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# Standing Committee on Agriculture and Agri-Food

EVIDENCE

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Chair: Mr. Kody Blois





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• (0815)

[*Translation*]

**The Chair (Mr. Kody Blois (Kings—Hants, Lib.)):** I call this meeting to order.

Welcome to meeting No. 78 of the House of Commons Standing Committee on Agriculture and Agri-food.

I will start with a few reminders. Today's meeting is taking place in a hybrid format. The proceedings will be made available via the House of Commons website. Just so you are aware, the webcast will always show the person speaking, rather than the entirety of the committee. In addition, screenshots or taking photos of your screen is not permitted during the meeting.

Good morning to all my colleagues.

I would now like to welcome the witnesses.

[*English*]

First of all, today, on behalf of the Canadian Cattle Association, we have Jack Chaffe, officer at large. It's very good to see you here in the room. We also have Ryder Lee, general manager. Ryder, it's nice to see you again and thanks for being here before our committee.

From the Canadian Pork Council, we have René Roy, who is the chair. It's great to see you, René. We have Eric Schwindt, who is also part of the board and the group. It is great to see you here.

From the National Cattle Feeders' Association, we have Cathy Jo Noble, vice-president. It's lovely to see you again, Ms. Noble. Also, David Fehr is joining us by video conference. He is the chief financial officer of Van Raay Paskal Farms Limited. It's very nice to see you. Thank you for joining in virtually.

The way we do this, folks, is that we have five minutes for opening remarks, and then we'll turn it over to our members for questions.

Again, thank you for being here today on an important subject.

I'm going to start with the Canadian Cattle Association.

I'll turn it over to you, Mr. Chaffe or Mr. Lee.

**Mr. Jack Chaffe (Officer at Large, Canadian Cattle Association):** Good morning, Mr. Chair, Vice-Chair and members. Thank you for the invitation to appear before you.

My name is Jack Chaffe. I'm a cattle feeder and grain farmer from southwestern Ontario in the Stratford-Mitchell area. I am

president of the Beef Farmers of Ontario and an officer with the Canadian Cattle Association. With me today is Ryder Lee, the general manager of the Canadian Cattle Association.

I'm used to appearances before parliamentary committees pending legislation. This makes this appearance a new one for me, as we are discussing the regulation and its implementation.

I do not think there is a wide gap between what happens on the road and what Transport Canada expects in the regulation. However, from time to time, there are gaps. There are maximum times drivers can be on the road operating commercial vehicles. This applies to livestock haulers. The regulations we're discussing here today are mostly for interprovincial loads. If a driver stays within their provincial boundaries, these limitations generally do not apply, or, more fairly, it's up to the provincial regulators to enforce the federal status in those situations.

Cattle being hauled in Canada are subject to the Health of Animals Act, regulations allowing time in transit, and other requirements about that transit. I want to be clear: This is not why we are here today, but it is very important. Cattle shippers, haulers and receivers, farmers, ranchers and feeders like myself all have the health of cattle top of mind before the animals are sorted and evaluated for fitness for their trip, and then during and after the trip.

We must also be mindful of the safety of the vehicle, its driver and others on the road. This is what brings us here today. Our industry has a great record on road and animal safety, and we are not pushing for regulatory change. What we're asking for is clear language on a specific aspect that comes into play from time to time: vehicle problems, road closures, accidents and those kinds of unforeseeable events. What happens when a driver's service hours run out, but the live cargo or cattle have not been delivered? Quite often, they continue on to their destination. Generally, what happens is that the driver finishes the trip, because it is the best thing for the cargo they're carrying. What about the rules, though? Now they are offside. What are the repercussions going to be?

That can go two ways. One, which worries us, is that they are fined or otherwise disciplined for doing the right thing for the animals. That is how the regulation reads to us. The other way it can go is that they can be shielded from enforcement because of language under subsection 76(1). It reads:

The requirements of these Regulations in respect of driving time, on-duty time and off-duty time do not apply to a driver who, in an emergency, requires more driving time to reach a destination that provides safety for the occupants of the commercial vehicle and for other users of the road or the security of the commercial vehicle and its load.

We, along with other livestock colleagues, have been asking Transport Canada to clearly spell out that animal welfare concern is an emergency, as mentioned.

Again, we believe this regulation—if it reads the way we think it should—could benefit from clearer interpretation and guidance, including on livestock considerations. Guidance like this is not a new tool for government. We ask for clarification so the enforcement people are not asked to decide. What we've seen in the past with regulations policy drafted in Ottawa is that it's enacted in different ways across the country. We want to avoid this in the future.

Finally, I would like to point out that the U.S. has found a way to manage this flexibility by providing a sleeve where start and finish times do not apply when they're on the clock. Aligning with this would be a positive development, but we are told it would need legislative change, not regulatory change.

Today, we are looking for immediate clarification on the current regulations to ensure the continued safety of both transporters and livestock.

● (0820)

Thank you for your ongoing support of Canadian agriculture.

**The Chair:** Thank you very much, Mr. Chaffe.

Colleagues, it must have been the early morning, and I didn't have my coffee yet. I just wanted to recognize that, of course, the committee is meeting pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, October 19, 2023. We are commencing our study on the electronic logging device requirements and animal transport. This is just in case any Canadians watching at home didn't know exactly what we were studying.

I also want to recognize you, Mr. Shields. You're subbing in for Ms. Rood. It's great to have you back on the committee from time to time.

Okay, we'll go to the Canadian Pork Council for up to five minutes.

It's over to you.

[*Translation*]

**Mr. René Roy (Chair, Canadian Pork Council):** Thank you, Mr. Chair, for the invitation.

Thank you as well to the committee members for your work on this issue.

My name is René Roy, and I am the chair of the Canadian Pork Council. Joining me this morning is Eric Schwindt, a member of

the Canadian Pork Council board of directors and a producer from Ontario.

We are eager to offer our counsel to the committee on this file for two reasons.

On the one hand, we understand how important regulations are to this part of our industry. We take the welfare of animals seriously when it comes to transportation issues, and we have been actively engaged with every process looking at how we can make this part of our industry safer and more secure.

On the other hand, this is a case where rigid regulations can have a negative impact on the very animals we have been trying to protect. Transportation is stressful on the animals, and a rigid limit on driver hours can mean pigs will have to be unloaded or stopped 30 minutes or an hour from their destination, increasing their stress and causing them needless complications.

We are not seeking an exemption from hours of service requirements or from electronic logging devices. Instead, we are simply asking for flexibility in enforcement in unforeseen circumstances and clear communication of said flexibility.

● (0825)

[*English*]

Currently, drivers are put in a difficult situation of either complying with hours of service regulations or doing what they know is best for the welfare of the animals in their care, which is getting them to their destination as quickly and as safely as possible. Live haul drivers, unlike freight drivers, cannot simply pull into a rest area or go off duty if they unexpectedly cannot get to their destination and/or unload within their hours of service.

Most animal trailers are passively ventilated, which means that the load cannot remain stationary for a prolonged period of time. It must be kept moving to attain maximum airflow and temperature control to ensure the safety of animals.

Ideally, we would like to align with or have a similar system as the United States, where livestock haulers are provided, in unforeseen circumstances, an exemption for hours of service within a radius of 150 air miles from the origin and destination of their trip. This is a reasonable exemption that allows the drivers flexibility in delivering the animals to their destination in a timely and safe manner.

At present, we have made a straightforward request that Transport Canada officials update the existing guide to specifically address animal welfare. This would provide clarity to enforcement officers and reassurance to livestock transporters.

Mr. Chair, I am ready for your questions.

**The Chair:** Thank you very much. That was very efficient. Thank you, Mr. Roy.

We'll now turn it over to the National Cattle Feeders' Association.

Ms. Noble, it's over to you.

**Ms. Cathy Jo Noble (Vice-President, National Cattle Feeders' Association):** Thank you to the committee for studying this issue and for inviting the National Cattle Feeders' Association to appear.

I'm joined today by David Fehr from Van Raay Paskal Farms in Alberta. David is well positioned to answer questions on how these regulations are impacting the day-to-day operations of transporting livestock, so direct all your hard questions to David.

To be clear, today we are speaking to the Transport Canada regulations that govern drivers' hours of service, which are enforced through electronic logging devices. We are not speaking to or challenging the CFIA regulations that require food, water and rest for animals in transit. We are not seeking an exemption to the ELDs or to the hours of service for livestock transporters. Instead, we are asking for flexibility in enforcement for unforeseen circumstances, where drivers are deciding to either adhere to the hours of service or deliver the animals to their destination.

Livestock transporters operate responsibly. They plan their routes to comply with the hours of service, and they include an extra buffer of time. Nevertheless, on occasion, unforeseen circumstances lead to drivers hitting their allotted hours of service before they get to their destination. Ideally, we would like to align with the United States, where livestock transporters are granted an exemption from hours of service within a radius of 150 air miles of origin and destination.

More immediately, we're requesting that Transport Canada provide clear guidance to all enforcement officers on section 76. Section 76 of the hours of service regulations allows for the extension of driving time in cases of adverse conditions or emergency situations. We are advocating for national guidance stating that a risk to animal welfare is an emergency situation. The agriculture sector has, in fact, provided proposed wording for this guidance to Transport Canada.

Transport Canada has suggested that our concerns are already covered by section 76. We believe that this section is too vague and leaves interpretation to the individual enforcement officers. That's why we are asking for guidance as it relates to animal welfare. Our sectors and our drivers want reassurance that a threat to animal welfare is deemed an emergency situation and that the definition of "adverse conditions" includes traffic accidents but also situations such as being delayed at the border for a CFIA vet inspection or unexpected and unusual animal behavioural challenges.

The agriculture sector did raise our concerns to Transport Canada when they were drafting these regulations. When we raised our concerns to Transport Canada, we were informed that animal welfare is not their mandate. Transport Canada has asked this sector to provide data that we know and they know is not available. This includes the number of hours that would be required additionally,

where it would occur and how often it would happen. We cannot predict unforeseen delays until they happen. What we do have are numerous examples, first-hand examples, of how regulations are unworkable for livestock transporters and the animals in their care, and I'd be pleased to share that with you.

Transport Canada officials also suggested that we apply for an exemption under section 16, but we're not seeking an exemption. We have also told Transport Canada that the data required for that exemption is not available in Canada.

We're calling on Transport Canada to amend the regulations, provide guidance on them or determine the best and most timely solution to ensure that livestock drivers have the flexibility required for these unforeseen circumstances to get the animals safely to their destination without facing enforcement action.

• (0830)

We're calling for a meaningful, realistic and timely solution, and we continue to stand ready to work with government to find a solution.

Thank you.

**The Chair:** Thank you, Ms. Noble.

We'll now turn it over to our colleagues for questions.

