

Anything Goes

An Overview of Canada's Legal Approach to Animals on Factory Farms



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Cover photo of calf taken at an Ontario Livestock Auction in July 1994. When attending veterinarian was asked by representatives of Animal Alliance of Canada and the Ontario Society for the Prevention of Cruelty to Animals to humanely euthanize the calf, who was clearly sick and was determined to be suffering from pneumonia, among other things, the veterinarian refused.

Photo courtesy of Andrea Maenza/Animal Alliance of Canada

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A. Introduction

It used to be that animals were considered nothing more than furry machines who could not think, feel or communicate and who had no interests of their own. Humanity's only concern about them was what purpose of ours they could serve. Thus animals were routinely subjected to treatment to which it would be inconceivable to subject humans.

This antiquated approach to species discrimination was based on what we have now come to realize was a misapprehension as to, first, the structure and sophistication of animal life and, second, the interconnection of all animal species. The arbitrary line humanity has historically drawn to separate itself from the thousands of other species that comprise the animal kingdom lacks a credible defence in modern times.

Thanks to Darwin and other scientists of the nineteenth and twentieth centuries, we now know that other animals do think, feel and communicate and that the real world consists only of individuals who are more or less closely related to each other. The study of animals throughout the twentieth century so profoundly changed our understanding of them that it is no longer defensible to assert that all animals are mere automatons, devoid of the capacities which we once thought to be uniquely human. The difference between "us" and "them" is merely one of degree.¹

¹ See generally: Anne E. Russon, Kim A. Bard, Sue Taylor Parker (ed.), *Reaching Into Thought: The Minds of the Great Apes*, Cambridge University Press: 1996; Theodore Xenophon Barber, *The Human Nature of Birds*, Penguin Books: 1993; Jeffrey Moussaieff Masson and Susan McCarthy, *When Elephants Weep - The Emotional Lives of Animals*, Delacourt Press: 1995; Cynthia Moss, *Elephant Memories - Thirteen Years in the Life of an Elephant Family*, Ballantine Books: 1988; Joel Berger, *Wild Horses of the Great Basin, Social Competition and Population Size*, University of Chicago Press: 1986; Jeff Fair and Lynn Rogers, *The Great American Bear*, North Word Press, Inc.: 1994; Roger Fouts with Stephen Tukul Mills, *Next of Kin, What Chimpanzees Have Taught Me About Who We Are*, William Morrow and Company, Inc.: 1997; Jane Goodall, *Through a Window - My Thirty Years with the Chimpanzees of Gombe*, Soko Publications Limited: 1990; Dale Peterson and Jane Goodall, *Visions of Caliban - of Chimpanzees, People and the Honoured Shape*, Houghton Mifflin Company: 1993; Paola Cavaliere and Peter Singer (ed.), *The Great Ape Project: Equality Beyond Humanity*, St. Martin's Press: 1993; Barbara Noske, *Humans and Other Animals*, Pluto Press: 1989; Michael Bright, *Animal Language*, Cornell University: 1984; Donald R. Griffin, *The Question of Animal Awareness: Evolutionary Continuity of Mental Experience*, William Kaufmann, Los Altos, 1981; ed. *Animal Mind - Human Mind*, Springer, New York, 1982; *Animal Thinking*, Harvard University Press, 1984; Joan McIntyre, *Mind in the Waters: A Book to Celebrate the Consciousness of Whales and Dolphins*, Scribner: 1974.

In recognition of this reality, societal attitudes toward our relationship with other animals are progressing.² Legally, however, particularly in the area of food production, Canada has failed to keep up. Canadian laws and practices still reflect the old idea that animals are nothing more than production units to be used in the most economically efficient manner possible, even after that perspective has long since lost its factual base.

In coming to this conclusion, we have considered the federal and provincial laws as well as the Recommended Codes of Practice ("the Codes") which impact on the 640,000,000 animals raised and killed annually in Canada for human food.³ What follows is a summary of relevant legislation in each jurisdiction⁴ and of three of the Codes, along with some consideration of how that legislation and the Codes impact on the animals best remembered from Old MacDonald's farm, cows and chickens, now living quite different lives on the megafarms which are becoming the norm across Canada.⁵

We do not address other legal issues arising out of the impact of the intensive agriculture industry on human health, the environment and other animals which inhabit the environment; these are extensive problems in their own right, requiring their own consideration.

Finally, we provide below a more detailed description of each relevant federal Act than we do of the provincial legislation. We have done this simply in the interest of restricting the length of this paper, and given that federal laws have national import. However, we have made reference to the relevant provincial legislation and regulations so that interested readers may review these further themselves. In all cases, the descriptions which follow are a summary of the relevant legislation or Code. While comprehensive, they are not complete. The legislation is described in alphabetical order, and all legislation referred to has been considered as amended to date.

² This changing perspective is evidenced by such phenomena as components concerning respect for animals developing in the educational curricula of public schools, high schools, universities and law schools; conferences across the country concerning ethical obligations to animals; extensive journal and media coverage of issues related to animals; public opinion polls which repeatedly find marked majorities supporting initiatives which promote the compassionate treatment of animals; and hundreds of animal protection organizations which have sprung up across the country.

³ Agriculture Canada statistics; see www.agr.ca/misb/aisd/redmeat/markets.html and www.agr.ca/misb/aisd/poultry/ Note, this number does not include fish or other creatures of the sea.

⁴ with the exception of the Northwest Territories, Yukon and Nunavut

⁵ There are many other species that are raised in captivity and killed for food, such as pigs, sheep, turkeys, goats, horses, rabbits, as well as an increasing number of wild animals such as caribou, elk, deer, emus and ostriches. While there still remain some "family" type farms across Canada, methods of production of most, if not all, of these animals are increasingly intensive and factory-like, hence having acquired the appellation "factory farms".

B. Executive Summary

Lack of progress in ameliorating our treatment of nonhumans is attributable to several causes, many of which may be traced to people's ignorance about the animal abuse that they themselves indirectly support. The ultimate consumer of the veal, pork, chicken and eggs simply has no more conception of what went on before these neatly packaged farm products arrived at the retail level than the purchasers of Civil War clothing had of the conditions under which enslaved black hands planted and picked the cotton from which its threads were made.⁶

We have found that there is extensive regulation of agricultural matters with a clear emphasis on preserving the value of the animal products and protecting the health of consumers. Minor aspects of these regulations might have an incidental benefit to the animals themselves, but this is not generally the case. For example, almost every jurisdiction has regulatory requirements regarding sanitary conditions in certain contexts, ventilation, lighting, secure ramps, equipment and the like. One cannot deny that animals have an interest in walking on secure ramps. However, the true impact of such regulations on the animals is insignificant in the context of, first, the profound, multi-faceted suffering which is an inherent part of industrialized farming, and second, the manner in which such provisions are interpreted and enforced.

One must distinguish between regulations meant to protect animals and those meant to protect the products we make from them, for regulations are interpreted and enforced in accordance with one's understanding of what they are meant to accomplish. Regulations requiring sanitary conditions and proper ventilation govern egg grading establishments as well: they are meant to protect the product. Overall, we found that in this country's laws and Codes of practice, consideration of the living creature is almost nowhere to be found.

There are many references in the legislation to the need for "humane" treatment of animals, or the avoidance of "unnecessary", "undue", or "avoidable" pain and suffering. These terms are superficially impressive. Yet they presuppose that some amount of suffering and pain is "necessary" and by using such terms, the legislation assumes that this is acceptable. The standard of "undue" or "unnecessary" suffering de facto exempts animals in food production from real legal protection as long as the hardship they suffer occurs in the course of "generally accepted" agricultural practices. Finally, in the legal context, terms like "undue" and "unnecessary" are vague, subjective, undefined and ultimately meaningless. Yet, they lead consumers to believe that their animal food comes to them without distress or suffering.

⁶ William M. Kunstler, Esq. in the Forward to Gary Francione, *Animals, Property and the Law*. Temple University Press: 1995

Standards which require that certain behaviour "shall" occur must not be read as an assurance that this does actually occur. With increasingly limited enforcement resources, in a climate where government regulation is considered a corporate nuisance rather than a citizen's right, and with regard for animals as a low priority for Canadian governments, one simply cannot assume that even a prohibition is sufficient to ensure the offensive behaviour does not occur.

For example, the Chief of Humane Transportation of Animals, Animal Health and Production Division, Canadian Food Inspection Agency (CFIA) claims that the investigation of animal welfare cases is extremely complex and that it is often difficult to investigate and follow up. Relative to the 640,000,000 animals killed for food in Canada, and to the two or three million animals who arrive dead at federally inspected slaughterhouses⁷, the CFIA completes approximately six prosecutions each year.⁸

Some provincial legislation facilitates the harming of animals. For example, western provinces have legislation that encourages the dehorning of cattle by way of financial incentives. Dehorning is a very painful practice, cutting sensitive tissue close to the skin, without anesthetic; it was described by a British appeal court more than one hundred years ago as "excruciating torture".⁹ Several provinces have branding legislation which establishes how animals must be identified, which allows for painful methods of permanent identification like hot irons.

