



Animal Alliance
of Canada

**Presentation by Animal Alliance of Canada in
co-operation with the Animal Protection Institute to:**

**Mr. Gord Doonan, Chief,
Humane Transportation of Animals,
Canadian Food Inspection Agency**

Comments on the Non-Ambulatory Livestock Consultation Information Package

October 31, 2003

Prepared by and with the assistance of:

Liz White, Director
Animal Alliance of Canada
221 Broadview Ave, Suite 101
Toronto, ON M4M 2G3
Tel: 416.462.9541
Fax: 416.462.9647
liz@animalalliance.ca

Jacqui Barnes, Director
Animal Alliance of Canada
221 Broadview Ave., Suite 101
Toronto, ON M4M 2G3
Tel: 416.462.9541
Fax: 416.462.9647
jacqui@animalalliance.ca

Barry Kent MacKay,
Canadian Representative
Animal Protection Institute
31 Colonel Butler Drive
Markham, ON L3P 6B6
Tel: 905.472.9731
mimus@sympatico.ca

**Norman Taylor, Amanda George,
Kathrine Paterson, Maggie Nebout**,
Animal Alliance of Canada
221 Broadview Ave., Suite 101
Toronto, ON M4M 2G3
Tel: 416.462.9541
Fax: 416.462.9647

TO: Dr. Gord Doonan,
Chief, Humane Transportation of Animals
Canadian Food Inspection Agency,
59 Camelot Court,
Ottawa, ON K1A 0Y9

613-228-6637 (f)
gdoonan@inspections.gc.ca

FROM: Liz White and Jacqui Barnes, Directors
Animal Alliance of Canada

Barry Kent MacKay, Canadian Representative
Animal Protection Institute

SUBJECT: Comments and recommendations on the NATIONAL
NON-AMBULATORY LIVESTOCK CONSULTATIONS
INFORMATION PACKAGE

DATE: October 31, 2003.

Dear Dr. Doonan,

Thank you for the opportunity to comment on the National Non-ambulatory Livestock Information Package. We commend the Canadian Food Inspection Agency for its initiative in addressing compromised and non-ambulatory animals.

- I. **Goal:** The goal of Animal Alliance is to have national (federal and provincial) regulations which render compromised and non-ambulatory animals unfit for transport and requires them to be humanely euthanized where they fall.
- II. **Objectives:** Animal Alliance hopes the consultation process will achieve four key objectives which:
 - Remove all economic incentives for transporting compromised and non-ambulatory animals.
 - Incorporate into provincial and federal regulations, the CFIA list of conditions that should render affected livestock unfit for transport.
 - Provide penalties for those who violate the laws.

- Establish a national education and prevention programme for the farmers and the industry.

III. **Recommendations:** To achieve the four objectives, Animal Alliance makes the following recommendations:

1. **Criteria: Proposed amendments and additions** (The consultation information package and list of criteria may be accessed on the Canadian Food Inspection Agency Website):
 - a. Adopt the proposed criteria 1 – 6, with the proposed amendments listed below and incorporate them into the *Health of Animals Regulations*;
 - b. Amend criteria #2 to read, “all fractures”;
 - c. Amend criteria #4 by adding the words “persistent or” in front of severe;
 - d. Amend criteria #6 by removing the words “severe chronic”;
 - e. Add criteria #7 which would read “all ruptures, torsions, prolapses and blockages”;
 - f. Add criteria #8 which would read “all animals with birthing difficulties, where the fetus remains in-utero and is unable to be delivered”;
 - g. Remove the exemptions for small non-ambulatory animals who should be afforded the same protection as the larger non-ambulatory animals; and
 - h. Recommend adoption of the criteria in each province across Canada.
2. **Proposed penalties for shipping compromised and non-ambulatory animals:**
 - a. All compromised and non-ambulatory animals who arrive at the slaughterhouse be condemned;
 - b. Both the farmer and the trucker be subject to fines for shipping compromised and non-ambulatory animals;

- c. Abattoirs caught accepting and processing compromised and non-ambulatory animals receive a warning on the first offence but with additional offences, the plants would have their licenses suspended and ultimately revoked;
- d. The implementation and enforcement of these penalties be applied uniformly across Canada; and
- e. Where animals are identified with severe emaciation, extensive bruising or other unexplained injuries, the provincial SPCA or Humane Society be called in to investigate. If a producer, trucker, owner/operator of stockyard, abattoir or dead stock business is convicted of cruelty to animals, his or her license must be revoked. If there is no licensing requirement, the individual involved should be denied access to all aspects of the business.