I think Mr. Steinley is going to start, for six minutes.

**Mr. Warren Steinley (Regina—Lewvan, CPC):** Thank you very much.

Thank you, witnesses, for being here today.

I was very happy to bring this motion forward because I've heard first-hand about many situations where, not because of the driver's fault, there are just delays in either loading or trying to get to where they need to be. This is why this came forward.

Thank you very much for bringing up an example of what we can do to align our regulations with those of the U.S.A. to make it a bit easier for our livestock industry.

First, I'd like to ask Mr. Lee or Mr. Chaffe, where could a truck pull over and unload livestock if they hit their hours so that they could do it safely? As the witnesses said, the trucks are built for airflow. Where could a truck driver pull over and unload livestock if they had to when they hit their hours of service?

**Mr. Ryder Lee (General Manager, Canadian Cattle Association):** Go ahead.

**Mr. Jack Chaffe:** I appreciate the question.

I'll use this example. At our feedlot, we bring a lot of western calves out of western Canada into Ontario. They have to stop at Thunder Bay for feed, water and rest. A situation arises where you load cattle in Saskatchewan, you're coming across and you figure on getting to Thunder Bay in time for your feed, water and rest. If your hours of service run out and you're two hours from Thunder Bay, there is no place there to unload in the middle of nowhere. You have to have the facilities to properly unload the cattle and reload them without injury or any undue stress to the animals.

In that situation, the driver would continue on and get those cattle to Thunder Bay, but he would be outside of his driver time.

**Mr. Warren Steinley:** How many of those facilities exist across Canada like Thunder Bay?

**Mr. Jack Chaffe:** The only feed, water and rest stations that are set up for that are the ones in Thunder Bay. Currently, they're at maximum use.

**Mr. Warren Steinley:** That's the situation, especially during the fall calf run.

Can you give an example or share some insight on how long that line could be at Thunder Bay, waiting to load and unload cattle?

**Mr. Jack Chaffe:** Currently, most drivers are recommended to call ahead to slot themselves in for unloading there. At times there could be a wait time of one to two hours for unloading.

• (0835)

**Mr. Warren Steinley:** For the committee and my fellow committee members.... I think that's the crux of the problem. That loading and unloading time is where they lose the hours of service and where the transportation issues come into play. If anyone has ever loaded cattle, they know that sometimes things happen. You get delayed. I think that's where there needs to be some flexibility for our livestock. It's about the safety of the animals, especially when it comes to a situation where you're going east to west or west to east. There is only one facility in this country where you can actually unload and load cattle. That's why we need a little more flexibility.

Cathy Jo, can you give us some examples from your membership of why that flexibility is needed?

**Ms. Cathy Jo Noble:** I'll turn to David, because this is his day-to-day.

Go ahead, David.

**Mr. David Fehr (Chief Financial Officer, Van Raay Paskal Farms Ltd. and Member, National Cattle Feeders' Association):** Thank you.

We're a feedlot operator in southern Alberta and we import feeder cattle from the Pacific Northwest in the United States. We're going as far as California, Nebraska, the Dakotas, and things like that. We encounter weather challenges, road challenges, all of these different aspects, and we're dealing with a whole host of different organizations and regulatory authorities. When we're importing U.S. feeder cattle, we have to deal with a USDA-approved vet. That transport has to be approved—it has to go to Washington for approval—and there is a whole host of factors and layers that cause delays throughout this entire process.

Having some flexibility on the tail end and at the beginning of the trip really does allow these drivers to relax and take their time and do their job safely with the best thing in the back of their minds, which is always about the animals.

**Mr. Warren Steinley:** If we went down the same path as they have in the States, do you think that would fix a lot of the problems we have when it comes to having certainty and a bit more discretion with our drivers?

**Mr. David Fehr:** Yes, I do. In the U.S., because 90% of our miles as a carrier are in the U.S., we find that the ability to transport cattle in that geographic area is a lot easier relative to Canada. The one aspect that I really want to emphasize is that we do a very good job of ensuring that we have facilities in place to bring our cattle in the event of something happening.

I'll use the example of California. You can't make the trip from California to southern Alberta in one go. It would be reckless to try to do that, so we have facilities where these animals go. They are USDA-approved facilities. These animals get dropped there. They're inspected by a vet. They're tagged. They have veterinary services if required. Then they make the rest of the journey up.

I want to really stress that we do everything we can to ensure that we are adhering to hours of service rules, but you can't plan for everything. It could be that the animals aren't co-operating or they're not ready. You're going to a ranch setting where they are missing an animal, and they have to go find it. All of these different aspects really come into play. Having that flexibility is very important.

**The Chair:** Thank you very much to both of you.

We'll now turn it over to Mr. MacDonald for six minutes.

**Mr. Heath MacDonald (Malpeque, Lib.):** Thank you, Chair.

Thank you to the witnesses for being here.

This is for the Canadian Cattle Association.

I live on Prince Edward Island. Our pork product goes to Quebec, or did go to Quebec. Now that transportation is going to be even longer than it was, with the Olymel plant closing. We still ship cattle to Quebec, for many reasons, even though we have a beef plant on Prince Edward Island.

On the current regulations surrounding the ELDs, what do we need to do? Just give me some examples of what, in your mind, the regulations need to depict relevant to, for my example, travelling to Quebec in the middle of February.

**Mr. Ryder Lee:** Yes, how do you solve Canada?

You raised an important piece, too. It's not that all your livestock is going to this other place, but that other place being able to buy the odd load now and then is super important to your market as a producer. That other buyer in there keeps your local buyer honest, and it's very important across the country to be able to have that access and that competition for your animals.

As has been said across the way here, we need some flexibility to make sure we can get there, and we do. We're not looking for longer hours than was put forward. The ELDs have made it a hard line where, I think, prior to that, people found a way to be flexible in the system. We're not going back from that. Trucking companies like it, but one solution that's been found in the U.S. is that the clock doesn't have to start until you're loaded and rolling for some miles on the front end, and then it doesn't add on at the end as well, to allow for what happened in transit. It may be about borders. I don't know if ferries line up to get off the island. There's veterinarian inspection at the border. Have you ever been on a 400 highway that's been a parking lot for a while?

All of these things would be addressed with that, with a sleeve at the start to deal with some of the things David mentioned or a sleeve at the end to get those livestock there. That's the best thing for them.

● (0840)

**Mr. Heath MacDonald:** Obviously, you're all aware of the topic of biosecurity. While most of the discussion surrounded the fixed locations, obviously we consider biosecurity concerns in the transportation of animals as well.

Maybe you guys could comment on the importance of the regulations that accompany them relevant to biosecurity and pulling off to the side of the road.

Do you want to talk about that for a second, anybody?

**Mr. Eric Schwindt (Director, Ontario Pork):** Sure. In the pork industry, definitely biosecurity is number one. Every time we load and unload that pig into new facilities, there's that increased chance that occurs, for instance, of mycoplasma pneumonia and other diseases that are harmful to the animal. I can't stress enough how the loading and unloading of the animal is the hardest part of the journey. Any time we have to pull over one more time, that cure is worse than the disease in terms of adding stress and impacting the animal.

**Mr. Heath MacDonald:** Eric, I'm unfamiliar with any transportation pull-over stops in Atlantic Canada heading towards Quebec.

René, does that happen now, or did it happen? Now that we're going to have to move our pork even farther into Quebec, are there any locations that you're aware of that my farmers would be stopping at?

**Mr. René Roy:** What we do as producers is that we plan our travel. If it's, for example, longer than the prescribed time, we are planning a stop somewhere else. The problem is if there are unforeseen events. We are not reaching this planned stop place, so it's increasing the risk of biosecurity, of course, but also putting the animals' welfare at risk.

For producers, right now if it's beyond the 10 hours, normally there will be two truckers. They find a way. But even with two truckers, the electronic logbook is still a challenge. If there are other reasons.... If you have only one trucker who becomes available, for whatever reason, then you are stuck with really rigid legislation that could be problematic.

But, yes, for producers, if they have longer hours than they're supposed to, they are able to plan a stop somewhere else along the road.

**Mr. Heath MacDonald:** I have a further note. Can you give some examples, for anybody listening here today, of when this was an impediment in the past where very unfortunate situations arose, whether it be weather or car accidents, whatever, or maybe the truck broke down?

**Mr. Ryder Lee:** We have a bunch. I don't think they'd get into that spot of research data, but it is anecdotes. One example is being held up at the border. If you're bringing animals in from the U.S., you do need some CFIA presence there, and that is always an unpredictable thing. Another one adding time is roads that are closed by the RCMP, and you have to go a completely different way. Then there's trying to get to a place that has feed, water and rest. I think René went into that. There's a risk there, too. The alternative is speeding and making it there, and that's not a win either.

When the flexibility is gone, you do what you need to do. It's that kind of thing, and that's not a win, either. That's another piece that we look for. This flexibility gives you the chance to say, "I can get there and go in a reasonable way."

● (0845)

**The Chair:** Thank you, Mr. Lee.

Thank you, Mr. MacDonald.

[*Translation*]

It's now Mr. Perron's turn, for six minutes.

**Mr. Yves Perron (Berthier—Maskinongé, BQ):** Thank you very much, Mr. Chair.

I'd like to thank the witnesses for being with us today.

Mr. Roy, in your opening remarks, you mentioned that transportation could be stressful for livestock and that, if the journey had to be lengthened or if the trucks had to be unloaded and then loaded again, this would increase the stress on the animals.

Could you expand on that a little?

**Mr. René Roy:** I will give you a very concrete example of a challenge or problem that can arise.

When animals get on the trucks, they are entering a new environment, and it's stressful for them. It's a time when the risk of injury is greater. Once the animals are in the truck, if the transport takes a long time, they will lie down, so there is much less risk of injury. An animal lying down is less likely to fall and injure itself or other animals. In the event of shortened deadlines for transporting animals, the trucks may have to be unloaded and the animals taken to an unforeseen location, in less-than-optimal conditions. This increases the safety risks, not only for the animals, but also for the people handling them.

**Mr. Yves Perron:** Thank you very much.

You also mentioned passive ventilation and the importance of keeping the truck moving.

What happens in situations where you're stuck on the road, for example if there's an accident on the highway and traffic is at a standstill?

**Mr. René Roy:** In Quebec, we had a year when we had to transport hogs over very long distances, for reasons that most of you are familiar with. We have....

I'm sorry, I lost my train of thought there.

**Mr. Yves Perron:** I was talking about how important it is for the trucks to be ventilated and to keep moving.

**Mr. René Roy:** For the ventilation to work properly, we have to drive at a certain speed. When it's warm, we reduce the number of pigs in our trucks so the ventilation is better. However, when it's warm, it's warm, and the animals release heat. There's no possible airflow in an enclosed area if the truck isn't moving, so the temperature rises, which poses an additional risk.