Some provinces have a general animal welfare or humane society act. These generally establish certain basic requirements regarding the care of animals in one's possession or control and allow authorized agents and/or inspectors to take certain actions if they find an animal in "distress". These statutes, however, generally exclude and thus do not apply to animals raised in accordance with generally accepted practices, or specifically to animals in food production. Even for those that do apply, they are generally ineffective in providing protection to these animals as humane society inspectors are not normally entitled to access private property without sufficient grounds, grounds which are unlikely to come to their attention without access to the property. Nor is it really the function of humane societies, whose authority extends to specific instances of animal distress, to fundamentally modify industrial behaviour and eliminate the kind of institutionalized suffering that is the norm in a particular industry.

Perhaps the most troublesome aspect of the regulation of this industry is that, when it comes to most aspects of the daily existence of the animals, so much is not regulated at all; governments have opted to defer much of their authority to voluntary standards created by the industry itself. These come either in the form of specific recommendations

⁷ Charlotte Montgomery, *Blood Relations - Animals, Humans, and Politics*. Between the Lines: (2000), p. 153

⁸ email communication from Dr. Gordan Doonan to Global Action Network, August 11, 2000

⁹ *Ford v. Wiley*, (1889) 23 Q.B. 203

made in the Recommended Codes of Practice or simply as practices that animal producers use in common with other animal producers. Thus the legislation repeatedly authorizes "generally accepted activities", meaning that industry chooses for itself the practices that will be permissible. As one reads the Codes, one might be impressed by the mandatory language (use of the words "shall" or "must" in some cases) implying that the recommendations carry weight, however, adherence remains voluntary.

Given that the goal of industry is to earn the greatest possible profit, it is difficult to imagine how, in the absence of mandatory regulation, these Codes can provide meaningful protection to animals. If the standard is simply to do what everybody else in a competitive industry is doing, there is no incentive to consider the non-economic interests of the animals. These, after all, can only require capital outlays which decrease profits. Indeed, the Codes authorize some of the most heinous practices of all.

C. Legal Framework

Part I - Relevant Federal Legislation

Canada has regulations on the transport of animals to slaughter and on what happens in the abattoirs themselves. But relentless budget cuts and a government distaste for regulation have led to limited enforcement of the rules on the treatment of live animals. Efforts to deal with recognized weaknesses in slaughterhouse or transport systems have depended upon the enthusiasm of overworked civil servants willing to buck a trend. The federal mandate appears to be hands-off, after the fact sort of surveillance instead of on-site monitoring. The agriculture industry has not been the subject of shrewd government scrutiny. Instead, it has become a collection of clients for whom the rules are tailored and from whom fees are collected.¹⁰

In 1990, the *Health of Animals Act* came into existence. This, along with the *Meat Inspection Act*, enables the federal government to regulate many aspects of the treatment of animals raised for food.¹¹ Instead, Canada has opted for a largely voluntary approach, preferring minimal regulations and minimal involvement in the care of animals. In addition to examining these laws, we also consider below the *Criminal Code of Canada*, which contains several general provisions concerning cruelty to animals.¹²

¹⁰ Montgomery, p. 133

¹¹ *Health of Animals Act*, S.C. 1990 c. 21; *Meat Inspection Act*, R.S.C. 1985, c. 25

¹² R.S.C. 1985, c. C-46

The Health of Animals Act and Regulations

The *Health of Animals Act* has as its focus the health of humans who consume products derived from animals. Most of the provisions focus on the prevention of disease or toxicity in animals that might be passed to consumers or spread among the animals with financial implications for the industry. Some of these, such as the many sections dealing with cleaning, disinfecting and maintaining a sanitary condition, may have an incidental beneficial effect on animals, to a certain degree, in that reducing the occurrence of the prescribed disease is also in the animal's interest. However, to the extent that such regulations aim to protect consumers and producers, they do little to address other ailments and other types of physical and mental stresses that lead to the kinds of animal suffering which do not pose a threat to consumers, or do not pose a threat that has as yet been legally circumscribed.

It is noteworthy that most of the provisions which do purport to address the welfare of the animals are concerned with their import/export/transport, which occurs usually at the very beginning or end of their lives. These do not impact on what happens to animals during the course of their lives.

Thus, in this Act, we found almost no consideration for the animals, in terms of their day-to-day care and treatment, when they are not in transit. A sick animal that is required to be destroyed under the Act may actually be reserved by the Minister to be used in experimentation (s. 13).

Under the heading "Control of diseases and toxic substances", the export of an animal from Canada by vessel or aircraft generally requires, among other things, certification by veterinary inspector that there has been compliance with all the prescribed requirements respecting the health, protection and transportation of the animal (s. 19). The Minister may exempt animals and shipments from this provision by regulation and pursuant to the *Export Inspection and Certification Exemption Regulations*, all animals except horses, swine, foxes, mink, members of the suborder rumenatae and members of the family camelidae are exempted from s. 19 requirements.¹³

There are many provisions in the legislation regarding how to dispose of animals that die en route, are not treated in a humane manner or are injured when they arrive at the slaughterhouse, sale or transport facility, but investigation or prosecution are not among them. There are many provisions for the compensation of owners of dead, injured or diseased animals. We did not find that the regulations in any way seek to prevent these problems from arising in the first place.

The Act does provide authority for regulations to be passed for the purpose of protecting human and animal health through the control or elimination of diseases and toxic

¹³ SOR/91-3

substances and for carrying out the purposes of the Act, including (i) for the humane treatment of animals and generally; (ii) governing the care, handling and disposition of animals; (iii) governing the manner in which animals are transported within, into or out of Canada; and (iv) providing for the treatment or disposal of animals that are not cared for, handled or transported in a humane manner (s. 64).

The *Health of Animals Act Regulations* address such matters as export, import and transportation.¹⁴ Most of the exportation regulations (Part VIII) concern communicable diseases and human health. One regulation that affects animal welfare provides that no person shall export an animal out of Canada to any country other than the United States without the consent of an inspector, if the animal has not been at the place of embarkation for at least 12 hours. This does not apply to the export of animals out of Canada from an airport. Thus, it is permissible to deny a rest period to an animal in transit with consent, if the destination is the United States or if the animal is sent by air (s. 71).

Most of the importation provisions (Part II and following) concern measures to control the spread of diseases specific to the various species, including conditions of import for each species. Feeder calves and restricted feeders are not to be imported unless they are "fit to travel and can be transported to Canada without undue suffering by reason of infirmity, illness, injury, fatigue, or any other cause". There is no equivalent prohibition for any other food animals in the regulations (s. 22). Male feeder calves may, upon satisfaction of other conditions, be imported from the United States at the age of 8 to 14 days. The regulations anticipate that some feeders will die during transport and provide for how to handle the carcass (Feeder Calves-Communicable Diseases part).

There is a requirement for an animal to have a certificate from an official veterinarian of the country of origin, stating that the animal is free from communicable disease and that "the other applicable conditions set out in these Regulations respecting the importation of that species of animal have been satisfied". However, there do not appear to be any provisions in the importation section of the Act or the regulations (aside from the sections on feeder calves and restricted feeders referred to above) that mention the welfare of the animal as a consideration.

The transportation regulations (Part XII) are the most detailed and the only ones that deal in any specificity with the welfare of the animal. They include the following:

Ill and injured animals: animals that are too infirm, ill, injured or fatigued to be transported without "undue" suffering, as well as animals that would probably give birth during the journey, are not supposed to be loaded or transported. Animals that become ill, injured or otherwise unfit for transport during transport by rail or motor vehicle must

¹⁴ SOR/91-525

be transported only as far as the nearest suitable place at which they can receive proper care and attention (s. 138).

The regulation anticipates that animals will die, be killed and injured while in transit and it requires a report and records to be kept by international or interprovincial air, rail and motor vehicle carriers (s. 150-1). On a vessel, any injured animal that, in the opinion of the master of the vessel, cannot be kept alive without "undue" suffering, must be destroyed using a suitable humane killing device in good working order. This device, along with an adequate quantity of ammunition, must be kept on board along with a sufficient quantity of veterinary drugs suitable for the treatment of the animals on board (s. 158-9).

Food, water and rest: One may load or transport an animal that has not been fed and/or given water within 5 hours before loading if the duration of the animal's confinement is to be up to 24 hours from loading. Chicks need not be given water unless the expected duration of confinement is at least 72 hours (s. 138). At every loading and unloading place, there is to be access to food, water and care facilities that provide protection from extremes of weather. Animals are to be provided with an ample quantity of suitable food and potable water. No rest stops are necessary if the carrier is suitably equipped to feed, give water and rest to the animals and they are fed and given water and rest at specified intervals (s. 148). Special food and hours of feeding are required for calves (s. 149).

Monogastric animals may be confined in a carrier for up to 36 hours, and ruminants up to 48 hours. Ruminants can be confined for up to 52 hours if their final destination is within Canada and they may be fed and given water and rest at that destination. Chicks of any species may be confined without food or water for up to 72 hours from the time of hatching. If they are unloaded for food, water and rest during the journey, animals are to rest for at least five hours before reloading and be given suitable food and potable ice-free water (s. 148).

