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Chair: Mr. Kody Blois





## Standing Committee on Agriculture and Agri-Food

Thursday, November 2, 2023

• (0815)

[*Translation*]

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

Welcome to the 80th meeting of the Standing Committee on Agriculture and Agri-Food.

I'll 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. Please note that the webcast will always show the person speaking rather than the entire committee.

Taking screenshots or photos of your screen is not permitted.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, October 19, 2023, the committee is resuming its study of electronic logging device requirements and animal transport.

[*English*]

I'd like to welcome today's witnesses.

From the Canadian Food Inspection Agency, we have Dr. Mary Jane Ireland, who is executive director of the animal health directorate and chief veterinary officer for Canada.

Welcome back, Dr. Ireland. We're going to have to set up a cot outside the room. We've had you here quite a bit, but your testimony is important, and we appreciate your willingness to indulge us here.

From the Department of Transport, we have Melanie Vanstone, who is the director general, multi-modal and road safety programs.

Welcome, Ms. Vanstone. I understand you might be starting off our testimony today.

Colleagues, we're going to allow for five minutes of opening statements. I'll be a bit flexible given that we only have two witnesses. Then I intend to do essentially two rounds of questions. It will be six minutes for every party, five for Conservatives, five for Liberals, two and half, two and half, then five and five. Then we'll break afterwards to go in camera to talk about where we want to go from here.

Ms. Vanstone, it's over to you for up to five minutes, please.

**Ms. Melanie Vanstone (Director General, Multi-Modal and Road Safety Programs, Department of Transport):** Good morning, Mr. Chair and committee members.

Thank you for the opportunity to speak with you today about the federal hours of service regime for commercial drivers as it applies to the animal transport sector.

First, I'd like to start by acknowledging that the land on which we gather today is the traditional unceded territory of the Algonquin Anishinabe people since time immemorial.

In Canada, commercial vehicle safety is a shared responsibility among federal, provincial and territorial governments and commercial vehicle owners and operators. Under the Motor Vehicle Transport Act and its commercial vehicle drivers hours of service regulations, Transport Canada is responsible for certain operational matters relating to commercial motor vehicle activity, including hours of service, to mitigate risk of fatigue for commercial vehicles that cross provincial and international borders.

Provinces and territories are responsible for the enforcement of federal motor carrier operational regulations. They also have jurisdiction over intraprovincial carriers, which are also called local carriers.

Data from the national collision database indicates that, on average, 7% of all collisions in Canada between 2012 and 2021 involved a commercial motor vehicle, yet these collisions accounted for 19% of fatalities and 10% of serious injuries.

Driver fatigue is recognized in Canada and internationally as a critical risk factor associated with motor vehicle crashes. The duration of continuous wakefulness, acute sleep loss and the cumulative sleep debt contribute significantly to fatigue-related accidents.

In 1987, the federal, provincial and territorial ministers responsible for transportation and highway safety signed a memorandum of understanding to develop and implement a national safety code. As of 2023, the national safety code sets out 16 safety standards for commercial vehicles, which serve as the basis for harmonized rules and regulations governing the safe operation of commercial vehicles, drivers and motor carriers.

The national safety code is maintained by the Canadian Council of Motor Transport Administrators, which is made up of members from the federal, provincial and territorial governments. I am the board member representing the federal government.

Transport Canada's hours of service regulations were first established in 1987 and have always been harmonized to national safety code standard 9. The current rules are derived from the commercial motor vehicle driver fatigue and alertness study, which was the largest and most comprehensive over-the-road study of fatigue ever conducted in North America. It was jointly conducted by the U.S. Department of Transportation and Transport Canada.

Proposed changes to the commercial vehicle drivers hours of service regulations to mandate certified electronic logging devices, or ELDs, for federally regulated truck and bus motor carriers and drivers were first published on December 16, 2017, in Canada Gazette, part I. The final amendments were published on June 12, 2019, in Canada Gazette, part II, with a coming into force date of June 12, 2021.

For the first 18 months following that date, there was no hard enforcement of this requirement in order for industry to have additional time to adapt. It was only in January 2023 that enforcement measures began to be applied.

The introduction of ELDs did not alter existing limits to driver or working hours for commercial drivers, change the rest requirements or alter the way in which time should be reported. These have remained unchanged since they were last amended in 2007. The only change was that these hours must now be tracked electronically, which means they are less susceptible to errors or deliberate falsification.

Transport Canada officials have had meetings with representatives of the animal transport industry dating back to the initial publication of the proposed ELD requirements. These meetings have provided the opportunity to ensure that the industry is aware of the significant flexibility that already exists in the regulations. For example, this includes an exemption for operators that work within 160 kilometres of their home terminal, the ability to defer up to two hours of daily off-duty time, and the ability to increase driving time by up to two hours in adverse driving conditions.

In the event that the built-in regulatory flexibility does not meet the unique needs of a particular industry segment, motor carriers or the associations on their behalf may make an application for a regulatory exemption under section 16 of the Motor Vehicle Transport Act.

In accordance with the act, the granting of an exemption can occur when the application is found to be in the public interest and not likely to affect motor carrier safety. When an exemption is granted, it is generally very prescriptive, designed to address a specific problem and includes terms and conditions to mitigate any fatigue risk and facilitate enforcement.

Should the animal transport industry decide to pursue a section 16 exemption, Transport Canada stands ready to work with them to determine what type of regulatory relief may be warranted.

• (0820)

I know the committee has heard about guidance for enforcement officers. The Canadian Council of Motor Transport Administrators' application guide for hours of service helps to provide a common interpretation for enforcement officers, motor carriers and drivers to facilitate consistent enforcement and compliance with the rules. The Canadian Council of Motor Transport Administrators, or CCMTA, is aware of the request to review the guidance as it applies to animal transport, and this topic will be discussed in an upcoming meeting of its compliance and regulatory affairs program committee, on which Transport Canada sits as a member.

The committee has also heard about some comparisons with the rules in the United States.

First, it's important to note that both Canada and the U.S. require hours of service to be recorded with an ELD, with some exceptions. However, Canada currently allows longer driving hours than the U.S., longer workdays and more on-duty hours in a driver's seven-day cycle.

With respect to the 150 air-mile exemption for the agricultural sector in the U.S., this was a mandate of the U.S. Congress which allows a livestock driver to work and drive unlimited hours within 150 air miles, approximately 270 kilometres, of either the origin or destination of their load. This exemption does not align with the commercial motor vehicle driver fatigue and alertness study and has been identified by the U.S. National Transportation Safety Board as a potential contributing factor in at least one fatal accident.

To conclude, Mr. Chair, Transport Canada is dedicated to maintaining the safety of commercial drivers and all road users who share their workplace. This is why we have developed evidence-based regulations to help ensure that commercial drivers operating in Canada drive within their limits and accurately log their working hours.