3. Education Programme for Slaughterhouse Operators, Transporters and Producers:

The federal and provincial agriculture ministries;

- a. provide education and certification programmes for slaughterhouse operators to prevent the occurrence of non-ambulatory animals in the following areas:
 - During unloading;
 - In the holding pens;
 - While moving the animals from the holding areas to the kill floor; and
 - In stunning and hoisting areas, kill floors and areas where kosher and other special killing occurs.
- b. provide education and certification programmes for truckers who transport animals to slaughter, to prevent the occurrence of non-ambulatory animals while in transit; and
- c. provide on-farm education programmes in animal husbandry and herd management to prevent or

significantly reduce the number of on-farm compromised or non-ambulatory animals.

IV. Background:

Canada slaughters over ½ billion animals for food every year. This highly mechanized vast meat production and delivery system was brought to its knees by one Alberta downer cow who was dragged to slaughter like thousands of other animals are across Canada. The cow, suspected of having pneumonia at the slaughterhouse but later diagnosed with mad cow disease, has demonstrated a deeply flawed, vulnerable and inhumane Canadian food industry, with questionable ability to deliver “safe food”.

Despite the impact of the one downer cow on the meat industry, both federal and provincial governments, with the exception of Manitoba, continue to allow the transport of these animals to slaughter, with some being condemned but many being allowed for human consumption. Further, although the number of compromised and non-ambulatory animals being tested for BSE has increased, many are not, despite the increased risk of BSE in downer animals.

And Alberta is not the only province whose meat safety is in question. Ontario has also been in the news with the closing of Aylmer Meats and more recently Wallace Meats for questionable slaughtering and processing practices. Public confidence in food safety is undermined with each of these incidents.

These troubling developments have had a devastating impact on the industry. Yet industry groups are still not calling for an end to the transport of compromised and non-ambulatory animals to slaughter even though they have the most to lose by supporting such activity or remaining silent.

Animal Alliance (possibly other groups) hopes this will change with the Canadian Food Inspection Agency’s consultations on non-ambulatory transport. We hope veterinarian organizations, industry groups, animal protection organizations and governments will support and strengthen the recommendations put forward by the CFIA.

V. Rationale for the recommendations:

We believe that our four objectives are necessary for a regulatory programme that will be more humane, more effective and ultimately cost-efficient. The objectives will significantly

reduce the extreme cruelty experienced by compromised and non-ambulatory animals, reduce the risk of meat contamination and have a positive impact on food safety throughout Canada.

A. Rationale for the proposed amendments and additions to the criteria:

Recommendation 1 a): Incorporate the proposed criteria into the *Health of Animals Regulations* and into provincial legislation so that Canada will have a national programme prohibiting the transport of compromised and non-ambulatory animals. Voluntary measures, self-policing, codes of practice and veterinary inspection for transport do not work. The downer issue can most effectively be addressed by a regulatory regime which prohibits the transport of these animals. Regulatory compliance will largely be achieved by condemning all compromised and non-ambulatory animals who are transported to stockyards or slaughterhouses, by penalizing offenders and by establishing good animal husbandry and “humane” education programmes for the industry.

Recommendation 1 b): Criteria #2 should be amended to include all fractures, suspected or confirmed. This makes the decision clear and simple and removes any ambiguity. For example, if the animal has a fracture but is ambulatory, the animal should not be transported. These are animals who experience pain during transport and are more susceptible to becoming non-ambulatory.

Recommendation 1 c): Criteria #4 should be changed to read, “persistent or severe bleeding” A number of animals cited in the Ontario non-ambulatory reports had vaginal and uterine tears with persistent bleeding, causing the animals to go down.

Recommendation 1 d): Criteria #6 should read, “moderate and severe, acute and chronic pain that would be aggravated by transportation”. Again, many animals cited in the Ontario non-ambulatory reports suffered from fractures, torsions and ruptures that would cause moderate to severe acute pain. Other animals diagnosed with severe pneumonia, peritonitis, carcinomas, severe arthritis, gangrene would suffer from chronic pain.

Recommendation 1 e): There should be an additional point which would include all other conditions seen in compromised and non-ambulatory animals such as

ruptures, torsions, prolapses, blockages, calving problems including an inability to give birth. All of these conditions cause pain and ought to be included in the list of conditions that would render an animal unfit for transport.

Recommendation 1 f): There ought to be no exemptions for small non-ambulatory animals with the same painful conditions. As well, some animals, such as sheep and some exotics, suffer from a chronic wasting disease which pose the similar human health threats as mad cow disease. The criteria and regulations ought to apply to all compromised and non-ambulatory animals.