Loading and unloading: Animals may be beaten during loading and unloading so long as the beating, or the loading or unloading itself, is not done in a way to cause injury or "undue" suffering. Ramps, gangways, chutes, boxes or other apparatus used in loading/unloading are to be used and maintained so as not to cause injury or undue suffering and ramps and gangways are to have sufficient strength and height to prevent falling off. They shall have no unprotected gaps. Footholds are to be secure and slopes not excessive, unless animals are loaded in containers. (s. 139).

When animals are unloaded and reloaded for food, water and rest, the unloading pen is to have properly designed troughs and racks, enough space for all the animals to lie down at the same time, adequate straw or other litter, well-drained and clean floors that provide a secure footing and protection from inclement weather (s. 148).

Size and design of carriers/containers: these must be adequately constructed, without insecure fitting, bolt-heads or other projections, and fittings are to be adequately padded.

Containers are to be well-secured, labelled and constructed and maintained so that the animal can be fed, given water, inspected and the escape of his/her waste prevented (s. 144). Each animal is supposed to have enough headroom during transport to be able to stand in a natural position without coming into contact with a deck or roof, and there must be provision for drainage or absorption of urine (s. 142).

Where animals may be held on board a sea carrier, and how they may be secured, is regulated. A certain number of empty pens may be required by a veterinary inspector to accommodate ill, injured or otherwise unfit animals (s. 155). On a sea carrier, there must be proper lighting and insulation and insulation from the heat of the boiler room.

Conditions: during transport, overcrowding is permitted but not to the extent as to be "likely to cause injury or undue suffering" (s. 140). Animals likely to cause each other injury because of size differences, incompatible natures, horns, hooves or tusks are to be segregated, as are nursing mothers and their babies (s. 141). The frequency of change of air is regulated for air and sea carriers so animals should receive adequate ventilation (ss. 146, 147).

Care during transport: every sea carrier transporting livestock must have a crew member experienced in handling livestock, and if requested to do so by the Minister, must have a veterinary inspector on board.

Hatcheries: in the part of the regulation entitled "Eradication of diseases" is a requirement that operators of hatcheries ensure that any chick or unhatched embryo that is killed in a hatchery is killed "in a humane manner" (s. 79).

The Meat Inspection Act and Regulations

The *Meat Inspection Act* provides that no meat may be exported out of Canada or conveyed from one province to another unless it was prepared or stored in an establishment that is registered in accordance with the Act and regulations.¹⁵ Meat for consumption within the province of origin is governed by provincial law. It is up to each province to determine whether or not to permit meat that has not been slaughtered and prepared at a registered slaughterhouse to be sold to local retailers or consumers.

The *Meat Inspection Act* authorizes the federal government to make regulations governing the operation, and suspension of operation, of registered establishments. Regulations may provide for inspection, prescribe the equipment and facilities to be used, the procedures to be followed and the standards to be maintained to ensure the

¹⁵ SOR/90-288

“humane” treatment and slaughter of animals. Despite this broad authority, the regulations themselves do very little in this regard.

Regulations under the Act establish that animals may be handled in a manner that subjects them to distress or pain, but not “avoidable distress” or “avoidable pain”. These terms are undefined (s. 62). Goads and electrical prods are permitted but may not be applied to the anal, genital or facial region of the animal (s. 62). Different species are to be kept apart, as are diseased or injured animals and animals that are a potential danger to other food animals (s. 63).

Holding pens for animals awaiting slaughter are to be “adequately” ventilated and not “overcrowded”. These terms are not defined (s. 64). Animals awaiting slaughter are to be provided with potable water but food is not required unless they are held for 24 hours (s. 65).

Every animal in a registered establishment is to be inspected prior to and approved for slaughter. Immature animals, those showing deviation from normal behaviour or appearance, those showing signs of disease, those that die before slaughter, those already near death and those suspected of being infected with a disease of the central nervous system or a condition or disease that might make their meat unfit for processing as an edible meat product, are to be segregated. Immature animals are to be held until they are old enough for slaughter. Animals judged unfit are to be condemned and then slaughtered and disposed of separately from animals destined for human consumption.

Animals may be held at slaughterhouses/stockyards for one week or longer if they receive the written consent of an official veterinarian.

There are detailed regulations about what the inspector is to look for, what is unacceptable and how animals found to be unfit for slaughter are to be disposed of, none of which precludes slaughter, just consumption. None of the regulations is concerned with determining how the rejected animals have been treated prior to or during transport or why they arrived at the slaughterhouse in an unfit condition. The sole concern of these regulations is to ensure that the slaughtered animal will be fit for consumption.

Slaughter: Every animal (except those to be ritually slaughtered) is to be rendered unconscious or killed before being bled. This may be done by one of several methods: a blow to the head by means of a penetrating or non-penetrating device; exposure to gas or a gas mixture; or, application of an electrical current. Each of these methods is supposed to cause rapid or immediate unconsciousness. Most animals are supposed to be rendered unconscious before being suspended for slaughter but birds and domesticated rabbits are exempted from this requirement; they may also be killed by decapitation, in addition to the other proscribed methods (s. 79).

Animals to be ritually slaughtered in accordance with Judaic or Islamic law do not have to be rendered unconscious before slaughter. They are to be restrained and slaughtered by means of a cut resulting in a rapid, simultaneous and complete severance of the jugular veins and carotid arteries in a manner that causes the animal to lose consciousness immediately (s. 77).

The equipment or instrument used for restraining, slaughtering or rendering unconscious, the condition of the equipment or instrument, and the operator's competence and physical ability to use the equipment or instrument, may lawfully subject the animal to distress and pain, so long as these are not "avoidable". These terms are undefined (s. 80).

Design and condition of the establishment: There are many regulations about the design, construction and maintenance of the physical establishment where animals are taken to be slaughtered, but almost none of them addresses the animals' comfort or welfare. They concern the safety of the meat for human consumption and of the other animal products for the uses for which they are intended. There are provisions requiring adequate lighting, ventilation and plumbing for the various activities to be carried out in the establishment. There are many provisions about dressing rooms, shower facilities and other requirements for sanitary conditions. There are requirements for a sufficient number of rooms to accommodate the separation of incompatible activities.

Among the numerous provisions aimed at protecting the safety and quality of the end product, the few provisions that have any relevance for the well-being of the living animals are concerned with segregating sick or dangerous individuals, or with providing a secure footing for animals to prevent injury from falls. Injuries from falls or attacks, along with diseases that might be spread to other animals, affect the economic value of the product after slaughter. There is a provision that every registered establishment have facilities for conveying injured or disabled animals in a "humane" manner. This term is undefined.

Establishments must be equipped with facilities for restraining animals for detailed ante-mortem inspection, for conveying injured or disabled animals in a humane manner, and for slaughtering animals that have been identified as condemned. The floors, ramps, gangways and chutes must be constructed and maintained to provide secure footing for the animals and prevents injury during movement.

The Criminal Code

The *Criminal Code*, which contains Canada's criminal law, includes several offences in relation to cruelty to animals.¹⁶ The main offence is found in section 446(1)(a) which prohibits one from wilfully causing "unnecessary pain, suffering or injury to an animal or bird". Practically, many, if not all, of the practices by which animals are turned into food could be considered to be violations of this section of Code in that they cause pain, suffering or injury to animals for an ultimate purpose which is not "necessary" in any true sense of the word. Relying on animals for food may be done for reasons of custom, habit or preference, but it can not be considered "necessary" in most parts of Canada.

However, the interpretation of "unnecessary" which courts have applied to date does not question the validity of the use to which an animal is put. The status quo is assumed to be acceptable and the "unnecessary" qualification is applied only in the context of particular practices which occur in the course of the activity. Moreover, while from this one might conclude that some of the particularly problematic practices described below would thereby be rendered unlawful, the interpretation which courts have given the term "unnecessary" is circular. For example, when Pacific Meat Company was charged under this section for causing pain to hogs it "shackled" by a hind leg, "swung against" a metal wall "with some force", and then thrust a knife into their throats whether unconscious or not, the question in the case was not whether this caused the animals pain, which was admitted, but whether that pain was "necessary". The Court dismissed the charge, noting:

Hogs fulfil a purpose of providing food for human beings. Before the hogs can be eaten by mankind they must of necessity be killed, so that the fatal injury that is administered to each hog by the "sticker" is a necessity and therefore not "unnecessary".¹⁷

Thus, courts do not question the activity: killing animals for food; and, since killing animals for food is itself a given, courts do not question the practices which are used to cause the animal to die, these too are deemed necessary and automatically protected.

A somewhat more modern approach to interpreting this provision was taken by the Court of Appeal for Quebec in a case involving the euthanasia of unwanted animals.¹⁸ Whether this will be applied to animals used in food production remains to be seen but seems unlikely in the immediate future. In Canadian law, animals are still considered to be human property. Property, by definition, has no rights of its own and specifically, it has no rights as against its owner. This makes sense when the property is a lamp or a car. However, this legal principle is applicable (with very limited exceptions) even when the

¹⁶ R.S.C. 1985, c. C. 46. These are generally sections 446 and 447. There are also several offences designed to protect an owner's interest in preserving his/her animal property; for example, see sections 444 and 445.

