container unless they are isolated from one another.

(2) For the purposes of subsection (1), animals are incompatible if any of the animals are likely to suffer, sustain an injury or die if they are loaded, confined, transported or unloaded together.

Conveyances and Containers

150 (1) No person shall load, confine or transport an animal, or cause one to be loaded, confined or transported, in a conveyance or container unless the conveyance and the container, if the animal is in a container, are designed, constructed, equipped, maintained and used to prevent the animal's suffering, injury or death and the conveyance and the container, if the animal is in a container, meet the following conditions:

- (a) they are suitable for the species of animal;
- (b) they prevent the animal's escape;
- (c) they provide adequate ventilation for each animal;
- (d) they provide a floor that prevents the animal from tripping, slipping and falling;
- (e) they are not likely to collapse or topple over;
- (f) they do not have exposed bolt heads, angles or other projections;
- (g) they do not contain objects that are unsecured;
- (h) they have no insecure fittings;
- (i) they can be cleaned except in the case of a container that is used for one-time animal transport; and
- (j) in the case of a container, the animal is visible from outside the container or at least two of the container's outer sides have a readily visible sign or symbol indicating the presence within of a live animal and a readily visible sign or symbol indicating the upright position of the container.

(2) Subsection (1) does not apply to a container that is used to confine or transport an animal in an aircraft.

(3) No person shall load, confine or transport, or cause to be loaded, confined or transported, livestock, cervids, camelids or ratites in a conveyance or container unless the conveyance or, if the animal is in a container, the container has a floor that is strewn with sufficient sand, straw, wood shavings or other bedding material to absorb and prevent the pooling or escape of water, urine and liquid manure.

(4) No person shall confine or transport an animal in a container unless the container is secured to the conveyance in a manner that prevents it from moving during transport.

(5) No person shall transport an animal by air, or cause an animal to be transported by air, unless it is transported in a container that meets the design and construction requirements that are set out in the *Live Animals Regulations*, 44th edition, published by the International Air Transport Association, as amended from time to time.

Vessels

151 (1) No person shall load, confine or transport livestock and poultry, or cause them to be loaded, confined or transported, in a vessel unless

- (a) the vessel is equipped with passageways to permit the care of the livestock and poultry;
- (b) the vessel is equipped with an enclosed area or pen to accommodate livestock and poultry that become injured, ill, compromised or unfit during transport;
- (c) the vessel is equipped with lighting — including emergency lighting — that is appropriate to permit the care of the livestock and poultry;
- (d) the vessel has on board lighting equipment that is appropriate to enable the examination of the livestock and poultry;
- (e) the vessel has on board humane killing devices that are in good working order and are an appropriate type for the species, sex, age and weight of the livestock and poultry;
- (f) the vessel has on board a sufficient quantity and type of supplies, including medication, for the care of the livestock and poultry on the vessel taking into account the species of the livestock or poultry and the duration of the transport; and
- (g) the vessel has on board dispensing systems to provide feed and safe water to the livestock and poultry.

(2) The sea carrier shall have a person on board the vessel who is trained to use the humane killing devices that are on board the vessel.

(3) The sea carrier shall have an appropriate number of trained persons on board the vessel to provide for the care of the livestock and poultry.

- (4) Every sea carrier shall, before departure, have on board the vessel,
- (a) a sufficient amount of feed and safe water for each animal to be transported, having regard to the expected duration of the transport, to prevent a nutritional deficit and to prevent them from becoming dehydrated; and
 - (b) an additional one-day supply of feed and safe water for each animal based on the amount determined in paragraph (a) for every period of four days or less of the expected duration of the transport.
- (5) The sea carrier shall store the feed and safe water in a place and in a manner that will prevent the feed and safe water from posing a risk to the animal's health and from otherwise becoming unsuitable for their consumption.

151.1 If the duration of the transport of the livestock and poultry is expected to exceed six hours, the sea carrier or vessel master shall, at least 24 hours before the departure, provide a veterinary inspector with the following information:

- (a) the planned date and time of departure from the port of origin and arrival at the destination;
- (b) the name of the person who will be in charge of caring for the livestock and poultry; and
- (c) the procedures for communication that would allow the person who is in charge of caring for the livestock and poultry to obtain veterinary advice as required during transport.

151.2 No person shall confine or transport livestock and poultry on a vessel, or cause them to be confined or transported on a vessel, in the vicinity of an engine casing or any boiler room casing if it is likely to cause the livestock or poultry to suffer, sustain an injury or die unless the casing is covered and insulated to prevent that suffering, injury or death.

Feed, Safe Water and Rest

152 At the time of loading an animal for transport, a commercial carrier or any other person transporting the animal in the course of business or for financial benefit shall determine the date, time and place where the animal was last fed, watered and rested.

152.1 (1) No person shall load, confine or transport an animal in a conveyance or container, or cause one to be so loaded, confined or transported, unless the person provides the animal with

- (a) feed of an appropriate type for its species, age and condition and in amounts that are sufficient to prevent a nutritional deficit;
- (b) safe water in amounts that are sufficient to prevent the animal from becoming dehydrated; and
- (c) rest that is appropriate for its species, age and condition to prevent the animal from suffering from exhaustion.

(2) In order to meet the requirements set out in subsection (1), every person who loads, confines or transports an animal in a conveyance or container shall monitor the animal on a regular basis.

152.2 (1) No person shall load, confine or transport an animal in or unload an animal from a conveyance or container, or cause one to be so loaded, confined, transported or unloaded, unless the person provides the animal with feed, safe water and rest at intervals that do not exceed the following:

- (a) 12 hours for any compromised animals;
- (b) in the case of safe water, 24 hours for broiler chickens, spent laying hens and rabbits and in the case of feed and rest for those animals, 28 hours;
- (c) 28 hours for equines and porcines; and
- (d) 36 hours for all other animals.

(2) Despite subsection (1), no person shall load, confine or transport newly hatched poultry in or unload such animals from a conveyance or container, or cause them to be so loaded, confined, transported or unloaded, unless the person provides them with feed, safe water and rest within 72 hours after the time of hatching.

(3) Despite subsection (1), no person shall load, confine or transport ruminants that are too young to be fed exclusively on hay and grain and livestock, camelids or cervids of eight days of age or less in or unload such animals from a conveyance or container, or cause them to be so loaded, confined, transported or unloaded, unless the person provides them with feed, safe water and rest within 12 hours after the time they were last provided with feed, safe water and rest prior to loading.

(4) For the purposes of subsection (1), an interval begins

- (a) in the case of feed, when the animal was last fed;
- (b) in the case of safe water, when the animal was last given safe water; and
- (c) in the case of rest, when the animal was last rested for a minimum of eight consecutive hours.

152.3 Every person who loads, confines or transports an animal in or unloads an animal from a conveyance or container shall ensure that the following conditions are met whenever the conveyance is stopped for the purpose of providing feed, safe water and rest to the animal:

- (a) equipment that is designed, constructed and maintained to feed and water the animal is used;
- (b) sufficient space is provided to allow the animal to lie down without lying on top of other animals;
- (c) floors that are well-drained and clean are provided so that the animal is not likely to trip, slip, fall, suffer, sustain an injury or die;
- (d) sufficient straw or other bedding is provided so that the animal is not likely to suffer, sustain an injury or die;
- (e) sufficient straw or other bedding is provided so that the animal is kept clean and dry;
- (f) protection from meteorological and environmental conditions is provided so that the animal is not likely to suffer, sustain an injury or die; and
- (g) adequate ventilation is provided so that the animal is not likely to suffer, sustain an injury or die.

152.4 (1) Section 152.2 does not apply in the case of an animal that is loaded, confined or transported in a conveyance if the conveyance meets the following conditions:

- (a) it is equipped with a dispensing system that is designed, constructed and maintained so that feed is available to the animal as required;
- (b) it is equipped with a dispensing system that is designed, constructed and maintained so that safe water is available to the animal at all times;
- (c) it is equipped with forced ventilation that is designed, constructed, maintained and used so that adequate ventilation is provided to the animal at all times;
- (d) it is equipped with a rigid exterior with adjustable venting that is designed, constructed, maintained and used so that adequate ventilation is provided to the animal and the animal is protected from meteorological and environmental conditions at all times;
- (e) it is equipped with a system that electronically monitors and records temperatures and humidity in the parts of the conveyance where the animal is most likely to be exposed to temperatures and humidity that would likely cause the animal to suffer, sustain an injury or die;
- (f) it is equipped with a system that alerts the person operating the conveyance when a set high or low temperature or humidity reading in the conveyance is reached;
- (g) it has sufficient space to allow the animal to lie down without lying on top of other animals;
- (h) it has floors that are well-drained and clean so that the animal is not likely to trip, slip, fall, suffer, sustain an injury or die;
- (i) it has sufficient straw or other bedding so that the animal is not likely to suffer, sustain an injury or die; and
- (j) it has sufficient straw or other bedding so that the animal is kept clean and dry.

(2) Section 152.2 does not apply in the case of an animal that is loaded, confined or transported in a container that is in a conveyance that meets the conditions set out in subsection (1) if the container meets the following conditions:

- (a) it is designed, constructed and maintained so that the animal in the container is able to access the feed dispensed by the feed dispensing system on the conveyance;
- (b) it is designed, constructed and maintained so that the animal in the container is able to access, at all times, the safe water dispensed by the safe water dispensing system on the conveyance;
- (c) it is designed, constructed and maintained so that the animal in the container is provided with adequate ventilation at all times;
- (d) it has sufficient space to allow the animal to lie down without lying on top of other animals;
- (e) it has floors that are well-drained and clean so that the animal is not likely to trip, slip, fall, suffer, sustain an injury or die;
- (f) except in the case of rabbits and poultry, it has sufficient straw or other bedding so that the animal is not likely to suffer, sustain an injury or die; and
- (g) it has sufficient straw or other bedding so that the animal is kept clean and dry.

Transfer of Care

153 (1) No person who transports an animal shall leave the animal at a slaughter establishment or assembly centre unless the person has provided the consignee with a written notice that the animal has arrived at the slaughter establishment or assembly centre and a document that contains the following information:

- (a) the condition of the animal on arrival;
- (b) the date and time when and the place where the animal was last fed, watered and rested; and
- (c) the date and time of arrival of the animal at the slaughter establishment or assembly centre.