At times, we have had to pass through certain areas where a road was closed, for example. In the middle of winter, another phenomenon occurs: the animals on the outside risk frostbite, while those in the middle of the truck are too hot.

Passive ventilation balances temperatures inside the truck.

**Mr. Yves Perron:** If I understand correctly, you are constantly concerned about animal welfare during transportation.

The request before our committee this morning must certainly have an economic impact, but that is not the objective of your request. The objective is to maximize animal welfare, is it not?

**Mr. René Roy:** That's right.

We aren't asking for a systematic increase in our flexibility. What we're asking for is flexibility in the event of an emergency or unforeseen circumstances.

**Mr. Yves Perron:** An example mentioned was the United States, where there's a kind of flexibility like what you're asking for. Basically, that's the objective of your request: you want a similar measure.

However, how will we then control the cases where this justified flexibility will be used? Is there a process in place in the United States? How do we know that this is being respected and that this flexibility won't be used by everyone on a regular basis, for example?

**Mr. René Roy:** Ms. Noble raised the issue of including this flexibility for unforeseen situations, and that's basically what we're asking for.

It's important to recognize that not everyone is very familiar with the agricultural sector. If this aspect isn't clarified in the legislation, peace officers, whose role is to enforce the law, won't necessarily understand the situation. If the legislation specifies that animal transporters have this flexibility in particular circumstances, which they must justify with documents, everyone will benefit.

• (0850)

**Mr. Yves Perron:** So I understand that you want to clarify the section.

Ms. Noble, in your statement, you mentioned something that troubled me. You said that Transport Canada said that animal health wasn't part of its mandate, but you can't regulate the transportation of something without worrying about it, especially if it's not a thing, but a living being. I find that a bit surreal.

You and Mr. Roy said that you wanted clarification of the section. Have you determined specifically which regulatory section should be amended and come up with the wording? Do you have any legal experts who have come up with a proposal? If so, you could provide a proposal to the committee, so that we can look at it and include it in our report.

[English]

**The Chair:** We're getting pretty close to time.

Could you try to do that in about 30 or 40 seconds?

**Ms. Cathy Jo Noble:** I will.

There is the ideal ask. The ideal ask is to be the same as the U.S. and have that radius of 150 air miles. That's going to take time and it's going to be a harder ask, but that's our ideal. Alternatively, very immediately, very easily, in section 76 of the guidance, put in a clarification that a risk to animal welfare is an emergency.

Monsieur Perron, we have wording that we sent to Transport Canada, which I'm happy to share with this group. Because they weren't drafting it, we drafted it and we said, this is all we're asking. I can share that with you. That is the more immediate, timely answer to this. In an ideal world, we align with the U.S., but we know that's not an easy or quick fix, and our drivers are out on the road right now trying to manage this. So it may be two phases.

**The Chair:** Thank you very much.

We'll go to Mr. MacGregor for six minutes.

**Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP):** Thank you very much, Mr. Chair.



I'd like to thank each of you for being here today. I think you've all presented a very clear case, and I see some similarities from your opening statements. Some clear and concise language and some flexibility, I think, are two main themes.

Transport regulations are not something that comes before this committee very often. I was taking a look at a survey that was done with the Ontario trucking industry. This was a survey that was done with drivers, employers and supervisors. They had a ranked list of the top 10 primary causal factors of driver fatigue. Number one was traffic delays. Number two was lack of rest and irregular sleep. Number three was stress, which could include pressure from management or dispatch and the fact that you have a live cargo. I think the top three conditions of driver fatigue can apply in the situations we've heard about at the committee today.

I understand what you are presenting to our committee, and I think it's reasonable, but I'm just wondering if each of you or any one of you can talk about what your conversations have been like with the trucking industry. What have drivers been telling you? Do they feel that what you're asking for is in line with the concerns they've outlined?

With those big transport trucks, when something bad happens, it's catastrophic, not just for them and not just for the animals they're transporting, but for other drivers on the road.

If any of you can weigh in on what your conversations have been like with the trucking industry, it would be appreciated.

**Ms. Cathy Jo Noble:** Sure, I can.

I'm not disagreeing with what you're saying, and that is why we're not asking for a full exemption to ELDs, because our drivers' safety is a priority as well.

When we speak to the drivers, they're feeling pressure under this because they're trying to get to a safe destination with the livestock within those hours of service. I want to emphasize that this is for unforeseen circumstances.

If this change is made, the industry holds accountability, because if an enforcement officer looks at your ELD record and you're over every day, that's not unforeseen. We need to be accountable for that, and we will be. Those aren't the players who are looking for this. This is the occasion when, once a month or once a quarter, they do get in a difficult position and they don't feel like they need to speed up or do something that is dangerous in order to make sure the animals are safe too.

I hope that's helpful.

● (0855)

**Mr. Alistair MacGregor:** Yes.

Does anyone else want to weigh in?

**Mr. Eric Schwindt:** If I could, I think this adds one more layer of stress to our drivers, in that there's no alternative for them if they meet those challenges doing their job. They have only one option in this case, and that is to make it on time. By building in flexibility, you're relieving stress and the encouragement to do unsafe activities.

Our truckers care about their livelihoods. They care about the fellow vehicles on the road, but they also care about the animals under their care. By adding more stress on them, we're not accomplishing increased safety. We're actually making it worse.

**Mr. Alistair MacGregor:** Thank you for that.

As part of Mr. Steinley's motion, this committee is also hoping to invite the Minister of Transport here to, at the very least, have some representation from Transport Canada.

Ms. Noble, in your opening statement you were talking about how Transport Canada had a need for some data that you felt was quite impossible to provide. I'm just trying to compare.... We're trying to harmonize a lot of things with our southern neighbour, the United States. In the data you do have, is there data that you could share with Transport Canada on how often these kinds of incidents are happening where a driver is reaching the end of where they should be taking a rest, but they still have a live cargo and they're still far away? Has that not been acceptable to Transport Canada as a basis or rationale for changing these?

I just wonder if you could go into a bit more detail on what those conversations have been like with Transport Canada, because that would help inform this committee when we may have the opportunity to question the Minister of Transport.

**Ms. Cathy Jo Noble:** Sure.

The original conversation with Transport Canada was, "We're not having that conversation. That's not our mandate", but we're a persistent bunch, and we've continued the conversations with them.

It's asking for data that we don't have. Susan Fitzgerald is appearing before you after us. She represents the Canadian Livestock Transporters' Alliance, and she can speak in detail about what data we have and don't have.

We're here because we want a solution. We want Transport Canada to sit across the table from us and come up with a realistic solution, not "plan your routes better"—because we have been told that—or "get two drivers."

There's a shortage of livestock transport drivers. We are trying our best. We have been prescriptive in what we've asked for in regard to that guidance, but we're willing to listen to other options. We just need a solution for the objective we have, which is to get these animals there safely and to keep our drivers safe as well.

**The Chair:** Thank you so much, Mr. MacGregor.

[*Translation*]

We'll now go to Mr. Lehoux for five minutes.

**Mr. Richard Lehoux (Beauce, CPC):** Thank you, Mr. Chair. I'll share my time with my colleague Mr. Steinley.

I'd like to thank the witnesses for being with us.

I have a quick question for you, Mr. Roy.

Given the closure of the Olymel plant in the Beauce region, which slaughtered at least 35,000 hogs a week, additional transportation will be required.

Based on the discussions you've had with the transporters, where do things currently stand? The plant will be closing in the very near future; it's scheduled for next December.

**Mr. René Roy:** Normally, this should have no impact on transportation, since the measures we're currently examining apply when it's beyond 10 hours, unless there are exceptional circumstances, of course. In Quebec, most hogs will be redirected to other slaughterhouses.

**Mr. Richard Lehoux:** Still, we must take into account the dynamic that my colleague opposite was talking about earlier. The majority of hogs in the Maritimes are redirected to Quebec slaughterhouses. Is there going to be a cascading effect where some hogs are going to be redirected more to Ontario, or are they just going to be transported longer distances, in which case there could be consequences?

**Mr. René Roy:** You're absolutely right. There are hogs that are going to have to be transported over longer distances.

I would like to highlight the fact that what we're really asking for is not to treat our animals the way we would treat toilet paper shipments. When we stop at the side of the road, it's not the same reality, and we would like that reality to be taken into account in the regulations.

• (0900)

**Mr. Richard Lehoux:** I appreciate your comment, Mr. Roy. What you're saying is true. We often seem to think we're working with mechanics here, but that's not the case. These are animals, these are living beings. It would be appropriate for the legislator to take this into account in its considerations.

What you're asking for is flexibility of the rules. Some flexibility could be granted similar to the U.S. regulations. I heard you say earlier that you ultimately wanted to respect the standards, but that special circumstances could arise, such as bad weather or trucks with mechanical breakdowns. It has to be said, too, that the animal unloading and reloading stations cause them a great deal of stress. So there are consequences, if only in terms of biosecurity.

**Mr. René Roy:** You're absolutely right. We plan our trips to get to our destinations, but it's based on normal days. We don't plan our trips around extreme circumstances that will prevent us from reaching our destinations. We want to have flexibility precisely in those circumstances where we can't get to our destination for animal welfare reasons, but also for biosecurity reasons, of course. Otherwise, this can lead to problems for the animals being transported, but also for the animals in the regions in question, because certain diseases can be airborne.

**Mr. Richard Lehoux:** Thank you, Mr. Roy.

As for transportation, it may also cause anxiety for the carriers, truckers and drivers.

I'll give the rest of my time to Mr. Steinley.

[English]

**Mr. Warren Steinley:** Mr. Fehr, there is something I want you to make clear. When we are making these plans, they are not ad hoc. Can you walk us through, logistically, how planned your day is when you're transporting livestock and animals? I want to make it clear to this committee that you guys take the route seriously and you're planning it down to a very set time.

**Mr. David Fehr:** Thank you for that question.

I'll use the example of transporting feeder cattle from Idaho. This is planned a week in advance. We are communicating with the vets. We've provided them with packages on how they need to assemble all of the documentation for the importation. We are communicating with the CFIA vet. We're communicating with whoever might be loading the animals—like the particular sorting facility or whatever it might be—and we are ensuring that our drivers can get there in the required time and get home in the required time.

It's very planned. I cannot stress that enough.

**Mr. Warren Steinley:** Thank you very much. I appreciate that.

I have only a few seconds left. I want to say one thing to Mr. MacGregor. I think the reason there isn't data on how many people are going overtime in unforeseen circumstances is that they don't want to let people know that they're not following the rules, so I think that's a tough ask. That's probably why the data isn't there. That's to my colleague Mr. MacGregor.