We are happy to work with the animal transport sector to address any unique needs within this framework.

Thank you. I'll be happy to take questions.

• (0825)

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

We'll now go to Dr. Ireland for about five minutes, or however long you need, Dr. Ireland.

**Dr. Mary Jane Ireland (Executive Director, Animal Health Directorate, Chief Veterinary Officer for Canada, Canadian Food Inspection Agency):** Thank you very much.

I'm very pleased to be here to speak with you today as you continue your consideration of electronic logging device requirements in animal transport.

The Canadian Food Inspection Agency is a science-based regulatory agency. It is dedicated to safeguarding animal health, plant health and food safety to enhance the health and well-being of Canadians, the environment and the economy. In this capacity, the CFIA administers and enforces a variety of legislation, including the Health of Animals Act and the health of animals regulations.

I'd like to take a few minutes to outline the objectives of the health of animals regulations and the federal government's role as it pertains to the transportation of animals.

The CFIA, provincial and territorial governments, producers, transporters, industry organizations and many others all have a role to play in animal welfare. Specifically, the CFIA regulates the humane transport of animals and the humane treatment of food animals in federal abattoirs. The intent of the Canadian humane transport regulations is to ensure that whoever transports animals does so without causing avoidable suffering of these animals throughout the transportation process.

In February 2019, after extensive consultation, the Government of Canada published the updated humane transport regulations. As part of this consultation process, the CFIA worked with Transport Canada to ensure these regulations do not conflict with the commercial vehicle drivers hours of service regulations. The updated humane transport regulations prescribe maximum intervals in the time between withdrawing feed and water while loading the animals to stopping once again to provide access to feed, water and rest. For example, for very young and compromised animals, the interval is up to 12 hours for pigs, 28 hours for horses and 36 hours for cattle. These provisions exist to protect animals from dehydration, exhaustion and the nutritional deficit associated with long hauls.

As these new regulations came into force in February 2020, the industry asked for time to establish best practices and make investments to enhance the number of feed, water and rest access locations across Canada. The CFIA worked extensively with industry and granted a period of two years for the implementation of the requirements specifically related to feed, water and rest times.

Humane animal transportation is complex. It is dynamic, and things can go wrong. Responding appropriately to an evolving situation requires knowledge, skill and planning ahead. That is why, as part of the updated regulations, livestock transporters are required to have contingency plans that establish measures to reduce or mitigate suffering if unforeseen delays or circumstances occur.

CFIA supports industry by providing guidance and tools to help regulated parties understand and implement the updated regulations. This includes practical tools, such as a contingency plan template that industry can adapt and use. The CFIA is aware that you can't plan for every possible scenario. This is why guidance to industry also states that, when rare circumstances occur, inspectors may use discretion in enforcing feed, water and rest times, as long as it was an unforeseen situation, actions were considered reasonable, animals were monitored and measures were taken to avoid suffering. The CFIA employs highly skilled veterinarians, veterinary inspectors and other inspectors who administer and enforce the humane transport regulations. They understand that flexibility may be needed at times.

The CFIA has also issued guidance and training. They have these in place to ensure consistent inspector discretion regarding feed, water and rest time intervals, in order to address cases that are in frequent occurrences and due to unforeseen circumstances out of the regulated party's control. These include situations such as the breakdown of a conveyance, a traffic accident, an unexpected road closure when no other options for stopping are available, and unforeseen weather events. In these circumstances, the regulated party would need to demonstrate that decisions were made in the best interest of the animals and animal welfare.

The CFIA monitors compliance with the regulations by conducting routine inspections at strategic locations, including points of entry into Canada, federal and provincial abattoirs, assembly centres and roadside blitzes, as well as following up on reports of non-compliance as needed.

Mr. Chair, I hope this provides a general overview of CFIA's role in humane animal transport.

• (0830)

I welcome any questions the committee may have.

Thank you very much.

**The Chair:** Thank you very much, Dr. Ireland. It did provide a helpful overview.

We'll get right to questions.

We're going to start with Mr. Steinley for up to six minutes, please.

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

Just so people at home who are watching this morning know what we are asking in this motion in this study, it's not about changing the amount of time an animal is on a trailer. That's not what this is about. We realize that the safety of animals is paramount to everyone, and I think we all realize that at this committee. The 12 hours, 24 hours, 28 hours, 38 hours are not the issue with the minister right now. What is causing some issues is the electronic logging devices. We learned at the last committee meeting that once those trucks start going six to eight miles per hour, that logging device turns on, and some unforeseen things happen.

During the fall calf run, truck drivers are sitting at stockyards for longer times, and that time is added to their ELDs. What we heard from the transport alliance is that, through the guidelines and through the enforcement, which is done provincially—thank you, Ms. Vanstone; I realize that—there is just a little bit more certainty. When we have a lot of [*Inaudible—Editor*] around agriculture, they want a little bit more certainty.

Therefore, when we're talking about section 76, they're just asking if the consideration of going over that time could be added into section 76 of the guiding principles so that if an unforeseen situation happens and a driver goes over the time to get their animals to that destination, if they stop, that could be taken into consideration. They're just asking that we add that certainty into that section.

Ms. Vanstone, can you comment on that, please?

**Ms. Melanie Vanstone:** Mr. Chair, I'm happy to comment on that.

First of all, I would note that guidance is developed collaboratively through the Canadian Council of Motor Transport Administrators with the federal government and the provincial and territorial governments. We have brought to the attention of the compliance and review committee, as I mentioned in my opening remarks, that the animal transport industry is interested in having a review of the guidance as it pertains to the industry's unique needs. That will be happening. There will be discussions happening. Again, it's not specifically within the control of Transport Canada to make changes to the guidance.

That said, it's very important to distinguish between foreseeable and unforeseeable circumstances. Section 76 is really very focused on circumstances, adverse circumstances, that arise that are not foreseeable.

What I would say is that loading and unloading would be an area where there should be contingencies built in for typical types of delays.

**Mr. Warren Steinley:** We had some groups here, and I'm not going to put the livestock system on trial because they are very well.... Logistically, they work out quite...and they have built in delays in that already. I'm not going to debate that with you, because the systems they have in place are quite good logistically. A lot of these companies have time built in for loading and unloading. That's one example. However, accidents on the roads, delays when they're crossing the borders, things like that.... Those things do happen, and they build that in. I think the system is trying to be worked as well as it can be, but there are unforeseen circumstances.

I noticed that in April 2022, the Minister of Transport exempted truck drivers transporting fertilizer products between the provinces of Alberta, Manitoba and Saskatchewan during spring planting. If we give exemptions for things like that.... Fertilizer can stay on the truck a bit longer than animals. Obviously, transporting animals is more difficult than transporting fertilizer. I am wondering how that exemption came into play. Is it just because of certain situations? Fertilizer, maybe, was harder to get then. Is that an unforeseen circumstance? Is that something that we could look towards for something like the livestock industry?