B. Rationale for proposed penalties:

Recommendation 2 a): removes the economic incentives for the transport of these animals to the stockyards, auction barns or slaughterhouses.

Recommendation 2 b & c): provide fines and penalties for those who decide to violate the regulations. Emphasis on this section is very important since virtually no charges are laid even when there are obvious violations.

Recommendation 2 e): requires the involvement of the SPCAs or Humane Societies where abuse or neglect may be suspected in those non-ambulatory animals who are severely emaciated, have extensive bruising and unexplained injuries. These incidents ought to be reported to the CFIA and other appropriate bodies. Where there are licensing requirement, licenses should be revoked when the owner/operator is convicted of cruelty to animals.

C. Recommendations regarding education: Good animal husbandry is the key to preventing compromised and non-ambulatory animals. As Temple Grandin, a leading expert on meat industry practices, said in an article in the February 1, 1994, *Journal of Veterinary Medicine*, "The emphasis needs to be on preventing downer animals. I estimate that 75% of all downed cattle are preventable by good management. It is likely that 10% of bad dairies are responsible for 90% of the downers." It is therefore critical for the federal and provincial governments to develop a national education programme for producers and the industry.

VI. Rationale for banning the transport, slaughter and consumption of compromised and non-ambulatory animals:

A. Risk is high, the consequences disastrous:

Tens of thousands of compromised and non-ambulatory animals are transported to abattoirs in Canada every year. An estimated 40% of all downer animals are condemned. Of the remaining 60%, entire carcass or portions thereof are processed for human consumption.

The pain and suffering experienced by these animals is unimaginable (see Section VIII below, Humane Considerations: measuring pain and suffering). They are shipped with every conceivable painful condition including fractures, ruptures and torsions. Laterally recumbent animals, animals with uremia, septicemia, peritonitis, severe pneumonia, carcinomas, animals with such severe bruising that the entire carcass is condemned and severely emaciated animals are also shipped.

However, compared the number of animals slaughtered every year in Canada, downers make up less than 1% of the total number. So why, given the immense cruelty and the increased risk of undermining public safety and confidence would governments continue to allow the transport of such animals?

The Canadian Food Inspection Agency article titled *Risk Assessment on Bovine Spongiform Encephalopathy in Cattle in Canada: Part B: BSE Surveillance* highlights the risks as follows:

“Under the current program, the target population for BSE surveillance includes all mature animals the present clinical signs compatible with BSE, as well as rabies-negative neurological cases. The program also targets animals greater than two years of age with risk populations, including neurological cases, downers, emergency slaughter and animals found dead.

“Cattle that have consumed ruminant meat-and-bone meal (MBM) present the greatest risk, if BSE were present in Canada. Based on other husbandry practices, dairy cattle are more likely to have consumed MBM than other classes of cattle. This population is more likely to be sampled through the provincial than federal

government programs, highlighting the importance of provincial participation.”

The CFIA points out that downers and dairy cows are at greater risk of carrying BSE. This is particularly true for compromised and non-ambulatory cows, given that the largest percentage – close to 75% - of downer cattle were dairy cows,

Federal and provincial governments and industry lobby groups must decide whether the processing of compromised and downer animals is worth the obvious risks and serious impact on the entire meat industry. The CFIA’s non-ambulatory livestock recommendations provide an excellent legislative opportunity to ban the practice and eliminate human health risks and animal cruelty.

**VII. The Need for a National Regulatory Programme:
Governments and industry provide conflicting information
about the movement of downer animals:**

Producers are given very little direction on how to handle compromised and at-risk animals. As well, governments and industries send conflicting messages.

For example, Ontario government regulations state: “No person shall load, unload or transfer non-ambulatory cattle, goats, horses for slaughter, sheep, wild swine, domestic swine, ratites, deer, elk, or bison in a manner that, a) drags them in direct contact with the ground; or b) pulls them by the head horns, neck, feet or tail.”

And yet, the Ontario Farm Animal Council, in its publication *Preventing and Handling Non-Ambulatory Livestock on the Farm* advises that animals may be dragged by their limbs. “Dragging a non-ambulatory animal by its limbs is undesirable and should seldom be necessary...if an animal must be moved by dragging its limbs, the move should be the shortest distance possible until an approved method can be used. If dragging is the only alternative, then padded belts must be used and attached to the non-injured limbs and the rope, chain or cable attached to the belts.”