Lastly, what kinds of consequences are the drivers facing if they do get pulled over in their overtime? That would be stressful for them. I just want to know what the drivers would face and what the company would face if they are over the allotted hours of service.

**Mr. David Fehr:** A fine can be imposed on the drivers themselves, and that also impacts the carrier, so things like insurance costs and all these other aspects are impacted. More importantly, I think the biggest issue is the fact that the driver has to choose what he's going to take care of. At the end of the day, he has a responsibility to care for the animals, and that's what his biggest priority is going to be.

They are always considering everything else. Somebody mentioned fatigue and all these different aspects. We train our drivers to ensure that they recognize that. We have drivers who pull over on the side of the road for a 30-minute nap or a 20-minute nap—just to get themselves refreshed and recharged if they find themselves in that position—and move on with it, and that's hugely beneficial.

**The Chair:** Thank you.

We'll now turn to Mr. Drouin for five minutes.

[Translation]

**Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.):** Thank you, Mr. Chair.

I'd like to thank the witnesses for being here.

I'll start with a question for Mr. Roy, so I can better understand. Of course, I understand what the issue is, but I'm thinking of one aspect in particular.

According to the Canadian Food Inspection Agency regulations, an animal can be transported for up to 36 hours, on average, without giving it water and without stopping. However, a driver has to stop to rest after 13 hours of driving.

With regard to animal health, does the agency foresee the possibility of urgent situations where the 36-hour limit could not be met?

• (0905)

**Mr. René Roy:** That's a good question, which I can't answer because I'm not familiar with that provision. I can get back to you on that.

**Mr. Francis Drouin:** That's fine, I can find the information.

Let's take the example of a driver who leaves from our region, in eastern Ontario, and who can't get to Thunder Bay on time. He has to stop at the side of the road with the animals. Even if he complied with the animal health regulations for transporting animals, he wouldn't be complying with Transport Canada's regulations, which require drivers to stop for at least eight hours to sleep. He has to plan for that. He'll probably then have to stop in Thunder Bay, depending on where he goes, and unload the animals.

What you're saying is that Transport Canada isn't clear on what should be done in an emergency, for example, if a driver has to stop at the side of the road or if he's stuck in traffic.

Basically, what I understand from Ms. Noble's comments is that verbal confirmation was received that there was no cause for concern and that the regulations were being complied with, but no one is ready to put all that in writing.

**Mr. René Roy:** That's one of our requests: it has to be clarified and put in writing. This interpretation cannot be required of all those responsible for enforcing the law. It has to be in writing, or our industry can't know about it either.

[English]

**Mr. Francis Drouin:** Ms. Noble, you said before that you've had chats with Transport Canada. They have assured you verbally "No, no, you're fine", but they're not willing to provide clarity in writing with regard to subsection 76(1).

Did I misunderstand that?

**Ms. Cathy Jo Noble:** I don't know if they say that we're fine, as much as they say, "What you're asking for will just be covered in section 76."

What we're asking is for it not to be left to an individual enforcement officer, who may not have a comprehension of animal welfare. We're asking for it to be in the guidance document that shows the enforcement officer that it is an emergency situation.

**Mr. Francis Drouin:** Essentially, we're stuck.

If I'm driving on the road, I know that the speed limit is 100 kilometres an hour. Over many years of data, I know I can go at 118 kilometres an hour and the cops won't bother me, but if I go at 119 or 120, they're probably going to ticket me. I've never been lucky enough to be let go, but I know some people who were let go after a speeding ticket. After 118...normally that's the law, but obviously provinces would never provide that clarity.

We do have a precedent with the U.S. You said 150 air miles, which is about 276 kilometres, which would equate to 2.5 or almost 3 hours extra should there be unforeseen circumstances.

I want to go back to the regulation of 36 hours, because I think that's important. You could be at 15 hours and if, for instance, there's an unforeseen circumstance, CFIA could say that, yes, the animal could have been in danger had the driver not brought the animal to its final destination, but the regulations from CFIA say 36 hours, so CFIA would say this fits very well into the number of maximum hours we can transport animals, but now we have to deal with the driver. The poor drivers are stuck dealing with two regulations, but there's no clarity. It's just being bumped from one end to the other.

**Ms. Cathy Jo Noble:** It's very siloed. We see that across government. CFIA is responsible for animal welfare, and they made a regulation. Transport Canada is responsible for the drivers' safety, and they made a regulation. That's what happens, so the driver gets squeezed out and so does the sector.

**The Chair:** Unfortunately, we're at time, Mr. Drouin. Thank you.

Thank you, Ms. Noble.

I have Mr. Perron for two and a half minutes, and then Mr. MacGregor for two and a half minutes.

[Translation]

**Mr. Yves Perron:** Thank you, Mr. Chair.

Mr. Roy, I can't help but pick up the puck put on the ice by Mr. Lehoux about regional processing. There is no doubt that this issue and the subject we're discussing today are complementary. Obviously, there would be far fewer transportation constraints if we increased processing capacity in the various regions of Quebec and Canada.

Do you have an opinion to share with the committee on that?

• (0910)

**Mr. René Roy:** There's no question that increasing regional processing capacity actually reduces the amount of transportation we have to do, so it benefits everyone.

However, certain economic constraints mean that there's a concentration. However, this concentration poses a problem for producers and also decreases our resilience in the agri-food sector.

I'll leave it at that. I'm not going to give a doctoral thesis this morning, but you're right.

**Mr. Yves Perron:** Thank you very much, Mr. Roy.

Mr. Chaffe, would you like to add anything about the questions that have been asked, particularly regarding the importance of this flexibility that you're calling for this morning?

[English]

**Mr. Jack Chaffe:** I know that Ms. Noble mentioned the U.S. regulations giving that radius of 150 air miles. That's key, especially to those loads of cattle heading from western Canada to eastern Canada, if you have to make two stops to pick up your load. If you're at a ranch and you pick up half your load, and then you have to go to a sale barn to pick up the balance of your load, and you start heading east and all of a sudden you run into a snowstorm, a flat tire or whatever, that's where we need the flexibility to make it to that next rest stop.

We also need clarity under section 76, where the animal welfare concerns need to be mentioned.

[Translation]

**Mr. Yves Perron:** Thank you very much, Mr. Chaffe.

Basically, this morning, we have a fairly simple request: a regulatory clarification must be made, and that could be done quickly.

Thank you to the witnesses.

[English]

**The Chair:** Thank you very much.

Mr. MacGregor, you'll finish us off.

I have a couple of questions, but it's over to you.

**Mr. Alistair MacGregor:** Thank you, Mr. Chair.

Mr. Fehr, I'll turn my question to you, because you made a great intervention there talking in detail about the planning that goes into these trips a week in advance and so on.

I remember last year our committee was doing a study into Canada's supply chain woes. I recall some of our witnesses talking about the need for better investments so that we can gather more data points in real time.

I'm just wondering how the government could help in other ways with the industry in gathering data about adverse weather events that may be affecting certain transportation corridors, CFIA backlogs at the border or the capacity of a certain loading/unloading station. I'm just trying to think a little bit above and beyond looking at the narrow regulations to see whether investment in real-time data acquisition could help you not only in the planning but also during the transport. Maybe the industry could notify the driver, and appropriate steps could be taken to avoid these complications in the first place.

**Mr. David Fehr:** From my perspective, all of that information would be very beneficial. The U.S.A. does a very good job at this. You can see the statistics on the safety side of things with our industry, our subset of the industry specifically. If you compare it to the rest of the commercial transporters, we are the safest group out there on the road, and that supports their level of care and everything else they're doing. If we can gather this data, this information, and use it to present arguments and/or support how we dispatch and/or organize our information, I think that would be hugely beneficial.

One thing I would like to add, though, is that there have been several events—and these were summer events—when we were

coming back into Canada and we were having a challenge with the port of entry where they didn't have enough commercial booths open. I can call the National Cattle Feeders' Association. They'll make a call to the CFIA, which then makes a call to its counterpart in the CBSA, and I can have a booth open in 15 minutes. They recognize the fact that being stuck on the side of the road in 30°C weather is detrimental, but we can't adhere to it or have some kind of adoption into our transportation rules. This is my frustration.

**The Chair:** Thank you, Mr. MacGregor.

Thank you, Mr. Fehr.

Colleagues, I don't do this often, but I want to ask a few questions, if you'll permit me.

Ms. Noble, just for clarity for us and to wrap all this up, part of what's driving this conversation.... The actual regulations haven't changed, other than the implementation of the ELDs, from what would have been paper logs in the past. You and I have had conversations in the past. When does the ELD actually start to trigger? Do you know that?

Maybe that's a question for Mr. Fehr. As soon as the truck starts to move even a few kilometres an hour, the clock starts, whereas before there might have been some more flexibility. Do you know, Mr. Fehr, when that ELD actually starts to trigger now?

● (0915)

**Mr. David Fehr:** I believe it's at three miles an hour, so once the truck starts registering a speed in excess of three miles an hour.

**The Chair:** How did officials...? Maybe the situations wouldn't have been as dire. To your point, Mr. Fehr, I can appreciate that as soon as the truck starts to move at three miles an hour or three kilometres an hour.... Either way, it's a low threshold. It could be just moving around the yard to actually load up the animals onto the truck. How did officials treat this previously? Was there some flexibility or was there a policy approach? Just for the benefit of this committee, was there generally an understanding on this or was it mixed? How has that changed over time?

**Mr. David Fehr:** I think the biggest thing is that, as you said, there's a consideration for what's happening in that given environment. Whether you're ready to back up to a chute and load or you are just turning in and backing up, now your day has started. All of these factors are important.

Perhaps you load as a group, so if you're going across the border, you need to cross the border as that group. If you have to load with another group of people, you're waiting there for 45 minutes or however long it could be. You might be the first person there, so your day has already started and you're an hour into your day now.

**The Chair:** Ms. Noble, on the legislative piece, just so this committee can be very clear about what we can recommend to the government.... I gave you a piece of paper, which has the actual regulation on it, so that you have it in front of you. Under “Emergencies and Adverse Driving Conditions”, subsection 76(1) talks about “a driver who, in an emergency, requires more driving time to reach a destination that provides safety for the occupants of the commercial vehicle and for other users of the road or the security of the commercial vehicle and its load.” Of course, in this case it's talking about animals.

You're not asking for a change in that type of regulation. You're asking for a policy statement, either from the department or from the minister, that explains that in these conditions that includes animal welfare.

**Ms. Cathy Jo Noble:** We're not asking for a regulatory change. There's a guidance document that exists. That's what we're asking for clarity on, so it's not even a regulatory change.

