Update on the implementation of the new Transportation Regs
HAR Part XII applies to ALL animals transported into and out of Canada.

Enforced by Canadian Food Inspection Agency (CFIA). CFIA present at border crossings, airports, ports of call and federal plants. BUT they can stop you for inspection anywhere.

Most enforcement occurs at slaughter plants, but is possible anywhere.

This presentation is focused on livestock and land transport.
1977 Originally Introduced
1992 First Review
2005 Amendment added to add non ambulatory
2006 Consultation for current amendments began
Feb 2019 Amendments published in Gazette II
Feb 2020 Amendments come into effect
During Consultation:

51,500 comments from 11,000 respondents

Most commented on section?

Feed, water and rest provisions
Final Amendments based on:

- Evidence based and science informed feedback
- OIE Guidelines
- International Standards
- Societal Expectations
- Canadas Geographic size
- Industry logistics and technologies
- Ability for Industry to Adapt
Main Changes

- Clearer, less subjective language (?)
- Definitions added
- Removal of obsolete, unnecessary or redundant requirements
- Addition/retention of some prescriptive provisions
- Special considerations for most vulnerable animals
- Outcome based provisions where appropriate
- Innovation option for specially equipped conveyances
Outcome versus Prescriptive

Enforcement can be outcome based, prescriptive or combination

Example - (Prescriptive) 36 hours from last access to feed, water and rest AND (Outcome) animals must not become dehydrated, exhausted or suffer from nutritional deficiencies.
How do you determine a nutritional deficient? And how does a driver determine the animals are experiencing a nutritional deficient? (My sheep would tell you they are starving all the time! LOL) But how is this physically assessed?

RESPONSE: Please refer to the definition of nutritional deficit in section 136 and to the description in the interpretive guidance. “It is understood that feed will generally not be provided to animals while in transit and that the condition and the duration of transport will have been considered; however the regulated party must plan the timing of feed withdrawal and subsequent feeding to ensure that the animal in question does not suffer from deprivation of nutrients to the extent that the animal suffers from related behavioral (excessive vocalizing, feed seeking behavior, ingestion of non-feed material such as straw, etc.) or physiological (low blood sugar, weakness, stress related chemistry changes, empty stomach/rumen, dehydration, etc.) consequences of inadequate amount of feed or feed deprivation.”
Feed, Water and Rest Interval

Previous - Time in confinement

Amendment - Time off feed and water.

Detail - Clock starts as soon as animals removed from water access for loading and does not stop until they have access to water again
Ruminants

Previous - 48 (unless can reach in 52)

Amendment - Maximum 36 hours.

Monogastrics (horses, pigs, birds, reptiles, pets)

Previous - Maximum 36

Amendment - Horses and pigs 28 hours. All others 36 hours.
Hatching Birds

Previous - Maximum 72 hours

Amendment - No change

Broiler Chickens, Spent Hens, Rabbits

Previous - Maximum 36 hours

Amendment - 24 hours without water and 28 hours without feed
All other animals (those not specified)

No previous

**Amendment** - 36 hours

Rest Period after FWR Maximum

Previous - 5 hours

**Amendment** - 8 hours
Ramps

Previous - 45° maximum

Amendment:
Pigs 20°
Cattle 25°
Horses 30°
Sheep and Deer 35°
Vulnerable Animals

- Compromised
- Unfit
- Livestock, camelids, and cervicals of 8 days or less
- Lactating animals
- Not fully weaned remnants
Compromised

Extensive list of frequently seen conditions
Includes all conditions leading to a reduced capacity to withstand transport.

- Isolated and individually loaded
- Move to nearest suitable place only
- No more that 12 hours with FWR
- If they become compromised during transport, the above come into effect
Unfit Animal's

Extensive list of frequently seen conditions

Includes all conditions where animals cannot be transported without suffering.