(2) The responsibility for the care of the animal is transferred from the person who transports the

animal to the consignee as soon as the consignee acknowledges receipt of the notice and document.

(3) For greater certainty, the consignee who assumes responsibility for the care of an animal shall comply with the requirements with respect to feed, water and rest set out in sections 152.1 and 152.2.

Records

154 (1) Every commercial carrier and any other person who transports animals in the course of business or for financial benefit shall, for each shipment of animals, make a record at the time of loading the animals that includes the following information:

- (a) the name and address of the shipper, consignee and person operating the conveyance in which the animals are transported;
- (b) the identifying number or registration number of the conveyance;
- (c) the number of square metres or square feet of floor area available to the animals in the conveyance or, if the animals are in a container, in the container;
- (d) the date and time when and the place where the conveyance or container was last cleaned and disinfected;
- (e) the date and time when and the place where the animals are loaded;
- (f) the number, description and weight of the animals; and
- (g) the date and time when the animals were last fed, watered and rested prior to loading.

(2) Every person referred to in subsection (1) shall, as soon as possible, include in the record any changes to the information provided in subsection (1) and add the following information to the record:

- (a) the date and time when and the place where the animals are fed, watered and rested; and
- (b) the date, time and place of arrival of the animals at the destination.

(3) Every person referred to in subsection (1) shall, with each shipment of animals being transported, keep on board the original record or a copy of the record.

Dead and Seriously Injured Animals

155 Every air carrier and sea carrier that transports an animal from Canada shall, as soon as possible after arrival at the destination, send a document to the veterinary inspector at the port of embarkation respecting every animal that was seriously injured, has died or was killed during transport, stating in each case the cause of the injury or death.

Coming into Force

3 These Regulations come into force on the first anniversary of the day on which they are published in the *Canada Gazette, Part II*.

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 transport of animals were first enacted in 1977. Since then, research into the effects of transport on animals during all phases of the transport continuum has evolved. Additionally, societal expectations have changed regarding the humane treatment of all animals, including animals destined for food. To address these changes and to update language and content, Part XII of the Regulations dealing with the transport of animals has been amended. These updated Regulations will better reflect current animal welfare science, societal expectations, the standards of Canada's international trading partners, and the World Organisation for Animal Health (OIE) welfare standards for animals transported by land, air, and sea.

Description: The HAR will 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 to animals during transport 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: The livestock and poultry industries and consumers will benefit from

the amendments through improved animal welfare, reduced transport losses and improved marketability and product quality. The costs will be assumed by commercial carriers transporting livestock (pigs, cattle and horses) and poultry to comply with the record keeping, training and feed, safe water and rest (FWR) requirements. It was estimated that 98% of shipments are already in compliance with the new FWR requirements. The present value of the total industry costs is \$4.6 million or \$660,249 in annualized value.

“One-for-One” Rule and small business lens: The “One-for-One” Rule will apply to the amendments. The total administrative cost increase is estimated to have an annualized value of \$299,062. The small business lens will also apply. The total cost savings of the flexible option for small business is estimated to have an annualized value of \$92,982.

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

The amendments to the HAR will 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 amendments respecting feed, safe water and rest will align Canada’s regulatory requirements more closely with those of its trading partners, such as New Zealand, Australia, the United States, and the European Union (EU).

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 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. Good animal welfare practices contribute to reduced food safety risks and increased environmental sustainability by reducing the risk of disease. ² Similarly, poor animal welfare practices can contribute to economic losses. ³

The transportation of animals in Canada is a complex and wide-ranging activity carried out by a diverse set of stakeholders. The humane transport 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 species of animals over short and long distances. It is estimated that over 800 million animals are transported per year in Canada.

Transportation is an unfamiliar event for animals that can cause significant anxiety. 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. 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. 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 homemade trailers to fully equipped commercial stock tractor-trailers 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 transport, including the loading, confinement and unloading of animals within Canada as well as entering into or leaving Canada, by prescribing requirements on those individuals involved in all phases of the transport of animals and setting out prohibitions to address the welfare (humane treatment) of animals during the transport continuum.

Issues

Part XII of the HAR was enacted at a time when 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 regarding requirements and prohibitions. The amendment provides updated content and clearer language that is informed by current science and that will assist the regulated party in better understanding the various provisions.

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 16 million animals per year that may be suffering during

transport, of which 1.59 million animals (poultry and other livestock) 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.

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. ⁷ Recent science regarding the effects of various phases of transport have informed the updated amendment. In addition, the modernized Regulations will better reflect current, generally accepted industry practices as well as industry trends. The joint industry– government National Farm Animal Care Council (NFAACC) develops codes of practice, which are nationally developed guidelines for the care and handling of farm animals. The current code of practice for the transportation of farm animals was released in 2001. While the Code of Practice for the Care and Handling of Farm Animals: Transportation considered the requirements of the current HAR when it was drafted, the recommendations in more recent Codes of Practice for the Care and Handling of Farm Animals for specific commodities meet, and in certain circumstances exceed, the requirements of the HAR. An update to the transport of animals code has been initiated by NFAACC and will reference these regulatory amendments as requirements in the Code.

Finally, the current 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. Updating the Regulations is likely to facilitate or maintain trade and market access for Canadian products, by avoiding trade barriers that could arise due to differences in Canadian and international regulatory requirements.

Objectives

The amendments to the HAR will

- 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 will 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 during all phases of transport, thereby reducing the risk to animal welfare during loading, confinement, transport, 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
- better satisfy Canadian societal expectations regarding the responsible care of farm animals and the humane treatment of animals during transport, including loading, confinement and unloading.

Description

The HAR will 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 transport by establishing clear and science-informed requirements that better reflect animal needs and current industry practices and trends;
- 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 requirements

The amendments will provide clear requirements for animal transport to allow regulated parties to better understand what is required of them to be in compliance. The amendments will establish either prescriptive requirements (in which case the process or procedure requirements are defined in the Regulations) or outcome-based requirements (in which case the required outcome or level of performance is defined in the Regulations), where appropriate. Prescriptive requirements are 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.

Definitions and requirements for "compromised" and "unfit" animals

Definitions for both "compromised" and "unfit" will clarify whether an animal could be transported with special measures (compromised) or not transported, unless it is to receive veterinary care and in

accordance with certain requirements (unfit).

The amendments provide that compromised animals cannot be transported unless they are isolated from other animals; that they are loaded and unloaded individually without having to negotiate ramps inside the conveyance; that measures necessary to prevent the animal's suffering, injury or death are taken; and that the animals are transported directly to the nearest place, other than an assembly centre, where they can receive care 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 lead to the determination that an animal is compromised and has a reduced capacity to withstand transport is provided in these amendments.

There is a prohibition from transporting unfit animals. Unfit animals will only be permitted to be transported for veterinary care, provided a number of requirements are met, including the recommendation of a veterinarian that the animal may be transported. A list of conditions that would lead to the determination of an animal as unfit is provided as part of the definitions.

To prevent suffering, injury, or death, the amendments also include provisions for how an animal is to be cared for, or humanely killed when it is found to be compromised or unfit in a conveyance, including a vessel, or in a container during transportation.

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

A definition of confine is also provided to support improving animal welfare. To confine means, for the purpose of transporting an animal, to hold an animal in a conveyance or container from the time it is in the conveyance or container until the time the animal is out of the conveyance or container.

Clearer, science-informed language

As stated previously, the current Part XII of the HAR was enacted at a time when there was little research or information pertaining to the effects or risks of transportation on the well-being of animals. The amendment provides updated content and clearer language that takes into consideration current science-informed standards. It will assist the regulated party in better understanding the various provisions.

Knowledge, skills, and training

The amendments will establish standards of knowledge and of care in the Regulations for any person loading, confining, transporting, or unloading animals.

Commercial carriers will be responsible for training, or ensuring that training is or has been received by, their employees or agents or mandataries so that they have the necessary knowledge and skills to conduct the activities of loading, confining, transporting and unloading in compliance with Part XII of the HAR. The training includes species specific animal behaviour, assessment of the animal's capacity to withstand the entire transport continuum, animal handling, restraint and space requirements and methods for loading, confinement, transport and unloading, effective monitoring during loading, confinement, transport and unloading, and contingency plans, as well as risk factors that can impact animal welfare during loading, confinement, transport and unloading.

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, any person loading, confining, transporting, or unloading animals will be required, prior to loading, confining, 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, confinement, transport and unloading (for example foreseeable weather conditions, duration of confinement and transport, and the expected time without feed, safe water and rest).

As a complementary element to this risk factor assessment prior to loading, every commercial carrier and any other person who transports an animal in the course of business or for financial benefit must have a contingency plan for unanticipated events, for example what to do in case of a mechanical failure while en route. This contingency plan will need to be communicated to any person involved with the loading, confinement, transport, or unloading of animals.

Having a contingency plan supports 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.

Monitoring

The amendments will also require that during confinement and transport the animals be monitored to assess their capacity to withstand the confinement and transport. This will better safeguard the welfare of animals and will enable the required actions to be taken should the animals become compromised or unfit, including showing signs of dehydration, a nutritional deficit or exhaustion during transport.

Animal handling

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

The regulatory amendments will limit the use of an electric prod or a device that has a similar effect on the animal during the loading, confinement, transport, or unloading to only cattle and pigs that are three months of age or older. While electric prods or devices with similar effects to animals (e.g. air prods) are commonly used to encourage animals to move in a required direction (for example to move animals onto a conveyance), the regulatory amendments will prohibit the use of an electric prod or a device with a similar effect on sensitive areas of an animal (for example belly, anal, genital, or facial regions) and if animals do not have a clear path to move forward.

Space requirements and overcrowding

These amendments also include a requirement regarding 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.

The regulatory amendments also establish clear parameters for what conditions constitute overcrowding in a container or conveyance. Loading, confining, or transporting animals in a conveyance or container that is overcrowded or would become overcrowded, will be prohibited.

Overcrowding occurs when, due to the number of animals in 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.

Isolation

The prescriptive nature of the current requirements respecting segregation by species, age, and weight will be replaced with an outcome-based provision that prohibits loading, confining, or transporting animals that are incompatible if any of the animals are likely to suffer, sustain an injury or die if they are loaded, confined or transported together unless they are isolated from one another during each process. This outcome-based approach is consistent with OIE standards, and provides the flexibility for animals that are calmer when travelling together to be kept together; under the current requirements, many animals would need to be isolated irrespective of compatibility.