Right now, the guidance document in regard to that says, “An emergency is a situation or impending situation where the safety or security of people is at risk or likely to be in jeopardy.” That's the guidance for that one. What we are asking for is an addition that says that, in the case of live animal transport, should an unforeseen animal welfare concern that could lead to animal suffering occur, it will be considered an emergency for the purpose of subsection 76(1). I can share this with you.

We're not even asking about regulations, but guidance.

**The Chair:** Is this an internal document that Transport would share? Is it a public document that's available?

**Ms. Cathy Jo Noble:** They share it with the enforcement officers.

**The Chair:** Perfect. That's very helpful.

Thank you so much for the first hour.

Colleagues, on your behalf, let me thank the fine folks from the Canadian Cattle Association, the Canadian Pork Council and the National Cattle Feeders' Association. That was very helpful.

Don't go far, colleagues. We're going to turn it over to our second panel in just a few minutes.

We'll suspend.

● (0915) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (0925)

**The Chair:** Colleagues, welcome back to panel number two. It's great to be here.

Before I go any further, I have one thing. Before I could get coffee into my system this morning.... We didn't pass the budget for this study. I'd like to make sure we have unanimous consent that the proposed budget shared to your emails can be passed. I don't see any issue with it. Otherwise, the first hour is on me, if you guys don't pass it.

**Some hon. members:** Agreed.

**The Chair:** Okay, that's good. It has passed.

For the second panel, we have, by video conference, Susan Fitzgerald, executive director of the Canadian Livestock Transporters' Alliance. Welcome, Ms. Fitzgerald. We also have Don Shantz from Vernla Livestock Incorporated.

We also have Barbara Cartwright, executive director of Humane Canada; and Lynn Kavanagh, campaign manager at World Animal Protection.

Monsieur Perron was trying to get a witness. He was unable to get the representatives from Quebec he was hoping for, so I used my discretion. We're allowing the Canadian Pork Council to stay around for any further questions. That was at the behest of Monsieur Perron, and I was happy to oblige.

We're going to give five minutes for opening remarks. I'm going to start with the Canadian Livestock Transporters' Alliance.

It's over to you, Ms. Fitzgerald.

**Ms. Susan Fitzgerald (Executive Director, Canadian Livestock Transporters' Alliance):** Thank you very much, Mr. Chair.

The Canadian Livestock Transporters' Alliance is pleased to have been invited by the standing committee to appear before you today in relation to electronic logging devices and animal transport.

Our association represents commercial livestock transport companies. We have members in Ontario, Manitoba, Alberta and Quebec. As you mentioned, I'm joined here today by Mr. Don Shantz with Vernla Livestock, based in Ontario, a member company of the association.

ELDs provide less flexibility in documenting service hours than paper logbooks. Due to this decreased flexibility, our concern is the potential for drivers to reach their maximum hours of service due to unforeseen delays before reaching the animals' destinations, or it could be due to delays with unloading at the destination. The driver would then be put in the very difficult position of either complying with their hours of service regulations by going off duty or doing what they know is best for the animals in their care, which is getting them to the planned unloading site.

Additionally, as you heard from a previous witness this morning, live-haul drivers, unlike freight transporters, cannot simply pull into a rest area and go off duty if they unexpectedly cannot get to their destination or unload within their hours of service. Most of our animal trailers are passively ventilated, which means that the load cannot remain stationary for prolonged periods of time. They must be kept moving to attain maximum airflow and temperature control.

This is also true for the transportation of bees. Plus, with bees, there's the concern of bee escapes when stationary, which could become a human safety concern.

Animal transport is carefully planned. The circumstances we are anticipating are unforeseen delays or events. Drivers going over their hours of service is not an expected occurrence. Animal transporters are not seeking a blanket exemption from ELDs or hours of service. We're asking for flexibility in the hours of service enforcement in situations where animal welfare must be safeguarded.

Examples of unforeseen delays—and you heard some previously—that could occur in transit include adverse weather, traffic accidents that close roads or bring traffic to a standstill, border-crossing delays, bridge or road outages and a breakdown at the processing plant, which would hold up unloading.

Since 2017, when the amendments to the regulations were first published, we have urged Transport Canada to harmonize our Canadian regulations with the U.S. We have live-animal transporters driving on both sides of the border, often during the same day, and they must comply with both sets of regulations. Harmonization would provide clarity. Most importantly, we feel the U.S. regulation recognizes the unique aspects of transporting live animals, and provides the needed flexibility.

In the U.S., the exemption for hours of service of 150 air miles from load origin was in place for live animal transport on an interim basis since 2017. The November 2021 U.S. Infrastructure Investment and Jobs Act legislated a permanent exemption from hours of service for livestock and insect haulers, but just within a radius of 150 air miles from the origin and destination of their trip.

Ideally, we would like to see harmonization of animal transport regulations between our countries. In the interim, though, there are sections of the Canadian regulations that could be used to safeguard animal welfare.

You heard mention of subsections 76(1) and 76(2) of the regulations, which permit drivers to extend the driving time allowed during adverse driving conditions or emergency situations in order to reach their destinations for the safety of the occupants and the security of the load. This may cover animal welfare concerns, but the interpretation of what constitutes adverse driving conditions and emergency situations is left largely to individual enforcement officers.

As part of a national working group, we met with Agriculture and Agri-Food Canada, the Canadian Food Inspection Agency and Transport Canada officials multiple times regarding this issue. We have requested the provision of strong guidance to all enforcement agencies that clearly states that animal welfare issues are defined as emergency situations under subsections 76(1) and 76(2) of the regulations. This would provide clarity to enforcement officers and reassurance and peace of mind to animal transporters that they're not going to be penalized for putting animal welfare first. Thus far, Transport Canada officials have not indicated to us that they would move forward with this reasonable request.

Transporting live animals is definitely different from hauling freight, and we believe there should be consideration given to those differences. Both driver safety and animal welfare need to be considered.

Thank you.

• (0930)

**The Chair:** Thank you very much, Ms. Fitzgerald.

We'll now go to Humane Canada and World Animal Protection, which, in my understanding, will share the five-minute slot.

I'm going to turn it over to either Ms. Kavanagh or Ms. Cartwright for five minutes.

**Ms. Barbara Cartwright (Chief Executive Officer, Humane Canada):** Thank you so much.

Good morning, everyone.

For more than 40 years, Humane Canada, which is the federation of humane societies and SPCAs, has worked collaboratively with industry and governments at the National Farm Animal Care Council to improve standards of care for farm animals.

Transportation, as we have heard, is the most stressful experience in the lives of farm animals, and it is critical that requirements implemented—

**The Chair:** Ms. Cartwright, I apologize for interrupting. Our translators are asking if you are able to just move your microphone up a little bit closer to your mouth, just a little bit higher.

**Ms. Barbara Cartwright:** Okay.

Is that okay?

**The Chair:** Yes, let's try it. Thanks.

**Ms. Barbara Cartwright:** Okay.

Canada's humane transportation regulations were finally updated, after decades of consultation, to require shorter times and better protections. There was also a coming into force period to allow industry to prepare to meet those regulations, so we had hoped that, during this time, infrastructure changes would be made. Animals would travel shorter distances, and any trip delays would still fall within the mandated time frames.

Animal welfare should always be an essential consideration when dealing with the regulations for truckers who transport livestock. If amendments to the ELD regulations are needed to address animal welfare emergencies, then clear guidance is needed on what constituents such as an emergency, and it requires more than just industry input.

We don't support amendments that maintain the status quo or address industry ineffectiveness but then impact animal welfare. For example, in a recent Rabble article on this topic, industry experts cited things like erratic working hours, the impacts of warm weather on the loading and unloading of livestock, timetables at slaughterhouses or auction floors, inspections at border crossings, and businesses' opening hours as contributing to erratic schedules. These are not animal welfare emergencies. They may cause animal welfare emergencies, but in and of themselves, they are not animal welfare emergencies. They are rather very much foreseeable circumstances with industry solutions like better planning, shorter distances, more Canadian slaughter facilities, and climate-controlled vehicles.

The onus is on the agricultural sector to structure the industry so that it is not erratic, poorly planned or ineffective, both for animal welfare and human welfare. The agricultural sector should be held to a higher standard than all other transport sectors because its loads are sentient animals experiencing the most stressful moments of their lives.

In closing, we advocate for greater transparency and accountability in the agricultural sector. We've heard here today that there's a data deficiency. Electronic logs could be useful in collecting data that could then identify concerns and inform the enforcement of the health of animals regulations. This data could be shared with the CFIA, which could put resources toward addressing systemic problems.

We support an agricultural system that promotes safe, local production and slaughter and that doesn't rely on hauling animals cross-country multiple times during their short lives. We don't support a system that prioritizes the current supply chain structure over the welfare of hundreds of millions of animals that are raised and slaughtered for food.

Thank you.

● (0935)

**The Chair:** Thank you, Ms. Cartwright.

Of course, we have the Canadian Pork Council here, but they've already had their opening statement. Feel free to ask Mr. Schwindt any questions that you didn't get to ask during the first panel.

We are going to turn to questions, and I'll look to the Conservative side.

Mr. Barlow, we'll go over to you for six minutes.

**Ms. Barbara Cartwright:** I'm sorry. You missed a speaker.

**The Chair:** I apologize. I thought you had finished.

Yes, there's still a minute and a half, so go ahead. I'm sorry, Ms. Kavanagh.

**Ms. Lynn Kavanagh (Campaign Manager, World Animal Protection):** Okay, great. Thank you so much.

Thank you, Mr. Chair and committee members, for the invitation to speak today.

I'm the farming campaign manager at World Animal Protection. We're an international animal welfare charity. We work collabora-

tively with stakeholders to improve farm animal welfare, and we are also a member of the National Farm Animal Care Council.

We're here today to talk about the requirements as they relate to the transport of live animals and their welfare during transport. As Ms. Cartwright said, transport is, no doubt, one of the most stressful periods experienced by farm animals during their lifetime.

While we agree with the industry concerns about ensuring that animal welfare is not compromised by a strict adherence to the rules and would support exceptions for certain reasons, such as an unexpected delay due to weather, we are also concerned that flexibility in the requirements will be used as an excuse to extend already lengthy journey times rather than address a system that is broken and in need of repair.

What I mean by that is the centralized slaughter system in Canada—which is controlled by two companies, JBS and Cargill—means that there are limited local slaughter facilities, necessitating lengthy journeys for animals, animals being sold through auctions, and long lineups at slaughter plants. In Canada, it is common for animals to be shipped across the country or to the U.S. for slaughter. The lack of local slaughter options has been identified as a problem by small-scale farmers in several provinces.

World Animal Protection's recent report highlighting the poor treatment of fragile dairy cows, which was based on CFIA inspection reports and research from the University of Guelph and UBC, shows that cows may be in the system for several days before reaching their destinations. On average, it's three and a half days but sometimes as long as seven to 10 days. Obviously, they will deteriorate substantially along the way. In addition, limited inspections mean that the minimum standards under the health of animals regulations are not always met or enforced.