The Canadian Veterinary Medical Association “recommends that non-ambulatory livestock only be transported to a processing facility if the following criteria are met (There are three criteria.

For the purpose of this report, only the second is relevant): (2) *the loading and transportation of the non-ambulatory animal is performed in a manner to avoid pain, suffering and distress to the animal.*” (“Non-ambulatory Animals”, Animal Welfare Position Statements, Canadian Veterinary Medical Association web site 25/10/2003).

Yet veterinarians performing on-farm inspections are approving the direct transport to slaughter of animals with multiple fractures, compound fractures, uterine and bladder ruptures, eviscerations, torsions of all sorts, prolapses, protracted unsuccessful labour of varying length, severe emaciation and rotting limbs. What message does this send to the producers, the transporters, the abattoirs and most importantly, the public if veterinarians condone such cruelty?

The Government of Alberta’s Agriculture, Food and Rural Development Department makes three excellent recommendations regarding the shipping of injured or ill pigs to slaughter. They are:

- If it can’t walk don’t ship it – destroy it on the farm;
- If it is going to be condemned, don’t ship it – destroy it on the farm; and
- If you wouldn’t eat it, don’t ship it and expect other people to.” (“Shipping Injured or Ill Pigs to Slaughter in Alberta”, Ministry of Agriculture, Food and Rural Development, Government of Alberta web site 22/10/2003.)

Yet the Alberta government has not banned the transport of either downer cows or pigs to slaughter even though Alberta was the province that shipped a downer cow with mad cow disease.

VIII. Humane considerations – measuring pain and suffering:

Many agriculture industry groups and government agriculture departments recommend against the transport of downers for economic and humane reasons. Yet tens of thousands of severely ill and injured animals are shipped from farms every year to be processed for human consumption. This practice occurs in provinces, including those with non-ambulatory

regulations such as Ontario, as well as in provinces with no regulations.

Manitoba is the only province in Canada to ban the transport of downer animals but as other provinces point out the ban is dependant on a policy initiative and does not carry legislative authority.

The Ontario government should be complimented for documenting the number of downer cows and their condition. However, the Ontario system begs several questions. How does the Ministry use these reports? Does the information result in regulatory changes? Why are there so few documented cases of downer pigs? Does the Ministry know whether the animals were humanely loaded on the farm for transport? Are charges ever laid for animal welfare and human health violations?

Even with regulations, inspections and investigations, the reports illustrate serious flaws in the system such as not tracking downer pigs, processing downer cows who cannot be traced, failing to test for residues and transporting animals from farm to abattoir who often have very seriously illnesses and injuries and are in considerable pain.

Pain and suffering are often cited as reasons not to transport. For example, the Transportation Code of Practice, Section 6: Animals at Risk states that animals should only be moved or transported to slaughter if they are not caused "additional suffering". However the Code does not define suffering.

If fact there is very little industry information to help producers decide when to treat or euthanize compromised animals. In an article from www.thepigsite.com entitled, "Which pigs should you euthanize and when?", Dr, Morgan Morrow, of North Carolina State University College of Veterinary Medicine is working on a project designed to develop the protocol for handling compromised pigs.

Dr. Morrow writes:

"Suffering can be conceptualized as the product of pain and its duration. By daily monitoring, farm managers usually can estimate duration, but the difficulty of estimating the intensity remains. Further, overt pain behaviors in pigs can be difficult to evaluate. Pain may reduce normal pig social behaviors and vocalization, while

vocalization in response to handling may be more pronounced. Changes in gait and reluctance to move also may be observed (Dombromylskyj, et al). Managers usually can identify those animals suffering the most because they exhibit aberrant behavior or the presence of lesions (burns, lacerations, compound fractures) makes it obvious. However, the issue often is clouded because a condition may be visually striking but less painful (e.g. prolapses) or inconspicuous but more painful (e.g. arthritis).

“Various methods of generating pain score and assessing animal pain have been reviewed by Dombromylskyj and co-workers. Objective measures, such as heart rate, respiratory rate, and temperature are unreliable guides to the presence of pain, as are humoral factors such as epinephrine, norepinephrine and cortisol. These measures may be useful when integrated into a pain-scoring system, but they are of limited use when used alone, as they are influenced by many factors other than pain.

“Non-verbal human-infant pain scales adopted for the use in animals include the simple descriptive scale (SCS), the numerical rating scale (NRS), and the visual analog scale (VAS)....