Interpretive guidance will be made available on the CFIA website to assist industry in the determination of compatibility.

Container or conveyance requirements

Requirements respecting the design, construction, condition, maintenance and use of conveyances, and the containers used for transporting animals, including sea vessels and aircraft, will be clarified by these amendments. In addition, requirements that pose an unnecessary regulatory burden, such as specific ventilation requirements for aircraft or vessels, will be removed. The amendments, however, provide clarity on what conditions must be met to prevent animals' suffering, injury or death.

For animals transported by air, the container requirements set out in the International Air Transport Association (IATA) *Live Animals Regulations* (IATA-LAR), as amended from time to time, will be incorporated by reference into Part XII of the HAR. IATA is a trade association for the world's airlines, representing some 290 airlines, or 82% of total air traffic, and is responsible for formulating industry policy on aviation industry issues. The IATA-LAR is a global standard for transporting animals by air in a safe and humane manner and is referenced by the OIE in its animal welfare standards for animal transportation by air. Container requirements in the IATA-LAR are established on a species-by-species basis, and include construction, design, and stocking density guidelines. The IATA-LAR is currently in its 44th edition, is available as a printed manual and as a software application, and may be purchased on the [IATA-LAR website \(https://www.labeline.com/product/iatala44-iata-live-animal-regulations-lar-44th-edition-2018-english-windows/\)](https://www.labeline.com/product/iatala44-iata-live-animal-regulations-lar-44th-edition-2018-english-windows/). The CFIA will review the changes made to subsequent editions of the IATA-LAR on an annual basis, to ensure the requirements are still suitable. In accordance with the CFIA's incorporation by reference policy, stakeholders will be notified each time the IATA-LAR has been updated and reviewed.

Feed, safe water, and rest for animals

Recent scientific studies provide more conclusive species-specific data on the effects of transport-related stressors than what was available at the time Part XII of the HAR first came into force.^{8, 9, 10, 11} Significant advances have been made in determining animals' needs for feed, safe water, and rest to prevent suffering from extreme hunger, dehydration, or exhaustion.¹² With this new information, there is a basis for redefining time periods during which animals can be without feed, safe water, or rest to reduce their risk of suffering, injury, or death during confinement and transport. The regulatory amendments establish new maximum time intervals without access to feed and safe water, which are summarized in Table 1 by species and class.

Once the maximum time intervals without feed and safe water are reached, a minimum rest period of eight hours, increased from five hours in the current Regulations, is required, during which animals will be provided with access to feed and safe water. The rest period could be conducted at a rest stop

that meets certain conditions, including having sufficient space to allow the animals to lie down without lying on top of each other, equipment to allow them to eat and to drink, adequate ventilation and protection from meteorological or environmental conditions that could lead to suffering, injury or death. Alternatively, animals can be rested on a stopped conveyance provided the same conditions are met and the maximum intervals are respected.

In addition to the feed, safe water, and rest maximum time requirements, the regulatory amendments also include an outcome-based requirement to provide feed, safe water, and rest to animals to prevent them from becoming dehydrated, suffering from a nutritional deficit, or suffering from exhaustion during confinement and transport. Both the prescriptive time requirements and the outcome-based requirements will need to be met. The combination of prescriptive and outcome-based requirements will provide flexibility and clear expectations to the regulated party without compromising animal welfare.

To promote technical innovation in the animal transportation industry, the maximum time intervals without feed, safe water or rest will not apply if the animals are confined and transported in conveyances or containers within these conveyances that meet specific conditions. These conditions include the conveyance being equipped with a dispensing system that is designed, constructed, maintained and used so that feed is available to every animal, as required, and safe water is available at all times, and the conveyance is equipped with forced ventilation that is designed, constructed, maintained and used so that adequate ventilation is provided to the animals at all times. Although containers that would benefit from the conditions in a specially equipped conveyance are not in use at this time, the Regulations include a provision for animals transported in containers that are transported in these specially designed conveyances to provide additional flexibility to regulated parties and to support innovation. Containers will have to be designed, constructed, maintained and used to allow animals in containers on board a specially equipped conveyance to benefit from the same conditions as animals not held in containers. If these conditions are met in conveyances and, if applicable, in containers, only the outcome based requirements for feed, safe water and rest will apply.

Interpretive guidance has been developed to accompany the amendments and it provides additional information on the overlay of the prescriptive and outcome-based feed, water and rest.

Table 1: Maximum intervals for access to feed and safe water

Species and class	New time maximum (hours)	Current time maximum (hours)
Compromised animals	12	N/A
Broiler chickens, spent laying hens and rabbits	24 for safe water 28 for feed	36
Beef and dairy cattle and other adult ruminants that can be fed exclusively on hay and grain	36	48
Equines and porcines	28	36
All other animals	36	36
Ruminants that are too young to be fed exclusively on hay and grain	12 *	18
Newly hatched birds	72 **	72

* Can only be moved one time during this period.

** From time of hatching.

Transfer of care

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 consignee). The welfare of animals during loading, confinement transport, and unloading is the joint responsibility of all those involved. Producers, handlers, shippers, transporters, and receivers share important responsibilities, as they ensure animals are transported without suffering, sustaining an injury or dying.

Under the amendments, it will be prohibited to leave an animal at a slaughter establishment or assembly centre unless the person who transported the animal provides the consignee with a written notice that the animal has arrived and a document that contains information regarding the animal's condition, the date, time and place where the animal was last fed, watered and rested, and the date and time of arrival at the slaughter establishment or assembly centre.

The consignee assumes the care of the animal as soon as they acknowledge receipt of the notice and document. The transporter is responsible until the acknowledgment is received. As a result, there is no interruption in responsibility for care.

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 and any other person who transports animals in the course of business or for financial benefit will 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, and the date, time and place of arrival of the animals at their destination. Records are currently required for carriers engaged in the inter-provincial or international transportation of livestock and must be retained for a duration (currently two years) established in Part X (paragraph 91.3(a)) of the HAR. The proposed amendments will only constitute a change for commercial carriers, and any other person who transports animals in the course of business or for financial benefit, either transporting non-livestock animals, such as zoo animals, or for those operating intra-provincially.

Regulatory and non-regulatory options considered

Option 1 — Status quo

Under this option, the CFIA would maintain the regulatory requirements for the transport of animals as currently prescribed in Part XII of the HAR.

This option would not modernize Part XII of the HAR and, as a result, would not improve the clarity of the language in the Regulations, and would not better align with current science, societal expectations, and international trends. Under the current Part XII, an estimated 16 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. Retention of the status quo could result in similar outcomes.

Furthermore, this option would not move towards meeting societal expectations regarding responsible farm animal care and the humane treatment of animals during animal transport, including confinement, loading and unloading, nor would it consider the large number of Canadians that support modernization of Part XII of the HAR.

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 stakeholders affected by the regulatory amendments will include the following:

- Commercial carriers transporting livestock (pigs: 480 businesses; horses: 96 businesses; cattle: 470 businesses; sheep/goat: 71 businesses);
- 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;
- Assembly centres; and
- Canadian public.

The regulatory amendments will reduce the maximum time limits for animals to be without access to feed, safe water, and rest. Training will also be required for employees and agents or mandataries who cannot demonstrate the knowledge and skills needed for transporting animals. Finally, commercial carriers or any person transporting non-livestock animals (e.g. zoo animals) in the course of business or for financial benefit, or those who operate only intra-provincially, will be required to keep records for each shipment of animals. Commercial carriers or any person transporting animals by land in the course of business or for financial benefit will be expected to carry incremental costs as a result of these requirements.

Commercial air carriers providing air transportation services are not expected to carry additional costs. Commercial air carriers (IATA members and non-members) generally move animals with a higher level of preparation and provisions. Furthermore, commercial carriers (or any person who transports an animal in the course of business or for financial benefit) who transport animals by air are also encouraged to comply with the IATA-LAR. It is also assumed that the majority of non-IATA

members are already following industry's best practices and will not carry additional costs.

The amendments are consistent with OIE guidelines for animals transported by sea, including record-keeping requirements. It is therefore not expected that the amendments to the HAR will result in incremental costs to sea carriers.

Benefits

The benefits associated with the regulatory amendments will be the following:

Increased compliance with regulatory requirements

The amended Regulations will clarify expectations and, in turn, make it easier for industry to comply with the HAR and for CFIA to apply prompt and appropriate enforcement if required. For example, the record-keeping requirements for commercial carriers or any person who transport non-livestock animals in the course of business or for financial benefit, and those who operate intra-provincially for commercial purposes, will lead to more expedient fact finding regarding animal transport and will facilitate enforcement by the CFIA. This, in turn, is expected to lead to increased compliance rates, which will 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 will also increase compliance.

Furthermore, changing some prescriptive regulatory requirements to outcome-based will provide the industry with the flexibility to choose the most cost-effective option to achieve the required outcome under the amendments. 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 amendment will instead focus on incompatibility of the animals in a 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 for animals being transported.

Improved animal welfare and prevention of animal suffering during transport

The implementation of the regulatory amendments, and the resulting anticipated increased compliance, will mitigate animal suffering, thus improving animal welfare. Added clarity, such as defining a compromised or unfit animal, will provide clearer expectations for producers and transporters. This, in turn, is expected to reduce the number of compromised and unfit animals that are improperly loaded, confined and transported.

The implementation of the regulatory amendments will also benefit Canadian food animal 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 transport times.¹³

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.¹⁴ 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 regulatory amendments will contribute to reducing risks to food safety from animal-based food products.

Improved regulatory alignment

The regulatory amendments will also lead to improved regulatory alignment between Canada and international trading partners (for example the United States and the European Union) and will 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.

The amended HAR will better reflect current science regarding the care and handling of animals and animal needs during all phases of animal transport. The Code of Practice for the Care and Handling of Farm Animals: Transportation (2001) was drafted with consideration of the current Regulations and subsequent updates of this Code of Practice will also reflect the amended Regulations.