**Ms. Melanie Vanstone:** I'm happy to answer that.

The exemption for the fertilizer industry is one of the exemptions under section 16 of the Motor Vehicle Transport Act. The industry applied to Transport Canada with a detailed application regarding its unique needs for regulatory relief. It would have provided us with information to be able to assess the impacts of that exemption and to ensure that it was in the public interest and not affecting motor carrier safety.

• (0835)

**Mr. Warren Steinley:** I'm sorry. I'm running out of time.

With that exemption, could drivers go a little bit over their hours of service?

**Ms. Melanie Vanstone:** I would have to review the exemption to remind myself of the details. The details of the exemption would be set out. I do have the high-level summary.

**Mr. Warren Steinley:** You can bring that back to the committee. It would be great if you could.

**Ms. Melanie Vanstone:** Yes. I'll be happy to send to the committee the information on all of our section 16 exemptions.

**Mr. Warren Steinley:** Does the minister make the final decision, with the guidance of Transport, on an addition to subsection 76(1) or is that done by the committee you talked about? Or does the minister have final sign-off on that?

**Ms. Melanie Vanstone:** Section 76 is part of the regulations. Any changes to section 76 would need to go through a regulatory process.

There's a proposal made to Treasury Board. It's published in the Canada Gazette. There are comments. The guidance has to be consistent with section 76 and what the parameters are that are set out in that.

**Mr. Warren Steinley:** Would the minister have the final sign-off and have to sign off on it?

**Ms. Melanie Vanstone:** The guidance or the regulations...?

**Mr. Warren Steinley:** The guidance....

**Ms. Melanie Vanstone:** The guidance is developed by the federal, provincial and territorial governments working through the Canadian Council of Motor Transport Administrators. It would be that body that would finalize the guidance.

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

**Mr. Warren Steinley:** Thank you.

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

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

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

I want to go to the CFIA for a second.

I just want to know if on section 16 there have been asks for exemptions since 2020 when these new regulations were put in place.

**Dr. Mary Jane Ireland:** I'm sorry, Mr. Chair. I need a bit more clarity from the member.

**Mr. Heath MacDonald:** You talked a little bit about section 16 and exemptions.

Was it you? I'm sorry.

I was just wondering if there have been any exemptions since 2020.

**Ms. Melanie Vanstone:** Thank you.

I appreciate the question, Mr. Chair.

Yes, there have been a number of exemptions since 2020. There was the exemption mentioned for the fertilizer industry. We have an exemption related to the oil and gas industry—

**Mr. Heath MacDonald:** Has there been any exemptions for livestock?

**Ms. Melanie Vanstone:** No. The exemptions are done on the basis of an application to Transport Canada by the industry. We have had a number of conversations with the animal transport industry to advise them of how that process works and have welcomed them to submit an application to Transport Canada based on the requirements of the exemption. We have not received an application to date.

**Mr. Heath MacDonald:** I'm just wondering—and I'll go to CFIA this time—how closely you work with Transport Canada on these exemptions. Has there been any communication or coordination between the two departments to ensure this is consistent?

**Dr. Mary Jane Ireland:** Yes.

Thank you very much.

In the development of our own humane transport regulations, we did consult with Transport Canada to make sure that our humane transport regulations and their regulations do in fact work together, and they do.

When this issue was brought up by industry, we certainly did engage with Transport Canada. We have been present at the discussions with industry, because I think we bring an important perspective, not only with our experience with live animal transport, but also in terms of how we've clarified the rules for the same group of stakeholders in our journey and our implementation of amended regulations.

We are engaged with Transport. Our organizations are in discussion about this issue, but Transport has a rule around public safety and driver safety. That is their area of expertise and regulatory oversight, and ours is around animal safety. They are not mutually exclusive. These rules have to work together, and we have to consider the spectrum of animal safety and welfare, as well as driver and public safety and welfare.

Thank you.

**Mr. Heath MacDonald:** Thank you.

I'm just wondering, through Transport, if there have been any technological advancements or solutions—and this could be for CFIA as well—on the animal welfare. Have there been any advancements in monitoring the livestock during transportation that may alleviate some of these pressures or the exemptions or what have you that may cause concern for CFIA?

I guess there are two parts there.

• (0840)

**Ms. Melanie Vanstone:** I'm not aware. It's not an area that Transport Canada would monitor explicitly in terms of the load that's being carried. We do have responsibilities at Transport Canada when it comes to dangerous goods, but not with respect to live animals.

**Mr. Heath MacDonald:** Ms. Ireland, do you have any comments?

**Dr. Mary Jane Ireland:** Yes. Thank you very much.

Anyone who transports animals is required to ensure their safety and welfare. The regulations are a combination of prescriptive and outcome-based. The transporters are required to monitor their load, and make sure that the animals are doing well in the trailers and that, when they on-load and off-load, their safety and welfare is first and top of mind.

**Mr. Heath MacDonald:** I'm wondering, too, on the provincial government's part, what issues they have raised. Are they similar to the issues that this committee has raised, or are they quite different regionally? I can speak from living in Prince Edward Island and hauling hogs to the former Olymel plant in Quebec. That has now changed, and that has changed since 2020.

I'm wondering, what will the procedure be for those farmers if they have to exceed, basically, the requirements that were in place prior to Olymel closing?

**Ms. Melanie Vanstone:** I would start by noting that all provinces and territories, through the Canadian Council of Motor Transport Administrators, work on developing and continuing to update the national safety code. Those are safety standards that apply to the commercial vehicle sector, and they are intended to ensure that both the federal regulations and provincial regulations for intraprovincial carriers are harmonized.

There are differences in the regimes. Provinces within their sphere of regulatory responsibility may provide different rules and exceptions within the boundaries of their jurisdiction. So that does exist. But when it comes to application of the federal regulations, we work closely with our provincial and territorial counterparts to develop things such as the enforcement guidance, as I mentioned before.

I think there's a general understanding that we adhere to standard 9 of the national safety code. There is no objection from our provincial and territorial colleagues, considering that code was developed collaboratively through a federal, provincial and territorial process that we adhere to—standard 9 of the national safety code.

I would also note that within the —

**The Chair:** Ms. Vanstone, unfortunately, we're at time.

Mr. MacDonald might have another chance, or his colleague Mr. Louis.

[*Translation*]

Our next speaker will be Mr. Perron.

Mr. Perron, you have the floor for six minutes.

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

I would like to thank the witnesses for being with us. We are very grateful.

I'm going to start with Ms. Vanstone.

We've heard from previous witnesses from the livestock transport industry, particularly cattle feeders, that amending subsection 76(1) of the commercial vehicle drivers hours of service regulations was presented as a possibility in your discussions with them.