¹⁷ *R. v. Pacific Meat Company Limited* (1957), 27 C.R. 128 (B.C. County Court) at 130

¹⁸ *R. v. Menard* (1978), 43 C.C.C. (2d) 458 (Que. C.A.)

property is a living being. Thus, when a conflict arises between the interests of property (in not suffering, for example) and the interests of that property's owner (in using that property to earn as great a profit as possible), it is quite certain that the interests of the property can not prevail.¹⁹

The *Criminal Code* might condemn some of the most egregious and wasteful abuses of animals used in food production, such as when owners let entire herds starve to death, but activities which are institutionally abusive, standard practice and commonly done, will almost certainly not attract the Court's censure. They have not done so to date.

Part II - Relevant Provincial Legislation

...at just the federally regulated slaughterhouses between two and three million animals arrive dead or dying or so ill they must be destroyed - year after year after year. That figure does not include the number of injured animals that arrive and, if they are still considered fit for human consumption, are sent directly to slaughter... [p]rovincially inspected slaughterhouses, where meat is produced for domestic consumption, are considered to be generally less demanding.²⁰

Alberta

The *Agricultural Operation Practices Act* protects agricultural operations from nuisance claims, injunctions and other court orders which might otherwise be imposed against them for interference in others' enjoyment of their property by smoke, odour, noise, vibrations or other annoyances, inconveniences and discomforts, as long as they comply with local land-use by-laws, regulations under the Act and "generally accepted practices" for similar agricultural operations.²¹ It does not protect animals specifically and it effectively protects the practices by which they are harmed.

The *Agricultural Pests Act* and the *Pest and Nuisance Control Regulation* allow for a determination by the Minister that an animal, bird, insect, plant or disease that is a danger to land, livestock or property may be declared a "pest" or "nuisance" and treated accordingly.²²

¹⁹ See generally Gary Francione, *Animals, Property and the Law*. Temple University Press: 1995

²⁰ Montgomery, p. 153

²¹ S.A. 1987, c. A-7.7

²² S.A. 1984, c. A-8.1; AR 406/86

The *Animal Protection Act* is Alberta's animal welfare legislation. Like its equivalent in other provinces, it enables officers to take certain action to relieve animals in "distress".²³ The relevant provisions do not apply, however, if the distress results from an activity that is carried on in accordance with "reasonable and generally accepted practices" of animal management, husbandry or slaughter.

The *Brand Act* establishes the proprietary interest in a brand.²⁴ Brands of any form or combination of characters may be allotted to be applied to any part of the animal's body by hot iron, freeze brand, electronic identification, fleece paint or any other method established by the regulations (ss. 2, 3).

The *Dairy Industry Act* generally provides for the inspection of dairy operations and the grading of dairy products.²⁵ The *Dairy Industry Regulation* sets out certain conditions regarding dairy barns, insulation, ventilation and water sources. It requires that manure be removed daily, that stalls and pens be clean, dry, sanitary and free of strong odours.²⁶ Loose housing barns are required to have bedding regularly distributed and be cleaned out once per year. Efforts must be made to prevent injury or damage to animals (s. 12). The section entitled "Care of dairy animals" provides that animals whose milk is intended for human consumption must be kept clean and free of the diseases which are transmittable to humans. Species must be kept separately. Young dairy animals must be kept in separate pens or box stalls when they are in the same facility as the milking herd, and buck goats must be kept separate from the rest of the herd to prevent odour contamination in milk. Drug use is permitted and regulated (s. 38).

The *Horned Cattle Purchases Act* encourages the dehorning of cattle by way of a special method of payment for "cattle with horns", a defined term.²⁷

The *Livestock Diseases Act* addresses such things as the treatment, quarantine, sale, seizure and destruction of sick or potentially sick livestock.²⁸ There are many regulations under this Act, of which only the few that are directly relevant are summarized here.

The *Livestock Market and Livestock Assembling Station Regulation* establishes certain construction requirements for markets.²⁹ It addresses the fact that some livestock will not be able to stand or compete for food, space and water. There is no regulatory effort to prevent these conditions, but rather a requirement that these animals be separated; boars or stags with tusks should be kept individually; large males should be separated from

²³ S.A. 1988, c. A-42.1

²⁴ R.S.A. 1980, c. B-11

²⁵ S.A. 1999, c.D-1.2

²⁶ A.R. 139/99

²⁷ R.S.A. 1980, c. H-10

²⁸ R.S.A. 1980 c. L-22

²⁹ A.R. 70/2000

females; animals should be protected from the elements (s. 4). Injury is expected and not prohibited; rather, efforts should be made to minimize it. Weaned foals may be sold at 30 days of age, weaned pigs when they weigh more than 10 kilos, and any other weaned animal may be sold at 8 days of age (s.6).

Livestock, that by reason of infirmity, illness, injury, fatigue or other cause, is unable to stand or is "unduly" suffering, is not to be unloaded at markets or assembling stations (s.7). Care and handling at markets or assembling stations is to be done in accordance with the Codes of Practice. Animals need not be provided with space, shelter, feed, water or bedding for 24 hours. They can be held at markets or assembling stations for up to 6 days. If in this time they can not stand or compete for space, food, water or shelter, they should be separated. Suitable bedding need only be provided for pens confining calves that weigh less than 115 kilos, or swine (ss. 8, 9).

The *Production Animal Medicine Regulation* regulates the administration of antibiotics, growth promotants, hormone preparations and other drugs in animals used for human consumption or whose products are used for human consumption.³⁰

The *Livestock Industry Diversification Act* licences game animal production farms, which keep wildlife in captivity for purposes of reproduction or sale as breeding stock or meat.³¹ Its focus is on containment of animals, diseases, import, records and sales. The section entitled Condition of Farm and Humane Care of Animals provides that farms must be clean and sanitary and the owner is to employ "reasonable and generally accepted practices" of animal management and husbandry (s. 17).

The *Livestock Industry Diversification (Ministerial) Regulation* allows for on-farm slaughter where an animal is injured, sick, in pain or suffering and cannot be relieved, and the operator wants to kill the animal on the farm to relieve the distress, and salvage the meat (s. 11).³² It also provides that antlers can be removed by a veterinarian or a certified operator in accordance with standards developed and approved by the Alberta Elk Association and the Alberta Veterinary Medical Association (s. 12).

The *Livestock and Livestock Products Act* provides generally for the inspection, weighing, grading, packaging and marking of livestock.³³ One of the regulations under this Act is the *Livestock Transport Regulation* which provides that animals that are infirm, ill, fatigued or would otherwise suffer "unduly" during transportation can be loaded and transported to a veterinary clinic or for slaughter if this is done humanely (s. 2).³⁴ Pregnant animals may be transported as long as they are not likely to give birth during the trip. Suffering is permitted, though "undue" suffering is to be avoided, when

³⁰ A.R. 31/98

³¹ S.A. 1990, c. L-22.7

³² A.R. 256/91

³³ S.A. 1990, c. L-24

³⁴ A.R. 22/99

loading or transporting livestock. An animal that becomes ill can continue to be transported until the driver comes upon a suitable place where proper care and attention is available (ss. 2, 3). Once loaded, animals can remain in that space for up to 36 hours without food, water or rest. After 36 hours, a 5 hour rest is required along with food, water, sufficient space for each animal to lie down, adequate straw, and protection from extreme weather (s. 4). Animals may not be beaten but one may prod, goad or use other instruments to load and unload them so long as they are not injured (s. 10).

The *Meat Inspection Act* governs many aspects of meat inspection.³⁵ The *Meat Inspection Regulation* allows pain and discomfort to be caused while an animal is being prepared for, or is being slaughtered, so long as the pain is not "unnecessary".³⁶ Animals may be held at meat facilities for up to 24 hours without food, water or shelter (s. 13). Animals must generally be rendered unconscious immediately before slaughter or being hung for slaughter, unless the animal, other than swine, is restrained and cut in a way which results in rapid, simultaneous and complete severance of the jugular vein and carotid arteries to cause immediate unconsciousness (s. 16). Unconsciousness may be caused by a blow to the head by a mechanical penetrating device; carbon dioxide gas, electric current to the head, rifle shot or any other way designated by the government authority to test or develop a new method (s. 17). Numerous diseases are listed with indication as to when animals must be condemned and which parts can be salvaged. The regulations for poultry contain no such requirements regarding slaughter methods or concerns. Every poultry abattoir must have, among other things, a scalding tank (s. 141).

The *Stray Animals Act* established liability and provides for the captures, impoundment and destruction of trespassing livestock.³⁷ It also establishes the right to kill dogs that are pursuing, worrying or destroying livestock.