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 regulatory amendments will move towards meeting Canadian societal expectations that animals experience minimal pain, be healthy, and have the ability to express natural behaviours.¹⁵ Decisions on animal welfare are therefore considered an ethical issue, not just an economic one.¹⁶ Consumers consider animal welfare when making purchasing decisions and assessing the quality of animal products, whether implicitly or explicitly,¹⁷ and improved management practices during transportation will help ensure that those consumers have the assurances they need to make those decisions.¹⁸

Since the amendments are designed to improve animal welfare conditions that are of importance to consumers, such as during the transport continuum and the maximum time intervals without feed, safe water, and rest, it is expected that the amendments will contribute to increased consumer

confidence in the animal food products purchased.

Costs

Costs associated with feed, safe water, and rest

The CFIA conducted a survey of businesses that will be potentially affected by the regulatory change to feed, safe 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 will not be affected by the new requirements, as the shipments already meet the maximum time intervals. This percentage varies across commercial carriers depending upon the type of animal being transported.

The maximum interval without access to feed and safe water for porcines is 28 hours, compared to the 36 hours of confinement under the baseline scenario (i.e. in the current regulation). With the shorter maximum time interval, approximately 1% of all commercial carriers transporting porcines at this time will exceed the maximum time limits if current practices are retained. Based on current industry practices, porcines are not usually unloaded during rest periods. These conventional conveyances will require sufficient space for all animals to lie down at the same time and to be fitted with feed and water systems, which will allow animals to eat and drink while providing adequate ventilation and protection. To meet the requirements, conveyances will be retrofitted at an estimated cost of \$5,000 and annual maintenance costs of \$1,000. ¹⁹

For some commercial carriers transporting slaughter and feeder horses that will exceed the time limit, there will be a need to unload the animals at stations (unloading is an industry practice for various commodities), to allow them to rest and be provided with feed and safe water. Approximately 14% of all commercial horse carriers will 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.

In the case of some commercial carriers transporting cattle that will exceed the time limit, there will be a need to unload the animals at stations to allow them to rest and be provided with feed and safe water. Less than 1% of all commercial cattle carriers will assume the incremental cost of \$200 per 8–10 hour stay, paid to the owners of rest stations for the entire duration of the stay of the animals. The shipments that may be impacted by changes to current practices are mainly weaned/feeder calves from Manitoba being transported to the Eastern provinces that may exceed the time limit without feed, safe water and rest.

For commercial poultry processors, less than 1% will 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 crates at processing establishments waiting to be slaughtered. This will be required to comply with the maximum intervals for access to feed and safe water. The costs associated with the change will be the time and salary required for a scheduling specialist 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 to protect the birds while they are held in lairage. The rest of the poultry processors are already in compliance with the maximum interval without feed, safe water, and rest.

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 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 will not expect to carry additional feed, safe water, and rest costs due to additional stops.

Costs associated with training

The regulatory amendments will require the training of those employees and agents or mandataries who operate under a commercial carrier. Some commercial carriers will assume training costs for their employees and agents or mandataries 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 will be impacted.

Due to a lack of data and information, the CFIA estimated the number of employees and agents or mandataries who will 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 employees and agents or mandataries require training or retraining.

While it is not the only animal transport driver and handler training available, 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, including food processors, have been proactively making livestock transport training mandatory for employees and agents or mandataries. As a result, the training costs attributable to the regulatory requirements will 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 will be incremental costs associated with record-keeping requirements assumed by all

commercial carriers or any person who transports non-livestock animals in the course of business or for financial benefit as well as those commercial carriers or persons who transport animals in the course of business or for financial benefit who transport animals 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 will 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 Regulations will not specify technical formats for record keeping, which will allow commercial carriers or any person who transports animals in the course of business or for financial benefit to select the method that involves the least cost or greatest efficiency to them.

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, safe 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.

Results

- The total incremental costs for all affected stakeholders are estimated to have an annualized value of \$660,249. This equates to a cost of approximately \$571 per business. ²⁰
- The total incremental costs associated with the feed, safe water, and rest requirement for all affected stakeholders are estimated to have an annualized value of \$184,485. This equates to a cost of approximately \$147 per business.
- The driver’s training course costs \$235. The total incremental costs associated with the proposed training requirement for affected stakeholders are estimated to have an annualized value of \$26,953.
- The total incremental costs associated with the proposed record-keeping requirement for all affected stakeholders are estimated to have an annualized value of \$448,812.

Cost-benefit statement

	2018	2019	2027	Total (Present Value)	Annualized Value
A. Quantified impacts (in Canadian dollars [CAD], constant 2012 prices using 2018 as the present value based year, 7% discount rate)					
Feed, safe water and rest costs					
Commercial carriers transporting livestock and poultry	0	\$217,704	\$108,887	\$1,295,746	\$184,485
Training costs					
Commercial carriers transporting livestock and poultry	0	\$104,350	0	\$189,304	\$26,953
Record-keeping costs					
Commercial carriers who transport non-livestock animals or those who operate intra-provincially	0	\$467,737	\$272,227	\$3,152,265	\$448,812
Total costs	0	\$789,791	\$381,114	\$4,637,315	\$660,249
B. Qualitative impacts					
Canadians					
<ul style="list-style-type: none"> • Improved compliance and enforcement of regulations leads to better animal welfare and prevention of animal suffering during transportation, consistent with societal expectations. 					
Industry					
<ul style="list-style-type: none"> • Clarified regulatory expectations and increased flexibility for industry to choose the least-cost option to best meet outcome-based requirements. • Reduced economic losses and improved international reputation for Canadian industry following regulatory alignment. 					
Consumers					
<ul style="list-style-type: none"> • A safer food supply for Canadian consumers and increased confidence in purchased animal food products. 					

Notes:

The analysis covered a 10-year time period (2018–2027), using a 7% discount rate. Since regulated parties would not be required to comply with the amended regulations until one year after publication, it was assumed that costs would be incurred starting in the second year (2019).

Numbers may not add up due to rounding.

Costs are not reported by type of livestock to protect confidential business information.

Cost impacts per business

Costs per business (in CAD, 2012 dollars using 2018 as the present value base year, 7% discount rate)

	2018	2019	2027	Total (Present Value)	Annualized Value
FWR	\$0	\$174	\$87	\$1,035	\$147
Training	\$0	\$83	\$0	\$151	\$22
Sub-total (Compliance costs)	\$0	\$257	\$87	\$1,186	\$169
Administrative costs (Record-keeping costs)	\$0	\$419	\$244	\$2,822	\$402
Total (Compliance and administrative costs)	\$0	\$676	\$331	\$4,008	\$571

“One-for-One” Rule

The regulatory amendments will impose incremental administrative costs associated with the record-keeping requirement for affected commercial carriers or any person who transport animals in the course of business or for financial benefit intra-provincially. Therefore, the “One-for-One” Rule applies. The total annualized administrative cost increase for all businesses will be approximately \$299,062. The annualized administrative cost increase per affected business will be approximately \$268.

These results are based on the following assumptions that are based on the data sources listed in the methodology:

- it will take an additional five minutes to complete a record that includes the new requirements;
- the wage of the individual taking the record is equal to the Canadian average wage rate for a transport and equipment operator; and
- on average, a business will have to keep 195 records per year.

Businesses have been consulted on the potential administrative burden as a result of the amendments through an industry survey. The surveyed businesses were requested to provide their estimated time to complete a record in complying with the amendments. Once the survey data analysis was completed, the industry was consulted again through a validation survey, which found that the majority of businesses were in agreement with the estimated time based on their previous responses.

Small business lens

Based on an analysis of the North American Industry Classification System (NAICS) codes 484110 (general freight trucking, local), 484121 (general freight trucking, long distance, truckload) and 484122 (general freight trucking, long distance, less than truckload), 1 239 businesses, or approximately 99% of the 1 252 affected businesses, in the commercial animal carrier industry are classified as “small business” by the Treasury Board of Canada Secretariat definition. Therefore, the small business lens will apply because these small businesses will face incremental compliance and administrative costs as a result of the regulatory amendments.

Small businesses were consulted on the potential economic impacts as a result of the regulatory amendments through three surveys conducted by the CFIA between November 2013 and May 2015. The initial survey was sent to 30 transporters, who were then asked to distribute it further. The survey was designed to collect information and data. The CFIA received 10 responses to the first survey. A follow-up survey was sent to 1 130 stakeholders, including (but not limited to) processors, transporters, and auction markets. The second survey was designed to validate the findings and conclusions. The CFIA received 70 responses to the second survey. Respondents to the second survey were contacted to validate the responses received. The CFIA received 10 responses to the validation survey. The majority of respondents agreed with the data and conclusions as they relate to the economic impacts of the amendments.

Based on the survey findings, the affected small commercial carriers will expect to carry incremental compliance costs associated with (i) training for those employees and agents or mandataries who have not been trained, (ii) potentially retrofitting or installing feed and water systems in the

conveyances (trailers), and (iii) animal rest stations for animals to feed, take safe water and to rest. Those commercial carriers, or any person who transports animals in the course of business or for financial benefit, who transport animals intra-provincially for commercial purposes will also carry incremental administrative costs associated with the record-keeping requirements.

For the small business lens analysis, the initial option is to set the coming-into-force date of the regulatory amendments on the date when it is published. The flexible option is to set the coming-into-force date of the regulatory amendments to be 12 months from the date when it is published, in order to allow time for transition. This option will be available to all businesses.

For the flexible option of delaying the coming into force 12 months after publication, the incremental compliance costs (annualized value) will be approximately \$174,897 for all small businesses. The incremental administrative costs (annualized value) will be approximately \$444,073 for all small businesses. The total annualized value will be approximately \$618,970 for all small businesses and \$543 per small business.

Regulatory flexibility analysis statement

	Initial Option		Flexible Option	
Short description	The Regulations come into force on the date they are published		The Regulations come into force 12 months from the date they are published	
Maximum number of small businesses impacted	1 239		1 239	
	Annualized Value	Present Value	Annualized Value	Present Value
Feed, safe water, and rest costs	\$170,326	\$1,196,297	\$148,224	\$1,041,064
Feed, safe water, and rest costs per small business	\$137	\$966	\$120	\$840
Training costs	\$29,360	\$206,214	\$26,672	\$187,333
Training costs per small business	\$24	\$166	\$22	\$151
Total compliance costs	\$199,686	\$1,402,511	\$174,897	\$1,228,402
Total compliance costs per small business	\$161	\$1,132	\$141	\$991
Record-keeping costs	\$512,266	\$3,597,940	\$444,073	\$3,118,982
Record-keeping costs per small business	\$464	\$3,256	\$402	\$2,823
Record-keeping costs per shipment per small business	\$2	\$17	\$2	\$14
Total administrative costs	\$512,266	\$3,597,940	\$444,073	\$3,118,982
Total administrative costs per small business	\$464	\$3,256	\$402	\$2,823
Total costs (all small businesses)	\$711,952	\$5,000,450	\$618,970	\$4,347,384
Total cost per small business	\$625	\$4,388	\$543	\$3,814
Risk considerations	Having the proposed Regulations coming into force on the publication date will make it more difficult for small businesses to comply.		The 12-month delay in the coming into force of the proposed Regulations will provide small businesses with time to make the required changes.	