If I understood your previous answers correctly, amending this subsection could be a fairly onerous and time-consuming task. You mentioned the regulatory process, Treasury Board, the *Canada Gazette*, and so on.

How long could the amendment take?

[English]

**Ms. Melanie Vanstone:** Typically, a regulatory process would unfold over a few years.

There are, typically, what we call pre-regulatory consultations to ensure, even before we publish a proposed regulatory amendment in *Canada Gazette*, part I, we have done outreach to the industry and to any other relevant stakeholders. Then there's the publication of a proposed regulation in *Canada Gazette*, part I, with a comment period. It might take, let's say, up to a year or two from the pre-regulatory consultations and then, typically, another year before you would review comments and do the final publication in *Canada Gazette*, part II. Typically, two or three years is a full process.

[Translation]

**Mr. Yves Perron:** So it's a very long process.

Previous witnesses have told us that providing more detailed guidance in the short term could solve the problem of time constraints in certain unforeseeable circumstances. You also discussed this with my fellow MPs who asked you questions earlier.

Do you think it would be possible to provide guidance in a short period of time? Could that be a solution?

These same witnesses explained to us that what they wanted already exists in certain sections of the regulations, but that the wording was very general. They are afraid that with the existing provisions, some inspectors may be less flexible than others in their interpretation. The result could be that fines are given on a random basis. The witnesses would like these provisions to be made clearer.

In your opinion, would it be possible to do that? If so, how long could that take?

• (0845)

[English]

**Ms. Melanie Vanstone:** With respect to any changes to the guidance itself, that's more, I would say, a straightforward process in some regards, but it is important that the guidance still be consistent with the intent of the regulations themselves. The guidance could not surpass the parameters set out in the regulations.

It would be difficult to say. Probably because it's developed through the Canadian Council of Motor Transport Administrators, there is a need to work towards consensus. It's difficult to estimate what kind of information and how much time that might take, but it is not as administratively complicated as making a change to the regulation itself.

[Translation]

**Mr. Yves Perron:** In the event that consensus is reached quickly, we would still be talking about a few months. We could act much more quickly.

Is my understanding of the situation correct?

[English]

**Ms. Melanie Vanstone:** At minimum, I would believe it would take at least a few months, yes.

[Translation]

**Mr. Yves Perron:** Okay. That's a little more encouraging, because sometimes things take forever.

I have another question for you.

Representatives of the National Cattle Feeders' Association told us that they shared their concerns about the flexibility they need and that they were told by your department that it is not in Transport Canada's mandate to be concerned about animal welfare. However, if I correctly understood what Ms. Ireland was saying earlier, your two departments are cooperating on this file and animal welfare is indeed an important factor.

I know that it was not you personally who replied to the association, but do you not find it troubling that the association is being told that animal welfare is not part of Transport Canada's mandate? We were disappointed with the answer given to the association's representatives.

How does that work? How should Transport Canada have reacted? Should they have contacted CFIA on this issue?

[English]

**Ms. Melanie Vanstone:** Thank you for the question.

I think the intent of the answer is to say that the work we do at Transport Canada is derived from our legislative and regulatory authorities, which are focused on road safety and commercial vehicle safety. We are not mandated to put in place regulations or rules with respect to animal welfare and safety. I think that is the intention of that response. We have included CFIA in our conversations with the industry to ensure that those perspectives can come together as part of those conversations.

[Translation]

**Mr. Yves Perron:** Ms. Ireland, I'd like to wrap up this issue with you.

Your organization and Transport Canada are working together to change the interpretation of section 76 of the commercial vehicle drivers hours of service regulations.



Can your two organizations get the work done quickly? Should there be good communication between you two?

[English]

**Dr. Mary Jane Ireland:** Mr. Chair, thank you for the question.

As my Transport Canada colleague has said, we have regulatory frameworks. Mine pertains to avoidable animal suffering as it relates to animal transport, and hers relates to public safety and driver safety. As I said, these are both areas of requirement that are needed. These two regulatory frameworks work together, and we and Transport Canada do work together, particularly on an issue that intersects like this one.

We have been in discussion with Transport Canada. We have listened to industry, and we have come together, all of us, to have several discussions about this issue.

CFIA remains available to continue to work with Transport Canada, with industry, to find solutions to issues related to animal transport.

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

We'll now go to Mr. MacGregor.

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

Thank you to both of you for helping guide this committee through a pretty narrow focus.

Dr. Ireland, I'd like to start with you.

We previously heard from witnesses that with livestock trailers there's a certain requirement for a minimum amount of airflow. When you look at the hours that certain livestock are allowed to be loaded onto a vehicle, what previous witnesses have told us is that you can't just have those trailers stationary, because the ventilation systems won't work properly. I guess some witnesses were concerned that the requirement for airflow may require a driver to be put into an uncomfortable situation.

How do your inspectors generally monitor the airflow requirements in trailers for livestock?

• (0850)

**Dr. Mary Jane Ireland:** Thanks very much.

To give you an example, the feed, water and rest interval for cattle able to eat exclusively hay and grain would be 36 hours. From taking food and water away, transporting them and providing them feed, water and rest, for a more mature beef cow it would be 36 hours.

Transports have different ways of ventilating. Some are open-sided with slats. Some will have probably not as many fans or abilities to mist and cool animals.

Yes, on a hot and humid day, I would be concerned about not having a trailer moving, because the ventilation for some of the species would be important. On cooler days, there are other ways to manage ventilation.

The requirement in the regulations is really that animals have proper airflow and that they maintain their proper temperature. For transports, there is, at times, the ability to stop, but it depends on the weather and a number of circumstances. That is why we have given CFIA inspectors interpretive guidance, so that they can use their enforcement discretion with respect to the requirements for those feed, water and rest times.

When unforeseen circumstances occur and a truck operator demonstrates that decisions have been made in the best interests of animals, the guidance we have provided and the training we have provided to inspectors, which industry has been involved with and is aware of, allow them to use some criteria, such as whether the incident is an infrequent occurrence, whether it is due to an unforeseen circumstance or it is reasonable under the circumstances, whether the animals are suffering, and whether the animals are being monitored.

Our inspectors use judgment, and they look at the situation in its totality and determine whether enforcement and compliance actions are required or whether some discretion is merited.

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

Ms. Vanstone, you heard the testimony from members of the industry at our previous meeting. Where do you think the disconnect is between the regulators and the industry here?

They seem to be unhappy with the current situation. Some are saying it's as simple as interpreting section 76 on what an emergency is. You're saying the preferred route should be something made under section 16 of the act.

Do you want to weigh in on where you think the disconnect is here?

**Ms. Melanie Vanstone:** I think we've had some very good conversations with the industry. I would start by saying that, and we continue to be open. We met with them just a few weeks ago. That was our last conversation. We are very committed to continuing the dialogue.