- Shall not be loaded, confined or transported
- May be transported to vet under vet care
- If becomes unfit during transport, then measures must be taken to prevent further suffering and must be taken for vet care or be humanely killed.
- Conditions for unloading unfit must be met
Example 1 - this is really really unrealistic. There is no way someone transporting animals to slaughter is going to have a vet treat the animal with pain medication, or provide it bedding and water mid trip. It should be you need to stop and have it euthanized. And you cannot slaughter a medicated animal. If a pet horse is compromised during transport - go to vet but using this as an example for slaughter is not applicable.

RESPONSE: Thank you for your feedback on this. We will refer to your comment to inform the next iteration of the interpretive guidance which clearly needs to provide additional information for persons who transport large numbers of food animals to slaughter.

The intent of this section is to minimize suffering in animals that become unfit during transport. Proper selection of fit animals prior to loading will decrease this number significantly but, of course, accidents and related issues do occur. It is not acceptable to drive past a location where an animal’s suffering can be ended for financial reasons.

The wording of the regulation is “reasonable measures”. As such, if an animal is found to have become unfit and the regulated party is able to provide what the animal requires to prevent unnecessary suffering, injury or death, the party must do so. However if the regulated party is moving a large number of animals and providing care puts themselves or the remainder of the load at risk, then they must take measures that are “reasonable” for the circumstance.

If an animal becomes unfit while in transport, the intent of the regulation is to end the animal’s suffering. Stopping to euthanize it is one appropriate measure. If a slaughter plant can process the animal and that plant is the nearest place where the animal’s suffering can be terminated, then that could also be considered acceptable.
Training, Knowledge and Skills

- Commercial transporters must have training for competency.
- CFIA has specific details of what the training must include.
- Focuses heavily on fitness to transport
Q: Training - how must training be documented? What is considered acceptable proof of training?

RESPONSE: Section 138 of the HAR does not prescribe how training must be documented by the regulated party. However, proof of training may be required if an agent of a commercial carrier is determined to not have the requisite skills. Documentation could include evidence of training records, content of the training taken, and date(s) of the training.

Regulated parties are required to be familiar with, and effectively use the specific knowledge outlined and required by HAR 138 when handling, assessing, monitoring animals and using equipment.
Record Keeping

EXTENSIVE

Includes last time access to feed and water, weight of animals, available space, origin, destination, driver information, etc.
Transfer of Care

- Must occur at every transfer.
- Example - from producer to hauler. Hauler to plant auction mart, feedlot, farm or slaughter plant.
- Receiver must be present to receive or you can send them a text or email that you have delivered animals but need to keep it for records
Q: Transfer of care - must this be presented in person and acknowledged by plant/receiver - so physically handed over and then is verbal acknowledgement acceptable?

RESPONSE:

Section 153 (1) specifies that no animal can be left at any slaughter facility or assembly centre without a written transfer of care notice between the transporter and the receiver. By acknowledging receipt of the written notice, the receiver then accepts responsibility for the animal’s care, notably feed, water and rest provisions. Specifically the documentation must include the:

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

Provision 153 states it must be a written notice, however the receiver does not have to be physically present. The receiver must be able to acknowledge receipt of the animals in the load and in so doing, accept responsibility for those animals. The format of the written documentation is not prescribed (e.g. it may be communicated through mobile phones), however it must be in a format that is retrievable and unalterable for legal purposes if needed. The intent is to ensure there is no gap in responsibility for the animals’ care.
Other Amendments

- Preloading fitness and risk assessment requirements
- Contingency planning
- Monitoring of animals during transport
- Acceptable prod use
- More detailed requirements and prohibitions for containers/trailers
Q: On this whole contingency plan requirement - you state it can be written or verbal. Then you have this crazy long list of requirements for it. No one could ever memorize all this. And how do you assess to a verbal contingency list? How would you ever audit or enforce this?