Notes:

The analysis covered a 10-year period (2018–2027), using a 7% discount rate, with a constant 2012 dollar. Figures may not add up to totals due to rounding. Costs have been estimated using the standard cost model. A detailed calculation is available upon request.

The flexible option is recommended, where the requirements come into force 12 months following publication. The total cost savings for all small businesses as a result of the flexible option provided by the CFIA versus an immediate coming into force is estimated to have an annualized value of \$92,982, equating to \$82 per small business.

Consultation

The CFIA has consulted with stakeholders on this initiative, in both broad and targeted consultations, starting with informal consultations in the early 2000s, followed by a Web consultation in 2006, one-on-one meetings with industry stakeholders from 2006 to 2016 and a public consultation period from December 2016 to February 2017, following prepublication of the proposed amendments to the Regulations in the *Canada Gazette*, Part I (CGI). 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 amendments to the current Regulations are needed, and support the need for them. Opinions, however, are polarized regarding some provisions. For example, with respect to the changes to feed, safe water, and rest periods, animal welfare groups believe that the maximum periods without access to feed and water remain too long, and the rest periods too short, which in turn impacts the animal's well-being. The CFIA is including an outcome-based requirement in addition to the reduced maximum intervals without feed, safe water and rest that will, in part, address concerns raised by this sector. This requirement will ensure that animals' needs are met at all times in order to prevent the animals from suffering from dehydration, a nutritional deficit or exhaustion, irrespective of the maximum time intervals. Conversely, some industry representatives believe that the maximum time intervals are too short and will impact the profitability of their businesses. To address this concern while not compromising animal welfare, CFIA has introduced an exemption option for transporters who use fully equipped conveyances that afford animals transport and confinement conditions that better meet their needs.

Examples of concerns that were raised and taken into account by the CFIA in preparing the final regulatory amendments include feed, safe water, and rest provisions for some classes of poultry. These commodities are an economical source of lean protein for use in poultry products such as chicken soup and chicken nuggets. Due to their fragility, these birds are particularly vulnerable to injury during transport.²¹ Some members of the poultry industry have expressed concerns regarding the reduced transport times in the amendments, indicating that it is impractical to provide feed and water to the birds while in transport. They have indicated that in cases where shipments will exceed the maximum times without access to feed, safe water, and rest, the industry will not be able to ship these birds. According to respondents, this will have direct impacts on the profitability of those processors, who could lose the supply of a significant amount of an economical source of lean protein, and indirect impacts on the profitability of producers, who will have to pay to have the birds humanely killed and either composted on site or have the carcasses transported to be rendered.

The CFIA met with poultry industry representatives to discuss compliance options for reducing the economic impact of the maximum times. In response to stakeholder concerns, and taking into consideration available scientific evidence,²² the maximum interval for some poultry sectors was revised, for prepublication in the *Canada Gazette*, Part I, to 24 hours from the originally proposed 12 hours. Data provided by poultry industry representatives suggests that the majority of poultry shipments are already compliant with this interval, and the CFIA believes that changes to management practices of abattoir and loading operations can be made to accommodate the majority of those that currently do not comply. For example, time spent in lairage could be reduced at the abattoir, or feed withdrawal times prior to loading could be reduced on the farm. Moreover, the maximum interval of 24 hours is better aligned with other international jurisdictions. Use of the fully equipped conveyance option for those commodities that are able at this time to utilize it would allow for greater flexibility in feed, water and rest times. However, since the option to transport animals in crates does not at this time permit transporters of these poultry commodities to utilize the fully equipped conveyance model (feed and rest as needed and water at all times, space to lie down, forced ventilation, etc.), the Regulations now have an extended feed and rest time of 28 hours. The requirement for a maximum interval of time without water remains unchanged at 24 hours. Since the provision of water is more critical, further increases to the maximum interval for water were not considered.

Prepublication in the *Canada Gazette*, Part I

The proposed amendments were published in the *Canada Gazette*, Part I, on December 3, 2016, followed by a 75-day comment period, which ended on February 16, 2017. In total, the CFIA received 51 505 written comments from 11 042 respondents. Of those respondents, 10 225 (approximately 92%) had submitted form letters or similar letters as part of or with reference to 3 animal advocacy letter-writing campaigns. Apart from this campaign, a total of 817 unique responses were received — 620 from individuals, 197 from stakeholder organizations, 86 from private companies, 9 from domestic regulatory organizations, and one from our regulatory counterparts in the U.S. Most responses were received in the final weeks of the consultation period.

The majority of respondents are supportive of the need to update the current Regulations. However, the views of regulated parties and non-regulated parties are polarized on some issues, including the use of the qualifier "undue" to suffering, outcome-based versus prescriptive requirements, and feed,

safe water and rest maximum time intervals. There were a number of other areas that received fewer diverging comments such as animal handling, overcrowding, definitions, transfer of care (previously transfer of responsibility), and records.

“Undue” suffering

The current HAR includes the qualifier “undue” wherever suffering is referenced. To modernize the language and to better reflect language used in other legislation, all references to “undue” have been removed and, where applicable, replaced with “unnecessary.”

The removal of all references to “undue” was supported by some non-regulated parties, including veterinary associations, humane societies and animal advocacy groups. These stakeholders indicated that routine transportation of animals, when properly conducted, should not lead to any degree of suffering.

Many regulated parties, such as various industry associations, councils and groups, wanted to retain “undue” as a qualifier for suffering throughout Part XII and thought it should be defined in the Regulations for greater clarity. They indicated that if “undue” is removed, all suffering (including, in their view, stress) would be illegal. Some regulated parties also had concerns that removal of the qualifier would lead to inconsistent enforcement.

CFIA response:

Following analysis of the comments received, the amendments will now include the qualifier “unnecessary” to qualify suffering in a certain number of provisions. Suffering will only be qualified as “unnecessary” in instances where there is a potential for some level of suffering during transport due to the circumstances. For example, that qualifier would be used when an animal that has become unfit during transport and reasonable measures have been taken, as soon as possible, to prevent the animal’s unnecessary suffering while it is transported directly to the nearest place where it can receive care or be humanely killed. Suffering will not be qualified in other instances where an animal should not experience any degree of suffering, such as in the routine handling of a fit animal during transport. This qualifier is used by other jurisdictions and in other legislation. Further clarity will be provided in the interpretive guidance on how suffering and “unnecessary” suffering will be assessed. After a review of the available science, the CFIA has taken the position that some degree of stress (related to the transport continuum) can be a normal adaptive process, while suffering is a non-adaptive process that is beyond an animal’s ability to cope (e.g. short-term discomfort versus long-term discomfort and related pain). Trained inspectors and veterinary inspectors are able to determine if an animal is exhibiting a normal stress response from which it can adapt or if it is suffering.

Outcome-based requirements versus prescriptive requirements

While regulated parties, in general, were supportive of the amendments containing outcome-based requirements, they requested more outcome-based requirements (e.g. more outcome-based requirements for the milking of lactating animals to better reflect practical reality during transport) to allow for greater flexibility, innovation and cost savings. Members of the trucking/transport industry in particular welcomed the move to an outcome-based regulatory framework approach, specifically in the areas of training, overcrowding and isolation of animals.

Non-regulated parties, in general, requested more prescriptive requirements to prevent animal suffering. A veterinary association described in its submission that outcome-based requirements are, for the most part, inappropriate for animal transport in that a negative outcome must occur before an enforcement action is taken. As a result, in the view of that association, animal suffering is more likely to occur with outcome-based requirements than with prescriptive requirements.

One area where both regulated parties and non-regulated parties requested more prescriptive requirements was in the area of space requirements.

CFIA response:

The Regulations will contain a blend of both prescriptive and outcome-based provisions. Outcome-based provisions will be used where outcomes can be readily evaluated as to their impact on animal welfare and where there are multiple options to achieve the same positive outcome without compromising animal welfare (e.g. ramp surfaces).

Prescriptive requirements will be used when there is reasonable expectation that negative outcomes (i.e. injury, suffering or death) will occur if the requirements are not met. Therefore, limits must be in place to protect animal welfare (e.g. definitions of compromised and unfit animals, prod use, ramp angles, and maximum intervals without feed, safe water, and rest).

In response to stakeholder comments, more prescriptive provisions have been added and additional clarity has been provided to prescriptive provisions in some cases. For example, more conditions have been added to the definitions of “unfit” and “compromised.” Additionally, “detusking” was added to the list of not fully healed procedures under “compromised” and “severe squamous cell carcinoma of the eye” has been added to the definition of “unfit.”

In response to stakeholder comments, some provisions have shifted from a more prescriptive requirement to a more outcome-based requirement. For example, the provision focusing on the transport of lactating animals has changed from a prescriptive requirement to milk the animals every 12 hours if they are not transported with their suckling offspring, to a requirement to milk the animals at intervals to prevent mammary engorgement if they are not transported with their suckling offspring. The ultimate outcome is to prevent mammary engorgement and the Regulations now leave the

interval between milking to the discretion of those directly involved in the handling and transportation of the animal.

Feed, water, and rest

There were 10 225 comments received regarding section 159.1 (CGI prepublication) relating to feed, water and rest intervals. Of these comments (the majority of which appeared to be the result of the above-mentioned letter-writing campaigns), 10 007 indicated that the intervals in the proposed amendments are still too long to protect animal welfare, while 218 comments indicated that the intervals as proposed are too restrictive and longer intervals are needed.