I think there are two different processes that we are speaking about. Changes to the guidance have to be within the parameters of the regulations themselves, which are quite clear that section 76 talks about adverse conditions and unforeseen circumstances. The fact that you're carrying livestock or the fact that there may be a delay at the border and some of these other things to some extent are foreseeable. There are typically certain types of delays and different points, and these should be included in contingency planning. I think we are happy and I think my provincial and territorial colleagues would be happy to talk to the industry about other types of scenarios that may be applicable in terms of clarifying the guidance.

It can go only so far. If there are other unique needs that go beyond what could be accommodated through clarifications to guidance, then that is where a section 16 exemption process may be more appropriate to respond to the unique needs of the sector. We have invited the sector to submit an application if they feel that would be a more appropriate way to address their unique needs.

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

You mentioned that you've been having conversations with the industry. Do you think the fact that a standing committee of the House of Commons is now looking into this issue will help move those conversations along to a conclusion?

**Ms. Melanie Vanstone:** I think we've been having excellent conversations with the industry. I appreciate the opportunity, Mr. Chair, to come and speak today about that and about the regulatory framework that we have implemented and administer. I look forward to hearing the recommendations from the committee.

• (0855)

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

I'll leave it there, Mr. Chair.

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

We'll now turn back to the Conservatives.

Is it Mr. Barlow for five minutes?

Yes. Go ahead, please.

**Mr. John Barlow (Foothills, CPC):** Thank you, Mr. Chair.

I just want to take a minute of my time here to put a notice of motion on the table that we can discuss later. I want to get it on the record for our next study on the grocery CEOs and the ministers.

You have been given a copy of the motion. I'll read it into the record. We can discuss it later. I think it's important that we include some of the documents from the ministers.

My motion reads as follows:

That, given the Minister of Innovation, Science and Industry's broken promise to come up with a plan to lower food prices for Canadians by Thanksgiving and the correspondence distributed to the Standing Committee on Agriculture and Agri-Food on October 10, 2023, from the Minister of Innovation, Science and Industry and the Minister of Agriculture and Agri-Food requesting the re-opening of hearings into Canada's high grocery prices, that the committee order the Minister of Innovation, Science and Industry, the Minister of Agriculture and Agri-Food and the Minister of Finance to table by December 1, 2023, all records including briefing notes, analysis and emails on plans to lower grocery prices and to request that they appear before the committee to explain how their plan will lower food prices in Canada.

I will move that motion at a later time, Mr. Chair. I just wanted to get that on the record.

Turning to the witnesses, thank you both for being here. We do appreciate your expertise.

Ms. Vanstone, you say that you're having great conversations with industry, but this has been going on since 2017. I think the time for conversations has long passed. I guess I'm a little frustrated with the pretty unanimous positions or concerns raised by industry and different aspects of the industry. We sent a letter to the Minister of Transport almost a year ago asking for some changes to be made. We weren't even given a response, let alone any changes to address some of these concerns.

I think the solution here is pretty clear.

Ms. Vanstone, has the Minister of Transport ever given you or your department any direction to try to resolve this situation and come up with maybe an interim policy while changes to section 16

are worked through? Has any direction been given to you by the minister?

**Ms. Melanie Vanstone:** With respect to the conversations and the work we've done with the industry, we continue to look at the existing flexibility and the existing exemption process within the act. We believe there is a significant amount of room to work with the industry within the existing framework.

**Mr. John Barlow:** If you agree with that, then what is the holdup to adding some clarity to what seems to be either inconsistencies, or maybe not inconsistencies, but some objectiveness within the guidelines? What is the holdup that you aren't able to come up with a policy or strengthen this policy or have a little bit more clarity in this policy to address the concerns that have been raised?

**Ms. Melanie Vanstone:** Thanks for the question.

As I mentioned previously, the questions with respect to the enforcement guidance have been referred to the Canadian Council of Motor Transport Administrators, which is responsible. Collectively, Transport Canada is working with our provincial and territorial colleagues to look at that guidance.

**Mr. John Barlow:** We had some representatives here at a previous meeting from Humane Canada and World Animal Protection. They described our animal transportation industry as being littered with "systemic issues", as being "poorly organized", and as having a "limited" inspection regime from CFIA.

Would you agree with those sentiments that logistics and planning aren't going into this and that it's very poorly managed? Would you agree with those comments?

**Ms. Melanie Vanstone:** I would simply say that I believe the regulatory regime provides significant room and flexibility for all commercial motor vehicle operators and drivers to plan accordingly and to be able to drive safely within the context of the hours of service rules.

**Mr. John Barlow:** I have one last question, really quickly.

You mentioned that we're kind of trying to get more of an alignment with the United States. The United States has that exemption. You said there was one fatal accident. Do you know how far past their hours of work or distance it involved?

I understand what we're trying to do here, but I'd say we're never going to have zero accidents. If they've made a change that works in the United States.... They've had one accident. That is unfortunate, but it's one accident. We're never going to have zero.

Do you have some details on what happened in that accident?

• (0900)

**Ms. Melanie Vanstone:** Yes. I would clarify that it was one accident that was investigated by the U.S. National Transportation Safety Board. We don't have statistics on all potential accidents that may be associated.

The investigation found that the driver had less than a six-hour opportunity for sleep the day of the crash and regularly worked 70 to 80 hours per week. When they're within the exempted 150 air-mile radius, they can work essentially.... There are no regulation or hours of service requirements at all under that exemption. Essentially, a driver who's staying within that radius would not have a limit other than what their employer—

**Mr. John Barlow:** So he didn't break any of the rules. Okay.

Thank you.

**The Chair:** Thank you, Ms. Vanstone. Thank you, Mr. Barlow.

We'll go to Mr. Louis for five minutes.

**Mr. Tim Louis (Kitchener—Conestoga, Lib.):** Thank you very much, Chair. I appreciate the time. All questions will be through you.

Thank you to the witnesses for being here. I think it's important to have this conversation. You bring good perspectives. We all want to make sure that our drivers are safe. We want to ensure that people on our roads are safe, and we want to minimize accidents. We want to make sure that animals are treated safely. I really appreciate both of you being here.

I'll start where the last person left off.

Ms. Vanstone is the director general of multi-modal and road safety programs.

There have been requests to harmonize Canada's laws with those of the United States. The U.S. has that exemption. You said that a U.S. livestock trucker can drive unlimited hours within the 150 air-mile radius. You mentioned concerns about that. I've spoken to livestock trucking companies who admitted that could be problematic. In your opinion, what effects could that have on public road safety for our truckers and for people on the roads?