The examples of long lines at slaughter plants or having to load large numbers of animals at auctions are not appropriate exceptions to the maximum transport times. These issues are sometimes predictable and systemic in nature, and they must be addressed as such. Extending journey times for day-to-day situations should not qualify as animal welfare emergencies, as Canada already has some of the longest allowable transport times in the world.

Thank you.

**The Chair:** Ms. Kavanagh, thank you very much.

I do want to just clarify, for the record, that the conversation today is certainly not about extending the health of animal...length times. This is about electronic logging devices, the transport regulations and making sure animal health is protected. For those who are watching at home, there's no suggestion from this committee, nor are we studying anything about extending those times.

Mr. Barlow, it's over to you for six minutes.

**Mr. John Barlow (Foothills, CPC):** Thanks very much, Chair.

I appreciate your clarifying the goal of the study that we're undertaking.

Ms. Fitzgerald, we did ask this question in the previous panel, but I know, certainly with your expertise on this.... One of the comments we're getting from Transport Canada officials is that those who are moving animals should just plan their route better. I went up to a barn facility in Thunder Bay earlier this summer. Highway 1 in northern Ontario is single-lane. There are no shoulders. I don't know if there are any other options in northern Ontario when it comes to planning the route.

Can you give us an idea of the logistics and how much planning goes into coming up with those routes? I don't think this is something that is done lightly when it comes to planning the transportation of livestock.

• (0940)

**Ms. Susan Fitzgerald:** Certainly. Thank you for the question.

For sure. The situations we're talking about are not due to bad planning. The transporters have laid out their route and scheduled the times. What we're talking about are unforeseen situations. These situations, as I mentioned, could be adverse weather, traffic accidents, bridge outages. However, you raise a very good point. There may not be, in some locations, an alternate route that's readily available to them—again, taking into consideration an alternate route that would be appropriate for the transporters to take.

As we also mentioned, if they run into a situation...because we are talking about the driver's hours of service. If a driver is going over their hours of service, a location that's appropriate for unloading those animals and making sure they have feed, water and rest may simply not be available or not be in the best interest of the animals being transported.

**Mr. John Barlow:** Certainly, if you look at some of the conditions in northern Ontario, for example.... As I mentioned, there are no other alternatives to pulling over on the side of the highway, unloading and loading animals. I'm assuming it would be extremely hazardous, not only for the animals themselves but also for the driver, to be pulling over on the side of the highway and trying to handle a load of hogs or cattle in a winter storm.

**Ms. Susan Fitzgerald:** That's absolutely correct.

My colleague, Mr. Shantz, who is joining me here this morning as well, perhaps has something to add to that, but, as was identified, both with the panellists here now and previously, loading and unloading animals is a stressful situation for them, so we want to get them to their planned destination as quickly and safely as possible.

As the chair identified, we're not talking about changing the allotted hours for time off feed, water and rest for animals. We're talking about the drivers reaching their maximum hours of service.

**Mr. John Barlow:** That's a great segue to my next question, Ms. Fitzgerald.

As Ms. Noble said earlier with respect to cattle feeders, there's some missing data in Canada, which is making it difficult for Transport Canada to understand the situation we're dealing with.

How often do these extenuating or emergency situations occur? I'm under the impression that drivers are doing everything they possibly can to get their animals to the destination safely. I'm assuming these are extenuating circumstances we're talking about. Is that correct?

**Ms. Susan Fitzgerald:** That's correct.

It's not like it's a frequent occurrence, but it does occur, and we want to ensure that the drivers feel comfortable. As I said, we don't want to put them in the difficult position of having to choose between complying with their hours of service by going off duty and safeguarding the care of the animals they're transporting.

Transport Canada has asked us, "Well, how many loads is this going to impact? By how much are they going to go over their hours of service? Where is it going to happen? When is it going to happen?" Well, we're talking about unforeseen situations, so we don't have data to back that up. We have given them examples and shared with them situation where it happened, but that's not data. Those are examples that are given to them.

They also wanted to know if we could map out the routes in Canada where animals are being transported. Well, we have agriculture right across this country, on major routes as well as county roads. It's not like there's just one or two primary routes where animals are being transported.

**Mr. John Barlow:** Thanks, Ms. Fitzgerald.

I have just one minute left, and I want to ask Ms. Kavanagh about her testimony here today.

Your group has a history of making some claims that have been debunked. For example, during the campaign, your group made unfounded claims that livestock was the source of the pandemic, a claim that resulted in an open letter by more than 50 animal experts around the world, including the president of the World Veterinary Association, the president of the British Veterinary Association, and the director of the Center for Food Animal Wellbeing at the University of Arkansas. Then, most recently, you attempted to inflate the numbers of the emissions from agriculture in Canada, which was also debunked by Agriculture and Agri-Food Canada.

We know the goal of your association is to end animal agriculture. From our perspective, how is this committee supposed to believe any of the evidence you're providing today when the history of your association has been to make claims that have been widely debunked by experts around the world and here in Canada?



● (0945)

**Ms. Lynn Kavanagh:** Oh, that's a heavy one.

First off, I'll clarify that our goal is not to end animal agriculture. We are very clear in our campaigns that we do promote less meat and dairy consumption for climate, more sustainable food production and biodiversity protection, but we do not advocate a vegan diet. That's number one. We're part of NSAC, and we work with industry to develop codes of practice and have worked with industry on other aspects.

Second, on the pandemic point, this could be a very lengthy conversation, but there is extensive data showing that industrial farming systems are very much a pandemic risk for emergent new viruses. Data from international reports, from the UN, from Chatham House, etc., have come out to show this. I would be happy to share those links with anybody who is interested.

Third, on the emissions, I'm not exactly sure what you were referring to when you said that I talked about emissions in Canada related to agriculture, but I think it's fair to say that there is global evidence. We are not alone in this point. We are simply echoing and supporting what the huge body of evidence is saying about emissions from animal agriculture and the need to reduce the amount of animal agriculture that is produced in Canada and globally to help meet our climate target.

Again—

**The Chair:** Thank you, Ms. Kavanagh.

I gave a little bit of extra time. Mr. Barlow did ask quite a pointed question, and I wanted to give you time to respond, but we are a couple of minutes over.

**Ms. Lynn Kavanagh:** Okay, I think that was enough.

**The Chair:** I'm going to turn to Mr. Louis now for six minutes.

**Mr. Tim Louis (Kitchener—Conestoga, Lib.):** Thank you, Chair.

I want to thank all the witnesses for being here virtually and in person. It means a lot to us.

We all want to make sure that our drivers are safe. We want to make sure that other vehicles on the road are safe, and we want to make sure that the animals are safe. I think there is consensus here.

We're looking at what's been described as some "rigid" legislation that has some subjectivity in it. We've heard that section 76 of the regulations says that requirements do not apply to drivers during an emergency. From what I'm hearing and from what we're hearing as testimony, we're looking for clarification so that the people who are doing the enforcement are not in that subjective position to decide. No regulatory changes are being suggested right now. We're just looking for meaningful, realistic and timely solutions, considering animal welfare as it concerns an emergency.

Maybe I'll start with Mr. Schwindt from the Canadian Pork Council. I appreciate your sticking around for the second panel as well.

In our region, we have Sofina Foods and Conestoga Meats close, but a number of truck transports of Ontario hogs have gone to Que-

bec in the past. With Olymel's closure, that's changed the face of the industry.

How has that affected the distances that drivers are facing?

**Mr. Eric Schwindt:** Thank you for that.

Definitely, we are moving some of our hogs further distances. Brandon would be the example I'm going to use today.

That necessitates better scheduling and coordination on behalf of the industry. I think we're doing a good job of scheduling our trucks to stop in Thunder Bay at an appropriate time. We know ahead of time what time that truck is scheduled to be there and then what time it is scheduled to arrive in Brandon after that rest time.

There is a large concern that unforeseen circumstances are going to be used as a crutch by the industry. I don't think that's the case. We have to meet our obligations in terms of delivery to the plant because they have schedules too. They can't accept unscheduled lateness all the time, so it's in our best interest to plan appropriately, and we have a track record of doing that.

**Mr. Tim Louis:** Thank you for that.

Maybe I'll turn to Mr. Shantz from Vernla Livestock.

You have a livestock trucking company. Maybe we can talk about delays at the plant. If a trucker is at the end of their shift, at the end of their day, and they're delivering livestock to a plant and they get there and the plant has issues itself, the plant will hold the truck because they don't want truckers to unload unless they know for sure that they can get the plant up and running. If this happens, let's say, in the summer when it's warmer weather, they'll ask a trucker to drive on the road to get airflow again for the animals to cool down. Depending on how long that takes, those drivers could run into a situation where they could run out of hours.

Has that happened, and what kinds of solutions would you suggest for that?

● (0950)

**Mr. Don Shantz (Vernla Livestock Inc. and Member, Canadian Livestock Transporters' Alliance):** That has happened in the past. Breakdowns at Conestoga or Sofina have happened and trucks have been lined up, waiting to unload. It's 30°C outside. The animals are getting warm. Everybody knows that they need ventilation. They ask that the trucks leave the site and drive, go out on the highway, get some air flowing through them for, possibly, half an hour and then return to the plant. That adds more driving time to their already tight schedule that day.

They get back to the plant—and, hopefully, things are running again—and get unloaded. It's possible that the driver's time could have expired in the meantime. When that happens, generally the driver is not allowed to park at the plant and needs to leave. It can happen that he needs to exceed his hours of service when he leaves the plant at that point.

**Mr. Tim Louis:** Thank you for that.

Given the shortness of time here, maybe I'll ask a question of Ms. Fitzgerald from the Livestock Transporters' Alliance. [English]

You're asking for built-in flexibility and for the transport of animals to be considered if an emergency situation happens. We're hearing about these situations that can happen.

With the flexibility comes responsibility. We're hearing about a lack of data. Is there currently a procedure in place to report incidents of emergencies that would cause drivers to go over their required time limits, and would you, in any way, recommend some sort of a reporting procedure to build data so that the industry and the ministry can see how this is happening and whether it can be mitigated? Basically, how can the government and industry work together to collect this data to help with planning and decision-making?

**Ms. Susan Fitzgerald:** Thank you for the question.

What drivers are doing now when they're making that decision to go over their hours of service to benefit the animals in their care is recording the reason for that overage in their electronic logging device. That would be noted in case an inspection officer were to ask for their electronic logging device and noticed that they were over their hours of service. Certainly there is the opportunity, with time and funds, to run a research project to gather data, but that is going to take time. We have loads of animals being transported every day.