“Unlike the companion animal arena, where there is much discussion and many suggested guidelines on the appropriateness and timing for euthanasia, there are relatively few guidelines for when farm animals should be euthanized.” (Which pigs should be euthanized and when?, Dr. Morgan Morrow, Swine Veterinary Specialist, seen on the Feature Articles of The Pig Site, downloaded 28/10/2003)

A substantial body of evidence suggests that many agricultural veterinarians, truckers, producers who are in the business of dealing with compromised and downer animals seem to ignore their pain and suffering.

And veterinary schools, licensing veterinary bodies, agricultural ministries and industry organizations have been remiss in trying to address the issues of pain and suffering.

Our hope is that the CFIA consultation document provides an opportunity to significantly change the way in which ill and injured farm animals are handled in Canada.

IX. Failure of the voluntary Codes of Practice:

The Ontario downer reports also demonstrate a complete failure in the voluntary Codes of Practice. With no legal authority, the Transportation Code is utterly ineffective in preventing extreme cruelty and suffering in the handling and transportation of downer animals. The content of the Code is so lacking in specifics that it offers little guidance, such as how to move and load a cow with splits, fractures, torsions and ruptures. The Code fails to address those situations where downed animals would have to be dragged or winched in order to ship them to slaughter. The Code fails to address the issue of pain associated with moving ill or injured heavy animals.

X. Consumer Confidence, Consumer Pressure and Public Safety:

Public concern about food safety is on the rise. The inhumane treatment of ill or injured animals and the processing of their “uncontaminated” body parts for human consumption is a ticking time bomb for producers and the industry. It has the capacity to undermine consumer confidence and call into question food safety.

As noted by the lobby group, *Ontario Pork*:

“In North America, the fast food restaurant industry has proven their interest in farm animal welfare by setting requirements for their suppliers. Restaurants like McDonalds, Wendy’s and Burger King have recently made policy decisions, which have significantly impacted the U.S. meat industry. Standards include requirements for processors, transporters and farmers, such as random processing plant audits for humane handling, space requirements and some indications of allowable production practices.” (*Animal Welfare standards set by leading fast food chains*, Ontario Pork)

Position Paper: Animal Care, from the Ontario Pork web site, 13/10/2003)

The lobby group, *Alberta Pork* states:

“It is completely unacceptable for unfit animals – those that are sick, injured or would suffer unduly if not handled properly – to be transported to market. These animals require immediate action. Legislation and animal welfare standards in Alberta establish standards for the euthanasia or slaughter of unfit hogs. Producers and others who handle animals must carry out the necessary due diligence. This is not only to ensure they understand their responsibilities, but also to demonstrate they have carried them out.

“Alberta pork producers have made proper care of hogs an industry priority. This is not only responsible action for producer and the industry, it is an expectation of today’s society. Consumers are concerned about animal care and often make food-buying decisions based on animal care practices. Food companies, retailers and restaurant chains in North America and Europe, are now dictating specific animal care guidelines and standards to their suppliers” (*Animal Care Programs and Initiatives, the Humane Handling of Livestock*, Alberta Pork web site, downloaded 27/10/2003)

Demands for the “humane production of meat” by the fast food companies and the food retail industry did more to capture the attention of the meat producers and lobby groups than most “public education” campaigns could ever hope to achieve.

As well as pushing for a national regulatory ban on the transport of compromised and non-ambulatory animals, Animal Alliance intends to urge the large commercial outlets to certify their meat as “downer free”.

In the United States, McDonald’s, Wendy’s and Burger King have all instituted policies against buying meat from downed animals for their hamburgers.

Broad public concern about food safety will continue to drive this issue and provide the needed leverage to stop the transport and processing of downer animals.

XI. **Provincial legislation covering compromised and non-ambulatory farm animals:**

A review of provincial legislation demonstrates the need for a national policy of the transport of compromised and non-ambulatory animals. The review of provincial legislation was conducted by Animal Alliance's lawyer, Lesli Bisgould and summarized in a report entitled, "*Anything Goes*". The entire report may be downloaded from the Animal Alliance web site at www.animalalliance.ca.

The legislation referred to in this section, affects the farm animals. Legislation governing "cruelty to animals" and largely administered by the provincial SPCA or humane society, will not be referred to below because they deal with individual animals in "distress" or individual situations where animals are "in distress" but are not part of the regulatory framework affecting the industry's handling of downer animals.

Alberta: Alberta legislation gives no clear direction to the producers, truckers, market and abattoir operators as to how to humanely handle compromised and non-ambulatory animals. The industry is given direction as to how to "humanely" kill a compromised animal but gives no direction as to when and where this should occur.