British Columbia

The *Agri-Food Choice and Quality Act* enables the certification and labelling of products and practices.³⁸

The *Agricultural Produce Grading Act* applies to produce (including livestock, poultry and eggs) grown, slaughtered, produced, kept, sold or offered for sale or consumption in the province.³⁹ There are regulations relating to beef, eggs, hogs, poultry, veal and wool; these do not address animal conditions, rather the weighing and grading of products.⁴⁰ The *Hatchery Regulation* allows for the registration of hatcheries and establishes certain

³⁵ R.S.A. 1980, c. M-10

³⁶ A.R. 51/73

³⁷ R.S.A. 1980, c. S-23

³⁸ S.B.C. 2000, c. 20

³⁹ R.S.B.C. 1996, c. 11

⁴⁰ B.C. Reg. 98/78, 99/78, 102/78, 104/78, 323/84 and 106/78 respectively

minimal conditions for hatcheries and brooding rooms basically relating to cleanliness and sanitation.⁴¹

The *Animal Diseases Control Act* addresses the way in which animals with diseases, or who have been exposed to diseases, are to be handled.⁴² It requires a licence for the slaughter of animals (s. 18.1). It allows, among other things, for the creation of regulations providing for measures to be taken to suppress or limit the outbreak of disease, governing the transportation of animals, providing for the control of slaughter houses and abattoirs, and respecting the movement of livestock, meat and hides (s. 20) but the *Animal Disease Control Regulation* is aimed exclusively at disease control.⁴³

The *Prevention of Cruelty to Animals Act* is this province's humane society legislation.⁴⁴ Like its provincial counterparts, it authorizes agents to take certain actions on the basis of finding an animal in "distress" or "critical distress". Agents may enter private property to conduct an inspection for purposes of the Act premises, other than dwelling houses, where animals are kept for sale, hire or exhibition, none of which generally applies to animals in food production (s. 15). The offence of causing or permitting an animal to be in distress does not apply if the distress results from an activity that is carried on "in accordance with reasonable and generally accepted practices of animal management" (s. 24).

The *Cattle (Horned) Act* encourages the dehorning of cattle by way of a special method of payment for "cattle with horns", a defined term.⁴⁵

The *Farm Practices Protection (Right to Farm) Act* protects farm operations from nuisance claims for any odour, noise, dust or other disturbance resulting from the operation, and from any injunction or other court order regarding the operation, if the farm is using a "normal farm practice".⁴⁶ This is defined as a practice that is conducted by a farm business in a manner consistent with (a) proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances and (b) any standards prescribed by the Lieutenant Governor in Council. The Act also covers certain exotic species, defined by the *Specialty Farm Operations Regulation* to include alpaca, llama, musk ox, emu, ostrich, rhea, partridges, pheasants, quail, silkie and squab.⁴⁷ Similar to Alberta's *Agricultural Operation Practices Act*, this Act does not protect animals specifically and in fact protects the practices by which they are harmed.

⁴¹ B.C. Reg. 101/78

⁴² R.S.B.C. 1996, c. 14

⁴³ B.C. Reg. 150/66

⁴⁴ R.S.B.C. 1996, c. 372

⁴⁵ R.S.B.C. 1996, c. 44

⁴⁶ R.S.B.C. 1996, c. 131

⁴⁷ B.C. Reg. 53/99

The *Game Farm Act* allows for the establishment of game farms for fallow deer, bison and reindeer, which, if they are kept for agricultural purposes, must be licenced.⁴⁸ The Act deals with issues of escape and recapture of these animals. The *Game Farm Regulation* allows a person to shoot one of these animals either to end suffering or to provide food for the licensee and his/her family (s. 8).⁴⁹ It also provides that a nerve blocking agent must be administered in accordance with recommendations of the British Columbia Veterinary Medical Association before removing precalcified antlers (s. 9). The *Livestock Act* addresses the capture of animals at large, the permitted ratio of bulls to heifers and establishes bull control committees as well as artificial insemination licences.⁵⁰

The *Livestock Identification Act* addresses the ownership interests in a "brand", defined as an "identification impressed or affixed on or within the body of livestock to indicate ownership".⁵¹ Neither the Act nor the *Livestock Brand Regulation* addresses any aspect of branding other than proprietary interests.⁵² The regulation also establishes licence requirements for slaughterhouses, and provides that people who own livestock and have had animals from birth or for at least three months may slaughter them on their own property (s. 34).

The *Livestock Protection Act* identifies the circumstances in which dogs may be impounded and killed and establishes a scheme of compensation for any damage they do.⁵³

The *Livestock Public Sale Act* regulates livestock dealers, yard workers and auctioneers, as well as certain aspects of the public sale of livestock.⁵⁴ The *Livestock Public Sale Regulations* provide certain conditions for selling livestock, including areas where different species may be kept, areas designated for sale and slaughter, floors and passageways to prevent slipping, structures to be free from sharp projections, watering facilities, size of buildings, enclosures, walls, lighting, ventilation, loading and unloading chutes, space for veterinarian, quarantine for distressed animals, overcrowding, all meant to ensure the humane, sanitary and efficient movement of livestock (s.2).⁵⁵ They permit the sale of calves starting at 8 days of age and of swine that weigh 25 pounds (s.6).

The *Meat Inspection Act* authorizes inspections of carcasses and live animals before slaughter.⁵⁶ Its major offence which is directly connected with animals (as compared to

⁴⁸ R.S.B.C. 1996, c. 168

⁴⁹ B.C. Reg. 232/91

⁵⁰ R.S.B.C. 1996, c. 270

⁵¹ R.S.B.C. 1996, c. 271

⁵² B.C.Reg. 69/81

⁵³ R.S.B.C. 1996, c. 273

⁵⁴ R.S.B.C. 1996, c. 274

⁵⁵ B.C. Reg. 354/75

⁵⁶ R.S.B.C. 1996, c. 283

offences for obstructing or providing false information to inspectors, or altering marks, tags, labels and certificates) is to knowingly sell meat from immature, diseased or treated animals that have received medicinal or other treatment which may make the meat unfit for food (s. 16). The *Meat Inspection Regulation* includes a lengthy list of illnesses and diseases that would render meat unfit, or require removal of undesirable parts, like abscesses and adhesions.⁵⁷ A farmer can slaughter an animal on his/her own premises and have it inspected later under certain circumstances, including emergency slaughter for humane reasons (ss. 5, 6).

This regulation also proscribes aspects of slaughter. Animals must generally be rendered unconscious immediately before slaughter or being hung by one or two legs for slaughter, unless, in the method known in Jewish ritual slaughter as “schechita”, the animal is restrained and cut in a way which results in rapid, simultaneous and complete severance of the jugular vein and carotid arteries to cause immediate unconsciousness (s. 9.02). An animal may be rendered unconscious by way of several means in such a manner as to produce either rapid or immediate unconsciousness: a blow to the head by mechanical penetrating or non-penetrating device; or a manual blow to the head for lambs and young calves; exposure to carbon dioxide gas or electrical current to the head. Other undefined methods may be authorized by the Chief Veterinary Inspector for development or testing (s. 9.04).

Ramps or inclines leading to slaughter must be constructed to provide safe passage and maintained to provide good footing; holding pens must have adequate ventilation and may be crowded but not overcrowded (s. 9.07). Animals may be subjected to pain but not to “unnecessary” pain (s. 9.08). For poultry, the requirements are much fewer, they may be slaughtered on a farm in certain conditions. This Act makes no mention of humane considerations regarding slaughter for poultry or rabbits (s. 12).

The *Milk Industry Act* governs the production of milk from cows and goats.⁵⁸ Both the Act and the *Milk Industry Standards Regulation* allow for the incorporation by reference of any code, standard or rule, or any part of any of these, relating to the subject matter of the Act.⁵⁹ The regulation provides a number of requirements with respect to the housing of cows related to ensuring the product to be derived from them can be produced in a clean and safe manner.

Manitoba

⁵⁷ B.C. Reg. 54/66

⁵⁸ R.S.B.C. 1996, c. 289

⁵⁹ B.C. Reg. 464/81

The Animal Care Act is this province's animal welfare law.⁶⁰ It deals with animal protection, intervention, seizure of animals and kennel licensing. Animal protection officers are authorized to take certain actions on the basis of finding, or having reasonable grounds to believe, that an animal is in "distress". The Act applies to both companion and commercial animals. "Commercial animals" includes, among others, horses, cattle, sheep, swine and live poultry. A "companion animal" is an animal that is not a commercial animal. "Needless suffering" means suffering that is "not inevitable or intrinsic to an accepted activity".

The Act establishes a number of duties owed by individuals who have ownership, possession or control of an animal. They are generally required to ensure that the animal has an adequate source of food and water, provide the animal with adequate medical attention when the animal is wounded or ill, provide the animal with reasonable protection from injurious heat or cold and not confine the animal to an enclosure or area with inadequate space or ventilation, unsanitary conditions or without providing an opportunity for exercise so as to significantly impair the animal's health or well-being. (s. 2).

It is a defence to any charge under this section, however, for a person to show that s/he was treating the animal in a manner (a) consistent with a standard or code of conduct, criteria, practice or procedure specified as acceptable in the regulations, (b) consistent with generally accepted practices or procedures for such activity, or (c) otherwise reasonable in the circumstances (s. 2).

Similarly, while the Act prohibits anyone inflicting upon an animal "acute" suffering, "serious" injury or harm or "extreme" anxiety or distress that significantly impairs the animal's health or well-being, an exemption is provided for suffering, injury, harm, anxiety or distress that is caused by a treatment, process or condition that occurs in the course of an accepted activity (s. 3). Agricultural uses of animals are specifically identified as an accepted activity (s. 4).