Most regulated parties, in general, indicated that the intervals without feed, water and rest, as proposed in the CGI, are too restrictive and that the proposed intervals should be longer or the existing intervals should be maintained. They indicated that this reduction in hours without feed, water and rest could have unintended consequences that could result in reduced animal welfare since it does not align with the current transport infrastructure in Canada and suggested that more infrastructure (e.g. additional rest stations) is needed to address the issue. They also indicated that the CFIA needs to consider biosecurity and stress risks of unloading at rest stations when establishing intervals. Some of these regulated parties also suggested that the CFIA did not review the existing science adequately or made decisions prematurely, when some research has not yet been undertaken, during the development of the proposed feed, water and rest provisions.

Non-regulated parties, including animal advocacy groups and professional associations in general, indicated that the proposed intervals, despite being better than those in the current Regulations, are still much too long to address animal welfare. These organizations also showed strong support for updating the Regulations; they wanted an additional number of slaughter plants to obviate the need for all long-distance transport, and wanted more prescriptive elements in the Regulations to protect animal welfare and to facilitate enforcement. In contrast to the concerns of regulated parties mentioned above, some non-regulated parties also suggested that the CFIA ignored existing animal welfare science when developing the proposed feed, water and rest provisions.

CFIA response:

The maximum intervals without feed, safe water, and rest are informed by available science with respect to animal welfare as well as other factors such as international standards, societal expectations and industry logistics. With the exception of minor changes to the maximum intervals for feed and rest for a few commodities, and the addition of the option to use fully equipped conveyances for additional flexibility, no changes were made to what was prepublished in the *Canada Gazette*, Part I. A list of the scientific publications that the CFIA considered during the development of these amendments will be available on [Open Canada \(https://open.canada.ca/data/en/dataset\)](https://open.canada.ca/data/en/dataset) (link also posted on the CFIA website).

Following an analysis of the comments received, and to provide additional flexibility with respect to maximum feed, safe water and rest intervals where needed, the amendments will now include an option for specially equipped conveyances where the maximum intervals will not apply if the animals are transported in conveyances that are equipped to meet certain conditions (e.g. equipped to allow for feed, water and rest on board the conveyance, monitoring of temperatures and humidity on the conveyance, equipped with forced ventilation [in addition to passive or natural ventilation] so that adequate ventilation is provided) during confinement and transport. It is important to note that in these situations the outcome-based feed, safe water, and rest provisions would still apply. Specially equipped conveyances that meet the requirements of the Regulations are in limited use in Canada at this time; however, they are anticipated to be in more common usage as aging units are replaced. This option will make the transition to specially equipped conveyances more attractive to those within the transport industry. As a result, this option should promote innovation within the transport industry, aligning it with the Government of Canada's Innovation and Skills Plan.

In addition, in the case of some crated commodities, where the option of using a specially equipped conveyance, as described above, during confinement and transport does not yet exist, and where concerns were raised regarding the maximum time intervals, feed and rest intervals have been separated from safe water intervals to allow four additional hours without feed and rest. The safe water interval would not change because having access to safe water is more critical to animal welfare.

Animal handling

Only a few regulated parties commented on the animal handling section of Part XII, including representatives from the transport industry and the meat and poultry industries. The main theme of the comments provided from the meat and poultry industries was a request for a less restrictive provision on handling (e.g. removal of suffering from the list of prohibitions). One respondent also requested that prod use be allowed on animals less than three months if the weight of the animal was sufficient. As well, one respondent requested that poultry be excluded from the handling provisions, as bird handling can cause stress that may not be visible and could be considered suffering. Two industry respondents expressed support of the proposed restrictions on the use of electric prods.

Conversely there were 19 non-regulated parties, ranging from animal advocacy groups to provincial government departments, who provided comments on this section. The main theme was more restricted use of electric prods to a total prohibition. Respondents also requested that the proposed amendments align with the National Farm Animal Care Council Codes of Practice as they relate to the use of electric prods. In addition, there was a desire for the amendments to have a more inclusive

handling prohibition, which would prohibit grabbing the animal by the head, neck, or wings.

CFIA response:

The reference to suffering is not being removed from the animal handling section of Part XII, and poultry will not be excluded from this section, as routine handling of fit animals, when properly conducted, should not lead to any degree of suffering. It is acknowledged, however, that a certain amount of transport-related adaptive stress can occur.

The amendments will also now include a more inclusive handling prohibition, which includes a prohibition on lifting an animal by the head, neck, or one wing. The amendments also further restrict the use of an electric prod or device with a similar effect to bovine and porcine of at least three months of age, and an electric prod or device cannot be applied to sensitive areas on the animal. These amendments are consistent with the NFACC Codes of Practice, which discourage but do not prohibit the use of an electric prod except in the case of horses. The Codes of Practice also indicate that an electric prod should not be applied to the head and genital regions of any animal.

Overcrowding

Regulated parties, including various industry associations, requested that the Regulations include objective parameters to assess overcrowding. These regulated parties also requested that the CFIA provide clear guidelines on what constitutes sufficient space in order to assess compliance with the amendments.

Both regulated parties and non-regulated parties requested that the amendments include more prescriptive density requirements. In the case of regulated parties, this is to clarify how many animals can be transported to meet required outcomes, and, in the case of non-regulated parties, it is to have the precise density beyond which enforcement action can be taken irrespective of the outcome. Both groups also suggested the Regulations take environmental conditions into consideration when determining density because these impact the environment within the container or conveyance and, therefore, impact appropriate loading density (e.g. lower density is needed during hot humid days to allow for more ventilation).

Those regulated parties who export some animals by air, in particular, requested a more outcome-based approach to address the issue of overcrowding in order to better accommodate the animals' natural behaviours and preferred positions.

CFIA response:

No changes were made to the overcrowding and space requirements in response to the comments provided during prepublication in the *Canada Gazette*, Part I. The overcrowding provisions of the amendments are outcome-based to allow for some flexibility for the regulated party given no negative animal welfare outcome. If more prescriptive requirements were used this could result in the amendments becoming detailed, exacting and burdensome and could result in enforcement irrespective of a positive outcome. The CFIA will provide interpretive guidance to assist regulated parties in establishing appropriate space requirements and loading densities to prevent overcrowding.

Interpretation — Definitions

Opinions on interpretations and definitions are polarized. These range from many regulated parties wanting less restrictive language and the conditions to have a "visually observable" component, to many non-regulated parties wanting more animal welfare based descriptors as they apply to "compromised" and "unfit" animals. A veterinary association also requested that the CFIA reconsider the proposed conditions listed in the definition of "compromised" as it felt that many of these conditions should be moved to the definition of "unfit" and, as a result, be prohibited from transport.

CFIA response:

The definitions of "unfit" and "compromised" have been clarified by adding a visual component to all conditions. This change was made to address comments from regulated parties asking for the conditions specified in the definitions of "unfit" and "compromised" to have a visually observable component to assist the regulated party's assessment. More conditions have been added to the definitions of "unfit" and "compromised" and some conditions have been moved at the request of both regulated and non-regulated parties.

Transfer of care (previously transfer of responsibility)

There were a considerable number of comments from regulated parties with respect to the transfer of care provisions. The main concerns were focused on the required changes to existing practices and the costs those changes would impose. For example, the proposed amendments, as published in the *Canada Gazette*, Part I, imposed the requirement that a consignee or their representative be physically present at the time of delivery to take responsibility of the animals. As animals can be delivered at any time of day under current practices, the concern expressed was that a consignee could assume additional costs to have someone available on site 24 hours a day or the transporter could assume additional costs if they must alter existing scheduling or wait for the consignee or representative to arrive on site to take responsibility for the care of the animals.

Non-regulated parties' comments were mostly supportive of the provision, as it would lead to a continuum of responsibility for care throughout the animal transport process.

CFIA response:

Following an analysis of comments received, the requirement for a consignee or a representative to be physically present for the arrival of the animal has been removed, as it does not accurately reflect current industry practices and it is not practical for someone to be physically present at all transfer events (on site up to 24 hours per day in some circumstances). However, the need to ensure that the animal in question is always under the custody and care of either the transporter or the consignee was addressed.

The amendments now prohibit a person from leaving an animal at a slaughter establishment or assembly centre unless the person transporting the animal provides the consignee with a written notice that the animal has arrived and a document that contains information regarding the condition of the animal, the date and time it last received feed, safe water and rest, and the date and time of arrival of the animal at the slaughter establishment or assembly centre. The consignee assumes responsibility for the animal's care as soon as the consignee acknowledges receipt of the notice and document. The transporter retains responsibility for the care of the animal until the acknowledgement from the consignee is received. As a result, there is to be no interruption in the responsibility for the care of an animal between the transporter and the consignee. The method of documentation of notification and acknowledgement is not prescribed; however, regulated parties may be asked to provide such documents during inspection or enforcement action. Parties are encouraged to coordinate the transfer of responsibility ahead of the time of arrival to minimize delays and to protect the animal being transported.

While these transfer-of-care provisions have been modified from what was initially proposed in the *Canada Gazette*, Part I, they still clearly establish when the care of the animal shifts from being the responsibility of the transporter to the consignee and establish the responsibilities of the consignee related to feed, safe water and rest once the animals have arrived at their destination.

The CFIA has not added the requirement for a written transfer of responsibility or declaration of fitness between the producer and transporter. While this documented transfer of responsibility and declaration of fitness is considered a good business practice and protection for all parties, and will be described in interpretative guidance as such, this is considered to be a business decision that will not be included as a requirement in these Regulations.

Records

Ninety-eight respondents commented on the record-keeping requirements (i.e. section 159.4 in the *Canada Gazette*, Part I). Of those respondents, 59 indicated support for the amendment although some felt that more information should be required in the records. Thirty-eight respondents indicated that the provisions, as proposed in the *Canada Gazette*, Part I, were excessive and/or unnecessary.

CFIA response:

The requirement to capture the date and time when animals in peak lactation were last fully milked prior to loading was removed from the records section. The milking requirement found earlier in Part XII was changed from a prescriptive provision with milking to occur every 12 hours to a more outcome-based provision with milking to occur at intervals to prevent mammary engorgement; therefore, the requirement to provide the date and time of last full milking would be of limited value.

Other record-keeping requirements were not changed substantively although redundant requirements were removed and unclear requirements were clarified. Interpretative guidance has been clarified to indicate that the records containing the information can be from multiple sources (e.g. shipping bills, conveyance licence/registration). Most of these records should already be in the carrier's possession during transport.