Compromised and non-ambulatory animals are covered in two key pieces of legislation. The *Livestock Market and Livestock Assembling Station Regulation* addresses the fact that some livestock will not be able to stand or compete for food, space and water and requires separation from other animals. Livestock, who are infirm, ill, injured, fatigued or for some other reason cannot stand or would unduly suffer are not to be unloaded at markets or assembly stations. Care and handling are to be done in accordance with the Codes of Practice.

Under the *Livestock and Livestock Products Act*, the *Livestock Transport Regulation* provides that animals who are ill, infirm, fatigued or would otherwise suffer unduly during transport can be loaded and transported to a veterinary clinic for slaughter if this is done humanely.

British Columbia: Like Alberta, BC legislation does not address the handling of non-ambulatory animals on the farm.

The *Livestock Public Sales Act* requires quarantine for distressed animals. The *Meat Inspection Act* authorizes the inspection of live animals prior to slaughter and the carcasses. The *Regulation* includes a lengthy list of illnesses and diseases that would render the meat unfit, or would require the condemning of undesirable parts such as abscesses, lesions, contained cancers, arthritis.

Manitoba: The province's animal welfare law, *The Animal Care Act* governs both companion and commercial animals and incorporates the Codes of Practice in the regulations. Through this Act the province has established a policy that compromised and non-ambulatory animals are to be euthanized where they fall and not transported to slaughter. The policy provides better direction to the industry than is the case in other provinces. Whether the industry adheres to the policy and what are the penalties if they don't remains unclear.

New Brunswick: New Brunswick legislation does not address the handling of non-ambulatory animals, on the farm, at auction yards or in slaughterhouses.

The *Diseases of Animals Act and Regulation* governs the inspection of animals in stockyards and slaughterhouses. This Act prohibits any dead or dying animals from entering any slaughterhouses and determines that the flesh from these animals shall not be used for human consumption.

The *Health Act and Regulation* provide for the licensing, maintenance, operation and inspection of abattoirs but there are no provisions related to animal care.

Newfoundland: Newfoundland legislation does not address the handling of non-ambulatory animals, on the farm, at auction yards or in slaughterhouses.

The *Meat Inspection Act and Regulations* contain provision regulating facilities where animals are slaughtered and processed. Most address sanitary and other conditions related to meat processing. The *Regulations* set how animals should be held prior to slaughter and how the internal structure of the building such as ramps and inclines provide good footing for the animals.

Nova Scotia: Nova Scotia's legislation is similar to that of Newfoundland.

The *Meat Inspection Act* provides that slaughter be conducted in a humane manner but the word “humane” is not defined. The regulations respecting the slaughter process, the facilities in which the slaughtering is done and the pre-slaughter treatment of animals does not address the treatment of non-ambulatory animals. However, the regulations stipulate that carcasses or animals that show emaciation (defined), abrasions, bruises, abscesses, suppurating sores and adhesions are to be condemned.

Ontario: Ontario is the one province that regulates the transport and slaughter of compromised and non-ambulatory animals. Ontario has had a long history of regulating the handling and transport of downer animals. In a section below, this paper will examine, in greater detail, the effectiveness of this regulatory regime.

The regulations under the *Livestock Community Sales Act* prohibit any person to stable any animals showing evidence of disease or injury in the same area as other animals, or to move sick or injured animals in a manner that drags them in direct contact with the ground or pulls them by the head, horns, neck, feet or tail. If an inspector who is a veterinarian examines livestock and finds that an animal is unable to stand without assistance or to move without being dragged or carried, s/he is to issue a certificate for direct transport to slaughter or release the animal to the operator of the sale who shall arrange for immediate veterinary care. If such animal is found on a vehicle on the premises of an operator, the animals is to be detained by an inspector and not moved until a veterinarian issues the certificate or releases the animal as above.

The *Transporting Non-Ambulatory Animals* under the *Livestock and Livestock Products Act* sets out regulations for the handling of “downer” animals. “Non-ambulatory” means unable to stand without assistance or to move without being dragged or carried. The regulations provide that no person shall load, unload, or transfer non-ambulatory cattle, goats, horses for slaughter, sheep, wild swine, domestic swine, ratites, deer, elk, or bison, in a manner that drags them in direct contact with the ground or pulls them by the head, horns, neck, feet or tail. Such animals may be moved if accompanied by a veterinarian’s certificate for direct transport to slaughter and they are to be physically separated from other animals in the vehicle.

If any of the specified animals become(s) non-ambulatory during transport, the vehicle operator is supposed to have them examined by a licensed veterinarian, then transported to a plant that is provincially or federally licensed.