An animal is considered to be in distress if (a) subjected to conditions that will cause death or serious harm, (b) subjected to conditions that will cause acute pain, (c) not provided food and water sufficient to maintain a state of good health, (d) not provided appropriate medical attention when wounded or ill, unduly exposed to cold or heat, or (e) unduly exposed to cold or heat, or (f) subjected to conditions that will significantly impair health or well-being, including confinement in an area of insufficient space, unsanitary conditions or without adequate ventilation, not being allowed an opportunity for adequate exercise, or conditions that cause the animal extreme anxiety or distress. However, an animal shall not be considered to be in distress as a result of any treatment, process, or condition that occurs in the course of an accepted activity (s. 6).

⁶⁰ S.M. 1996, c. 69

The *Animal Care Regulation* establishes standards of care for animals, treatment and maintenance of animals in certain accepted activities, including horses kept in operations that collect the urine of pregnant mares and kennel licensing.⁶¹

All ten Recommended Codes of Practice, along with "other" standards or codes of practice, are incorporated into the *Animal Care Regulations* by being listed in Schedules to the regulations (s. 2).

The *Animal Diseases Act* addresses issues surrounding diseased animals, including notice of the disease, destruction and inspection of diseased animals, sale or display of diseased animals, dead animal disposal, the cleaning of vehicles and other places and public sales yards.⁶² Individuals who own, breed, deal in or have custody of animals and who suspect that an animal is suffering from a disease must notify a veterinarian. Where there are reasonable grounds to suspect that an animal has a disease, the Department of Agriculture may make a variety of orders, including an order that the animal be seized for examination or observation, be removed for proper treatment, be examined and receive proper treatment, be confined or quarantined or be disposed of (s. 3).

The *Dairy Act* provides for the licensing of dairy plants, including the appointment of inspectors.⁶³ There are no provisions relating to animal care.

The *Livestock and Livestock Products Act* establishes a licencing scheme in relation to livestock.⁶⁴ There are no provisions relating to animal care. The *Hatcheries and Hatchery Supply Flock Regulation* provides for the licensing of hatcheries. The *Livestock Brands Regulation* provides for the registration of livestock brands and specifies that animals may be branded on their right or left hip or their right or left shoulder. There are no provisions for animal care in the application of brands. The *Poultry Products Regulation* provides for the licensing of poultry dealers, the grading of poultry products and product packaging and advertising. There are no provisions relating to animal care in any of these regulations.

The *Livestock Industry Diversification Act* regulates the licensing of game production farms. There are no provisions relating to animal care. The *Elk Game Production Regulation* and the *Game Production Animal Species Prescription Regulation* are enacted under this Act. The *Food and Food Handling Establishments Regulation* is enacted under the *Public Health Act*. The Regulation establishes general requirements for slaughterhouses and meat processing plants. In particular, it provides that slaughterhouses must be inspected pursuant to the federal *Meat Inspection Act* or the

⁶¹ Man. Reg. 126/98

⁶² R.S.M. 1987, c. A85

⁶³ S.M. 1996, c. 36

⁶⁴ S.M. 1997, c. 31

Canada/Manitoba Meat Inspection Agreement. There are no provisions relating to animal care.

New Brunswick

The *Dairy Products Act* was repealed in 1999 and replaced with the *Natural Products Act*.⁶⁵ Part III of the Act establishes a farm products Commission. Part IX deals with matters relating to dairy products, including the licensing of milk producers, dealers and vendors. The Act provides the Commission with a number of powers in respect of dairy products, including the power to supervise, control and regulate the purchase, transportation, handling, processing, preparation, storing, delivery, sale and distribution of milk and cream. The Commission can make regulations respecting the inspection of premises at which the storage, production, care, manufacture and processing of milk takes place. The Act also provides for the making of regulations establishing a board for the promotion, control and regulation of the production and marketing of eggs and poultry. The Act does not include any provisions relating to animal care.

The *Diseases of Animals Act* deals with matters relating to the prevention and control of livestock disease. The *General Regulation* pertains to the inspection of animals in slaughterhouses and livestock yards.⁶⁶ The slaughterhouse provisions do not apply to farmers who slaughter animals on their own premises for their own use (s. 3). The Regulation provides that an animal shall be slaughtered by a method that produces rapid exsanguination (s. 7). It prohibits any dead or dying animal from entering any slaughterhouse and provides that the flesh of such animal shall not be used for human consumption (s. 10).

The *Health Act* and sections 4 through 39 of the *General Regulation* provide for the licensing, standards, maintenance, operation and inspection of abattoirs.⁶⁷ Sections 41 through 86 prescribe standards for milk production. There are no provisions relating to animal care.

The *Society for the Prevention of Cruelty to Animals Act* is the main piece of legislation in New Brunswick dealing with animal welfare.⁶⁸ It provides that a person who has ownership, possession or care and control of an animal shall provide the animal with food, water, shelter and care in accordance with the regulations. Failure to comply with this requirement constitutes an offence (s.18). The *General Regulation* came into force on March 1, 2000.⁶⁹ It sets out the standard of care for the purpose of s. 18 of the Act. It requires that animals have an adequate source of food and water, adequate medical

⁶⁵ *Natural Products Act*, S.N.B. 1999, c. N-1.2.

⁶⁶ N.B. Reg. 83-105

⁶⁷ R.S.N.B. 1973, c. H-2; N.B. Reg. 88-200

⁶⁸ S.N.B. 1997, c. S-12

⁶⁹ N.B. Reg. 2000-4

attention and reasonable protection from injurious heat or cold. It also prohibits the confinement of animals in an enclosed area with inadequate space, unsanitary conditions, inadequate ventilation or inappropriate other occupants and without an opportunity for exercise. An animal may be confined in an enclosed area that is in a state of repair which impairs the animal's health or well-being, so long as it does not do so "significantly".

However, it is a defence to these offences that a person acted in a manner "consistent with a standard or code of conduct, practice or procedure specified in Schedule A" (Schedule A includes all ten Recommended Codes of Practice) or "consistent with generally accepted practices or procedures for such an activity"; or "otherwise reasonable in the circumstances".

Further, despite this incorporation of the Codes, section 4(1) does not directly require compliance as a positive obligation; compliance simply amounts to a defence to a charge under section 18(2) of the Act. Providing a standard of care lower than those articulated in the Codes may amount to a violation of subsection 18(2), however, as noted above, a lower standard of care could nonetheless be acceptable if it is consistent with generally accepted practices or otherwise reasonable.

The *Poultry Health Protection Act* contains only four sections and deals mainly with disease.⁷⁰ The Act empowers the Minister to appoint inspectors for the purpose of carrying out the provisions of the Act and the regulations. The provisions of the *General Regulation - Poultry Health Protection Act* also deal exclusively with disease.⁷¹

The *Hatchery Licensing and Hatchery Supply Flock Policy Regulation - Poultry Health Protection Act* addresses a number of issues relating to the operation of hatcheries, including some brief provisions relating to the treatment of chicks.⁷² For example, the regulation sets certain space, lighting and ventilation requirements.

The *Sheep Protection Act* deals exclusively with compensating owners of sheep when their sheep are killed by dogs.⁷³

Newfoundland

The *Animal Protection Act* is this province's animal welfare law.⁷⁴ Its stated purpose is to provide a method of helping animals in distress and to prevent cruelty or mistreatment of animals. Mistreatment is prohibited. Some particular practices, such as the docking of horses' tails and the cropping of dogs' ears specifically constitute "mistreatment". More

⁷⁰ R.S.N.B. 1973, c. P-12

⁷¹ N.B. Reg. 84-71

⁷² N.B. Reg. 82-97

⁷³ R.S.N.B. 1973, c. S-7

⁷⁴ R.S.N. 1990 c. A-10

generally, mistreatment is causing an animal to be in need of proper care, food or shelter; causing an animal to be injured, sick or in pain; or, causing an animal to suffer unnecessary privation or neglect (s. 4).

The Act does not say anything about animals in food production directly. Animals are defined for purposes of the Act to include "all non-human vertebrates" (s. 2). The Act authorizes the Minister to exempt a laboratory or research animal from its provisions. While that specific authorization does not apply to animals in food production, the Act does provide that where there is conflict between it and any other Act, the other Act shall prevail (s. 21). There are as yet no regulations under the Act.

The *Food and Drug Act* prohibits the slaughter of an animal (other than a game animal) for food except in an approved building.⁷⁵ This applies "within a licensing area", which appears to be undefined.

The *Livestock Health Act*, like the federal *Health of Animals Act*, concerns the prevention and control of contagious diseases.⁷⁶ There is nothing either in the Act or the regulations that concerns the treatment or well-being of individual animals.

The *Meat Inspection Act* provides that commercial meat must generally come from a federally or provincially licenced facility.⁷⁷ This is unnecessary if a plant is operated solely for the provision of food for the operator and the operator's family. Inspection of an animal prior to slaughter or of the meat is not mandatory. An operator may request it and must make reasonable arrangements for inspection.