The other thing you'll hear from Transport Canada officials is that Transport Canada does not do the enforcement of their own regulations. The regulations are actually enforced by the provinces and the territories, which is absolutely correct. However, there is an association called the Canadian Council of Motor Transport Administrators. The federal government belongs to that group, as do the provinces and the territories. The mandate of that organization is to provide administrative and regulatory coordination, including interpretation of legislation.

You heard references to there being a guidance document already in existence. It was produced by the association I just mentioned to you, the CCMTA, to which the federal government belongs. It is quite possible for Transport Canada to provide guidance through that organization, of which they're a member, to the enforcement officers.

**The Chair:** Thank you, Ms. Fitzgerald.

Thank you, Mr. Louis.

[Translation]

I'll now give the floor to Mr. Perron for six minutes.

**Mr. Yves Perron:** Thank you, Mr. Chair.

I would like to thank the witnesses for their participation and availability.

I'll start with Ms. Cartwright, from Humane Canada.

You said that the amendment requested to allow flexibility for animal transport was necessary. So you agree that flexibility should be given in situations where animal welfare is at stake, and you support the request.

Is that what you said?

**Ms. Barbara Cartwright:** For us, at this point in time, it's really unclear what's being asked for.

We certainly think it's important that, if there's an animal welfare emergency, there needs to be recognition of that.

What we're also hearing is that it's industry practice. We hear about flexibility being needed. We've heard other terms, such as "extenuating circumstances" and "flexibility", and then discussion about systemic issues. Systemic issues aren't unforeseeable. They are part of a poorly organized system, whether we're talking about routes or locations for rest stops. This all needs to be considered from the animal welfare perspective.

If guidance is required on subsection 76(1)—and we appreciate what's being asked for by our industry colleagues—then we would like to see that it's done and that it's done not just with industry but also with others, like us and our industry partners.

I hear and understand the idea that this could create loopholes, and that's not the intention. I think the person before said...though I don't think that's the case, but let's ensure that it's not the case and that the guidance is really focused on animal welfare emergencies.

• (0955)

[Translation]

**Mr. Yves Perron:** Ms. Cartwright, I understand your concern. You want it to apply in exceptional circumstances, in order to ensure animal welfare. If that were the case, you would be in favour of clarifying the description given in guidance document on section 76 of the regulations in question.

In your remarks, you also mentioned that infrastructure changes would be desirable. This brings me back to the subject I touched on earlier. More generally, it would also be desirable for the government to create conditions that are more favourable to regional processing sites, so that there is less concentration. This could have the secondary effect of improving animal welfare.

Do you agree with that approach?

[English]

**Ms. Barbara Cartwright:** To clarify, yes, we support closer regional processing systems to reduce transit times, if that's what you're asking.

[Translation]

**Mr. Yves Perron:** That was my question. Thank you very much.

Ms. Kavanagh, you made much the same recommendations and expressed the same concern. You're against centralized slaughter. Of course, things won't improve overnight. However, if the government were to take steps to facilitate regional processing at sites with less capacity, I imagine you'd agree.

[English]

**Ms. Lynn Kavanagh:** Yes, absolutely.

I agree with what Ms. Cartwright said. Yes, definitely there is a need for more localized and regional slaughter facilities, for animal welfare reasons and other reasons that some small farmers have talked about publicly in the media and on websites, etc.

[Translation]

**Mr. Yves Perron:** Thank you very much. I understand that you also agree with allowing some flexibility in exceptional cases, out of concern for the animals' health.

Mr. Schwindt, what do you think of the idea of having more regional slaughter facilities and more investment?

I would also open the door for you to talk about government investments in research. I think you're waiting for some university funding. Do you want to speak to that?

[English]

**Mr. Eric Schwindt:** For sure, as industry we're always encouraging investment in local processing. We believe in that, but that's an issue independent of this transport issue. We want to be able to ensure animal welfare wherever our pigs are going, over short distances or long distances.

You brought up research. I think that as an industry, we're always trying to do better in all that we do. A good example of that is the Elora research build that's happening at the University of Guelph. We as an industry are quite excited about what we can learn there and how that can promote the industry going forward, so we can do a better job of producing pork and looking after our animals in animal care.

To date, we've been disappointed that we haven't been able to partner with the federal government on that. We're looking forward to finding ways to be supported by the government on this project. We're looking forward to that and to what we can learn together.

[Translation]

**Mr. Yves Perron:** In about 10 seconds, can you tell me what kind of help or what kind of response you're looking for?

[English]

**Mr. Eric Schwindt:** At the Elora research build, there have been three barns built to date: the dairy barn was built, along with a beef facility and a pork facility. Dairy farmers received about \$3 million; beef farmers received \$2 million. We're hoping to be in that ballpark and we're looking forward to finding a way to get that \$2 million to \$3 million in support from the federal government.

• (1000)

**The Chair:** Thank you so much, Mr. Schwindt.

Thank you, Mr. Perron.

We'll go next to Mr. MacGregor. Colleagues, for the second round, we are getting a little bit tight for time. I'm going to try to do four minutes for the Liberals and the Conservatives. We're going to keep you guys to two and a half minutes, and just a few minutes after that we'll be out of here.

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** Thanks, Chair.

I don't think I'm going to take my full six minutes. This committee is getting a pretty clear idea of what the problem is.

Ms. Cartwright, I want to thank you for making reference to the difference between unforeseen and foreseen circumstances. This committee has looked at Canada's processing capacity. We know very well the dominance, in our slaughter capacity, of just two companies. We saw the extreme weakness in that system when we were in the midst of the pandemic, especially when the workforce of some of those slaughter houses was severely impacted by COVID-19, and the massive domino effect that had right across the whole industry. We're very well aware of that, and I just want to thank you for bringing that up.

Is there anything you want to add to your previous intervention with my colleague, Monsieur Perron? Is there anything you want to clarify? I'll give you a minute or so.

**Ms. Barbara Cartwright:** Thank you for the opportunity to add other reflections.

I feel as if I've been very clear that we want to ensure that any guidance, amendments or exemptions are about real animal welfare emergencies, not industry shortfall or industry being poorly organized, especially as we move into new realities and regulations. These regulations are set to make industry better, whether it's the trucking industry or the agricultural industry. We don't want to sidestep any of those for inadequacies. We want them to promote the industry in order to create better processes, better planning, and better systems.

**Mr. Alistair MacGregor:** Thank you for that.

Ms. Fitzgerald, I'd also like to thank you for coming and adding a voice of expertise from the trucking industry's perspective.

One question I have for you is this. When it comes to planning purposes and unforeseen circumstances.... I'm thinking about the worst-case scenario, where there's a complete and total mechanical breakdown of a truck. What does that usually involve? Do you have another driver on standby who can come? I'm trying to figure it out. I see a pattern here of trying to make these regulations a bit more open to interpretation in unforeseen circumstances.

What does the industry do today when planning for that worst-case scenario? What kind of backup plan do you have when that occurs?

**Ms. Susan Fitzgerald:** Thank you very much for that question.

I'm going to ask my colleague Mr. Shantz, who works at a transport company, to give an example of that.

**Mr. Don Shantz:** I will give you an example of what happened in the last two weeks.

There was a truck coming from western Canada with a load of stockers—little calves. The truck was on Highway 17 between Wawa and Sault Ste. Marie. The new equipment we have nowadays.... With the emissions requirements brought upon transport trucks, we have more equipment failures than we had in the past. When the emissions system detects a certain fault, it can do what we call a “derate” on the engine.

The driver calls me. He tells me the truck is telling him it's going to derate. He's down to less than an hour. He's within 30 to 40 minutes of Sault Ste. Marie. I spring into action. I call the shop in Sault Ste. Marie and line up some service there. This is already after six o'clock on a Friday night, with nobody in the shop. I contact a guy. He responds back to me. He says he'll meet our truck there. Several hours later, he gives me a diagnosis. He says he does not have the parts available in Sault Ste. Marie.

As a team here at Vernla, we talked together, and the decision was made that myself and another driver would get in the truck and head to Sault Ste. Marie to rescue that load of livestock and get it to its destination.

• (1005)

**The Chair:** Thank you, Mr. MacGregor.

Mr. Shields, we'll go to you for about four minutes.

**Mr. Martin Shields (Bow River, CPC):** Thank you, Mr. Chair. Thank you for the opportunity to be here today.

The issue we have seen is flexibility, in the sense of a definition, and regulatory change in the future. I am currently working on a PMB to hopefully look at aligning with the U.S. That's a long-term goal.

What is the definition now of flexibility? I'll give you an idea of how hard it is to get the data.

I'm driving down the highway. I have a paper logbook in front of me. A severe accident happens with three vehicles. I stop my rig. I'm out. I'm helping on that accident scene, because there's nobody else. We're pulling people out of vehicles and the rest of it. With a paper logbook, I put that in as a pause. In the logbooks we have now, how do you explain to somebody, a long time later, what that was, and do they believe you? That's the real life of truckers on the highway. It really is. I've experienced driving first-hand with a paper logbook. It's a challenge.

Thank you for mentioning bees. The bee guys are very concerned about that, because the bees are gone if they stop. This is a problem.

Ms. Fitzgerald, when we talk about transportation.... Some people don't realize how integrated the cattle industry is in western Canada and the northern U.S., and how few border crossings we have there. When we talk about alternate routes.... We have one in Alberta, in Coutts. We have one in Saskatchewan and two in B.C.

How integrated, from your point of view, is our cattle industry?

**Ms. Susan Fitzgerald:** Well, as you heard from Mr. Fehr this morning, they do schedule and plan loading and unloading spots, but when you get into those situations where you have limited alternative routes in terms of infrastructure, whether that be roads or

bridges, etc., and one of those is closed or out—and we have the same sort of situation in northern Ontario as well with crossings coming across the top of the lake—it's a very difficult situation to then find alternative routes and to keep that load moving. If you're getting backed up, the driver's clock keeps ticking. So even though the animals may be fine—because as we've heard, the hours for the animals are separate, and that's usually 36 or 28—the driver's allotted hours are much shorter than that, so it's the driver who could time out before getting the animals to their planned destination.

**Mr. Martin Shields:** The cattle industry is a very integrated western Canada-northern U.S. industry. The animals don't know the difference between one side of the border and the other. Cattle guys just move animals where the best prices are, back and forth across that border. The challenge people don't understand is that we have one regulatory system on one side of the border and another one on the other side, but then the drivers get caught. I think our member—whom I respect—brought up who gets the tickets and who doesn't. My wife doesn't get the tickets; I do.

We've had that discussion before. That's the interpretation we need to get clarified, and it's a challenge. Is that right?