Notice regarding the publication in the *Canada Gazette*, Part II

Due to the length of time between prepublication in the *Canada Gazette*, Part I, and final publication in the *Canada Gazette*, Part II, the CFIA published, on its website, an update for stakeholders as to the status of the initiative. This update also reaffirmed the CFIA's commitment to advance these amendments to Treasury Board for consideration as soon as possible, targeting final publication in the *Canada Gazette*, Part II, in the fall of 2018. The "What we heard report (<http://inspection.gc.ca/about-the-cfia/accountability/consultations-and-engagement/har/what-we-heard/eng/1530194512048/1530194570894>)," which provides information regarding the responses received during the prepublication period, was also published at the same time.

Regulatory cooperation

Protecting animal welfare in Canada is a shared responsibility between federal, provincial, and territorial governments; producers; transporters; processors; retailers; and many other stakeholders. The CFIA enforces Part XII of the HAR with the assistance of the Canada Border Services Agency, provincial police, the Royal Canadian Mounted Police and other peace officers who may be called to provide assistance. The *Criminal Code* can also be applied in situations where animal abuse occurs. The CFIA regulates the welfare of animals during transport under the HAR, as well as the welfare of animals in federally registered slaughter establishments under the *Meat Inspection Regulations, 1990* (MIR). On January 15, 2019, the MIR will be repealed and replaced with the *Safe Food for Canadians Regulations*.

Canadian provinces and territories have the primary responsibility for protecting the welfare of animals, including farm animals, by enforcing provincial and territorial acts and regulations that pertain to animal welfare. All provinces and territories have legislation regarding animal welfare.

Some provinces and territories have recently strengthened their animal welfare regulatory frameworks, including Quebec in 2015, Nova Scotia in 2013, Newfoundland and Labrador in 2012, and Ontario in 2009. Provincial, territorial and federal regulations are mutually supportive in protecting the welfare of animals. The CFIA's feed, safe water and rest intervals are consistent with the driver rest intervals in Transport Canada's *Commercial Vehicle Drivers Hours of Service Regulations*. Proper planning of the transport would allow for the required feed, safe water and rest period of the animals to coincide with the required rest period of the driver. Transport Canada has made amendments to those Regulations, which introduce the requirement for electronic logging but will not affect existing driver rest intervals and, as a result, this consistency will be maintained.

The amendments to the HAR will more closely align Canada's requirements with the OIE animal welfare standards respecting animals transported by land, sea, and air. In May 2005, the OIE International Committee adopted five animal welfare standards (currently ten in the Terrestrial Code (<http://www.oie.int/en/international-standard-setting/terrestrial-code/access-online/>) and four in the Aquatic Animal Health Code) for the OIE Terrestrial Animal Health Code (the Code), which include the humane transport of animals by land, sea, and air.

Table 2 presents an overview of how some of the amendments to the HAR relate to Chapter 7 of the Code (http://www.oie.int/index.php?id=169&L=0&htmfile=titre_1.7.htm), pertaining to animal welfare standards during transportation.

Table 2

HAR amendment	Relevant Terrestrial Animal Health Code article
Knowledge, skills, and training	7.3.2: Animal behaviour 7.3.4: Competence
Overcrowding and space requirements	7.3.5.6: Space allowance
Assessment of risk factors Isolation Training	7.3.3: Responsibilities 7.3.7: Pre-journey period
Contingency planning	7.3.5: Planning the journey
Feed, safe water, and rest requirements	7.3.5.3: Nature and duration of the journey 7.3.5.7: Rest, water and feed

Based on a comparative review conducted by the CFIA, the amendments respecting feed, safe water, and rest will align Canada's regulatory requirements more closely with those of New Zealand, Australia, the United States, and the EU. While some of the maximum time intervals respecting maximum feed, safe water and rest remain longer than most trading partners, it is important to recognize that the size of the country and the food animal transport and processing infrastructure cannot support a further reduction at this time. Table 3 compares some of the current regulatory requirements of Canada with each of these countries.

Table 3: Comparison between the requirements of Canada with New Zealand, Australia, the United States, and the European Union

	New Zealand	Australia	United States	European Union	Canada (Current)	Canada (New)

<p>RUMINANTS: Cattle, sheep, goats, etc.</p>	<p>Adults: no more than 12 hours without water and 24 hours without feed. Lactating cows: no more than 8 hours without water. Calves: no more than 12 hours of transport from pick up of first calf. Note: clauses stipulate that individual circumstances (ability to cope, age, previous transport experience) may warrant a shorter time.</p>	<p>Calves less than 5 days old: no more than 6 hours of transport. Calves 5 to 30 days old: no more than 12 hours of transport. Cattle 1 to 6 months old: access to water every 24 hours. Cattle older than 6 months old (not pregnant nor lactating): access to water, feed and rest every 48 hours.</p>	<p>All: no more than 28 hours of transport, then unloaded for feed, water and rest. This can be extended to 36 hours with permission by phone.</p>	<p>All: no more than 8 hours of transport. This can be extended if vehicles are designed to provide water at all times, are insulated and have special partitions and mechanical ventilation. Note: journeys greater than 100 km — Ban on transporting very young animals (e.g. calves less than 10 days old and lambs less than 1 week old)</p>	<p>Adults: no more than 48 hours without feed, water and rest. This can be increased to 52 hours without feed, water and rest if the animals can reach their final destination within 52 hours. Calves: no more than 18 hours without feed and water.</p>	<p>Adults: no more than 36 hours without feed, water and rest. Young ruminants too young to be fed on grain and hay: no more than 12 hours without feed, water and rest and can only be transported once.</p>
<p>MONOGASTRICS: Porcines, birds, equines, etc.</p>	<p>Adults porcines: no more than 8 hours without water and 24 hours without feed. Birds: no more than 12 hours of transport. Chicks: must reach destination within 72 hours after hatching. Note: clauses stipulate that individual circumstances (ability to cope, age, previous transport experience) may warrant a shorter time.</p>	<p>Adult porcines: feed and water every 24 hours. Piglets: no more than 12 hours without feed and water. Poultry: no more than 24 hours without water. Chicks: no more than 72 hours without water from time of hatching if provided with hydrating material in transport container.</p>	<p>All porcines and commercially transported slaughter and feeder equines: no more than 28 hours of transport, then unloaded for feed, water and rest. Note: there is no regulatory provision for poultry in the United States. However, the United Egg Producers clearly indicate that "catching and transport must be planned so that feed is withdrawn no more than 24 hours prior to slaughter and that water must not be withdrawn prior to catching."</p>	<p>All (except birds and rabbits): no more than 8 hours of transport, but can be extended if vehicles are designed to provide water at all times, are insulated, and have special partitions and mechanical ventilation. Birds and rabbits: no more than 12 hours of transport. Note: journeys greater than 100 km — Ban on transporting very young animals (e.g. piglets less than 3 weeks old).</p>	<p>Equines, swine or other monogastric animals, other than chicks: no more than 36 hours without feed, water and rest. Chicks: no more than 72 hours of transport after hatching.</p>	<p>Equines, porcines or other adult monogastric animals (other than broiler chickens, spent laying hens and rabbits): no more than 28 hours without feed, water and rest. Broiler chickens, spent laying hens and rabbits: no more than 24 hours without water and 28 hours without feed and rest.</p>
<p>Rest time after maximum feed and water time</p>	<p>8 hours</p>	<p>12–36 hours, species and condition dependent</p>	<p>5 hours</p>	<p>24 hours</p>	<p>5 hours</p>	<p>8 hours</p>

Rationale for the amendments

There is clear scientific evidence that shows that improved animal welfare results in improved animal health and, indirectly, contributes to reducing food safety risks. Stress factors and poor welfare can lead to increased susceptibility to disease among animals, and animals experiencing stress that negatively impacts animal welfare may shed more pathogenic organisms. ²³

Animals can be transported more effectively and with lower risk to welfare if considerations such as the following are factored:

- the preparation of the animals before transport is adequate for the intended transport including feed, safe water, and rest requirements;
- fitness for transport of the animals is assessed before loading and appropriate actions regarding animal welfare are taken;
- contingency plans are in place to deal with unforeseen circumstances that may impact the welfare of the animals;
- animals are handled appropriately at all times using well-designed and maintained equipment;
- animals are managed and handled by trained and appropriately skilled individuals;
- the transportation is planned to ensure prompt delivery of the animals, and undertaken to ensure appropriate timing of arrival with consideration of situations that may affect the welfare of the animals; and
- animals are protected from adverse environmental conditions and inadequate ventilation at all times.

Many animal welfare problems — such as stress, lameness, infectious disease, and a lack of physical and thermal comfort — can translate into economic losses. The amendments establish minimum handling and transportation conditions, which will generally contribute to reducing transport losses, improving marketability and product quality, and improving food safety. Furthermore, a robust regulatory framework contributes to equity between regulated parties, insofar as no financial advantage can be gained by a business employing suboptimal animal welfare practices, particularly when low-value animals such as end-of-production animals are transported. These amendments will respond to some of the requests made by many regulated parties already in compliance with the humane transport requirements.

While the industry generally demonstrates good compliance with the present regulatory requirements, new scientific information that provides greater insights into animals' needs is available. This information makes it possible to amend the HAR to reduce burden, in some cases, while promoting improved animal welfare during transportation. Improved clarity in the HAR will also likely result in improved regulatory compliance, as the regulated parties' understanding of what is expected of them will improve in most cases. As a result of clearer expectations and requirements, the CFIA's ability to enforce the requirements for those who are non-compliant will be improved and enforcement will be more consistent.

On the whole, notwithstanding a few prescriptive elements, the amendments will achieve the objective of an outcome-based regulatory framework that provides flexibility and clear, science-informed expectations, which in turn will lead to improved animal welfare and a reduced risk of animal suffering during transportation.

Canada exports animals and meat products to many countries around the world every year, and is a member of the OIE. Animal welfare was first identified as a priority by the OIE in its 2002 Strategic Plan. The amendments will bring Canadian requirements more in line with those of trading partners and with the OIE animal welfare standards. Healthy animals and high quality meat products, resulting from improved animal welfare during transportation, can strengthen Canadian international trade status and facilitate market access. As a result, the amendments will achieve the objective of better aligning Canada's requirements with those of other jurisdictions, including trading partners and the OIE.