The *Regulations Respecting Facilities* made under the Act contain many provisions regulating facilities where animals are slaughtered and processed. Most have to do with ensuring sanitary conditions for the meat and keeping different processes separate. A few provisions which seek to protect the products being made may incidentally affect the comfort and well-being of animals awaiting slaughter. For instance, they provide that a red meat plant must have a holding area that contains pens to hold animals before slaughter and to provide shelter from inclement weather.⁷⁸ It must also have an approved hoist and equipment to provide adequate restraint during slaughter. Pens for holding animals before slaughter are to be clean and adequately ventilated; free from sharp projections or obstructions that may injure an animal; protected from the environment; and sufficient to keep animals from separate lots and deliveries apart from each other. Ramps and inclines used in assembling or moving animals shall be constructed in a manner that provides good ascent and descent and maintained in a manner that provides good footing for the animals.

⁷⁵ R.S.N. 1990 c. F-21

⁷⁶ R.S.N. 1990 c. L-22

⁷⁷ R.S.N. 1990 c. M-2

⁷⁸ N.S. Reg. 801/96

Prior to slaughter, animals are not to be assembled in greater number than may be held without overcrowding or injury. Different species are to be held separately. In assembling or moving animals, electrical prods are permitted but they may not be applied to the animal's parianal region or escutcheon.

A few regulations address the animals' interests prior to and during slaughter. For example, preparation for slaughter and slaughter may be done in a manner that causes pain, but not "unnecessary" pain, to the animal. Slaughter is to be done by a method that produces rapid unconsciousness and exsanguination.

Generally, an animal is to be rendered unconscious by delivering a blow to the head by means of a mechanical penetrating or non-penetrating device approved by the director; for lambs or young calves, by delivering a blow to the head by manual means; by exposure to carbon dioxide in a manner approved by the director that produces rapid unconsciousness; or by applying an electrical current to the head in a manner that produces rapid unconsciousness; or by a device approved by the director. An animal is not to be slaughtered unless first rendered unconscious in such a manner immediately before slaughter or immediately before the animal is hung for the purpose of slaughter (there is no restriction of this to certain animals or to animals of certain size).

The *Poultry and Poultry Products Act* establishes standards for eggs, but makes no reference to the condition of the hens that lay them.⁷⁹

Nova Scotia

The *Agriculture and Marketing Act* establishes grading regulations.⁸⁰ Animals are to be slaughtered in accordance with the regulations under the federal *Humane Slaughter of Animals Act* (which was repealed in 1985). The *Improvement of Livestock Breeding Regulations* provide that every person performing artificial insemination shall use care to prevent injury or suffering to the animal.⁸¹

The *Animal Cruelty Prevention Act* is this province's animal welfare law.⁸² It prohibits any person from wilfully causing an animal to be in distress, but the prohibition does not apply "where the distress, pain, suffering or injury result from an activity carried on in accordance with reasonable and generally accepted practices of animal management, husbandry or slaughter" (s. 11).

⁷⁹ R.S.N. 1990, c. P-18

⁸⁰ R.S.N.S. 1989, c. 6

⁸¹ N.S. Reg. 178/94

⁸² R.S.N.S. 1996, c. 22

A peace officer may inspect any premises in which animals are kept for slaughter, sale, transportation, breeding, etc. If s/he is of the opinion that an offence under this Act is being committed with regard to an agricultural animal, the peace officer is to consult or be accompanied by a veterinarian and a livestock specialist or an agricultural representative appointed by the Minister of Agriculture before taking further action. (s.16)

The *Animal Health and Protection Act* and regulations are concerned solely with the prevention, control and eradication of communicable diseases.⁸³ The powers of the inspector include the authority to order the immediate slaughter of contaminated animals. There is no regulatory reference to how they or any other animals are to be treated.

The *Baby Chick Protection Act* makes it an offence to display, sell, barter, give or offer to sell, barter or give away a living chick under two months of age that has been dyed or otherwise artificially coloured.⁸⁴

The *Dairy Commission Act* does not address the treatment of cows.⁸⁵ Its requirements include maintaining sanitary conditions, such as keeping the hairs on an animal's tail short, but makes no reference to docking tails or other similarly harmful practices. The Act is concerned solely with the quality and pricing of dairy products.⁸⁶

The *Meat Inspection Act* provides that slaughter be conducted in a humane manner.⁸⁷ Slaughter is defined as "humane killing for the purpose of producing, processing or preparing meat or meat products", but the term "humane" itself is not defined.

The Act does not apply to the slaughter of an animal owned by an individual where the meat or meat product will not be sold or exchanged for gain, or to the slaughter of an animal by a producer for sale at the farmgate to a consumer who does not intend to sell the meat or meat product or use it for other commercial purposes, or to the slaughter of an animal at a meat plant for the purpose of either of the preceding.⁸⁸ There is no regulation of slaughter for farmgate operations. The only control is the SPCA, which needs grounds to enter private property and may not enter simply to investigate the practices and conditions of the facility.

⁸³ R.S.N.S. 1989, c. 15

⁸⁴ R.S.N.S. 1989, c. 29

⁸⁵ R.S.N.S. 1989, c. 117

⁸⁶ The *Dairy Commission Act* has been repealed, but at the time of writing, its repeal has not yet been proclaimed. In its place, the *Dairy Industry Act* has been enacted but not yet proclaimed. The latter does not address the treatment or well-being of the cows who produce the milk.

⁸⁷ R.S.N.S. 1996, c. 117

⁸⁸ The authors were advised by government authorities that they are presently revising and amending the *Meat Inspection Act*. One of the intentions is to tighten up this provision as now there are quite a few farmgate operations, and they sell small quantities, more like the regular retail trade. The government advised that it intends to allow the sale of only whole carcasses or sides.

The *Regulations Respecting Slaughter* are the same as those of Newfoundland, except for the added provision that, in slaughtering or rendering an animal unconscious, no person shall use an instrument unless at the time the ability and physical condition of the person enables him/her to use the instrument without causing the animal "unnecessary" pain. Mechanically operated instruments may be used in such a manner or in a condition or state of repair that they may cause the animal pain; again, only "unnecessary" pain is prohibited.⁸⁹ In addition, for greater certainty, when rendered unconscious for slaughter, an animal must be slaughtered, or hung and slaughtered immediately after (this regulation does not specifically require rapid unconscious exsanguination).

The regulations respecting facilities and pre-slaughter treatment are similar to Newfoundland's except that there is no reference to hoists or restraining equipment. Carcasses or animals that show emaciation (pathological and caused by primary or secondary starvation, and characterized by atrophy and flabby conditions of the musculature, loss of intermuscular and internal fat resulting in the replacement thereof by a yellow jellylike substance or diminution of the size of the organs), abrasions, bruises, abscesses, suppurating sores and adhesions are to be condemned. There is no requirement to investigate, report or take any other action in relation to the person(s) responsible for the animal's condition.

The *Sheep Protection Act* protects a producer's property (in this instance, sheep) from dogs and establishes a method of compensation for the owner of a sheep that is killed or injured by a dog.⁹⁰

Ontario

The *Livestock Community Sales Act* addresses the licensing of businesses operating community sales of livestock.⁹¹ Most of the provisions deal with the financial integrity of the operator, but the Act does authorise the director to suspend or to provisionally refuse to renew a licence if it is necessary to do so for the protection of the health or safety of any person or animal. It also authorizes the making of regulations prescribing standards for the health, welfare and care of livestock in connection with community sales (s. 19).

In the regulations under this Act, it is prohibited for any person to stable 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, feel or tail (s.16).⁹² If an inspector who is a veterinarian examines livestock and finds that an animal is unable to stand without assistance or to move

⁸⁹ N.S. Reg. 46/90

⁹⁰ R.S.N.S. 1989, c. 424

⁹¹ R.S.O. 1990, c. L.22

⁹² R.R.O. 1990 Reg. 729

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 (s. 12). If such an animal is found in a vehicle on the premises of an operator, the animal is to be detained by an inspector and not moved until a veterinarian issues the certificate or releases the animal as above (s. 17.1).

The *Livestock and Livestock Products Act* governs the licensing of livestock dealers and the dealers in livestock products.⁹³ Most of the Act is concerned with procedures for the refusal, suspension or revocation of a licence, and of the appeal of such decisions. There is little in the Act relating to the treatment of live animals. However, the Act does authorize the making of regulations prescribing the manner in and the conditions under which any livestock or livestock product may be stored, delivered, transported or shipped (s. 16).

Pursuant to this authority, the *Transporting Non-Ambulatory Animals* regulation is enacted.⁹⁴ "Non-ambulatory" means "unable to stand without assistance or to move without being dragged or carried" (s. 1). 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 (s. 4). Such animals may be moved if they are accompanied by a veterinarian's certificate for direct transport to slaughter and they are to be physically separated from other animals in the vehicle (s. 5). 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 licenced.

These provisions of the Regulation are authorized by section 16 of the Act, which allows for the making of regulations prescribing the manner in, and the conditions under which, any livestock or livestock product shall be stored, transported, delivered, shipped and the types, sizes branding, marking and labelling of packages or containers in which any livestock or livestock product shall be contained. Also authorized is the making of regulations regarding the production and sale of poultry and eggs for the production of poultry, but we could find no such regulation.