RESPONSE: HAR section 138.2 does not specify what needs to be in a contingency plan or the format. It can be a booklet or a simple phone number where further instruction can be consistently provided. It can be as simple or as complex as the regulated party feels is required to meet the requirements of the regulation. Transporting a few animals for one hour will likely have a different contingency plan (e.g. transporter may verbally know the closest veterinarian, mechanic etc), than animals being transported for 30 hours across several provinces (in this case, there may be a contingency plan for “that route” at the commercial company).

If an issue during transport is identified (such as an accident or animal suffering due to road closure) the compliance of the regulated party with all sections of the Part XII of the Regulations may be verified. At this time they may be asked for their contingency plan.

When transporters are in compliance with section 138.2, they will more likely be prepared to prevent animal suffering, injury or death when something unexpected (but reasonably predictable) happens during transport. This includes

▪ what to do,
▪ who to call, and
▪ how to proceed.

The regulated party must be able to demonstrate that they have a plan and how they would use it. The plan must be current (e.g. up to date phone numbers, relevant “nearest places” and alternate routes, etc.).
Q: Animals must be monitored in a manner and frequency..... what is considered “regular frequency” and what does “manner” mean? How do you know what the animals capacity to withstand confinement and transport is? How do you teach a trucker this? Example - The regs support/state that a healthy steer has the capacity to withstand 36 hours off feed and water for transport - so would they require being checked during a 20 hour trip. We are really struggling with how to train to this? How is this enforced? Can CFIA pull a driver over or ask on arrival if they checked their animals at the required frequency and manner?

RESPONSE: The maximum intervals for feed/water/rest should not be considered as the capacity that those animals have to withstand confinement and transport. Transporting animals is more complex than transporting non-living cargo. Different classes of animals (feeder cattle versus cull cows) as well as individual animals differ in their ability to withstand transport. The term “regular frequency” is used for flexibility for the driver and the situation. The amount of monitoring depends on the length of journey, the conditions during the journey, the type, age and species of animal. The driver needs to be aware of high risk events which can evolve over the course of the transport and to respond by checking the load if and as appropriate. For example:

- An animal that is fit to load at the beginning of the transport continuum can become compromised or unfit during the journey; consider its risk factors (e.g. cull cows versus feeder cattle).
- Situations change (e.g. weather, road conditions, conveyance and equipment function, scheduling).
- Environmental conditions also change. E.g.: tarps may be required on days that are cold, and, tarping may cause overheating; the driver must monitor the load and adjust tarps as required throughout transport.
- Sudden stops or swerves to avoid being in accident can affect a load of animals.

In most cases, monitoring would be considered if an issue during transport is identified (such as an accident, a complaint, a non-compliance is found) and the CFIA may verify the compliance of the regulated party with all sections of the Part XII of the Regulations. At this time, they may be asked for such information as monitoring done during transport, training completed etc. CFIA inspectors would consider the duration of the transport and the condition of the animals when assessing compliance.
Q: 144(1) (d) - Apply an Electric prod or device that has similar affect - so you cannot apply an air prod - basically shoot air at the belly? Does an air prod really have a “Similar Affect” as an Electric prod? It shoots air out? What would you define as similar affect to an electric prod - it shocks the animal - the air prod is a short blast of air - are these considered similar?

RESPONSE: All driving tools, including the electric prod, are used by employees who understand the principles of animal behaviour and how to use these goads correctly to prevent injury and suffering. Vibrating or air prods are a recent innovation in driving tools to move cattle or pigs without applying electrical current. These tools are not all alike: air pressure must be adjusted if animals are alarmed. Acceptable use of a vibrating prod:

- to encourage animal movement;
- be applied gently on the fleshy area of the rump; and
- on bovine and porcine animals (same as electric prod).
Challenges

- Interpretation
- Subjectivity
- Consistency
- Training to them
- Conflicts with Safe Food for Canadians Act - confusion on when one supersedes the other
Any Questions?

Contact CFIA ! LOL