The *Meat Inspection Act, Regulations* provides that no animal is to be unloaded at a plant in a manner that drags them in direct contact with the ground or pulls them by the head, horns, neck, feet or tail.

The *Dead Animal Disposal Act (Dead Animal Disposal Act R.S.O 1990, Chapter D.3)* deals with “fallen animals” including horses, goats, sheep, swine, or head of cattle and defined as disabled by disease, emaciation, or other condition that is likely to cause death. Section 3(3) of the *Act* states that no person shall move a fallen animal before it is killed.

Prince Edward Island: PEI legislation does not address non-ambulatory animals directly.

Part IV of the *Animal Health and Protection Act*, Section 8 establishes the parameters to determine if an animal is “in distress” and provides the inspectors with various powers to address those situations. The *Regulations* under the *Act* reference the Codes of Practice for chickens, pigs, veal, calves, mink, foxes, and diary cattle.

The *Slaughterhouse Regulations* enacted pursuant to the *Public Health Act* do not address animal welfare or standards of treatment and care.

Quebec: Quebec legislation provides only minimal animal welfare regulations regarding the transport and slaughter of farm animals.

The *Agriculture, Marine Products and Food Act* does not address standards or acceptable practices for animal husbandry or care. The *Regulation Respecting Food* contains some minimal regulations with respect to transport and slaughterhouses that account minimally for certain aspects of animal welfare.

The *Animal Health Protection Act*, Division IV.1.1 pertains to animal welfare and safety, but is not yet in force. This Division sets out the conditions which would ensure the safety and welfare of an animal. However, farm animals

are exempt from this Division. Agricultural activities are governed by generally recognized rules such as the Codes of Practice.

Saskatchewan: Saskatchewan allows for the transport of non-ambulatory animals.

The *Livestock Inspection and Transportation Regulations* allow for the transport of crippled, injured or dead animals provided they are separated from others or unloaded at the nearest stockyard. There are no provisions for the handling of these animals in the *Livestock Dealer Regulations* Which provide for the licensing of stockyards.

XI. **Ontario: A case study: The regulation of the non-ambulatory industry:**

The Ontario government has had non-ambulatory regulations for many years. For some unexplained reason and despite an increase in pig production, compromised and non-ambulatory pigs are not tracked by this system. For example of the 1650 to 1700 non-ambulatory forms for April to June 2003, supplied to Animal Alliance through Freedom of Information, between 15 and 25 dealt with pigs (a precise figure cannot be given as some forms refer to multiples of animals without supplying an actual number).

Animal Alliance began to study the plight of downer animals in 1993 and launched a campaign in Ontario to stop their transport to slaughter and asking for legislation that would require them to be humanely killed where they fall. In 1994, the Minister of the time, Elmer Buchanan passed a regulatory change requiring veterinarian inspections of downer animals on farms, transport vehicles and at stockyards. Any downed animal who arrived at a slaughterhouse without the appropriate paper work was to be seen by a veterinarian, an incident report was to be filled out and the producer receive a warning letter. The intent was to assist the producer in deciding if it was appropriate to transport these animals, reduce the number of downers being shipped and begin to address the animal welfare concerns.

After a decade of reviewing downer reports, discussing the plight of downers with the Ministry of Agriculture and Food, raising animal welfare concerns with the veterinary community, the 2002 Ministry reports illustrate a worsening welfare situation for downer animals and an inability on the

part of the Ministry to be able to assure the health of those who consume provincially slaughtered meat.

Province cannot assure the public of safe meat:

- Only 30% (314 non-ambulatory cows) of the 1038 animals who were transported to slaughter with on-farm veterinary inspection reports were seen by a veterinarian in the abattoirs. Seventy percent went to slaughter without a veterinary inspection at the abattoir, the final decision resting with a contracted meat inspector.
- Of the 1038 on farm reports, 723, or 70% provide no information on the final disposition of these animals. Were they approved for consumption, partly condemned or totally condemned?
- Non-ambulatory pigs are not tracked in this system either for human health purposes or for humane reasons even though the regulation refers to “non-ambulatory animals” and does not distinguish between downer cows and pigs. Ontario Ministry of Agriculture and Food acknowledges that downer pigs are transported to stockyards, auction markets and slaughterhouses. In fact, Dr. Tom Baker, director of the food inspection branch of the Ministry was quoted in Ontario Farmer on December 5th 2002 as saying, “Weak sows are to be segregated from the rest and must have access to feed and water. Down sows must be rested until they are able to get up. If they can’t get up, a veterinarian must be called and provide a certificate that they are fit for slaughter.” (“Pilot project helps deal with downer sows.” by Jim Romahn, Ontario Farmer, Tuesday, December 5, 2000.) The fact that veterinarians do not inspect and approve downer pigs for transport to slaughter as they do with downer cows raises serious question about the unequal treatment of these two species and discredits the Ministry’s rationale that this system allows the sick and injured animals to be safely processed for human consumption.
- Compromised and non-ambulatory pigs suffer from injuries and metabolic diseases that affect the quality and safety of the meat. The Canadian Food Inspection Agency found that, over a two month period, 4684 non-ambulatory pigs (322 sows and 4362 market hogs) were transported to 35 slaughterhouses, auction markets and assembly operations