**Ms. Melanie Vanstone:** Our primary concern from Transport Canada is ensuring the safety of our roads. One of the key ways we do that is to mitigate the risk of accidents related to fatigue. That is the entire purpose of the hours of service regulations. A very large exemption of this nature would allow for a significant increase in the risk of fatigue. If drivers are able to consistently exceed what we think are regular limits and not get the rest that they need, then they would be able to get overfatigued.

**Mr. Tim Louis:** Do you think the term “unlimited hours” could be a bit extreme?

**Ms. Melanie Vanstone:** It's not consistent with the science and evidence of what is required to maintain safety from a fatigue perspective.

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

In the United States, they started in 2017 to operate with ELDs. Have you heard how often livestock truckers would need to drive beyond those hours of service? Do we have any data?

**Ms. Melanie Vanstone:** I'm afraid I do not have any data available to me right now with respect to the U.S. situation.

**Mr. Tim Louis:** You mentioned that provincial authorities enforce the hours of service. How has the enforcement affected com-

mercial drivers handling livestock? Do we have data on how often truckers can find themselves in this situation?

Do we know what type of training law enforcement agencies get? You talked about the severity of the animals in care.

**Ms. Melanie Vanstone:** I do not have any data. That's held by the provincial and territorial enforcement authorities. I don't have any data at this point specifically with respect to ELD and animal transport.

We do work, again, through the Canadian Council of Motor Transport Administrators, to help work on consistent training and guidance material for those enforcement officers.

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

Maybe this would be a good time to pivot to Dr. Ireland from the CFIA.

Your job is regulating the humane transport and treatment of animals.

You mentioned a contingency plan template, and said that livestock truck transporters need to have contingency plans. Can you tell us what type of measures are included in this template?

**Dr. Mary Jane Ireland:** Thanks, Mr. Chair.

I don't have the template in front of me. I will say that we have worked extensively with the different associations on all elements of the regulations and implementation. We have provided many tools, including a contingency plan template, to help them understand what things they should think about.

Really, they need to think about what they will do if their truck breaks down. What will happen if the weather changes? What will happen if there's a road closure? What happens if there are delays at the border?

These contingency plans are really thinking about the “what ifs” so that they can continue to provide care for the animals in their possession in their trailers.

It's just one tool of many, in fact, that we've developed with industry over many years to help them come into compliance with the regulation, understand best practices and really facilitate what we're all trying to achieve, which is to really prevent unnecessary or avoidable suffering for animals in everyone's care.

● (0905)

**Mr. Tim Louis:** I have just a few seconds left.

I appreciate this.

I was going to ask if you saw patterns of people who are seeking that guidance on frequency and severity. In the last few seconds, can you put forward some of those categories where the subjectivity could be at play here?

**Dr. Mary Jane Ireland:** Sure. The unforeseen circumstances would be weather conditions, inclement weather, a storm, a road that is closed, an issue with the driver or a medical condition. There are a number of factors that our inspectors would consider if someone was found to have gone over the feed, water and rest times.

If you're a trucker and you have beef cattle, you should have offered the animals feed, water and rest after 36 hours. If it is 42 hours, the CFIA inspectors would ask questions. Why did it go over the 36 hours? What were the circumstances? They would use their discretion to determine whether the outcomes... What was the severity of the outcomes? Were the animals in good shape coming off the trailer? Is this a consistent pattern that this particular trucker was seen to follow? Was he or she always going over 40 hours?

There are a number of factors that our inspectors look at, and they use judgment, because we all understand that things can happen and things can go wrong with the transportation of animals.

Thank you.

**The Chair:** Thank you, Dr. Ireland.

Thank you, Mr. Louis.

[*Translation*]

Mr. Perron, you now have the floor for two and a half minutes.

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

Again, thank you to the witnesses for being here.

Mr. Chair, I will use my time to move the motion that I put on notice on September 15, 2023. Since I do not wish to show any disrespect to the witnesses who have travelled here this morning, I am not asking that we debate the motion right away. I am just moving it. That way, we will be able to continue our study. Respect for others is important to me. However, it is also important to publicly announce the motion, because there are people in the agricultural sector who are currently in distress and who have been crying out for help for a long time. The vegetable sector has been asking for help since July. I want to be able to tell them that something is going to happen at the Standing Committee on Agriculture and Agri-Food to support them. The motion reads as follows:

That, in accordance with Standing Order 108(2), the Standing Committee on Agriculture and Agri-Food undertake a study on insurance programs and federal assistance granted to the horticultural sector, which is more directly affected by climate hazards; that as part of this study, the committee address the effectiveness of insurance programs and the one-time assistance granted, as well as possible solutions to be developed for greater climate resilience, such as climate adaptation measures and programs to better support the horticultural sector in dealing with climate change; that the committee devote at least six meetings to this study; that the committee hear from witnesses on this issue; that it report its observations and recommendations to the House and that, in accordance with Standing Order 109, the committee request that the government table a comprehensive response to the report.

Obviously, later, when we go in camera, my colleagues will have some flexibility as to the final wording and the number of meetings, among other things. I think it's very important that we look at this.

I know that requests have been made to the Government of Quebec, among others, and we could see a request. At some point, the federal government will have to give a signal. These are jointly financed insurance programs, and we will have to support our peo-

ple. We will not be able to ask our producers to invest \$2 or 3 million in their fields in the spring, only to then tell them that if they have problems during the rest of the year, it's too bad for them. If we do that, they will look at other ways of making a living. Our food security and the most basic respect for the people who feed us are at stake here.

Mr. Chair, I managed to stay within the two and a half minutes allotted to me. I did well.

Thank you to the witnesses. I apologize for not asking them any more questions, but I'm sure they understand why.

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

Of course, we will have time to discuss committee business after we hear from the witnesses.

Thank you very much. We'll have to look at that carefully.

Mr. MacGregor, you now have the floor for two and a half minutes.

• (0910)

[*English*]

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

My question is for Transport Canada.

When two sides are negotiating, they both have their starting positions in the matter. From the regulator's position, do you feel that the industry needs to do more? It comes down to foreseen and unforeseen circumstances.

This committee has looked at Canada's processing capacity. We know it's dominated by just two corporate entities. We've seen a lot of plants shut down, so the industry has become more concentrated. We've lost a lot of capacity in small, rural communities, often with devastating economic results.

Do the regulators feel that the industry needs to step up a bit more in some of these areas? Is that a starting position?

**Ms. Melanie Vanstone:** Thank you for the question.

I don't think it's within the mandate of Transport Canada to take a position on the industry decisions. Our focus is very much on protecting road safety and ensuring, particularly in the context of fatigue, that drivers are driving safely on our roads, for their own safety and the safety of the travelling public.

**Mr. Alistair MacGregor:** I'll leave it there, Mr. Chair.

**The Chair:** We are going to go to our final round, so to speak.

We'll turn it over to the Conservatives.