The regulatory amendments are generally consistent with current, accepted and trending industry practices; however, public attention to the welfare of farm animals has been increasing in the industrialized countries and worldwide, especially during the past decade. This is due to cultural and societal changes that have led to animals being more valued, and their sentience being increasingly recognized. As well, a shift has been seen from production based on economic pressures that have required producers to limit production costs, to the practical recognition that attention to animal welfare often leads to improved animal health and productivity. A result of these and other developments is an increasing expectation, both domestically and internationally, that animals will be raised, transported, and slaughtered humanely, and that suppliers will be able to demonstrate adherence to appropriate animal welfare standards. ²⁴ As a result, the amendments will achieve the objective of satisfying these expectations.

Publications

A list of scientific publications that the CFIA reviewed during the development of these amendments will be available on [Open Canada \(https://open.canada.ca/data/en/dataset\)](https://open.canada.ca/data/en/dataset).

Implementation, enforcement and service standards

To provide the industry with time to adjust to the amended Regulations, the CFIA is proposing a delayed coming into force as part of implementation. The Regulations will come into force on the first anniversary of the day on which they are published in the *Canada Gazette*, Part II.

To enforce the Regulations, the CFIA will continue its monitoring activities and will enforce animal transport requirements by observing the transportation of animals at strategic locations, including, federally and provincially registered abattoirs, assembly yards, airports, border crossings, randomized roadside inspections, and auction markets. The CFIA will continue conducting inspections of conveyance operators' records.

The CFIA has the mandate and a program in place to enforce the requirements of Part XII of the HAR, and operational resources are committed to enforce them. The CFIA has developed a specialized training module for inspection staff designated to monitor compliance with the animal regulations. With this training, inspection staff will be well prepared to enforce the Regulations.

A proactive communications plan is in place to inform stakeholders of the HAR amendments and the associated implications. The CFIA will provide information and interpretive guidance to those involved in the transport of animals, will investigate suspected non-compliance in accordance with the CFIA's Compliance and Enforcement Operational Policy, and apply appropriate enforcement actions when non-compliance is confirmed.

There is little tolerance for situations where non-compliance results in an animal being injured, suffering, or dying during transport. In instances where non-compliance is determined or repeated, appropriate enforcement action will be taken.

Non-compliance to most provisions of Part XII of the HAR will continue to be subject to administrative monetary penalties, under the *Agriculture and Agri-Food Administrative Monetary Penalties Act* (AAAMPA). Consequential amendments to the *Agriculture and Agri-Food Administrative Monetary Penalties Regulations* (AAAMPR) will be required to align the violations with the amended HAR. Stakeholders were informed of the need for consequential amendments in March 2016. Violations of these HAR provisions may result in a warning or a penalty. The maximum monetary penalty for a violation is set out in the AAAMPA.

The consequential amendments to the AAAMPR for violations related to humane transport of animals will strengthen the existing enforcement regime in a number of ways. These amendments will introduce a number of new violations for which administrative monetary penalties (AMPs) can be issued. The CFIA also reviewed and revised existing violations related to humane transport of animals.

The Act provides that contraventions of the HAR are punishable in the case of a summary conviction by a fine of up to \$50,000, by imprisonment for up to six months, or both, and in the case of an indictable offence, by a fine of up to \$250,000, by imprisonment for up to two years, or both.

Contact

Please direct all questions and enquiries to

Animal Welfare, Biosecurity and Assurance Programs Section

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Small Business Lens Checklist

1. Name of the sponsoring regulatory organization:

Canadian Food Inspection Agency

2. Title of the regulatory proposal:

Regulations Amending the Health of Animals Regulations

3. Is the checklist submitted with a RIAS for the *Canada Gazette*, Part I or Part II?

Canada Gazette, Part I

Canada Gazette, Part II

A. Small business regulatory design

I	Communication and transparency	Yes	No	N/A
1.	Are the proposed Regulations or requirements easily understandable in everyday language?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.	Is there a clear connection between the requirements and the purpose (or intent) of the proposed Regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Will there be an implementation plan that includes communications and compliance promotion activities, that informs small business of a regulatory change and guides them on how to comply with it (e.g. information sessions, sample assessments, toolkits, websites)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	If new forms, reports or processes are introduced, are they consistent in appearance and format with other relevant government forms, reports or processes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No new forms, reports or processes will be introduced as a result of the amendments.				
II Simplification and streamlining		Yes	No	N/A
1.	Will streamlined processes be put in place (e.g. through BizPaL, Canada Border Services Agency single window) to collect information from small businesses where possible?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No information in respect of the humane transport of animals will be collected from regulated parties as a result of these amendments.				
2.	Have opportunities to align with other obligations imposed on business by federal, provincial, municipal or international or multinational regulatory bodies been assessed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Has the impact of the proposed Regulations on international or interprovincial trade been assessed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	If the data or information, other than personal information, required to comply with the proposed Regulations is already collected by another department or jurisdiction, will this information be obtained from that department or jurisdiction instead of requesting the same information from small businesses or other stakeholders? (The collection, retention, use, disclosure and disposal of personal information are all subject to the requirements of the <i>Privacy Act</i> . Any questions with respect to compliance with the <i>Privacy Act</i> should be referred to the department's or agency's ATIP office or legal services unit.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No data of information will be required as a result of these amendments.				
5.	Will forms be pre-populated with information or data already available to the department to reduce the time and cost necessary to complete them? (Example: When a business completes an online application for a licence, upon entering an identifier or a name, the system pre-populates the application with the applicant's personal particulars such as contact information, date, etc. when that information is already available to the department.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Regulated parties will not be required to submit forms or complete online applications as a result of these amendments.				
6.	Will electronic reporting and data collection be used, including electronic validation and confirmation of receipt of reports where appropriate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Regulated parties are free to choose any method for data collection. However, no reporting of the data collected will be required as a result of these amendments. The data will need to be accessible at the time of inspection, as required.				
7.	Will reporting, if required by the proposed Regulations, be aligned with generally used business processes or international standards if possible?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting will not be required as a result of these amendments.				
8.	If additional forms are required, can they be streamlined with existing forms that must be completed for other government information requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No additional forms will be required as a result of these amendments.				
III Implementation, compliance and service standards		Yes	No	N/A
1.	Has consideration been given to small businesses in remote areas, with special consideration to those that do not have access to high-speed (broadband) Internet?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	If regulatory authorizations (e.g. licences, permits or certifications) are introduced, will service standards addressing timeliness of decision making be developed that are inclusive of complaints about poor service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No regulatory authorizations will be required as a result of these amendments. Regulated parties are able to register complaints or appeals with the Canadian Food Inspection Agency's Office of Complaints and Appeals.				
3.	Is there a clearly identified contact point or help desk for small businesses and other stakeholders?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Regulatory flexibility analysis and reverse onus

IV Regulatory flexibility analysis	Yes	No	N/A
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1.	Does the RIAS identify at least one flexible option that has lower compliance or administrative costs for small businesses in the small business lens section? Examples of flexible options to minimize costs are as follows: <ul style="list-style-type: none"> • Longer time periods to comply with the requirements, longer transition periods or temporary exemptions; • Performance-based standards; • Partial or complete exemptions from compliance, especially for firms that have good track records (legal advice should be sought when considering such an option); • Reduced compliance costs; • Reduced fees or other charges or penalties; • Use of market incentives; • A range of options to comply with requirements, including lower-cost options; • Simplified and less frequent reporting obligations and inspections; and • Licences granted on a permanent basis or renewed less frequently. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Does the RIAS include, as part of the Regulatory Flexibility Analysis Statement, quantified and monetized compliance and administrative costs for small businesses associated with the initial option assessed, as well as the flexible, lower-cost option?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Does the RIAS include, as part of the Regulatory Flexibility Analysis Statement, a consideration of the risks associated with the flexible option? (Minimizing administrative or compliance costs for small business cannot be at the expense of greater health, security or safety or create environmental risks for Canadians.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Does the RIAS include a summary of feedback provided by small business during consultations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
V	Reverse onus	Yes	No	N/A
1.	If the recommended option is not the lower-cost option for small business in terms of administrative or compliance costs, is a reasonable justification provided in the RIAS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The option chosen for these amendments is the lower-cost option for small business.				

Footnotes

- ^a S.C. 2015, c. 2, ss. 95(1) to (6)
- ^b S.C. 1990, c. 21
- ¹ C.R.C., c. 296; SOR/91-525, s. 2
- ² Beam, A. L., et al. 2016. Distance to slaughter, markets and feed sources used by small-scale food animal operations in the United States. *Renewable Agriculture and Food Systems* 31: 49–59.
- ³ Haley, C., et al. 2008. Factors associated with in-transit losses of market hogs in Ontario in 2001. *Canadian Journal of Veterinary Research* 72:377–384.
- ⁴ Broom, D. M. 2014. Welfare of transported animals: Factors influencing welfare and welfare assessment. In: *Livestock Handling and Transport*. 4th ed. Edited by T. Grandin. CABI, Wallingford, Oxfordshire. pp. 23–38.
- ⁵ Nielsen, B. L., Dybkaer, L., and Herskin, M. S. 2011. Road transport of farm animals: Effects of journey duration on animal welfare. *Animal* 5:415–427.
- ⁶ Sparling, D., Quadri, T., and van Duren, E. 2005. *Consolidation in the Canadian Agri-food Sector and the Impact on Farm Incomes* (<https://capi-icpa.ca/wp-content/uploads/2005/06/Consolidation-in-the-Canadian-Agri-food-Sector-and-the-Impact-on-Farm-Incomes-2005.pdf>) (accessed July 7, 2016).
- ⁷ Minka, N. S., and Ayo, J. O. 2010. Physiological responses of food animals to road transportation stress. *African Journal of Biotechnology* 9: 6601–6613.
- ⁸ Flint, H. E., et al. 2014. Characteristics of loads of cattle stopping for feed, water and rest during long-distance transport in Canada. *Animals* 4: 62–81.
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- 20 For prepublication in the *Canada Gazette*, Part I, all costs per business were calculated using the total affected stakeholders. For publication in the *Canada Gazette*, Part II, costs per business were calculated using the number of impacted stakeholders. The change was made to ensure consistency with the values presented in the Regulatory Cost Calculator.
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