and of those, 1284 were fully condemned and 1508 were partly condemned.

Cruelty and suffering increases in non-ambulatory and compromised cows in Ontario:

The statistics below focus on cows since cows are the vast majority of animals tracked by the Ontario non-ambulatory inspection reports. Given the CFIA findings on non-ambulatory pigs, it would be safe to assume similar findings for pigs.

- The number of downer cows transported to slaughter has increased steadily since 1994. They are as follows:

1994:	689
1998:	708
1999:	853
2002:	1650 to 1700

- The percentage of fractures and other serious traumas have remained a significant portion of the total number of compromised and non-ambulatory cows. The percentages are as follows:

1994:	44%
1998:	40%
1999:	49%
2002:	37%

- Nine percent of all of the downer cows were either laterally recumbent at the time of transport or became laterally recumbent during transport or at the slaughterhouse.
- 1.2% of the cows approved for direct transport to slaughter arrived at the slaughterhouse dead. An additional 2 percent arrived in a severely depressed or moribund state.
- The shocking condition of the cows approved for direct transport to slaughter remains unchanged over 10 years. These animals were transported with fracture of all sorts, including compound and multiple fractures, fractured backs and splits. Post mortems found extensive and deep bruising in the injured areas.

Ruptured uteri and bladders, uterine and other prolapses and torsions, including intestinal and cecal were fairly

common. Other conditions that were presented in these animals were extreme emaciation, severe foot rot, cancer eye, lumpy jaw, melanomas, sarcomas, metastatic tumours, toxemia, septicemia, lymphosarcoma, septic arthritis, septic pneumonia, bacterial septicemia, acute mastitis, severe peritonitis, decubitus ulcers, purulent wounds, foul vaginal and rectal discharge, gangrene, severed arteries, severe bruising over entire body, abscesses.

The following animals were approved for direct transport to slaughter by a veterinarian. Their conditions were described as follows:

Cow #1: “multiple necrotic abscesses of the front legs and shoulders, one fractured rib compounded internally and abscessed, necrotic smell to the whole carcass”

Cow #2: “generalized oedema, fluid pouring out of hind end, extensive bruising would not sit up”

Cow #3: “grunting on expiration, froth in mouth, marked ventral oedema and engorged jugular veins, marked SQ and thoracic oedema”

Cow #4: “uterine tear from calving, right uterine horn 300 degree tear proximal to uterine body/cervix, calving chain fell in abdomen”

Cow #5: “ruptured uterus at calving”

Cow #6: “herniated G.I tract through surgical site”

Cow #7: “lateral recumbent, eyes fixed left and down, mid thoracic vertebral purulent wound, head pressing and paddling”

Cow #8: “gangrene, bruising and emaciation”

Cow #9: “hunched back and falling, spinal injury to V. canal, pinging in S.C.”

Cow #10: “down aged cow, lateral recumbancy, 10% dehydration, emaciated, foul urine discharge”

XI. **International Trade:**

Ontario Pork, an industry lobby group raises the issue of trade concerns and animal welfare:

“Animal welfare issues continue to affect animal production in developed countries. The United Kingdom’s animal movement has been particularly influential on food production, processing and marketing. For example, some supermarkets in the U.K. have announced that they will only import pork from welfare-friendly systems.” (*Animal Welfare standards set by leading fast food chains, Ontario Pork Position Paper: Animal Care, from the Ontario Pork web site, 13/10/2003*)

Animal Alliance believes that even before the “mad cow” incidents, human health and “humane” concerns in meat production were already starting to impact negatively on Canada’s ability to trade internationally.

Animal Alliance intends to approach the trade offices to raise concerns about the processing of downer animals for human consumption. We believe that we can undermine the sale of meat products internationally because Canada’s international trading partners are sufficiently skittish about meat safety.