**Ms. Susan Fitzgerald:** That's correct.

We're talking about giving those drivers the assurance and the peace of mind that for doing what they know is best for the animals in their care, they're not going to be charged. You may hear from Transport Canada the concern about driver safety, and something they asked us was whether we could provide them with data or research on commercial truck crashes and any relevant research on ELDs. That research has not been done in Canada, but I did provide them with research that was done in the U.S. by Northeastern University, the University of Arkansas and Michigan State University, which looked at that.

They said that with the implementation of ELDs in the United States there was greater compliance with hours of service regulation, so staying within those hours, but that also led to unsafe driving violations. You heard mentioned earlier that we don't want to create a situation in which drivers are feeling that pressure, that stress to increase their speed or to change their safe driving practices. We don't want to do that. As you also heard from Mr. Fehr, animal transport is one of the safest sectors in commercial transport because of the nature of the freight—they're hauling live animals.

• (1010)

**The Chair:** Thank you, Mr. Shields.

Thank you, Ms. Fitzgerald.

We'll turn it over to Ms. Taylor Roy for up to four minutes.

**Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.):** Thank you.

Thank you to all the witnesses for being here. This is an important discussion because we're dealing with the health and well-being of not only the drivers of these animal transports and the other people on the road but also the animals, even though we're not dealing specifically with the length of time that animals.... Those regulations are from CFIA. Obviously, as has been discussed, the ability of the drivers to stop to tend to animal welfare issues is germane to this conversation.

There's been a lot of discussion around the exact guidance that should be given to the provincial and territorial bodies that are enforcing these regulations, and I agree that there should be more specificity and guidance. We've heard from the cattle industry and the pork industry, but I am wondering whether Barbara or Lynn might have some thoughts about what should be considered an emergency and what kind of guidance should be given to these bodies, from the perspective of animal welfare as well, when they're looking at what an emergency is or how to decide what the flexibility in the regulations is.

**Ms. Lynn Kavanagh:** Do you want to go ahead, Barb?

**Ms. Barbara Cartwright:** I do, certainly. Thank you for the question.

We've heard about some of the things we would consider to be emergencies, things like adverse weather impacts and road accidents. Certainly during the pandemic there were a number of emergencies that came up when it came to the matter of moving live-stock, whether those were border closures, issues at the border or pandemic impacts on staff at different slaughter plants and how that slowed things down. There are definitely issues that are going to arise, and we would be happy to work with Transport Canada and with our colleagues in industry to identify what those are. What we don't want is to have those things that are actually structural and that need to be changed in any case, in terms of both the Health of Animals Act and the transport regulations.

I think that would cover it for me.

Lynn, do you have something to add?

**Ms. Leah Taylor Roy:** I have another question, Lynn, if you don't mind. I'm sorry. It's a short time.

In addition, we're talking right now about symptoms of a root problem that is caused, it seems, by a lot of structural issues. What has been brought up was the lack of rest stations—as we heard, there's only one in the east-west corridor, in Thunder Bay—and the concentration of slaughterhouses. These things are causing issues not only for the drivers of the trucks, obviously, and the people in the transport industry but also for the farmers and animals. Then you have, on top of that, pandemic risks—or biosecurity risks, at least.

What can be done to restructure this industry in the longer term in some way, so we don't have stressed drivers of live animals, problems with animals and all these issues with border crossings and closed roads, etc.? What do you think we can do, realistically, to alleviate some of the root causes of these problems?

**Ms. Barbara Cartwright:** I can start by answering the question about the trucks, but then I'd love to hand it over to Lynn to talk about the restructuring of the actual slaughter system.

One of the examples given was that when temperatures are very hot and there's a slowdown at the slaughter plant, the trucks may be asked to drive around in order to create airflow for the animals. That triggers driving time for them. A simple solution to that is climate-controlled trucks, which we don't have but should be requiring across the country, especially as we move into more climate change issues. That's a big and important solution. It would mean the driver doesn't have to drive and the animals aren't suffering while the emergency at the plant is being dealt with.

Lynn, do you want to talk about other parts?

**Ms. Lynn Kavanagh:** Yes. Thanks, Barb and MP Taylor Roy.

We've heard a few times about—and have already had questions on—the issue of limited slaughter capacity in Canada. It's not an easy, quick fix, I imagine, but it's certainly something that has a lot of buy-in. We know farmers in multiple provinces have expressed this concern. The National Farmers Union has been working on this issue. I have heard Quebec and B.C. farmers expressing the need for that. Sometimes they can't even book their animals in a slaughter plant, because there's not enough space. Also, the domination of the processing facilities by two conglomerates needs to change.

I think, because there's so much buy-in, we need to work together—industry, animal welfare groups and others—to make this happen.

I can give you an example from the research I did on the end of life for cull dairy cows. In certain cases—

• (1015)

**The Chair:** Ms. Kavanagh, we're at time. We're actually about 45 seconds over.

I'll let you finish your thought, but do so very quickly, if you could.

**Ms. Lynn Kavanagh:** Yes.

I was going to say that there are particular concerns with certain fragile animals, like cull dairy cows. Because of the way the system is structured, they have to go through auctions first, rather than directly to slaughter. That's another change that could happen. By way of example, that's what extends their time substantially.

I would be happy to share our report on that particular issue. If anyone is interested, they can follow up.

**Ms. Leah Taylor Roy:** Thank you very much.

**The Chair:** Thank you, Ms. Taylor Roy.

Thank you, Ms. Kavanagh.

Finally, we have Monsieur Perron.

[*Translation*]

You have the floor for two and a half minutes.

**Mr. Yves Perron:** Actually, Mr. Chair, I have just one question.

Ms. Fitzgerald, in your introduction earlier, you said that what was desirable was a permanent exemption, like what exists in the United States.

As for providing the clarification requested regarding section 76 of the regulations in question and clarifying the instructions that are given for interpreting those regulations, I understand that this can be done in the short term and that it would solve a problem.

If we manage to do that in the short term, would you still recommend that the committee suggest an amendment to the act to create a permanent exemption like the one in the United States, or would an amendment to the guidelines for regulatory enforcement be enough?

[*English*]

**Ms. Susan Fitzgerald:** Initially, because we are talking about something we would like to put in place in the relatively short term, that clarification or guidance, particularly utilizing our existing regulations in subsections 76(1) and 76(2)... Ideally, as I mentioned, harmonization with the United States is preferable. We noted the integration of our agriculture sector in certain parts of the country, more so than in others, and that we have animal transporters operating on both sides of the border, often during the same day. They have to comply with both sets of regulations.

Ideally, yes, we would like to see harmonization between our countries. In the short term, I think we need something to safeguard animal welfare. The guidance in subsections 76(1) and 76(2) could be that tool.

Thank you.

**The Chair:** Thank you very much, Mr. Perron.

I have one final question.

Ms. Fitzgerald, you mentioned of course that drivers are required to record the reason if there was an issue and they had to invoke the emergency piece. You talked about how this is actually inspected at a provincial level. One of the things I heard today was that Transport Canada is of course asking industry to provide numbers that ultimately seem to reside within provincial jurisdiction. Maybe that's something for which this particular council you mentioned, the CCMTA, could be a bit of a purveyor, to try to actually flush out a more concrete element of the numbers instead of asking industry, where that is recorded in a decentralized way. Ultimately, those numbers might reside provincially. Is that a fair assessment, how I just recapped that?

**Ms. Susan Fitzgerald:** Yes. Thank you very much, Mr. Chair. That is an excellent suggestion. As was mentioned before, individual companies are not going to report to an association and so on the number of violations they've had, and not every company is a member of our association. Certainly the data and the true numbers of infractions should reside with those enforcement agencies.

**The Chair:** As the son of a truck driver, I'm glad I had a good suggestion for the trucking industry.

Thank you, Ms. Fitzgerald.

Thank you to all of our witnesses for joining us here today: Ms. Fitzgerald and Mr. Shantz from the Canadian Livestock Transporters' Alliance, Ms. Cartwright from Humane Canada, Ms. Kavanagh from World Animal Protection, and Mr. Schwindt from the Canadian Pork Council. Thank you so much for sticking around.

Colleagues, just quickly before I let you go, in terms of planning, we have asked for the production of documents from major retailers. Those requests have now gone out, with the deadline of November 2. However, we've asked to be in camera and there are a lot of procedural elements that I think we could use some clarity on, along with legal requirements in terms of the documents that we will see and how far our parliamentary privilege extends. I don't want to be running afoul of competition law, so I've asked for the law clerk to actually come in to provide an in camera briefing about some of the legality of what we're moving forward on. I intend to do that on Monday.

For November 2, where we don't have anything slotted, with your permission I would just give that time back to you to work with your constituents and on constituents' files. On November 6, we can either move to the biosecurity report that we prepared as a committee—because the analyst should have that ready—or we can take a moment to go in camera and look at the production of documents, depending on what happens on November 2.

That just gives you a sense of where we're at. There are a lot of moving parts, but that's what we'll do on Monday. I don't intend to hold a meeting on Thursday, unless somehow you want to challenge the discretion of the chair. That's all good.

Biosecurity recommendations for the study we are going to be doing need to be in tomorrow by 5 p.m.

Mr. Louis, do you have a quick question?

• (1020)

**Mr. Tim Louis:** Do we have a budget to approve for today? Is there anything we need to approve?

**The Chair:** The only other element of course is that we are working to get the Minister of Transport. His schedule has not allowed for next week. That's part of the scheduling issue of my trying to fill meetings. I am told that officials would be available sooner than the minister would be. My question for the committee is whether you would like me to work on calling officials. We could do that on November 2, but I'm not so sure that Minister Rodriguez would be able to join us. I need some discretion from this committee.

Mr. Steinley, would you like to see the administration of the Department of Transport? We might be able to work on having them come on November 2, or certainly we could work on having them come on Monday, potentially, but the minister is not available next week. Normally we have the minister and officials. Would you like to have just officials?

**Mr. Warren Steinley:** I would like to try to get the minister here.

Did we say up to three meetings? I'm just wondering. We submitted a pretty substantial witness list. I'd like to see if we could have the three meetings so all the witnesses we contacted would be able to present here.

**The Chair:** We've set a minimum of two. That's what we are working on in terms of the schedule. We might not be able to litigate that today, but what I'm hearing, at least from Mr. Steinley—and I'm happy to hear from any other members—is that if the minister is not available next week, you want to wait and see if there's an opportunity to have these officials and the minister together.

Mr. Perron, Mr. MacGregor or any of my Liberals colleagues, do you have any thoughts?

**Mr. Francis Drouin:** As long as the witnesses respect the function of the House of Commons, the percentages, that's the only thing.

**The Chair:** Mr. MacGregor, do you have any thoughts? Okay, good. We'll proceed with trying to find another time that the minister might be able to join us. We'll proceed as I mentioned to you, and anything further we can discuss off-line.

Thank you to our witnesses.

The meeting is adjourned.

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