**Mr. John Barlow:** Thank you very much, Mr. Chair.

I appreciate my NDP colleague's questions, as I have Cargill meat processors literally in my backyard, and I understand how much truck traffic goes by my place. I would certainly love to see additional processing capacity in Canada. We need to worry about interprovincial trade barriers to get that done too. It's a good topic for discussion, certainly.

Dr. Ireland, you mentioned it briefly in one of your answers, but I want you to expand on it a little bit.

One of the interesting comments from previous witnesses was that the livestock transportation industry needs to plan better. When you see Highway 1 near Thunder Bay, for example, where they go to The Barn as one of the main hubs, the Trans-Canada Highway is a one-lane highway with no shoulders. Certainly the weather in that area can be unpredictable and unforeseeable, let's say.

Is it more impactful or more harmful for cattle if you are loading and unloading? Is it better for their health to keep them on the truck rather than having to unload and load them multiple times?

**Dr. Mary Jane Ireland:** Thank you, Mr. Chair. I appreciate the question.

We developed the humane transport regulations based on the best available science and from an incredible amount of literature, information and evidence.

We determined that the feed, water and rest prescriptive times in regulation, as I mentioned, for older beef cattle would be 36 hours; for pigs, 28 hours; and for young ruminants, two hours. We based those times on information and science around animal health and welfare.

What we are saying with these regulations is that feed, water and rest must be given after that length of time. Transporters need to plan around that. There are some—arguably, not enough—infrastructure locations like The Barn where animals can be off-loaded and allowed to rest and reloaded and taken to their end location.

The industry needs to plan. You're correct. I think the livestock transport sector has one of the most complex planning and logistics for animals because of the multiple regulatory frameworks and the long distances that they need to take animals.

Those times and the ability to off-load and rest and reload are there for animal welfare, so we don't have nutritional deficits, exhausted animals, and so we have animals coming off the truck and going into our food system in good shape.

**Mr. John Barlow:** Thanks, Dr. Ireland.

I have one last quick question.

How many other infrastructure facilities like The Barn are there in Canada, where there is a designated facility to load and unload animals?

**Dr. Mary Jane Ireland:** Thanks.

I have some indication here in my notes of the locations, but we can provide more later.

**Mr. John Barlow:** If you wouldn't mind tabling that with the committee, that would be great.

**Dr. Mary Jane Ireland:** We do know there's one in Thunder Bay called The Barn, in central Canada, and another location in the Hearst-Hallébourg area.

Those are privately run, owned and operated facilities that offer a location for animals to rest before they carry on for their trip.

● (0915)

**Mr. Warren Steinley:** Thank you very much.

I have a question for Ms. Vanstone.

In 1976, there were 400 slaughter facilities across Canada. In 2015, there were 30.

When you were talking about the exemption that is currently in place in the United States of 150 miles, you said that a lot of people take advantage of that. Most of the people I've talked to in the trucking industry who haul livestock go much, much farther than 150 miles.

Three of biggest facilities they go to would be Cargill in Guelph, JBS in Winnipeg and Harmony in Calgary.

To think that there would be a lot of people taking advantage of the 150 miles from departure to destination, with our current infrastructure in the livestock industry, would be a bit of an exaggeration.

Did Transport Canada take into consideration, when we looked at the guiding principles in subsection 76(1), that the facilities have gone from 400 down to 30?

**Ms. Melanie Vanstone:** Our regulations are agnostic to the load that is being carried. That is why, as I mentioned, there is a possibility, through section 16 of the act, for us to be able to work with industries that have unique needs rather than building that into the regulations themselves.

**Mr. Warren Steinley:** Thank you.

Mr. Chair, I think that gets to the heart of the problem. You shouldn't be agnostic. I think there's a big difference between hauling diapers and hauling livestock. Sometimes you have to make those decisions as a truck driver. There's a lot of stress put on truck drivers in trying to make that decision: Do I push it a little bit and get to my final destination to make sure that it is in the best interests of the cattle? If I do that, will a law enforcement officer...?

We're not talking about adjusting the hours of transportation for the animals. We're talking about the drivers. Let's make that clear. That's the issue they face.

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

Colleagues, I'm going to take a round here, and I appreciate my Liberal colleagues permitting me that opportunity.

I want to ask about section 16. This is an exemption, Ms. Vanstone, that you have talked about. The industry was very clear that they are not necessarily seeking an exemption. They're looking for further policy guidance on compliance to ensure there is some understanding that there can be situations beyond the 13 hours when it might be more favourable to finish the trip to maintain the security of the load. They were trying to make sure that maintaining of security of the load applied in an agriculture and a livestock context.

One thing that was very apparent to me during the meeting was that Transport Canada was asking for statistics and information to round out the exemption.

You mentioned to this committee, Ms. Vanstone, that you don't have the data yourself. I know you're a member through Transport Canada. It sits on the CCMTA. If you don't have that information, how would we expect industry to necessarily gather it? What do you envision industry doing to help justify the section 16 exemption, if that was the direction they wanted to go?

**Ms. Melanie Vanstone:** Some of the information that we have requested would be understanding the typical routes, what the typical route planning looks like, the time required and where feeding locations are. That's some of the kind of information that we have requested from industry.

With respect to the enforcement information itself, individual provincial and territorial jurisdictions would gather enforcement information within their own jurisdiction that they could bring to bear at CCMTA discussions.

**The Chair:** What is the current policy guidance for enforcement? You mentioned that it's provincial. What does that look like? Let's say in Saskatchewan or Alberta, who enforces this when truck drivers...? I guess it would be the provincial truck folks under that department.

Can you get information to this committee about how often there are violations in that space? Not even violations.... There is a requirement under the regulations that if you had to go above and beyond the 13 hours, under the definition of section 76 in the regulations, for the benefit and the security of the load or the safety of the occupant of the vehicle, you at least have to record that, but you don't have that information. Is that something you could get to this committee? Is that something this committee could request from the CCMTA?

**Ms. Melanie Vanstone:** I don't have the information. It would be held by provincial and territorial enforcement agencies. That would typically either be a transportation ministry enforcement group or potentially, in some situations, it might be law enforcement like police or the RCMP who may have interacted with a driver.

The way that data would be collected at this point in time is in hours of service violation, so I don't know that the data would necessarily distinguish.... There is a requirement to have an ELD, but then the ELD is simply the way that those hours are recorded, so we would see them recorded as hours of service violations. I'm not sure if the data distinguishes the type of transport entity.

• (0920)

**The Chair:** What guidance is given? Let's say it's an Alberta individual, an inspector working under the department of transporta-

tion, for example. They meet a truck driver who is 100 kilometres away from finishing the destination who is at 12 hours and 55 minutes. What guidance is an officer given there about discretion?

Ms. Ireland talked about unforeseen circumstances—I think those are very clear—where those could be done, but industry standards can do just as well, right? Let's say on average someone goes to pick up calves at a certain feedlot and normally it takes an hour, but, for whatever reason in this particular process within the industry, it took three hours. I didn't hear that as being an unforeseen circumstance. How would the officers handle that?

What I thought was pretty compelling testimony last week was that there is a desire to make sure that drivers are not put in a situation where they could be potentially violating the rules, but they're within 75 kilometres or 100 kilometres of finishing their trip. What guidance are those officers given in Alberta, Saskatchewan and Nova Scotia, whatever the case may be?

**Ms. Melanie Vanstone:** All enforcement officers should have access to the Canadian Council of Motor Transport Administrators' application guide for enforcement. I can provide the committee with a copy of that guide. Section 76 talks about “emergencies and adverse driving conditions”, so there is guidance. I don't want to take the time of the committee to read through all the details, but that is consistent. That guide is provided to enforcement officers across the country.

Again, the enforcement officers, as they do with CFIA regulations, obviously have a certain amount of discretion in asking a driver questions and determining, in individual cases, what the appropriate enforcement action would be.

**The Chair:** Ms. Ireland, you heard me provide the example of a truck driver who picked up cattle and was moving them a distance. Let's say it was about 10 hours, in terms of the distance between the feedlot and the processing facility, whatever the case might be. The driver is 75 kilometres away. They're at 12 hours and 55 minutes, under their ELD time. The definition allows security of the load, so the truck driver is sitting there saying, “Okay, I think it's important. We want to be able to finish this trip.” There is no rest station, which you referenced, in either Thunder Bay or Hearst. They're out in western Canada.

From an animal health perspective, does it make sense, necessarily, to stop for the required rest time and keep the animals on a trailer, or would it be more beneficial to animal health to finish the load in that time? That's part of the nuance here. I'm trying to understand that. If it's 30°C on a hot summer day and the truck has to pull over for a certain period of rest—I'll reference eight hours, but it may or may not be; I don't know the specifics—that doesn't sound like it could be very beneficial to the animals.

What advice, as a veterinarian, would you give in that situation?

**Dr. Mary Jane Ireland:** The flexibilities we show at CFIA under the humane transport regulations focus on unforeseen circumstances. A driver will understand where they are and where they're going, the number of hours and where the rest stations might be. They need to plan around those elements. I'll say again that transporting livestock is very complex, because we have animal welfare, public safety and driver safety in play. Coordination and communication are essential for these requirements.

Now, if you ask me about pulling over on a hot, humid day, that is not optimal, because, as I mentioned, airflow is needed. There are other ways a truck can cool. Certainly, inclement weather such as snowstorms would be one element under the humane transport regulations that our inspectors might look at to determine whether they went over their feed, water and rest time and whether it was warranted. We would look at the other factors I mentioned. Was it really unforeseen or could it have been better planned?

● (0925)

**The Chair:** Ms. Ireland, I appreciate that. I am not contemplating a situation over the feed or rest time. I am contemplating a situation where the ELDs come into play. I appreciate your answer, because what you said is that, particularly in certain circumstances, as opposed to keeping the animals on the trailer, there could be a situation where animal health is “not optimal”. Those were your words.

The final question I want to ask is, how do we find a pathway forward from here, in your view?

Perhaps this is for Ms. Vanstone.

As parliamentarians, we are engaged by industry and different groups all the time. That's our work, regardless of whether it's agriculture or another industry. I found the testimony from the industry relatively compelling, because they're not necessarily seeking a section 16 exemption. They're not asking for a regulatory or legislative change. They're asking for what I found to be either a policy statement or further guidance specific to the situation I just illustrated for you.

Transport does not seem willing to go down that path. I received letters on this before Christmas, so that would have been in 2022. We're almost a year on.

You mentioned that the CCMTA has not necessarily convened to provide that document. When is that going to happen, and how can we get the Department of Transportation, federally, to start driving that conversation at that convening level, in order to provide this guidance? I think it's important to make sure there is some certainty in there.

I took note that you said it already exists, but the industry feels it doesn't, so we have an issue that I think has become very technical. However, we want to try to get a resolution for the benefit of those in the industry and those, of course, on your side. We're trying to make sure there is certainty in the regulations.

**Ms. Melanie Vanstone:** Thank you for the question.

I hope you don't mind, but I want to begin by ensuring there is clarity on the fact that the electronic logging devices did not change anything with respect to the required hours of service and how they should be recorded. They simply make sure drivers are recording those hours accurately. Hours of service have not changed since 2007. The industry... When they're using a paper log, the expectation is that these would have been recorded the same way.

The CCMTA program committee meetings are happening next week, and we expect this discussion will happen at those meetings. Again, the scope to look at the guidance is still within the parameters of the regulation itself, so that would be the context of that discussion.

**The Chair:** Just to be clear then, under section 76 right now of the regulations where there is provision for maintaining the security of the load, that would extend to situations where animal welfare for unforeseen circumstances would be in jeopardy. Drivers who are in a situation of an unforeseen circumstance, which is not defined, although I take note that there is some definition or certainly some elements that have been raised at this committee.... A driver who is in a situation where they are up against their 13 hours and it is important for them to finish the security of their load, which Ms. Ireland just said could be a situation where it's not optimal to maintain livestock on a trailer, that would qualify as a situation where a driver could finish and go certainly above what the regulations allow for about an hour.

**Ms. Melanie Vanstone:** The definition of adverse driving conditions in the regulations means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a motor carrier dispatching a driver immediately before the driver began driving or could not reasonably be known to them.

That is the definition in the regulations, so that's the core of how section 76 needs to be interpreted with respect to the guidance.

I would also note from a regulatory perspective that within the regulations there are limits on driving time as well as on duty time. The driving time is 13 hours, and two hours can be added in adverse conditions. For off-duty time, you can also defer two hours of off-duty time, so that accounts for things like loading and unloading where you would not be driving but you would be on duty.

**The Chair:** Okay, but adverse conditions would not consider a situation of unforeseen circumstance as it relates to the actual loading of the cattle.

**Ms. Melanie Vanstone:** It's other adverse weather or road conditions. That is the definition within the act.

**The Chair:** Okay. Thank you, colleagues, for allowing a little bit.... As you can see, I took an interest in this, and I wanted to make sure that we get the questions on the record.

I'd like to thank our witnesses for being here today.

Ms. Vanstone from Transport Canada, thank you so much for taking the time this morning.

Dr. Mary Jane Ireland from the CFIA, thank you again. You have been a regular witness but have important testimony and thank you so much.

Colleagues, we're going to move in camera to talk about what we've discussed on ELD, some of the motions that have been presented and the direction of our committee.

We will suspend momentarily, move in camera and we will go from there.

*[Proceedings continue in camera]*

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