The *Livestock Medicines Act* establishes a licensing system for the medicinal treatment of livestock as well as an advisory committee which studies and makes recommendations regarding the control and regulation of medicine given to livestock.⁹⁵ Neither the Act nor the regulations establishes any requirements with respect to animal welfare.

⁹³ R.S.O. 1990, c. L.20

⁹⁴ Ont. Reg. 732/94

⁹⁵ R.S.O. 1990, c. L. 23

The *Livestock, Poultry and Honey Bee Protection Act*, despite its name, has nothing to do with the protection of animals, except from dogs, wolves or bears (in the case of honey bees).⁹⁶ It is concerned with compensation to animal owners for the loss or depreciation in value of the protected animal. It also establishes the circumstances under which one has the right to kill the dog and the dog's owner's obligation to do so.

The *Meat Inspection Act* establishes the lawful method of slaughtering an animal for food.⁹⁷ It prohibits the sale, offer for sale, transport or delivery of meat unless the animal was inspected immediately prior to slaughter and the slaughter took place at a provincial plant that complies with the Act and regulations, or at an establishment operating under the federal *Meat Inspection Act*. The Act authorizes the Director to provisionally refuse to renew or to suspend a licence where, in the Director's opinion, it is necessary to do so for the immediate protection of the safety or health of any person or animal.

It also authorizes the making of regulations prescribing the manner of, and the devices to be used in, the slaughter of food animals. However, the *Meat Inspection Regulations*⁹⁸ exempt a producer who owns, raises and slaughters animals on his/her own premises for his/her and his/her family's own consumption from the Act in respect of those animals. An operator who slaughters poultry for a producer's own use is similarly exempted from the inspection requirement (s. 2).

The Regulations respecting facilities are similar to federal regulations: they are mostly concerned with sanitation and the health of the human consumer. Pens are to be clean, dry, sanitary and well ventilated. In addition, pens are to be, free from sharp projections or obstructions that may injure the animals, and have good drainage and ramps and inclines that provide safe footing (s. 20).

The Regulations respecting treatment before slaughter provide that no animal is to be unloaded at a plant in a manner that drags the animal in direct contact with the ground or pulls the animal by the head, horns, neck, feet or tail. It is up to the operator of the plant to ensure that this does not happen (s. 28.1).

Animals may be kept in a holding pen for one week (s. 50). Different species are to be kept in separate holding pens (s. 48) and an animal that is a danger to other animals is to be segregated (s. 53). Animals awaiting slaughter are to be provided with potable water within a reasonable time (s. 49). Animals may be handled in a manner that causes pain or distress so long as the pain or distress is not "avoidable". Goads and electrical prods may be used, but not on an obviously diseased or injured animal; nor may they be applied to the anal, genital or facial areas or to the udder, or applied to any part of the animal in a manner or to an extent that causes "avoidable pain or distress" (s. 54).

⁹⁶ R.S.O. 1990, c. L.24

⁹⁷ R.S.O. 1990, c. M.5

⁹⁸ Ont.Reg. 632/92

All animals must be inspected prior to slaughter and the regulations concerning inspection are similar to the federal regulations, with as little concern for the treatment to which the animal has been subjected.

Regulations respecting slaughter (ss. 61-64) require that animals ritually slaughtered in accordance with religious practice (not just Islamic and Judaic) are to be killed as described in the federal *Meat Inspection Regulations*. All other animals shall, immediately before being bled, be rendered unconscious (a) by delivering a blow to the head by means of a penetrating or non-penetrating device that causes immediate loss of consciousness; (b) in the case of lambs, kids, young calves, piglets or rabbits, by delivering a blow to the head by manual means that causes immediate loss of consciousness; (c) by exposure to carbon dioxide in a manner that causes rapid loss of consciousness; or (d) by applying an electrical current in a manner that causes immediate loss of consciousness. The method used is supposed to ensure that the animal does not regain consciousness before death.

Poultry and rabbits may be suspended for the purpose of slaughter. Other animals must be rendered unconscious in one of the previously described manners immediately before being suspended. Equipment and instruments used to restrain, slaughter or render any animal unconscious, the condition of the equipment or instrument, or the manner in which or the circumstances under which it is used, may subject an animal to pain or distress, so long as the pain or distress is not "avoidable". Any equipment or instrument is to be used by a person who, by reason of his or her competence and physical condition, is able to do so without subjecting the animal to "avoidable" pain or distress.

The *Milk Act* generally regulates the production, marketing and sale of milk and milk products.⁹⁹ It allows for the creation of regulations respecting the health of cows, respecting the sanitary conditions of cows, premises on which cows are kept or milked and equipment used in connection with the production of milk products (s. 19).

The *Milk and Milk Product Regulation* provides that no animal suffering from an illness or infected with a disease that adversely affects a quality or flavour of milk or cream is to be stabled so as to come into contact with animals from which milk or cream is obtained for sale (s. 4).¹⁰⁰ No food is to be given to an animal of a kind or at a time or in a manner that causes the milk or cream to give off objectionable odour, taste or appearance (s. 6).

Animals are to be clean. When in stables, the hair on their udders, flanks and tails above the switch is to be kept short, the switch is to clear the floor when the animal is standing and the udder must be cleaned immediately before each milking (s. 8). Producers must keep buildings or premises where animals are stabled or milked clean and sanitary, free as

⁹⁹ R.S.O. 1990, c. M.12

¹⁰⁰ R.R.O. 1990 Reg. 761

possible from flies and insects and dust and adequately lighted and ventilated to prevent odours from affecting the milk or cream. Concrete or similar impervious materials must be used for floors, ramps and platforms (s. 9). Producers are to keep premises clean and free from accumulations of manure and refuse, unless they use loafing-type stables (s. 11).

The *Ontario Society for the Prevention of Cruelty to Animals Act* is Ontario's humane society legislation which empowers agents or inspectors to take action with respect to individual animals in distress.¹⁰¹ While it does not automatically exclude animals in food production from its purview, it does not provide an opportunity to OSPCA inspectors or agents to enter and conduct inspections of the premises where these animals are raised.

The *Stock Yards Act* provides that there must be proper approval for any stock yard or premises where livestock is assembled for the purpose of sale either directly or indirectly to an abattoir, packing house or slaughter house (with the exception of ones operating on 12 May 1944). Neither the Act nor the regulations provide any standards or requirements with respect to the animals.¹⁰²

Prince Edward Island

The *Animal Health and Protection Act* deals generally with animal health (Part II) and animal protection (Part IV).¹⁰³ The Act also provides for partially subsidized veterinary costs to encourage and promote livestock health (Part III).

Part II of the Act seeks to promote animal health and to eradicate, prevent or control the spread of disease (s. 3). Regulations may be made concerning a number of matters relating to animal disease, including regulations prohibiting the sale of diseased animals, establishing quarantine areas within the province, providing for the treatment to be given to animals or premises to eradicate, controlling or preventing the spread of disease and providing for the treatment, prior to sale or disposal, of animals infected or suspected of being infected with a disease (s. 4). To date, the only regulations enacted pursuant to subsection 4(1) are the *Swine Importation Regulations* which establish a number of requirements surrounding swine import.¹⁰⁴

Part IV of the Act deals with animal protection. Pursuant to section 8, an animal is deemed to be in a state of distress if (a) in need of food, water, care or treatment; (b) sick, in pain or suffering or has been injured; or (c) abused or subjected to cruelty or neglect.

¹⁰¹ R.S.O. 1990, c. O.36

¹⁰² R.S.O. 1990, c. S. 25

¹⁰³ R.S.P.E.I. 1988, c. A-11.1

¹⁰⁴ P.E.I. Reg. 523/98

Inspectors are granted various powers to enter premises with or without a warrant to attend to animals in distress. Where an inspector has reasonable grounds to believe that an animal is in distress, s/he may order the owner to take such action as the inspector determines to be necessary to relieve the distress or have the animal examined and treated by a veterinarian at the owner's expense (s. 12). This section currently applies to all animals, including agricultural animals.

The *Animal Protection Regulations* are enacted pursuant to Part IV of the Act.¹⁰⁵ Section 4 incorporates by reference the Recommended Codes of Practice for chickens, pigs, veal calves, mink, foxes and dairy cattle. Subsection 4(2) provides that with respect to transport, the standards established by the *Transportation of Animals Regulations* under the federal *Animal Disease and Protection Act* (which no longer exists) apply.

The *Dairy Industry Act* establishes a licensing regime for the processing, grading, transporting and manufacturing of dairy products.¹⁰⁶ The Act allows for the making of regulations respecting the health of cows, including requirements for sanitary conditions and premises in which cows are kept and milked.

The *Dairy Industry Act Regulations*¹⁰⁷ establish the licensing requirements for dairy manufacturing and processing plants. The Regulations also contain a number of provisions relating to the standards for dairy farms, dairy barns, milking equipment, milk transportation and dairy manufacturing plants. For example, all dairy barns and milkhouses must be maintained in good repair and clean condition. Cow yards must be kept free of refuse and waste material. Dairy buildings must contain adequate ventilation and dairy producers must provide for regular removal of manure and other wastes. Premises where cows are stabled must be clean, free of flies, dust and cobwebs, and properly lighted. Producers are also required to provide cows with a "plentiful supply of bedding" in the stables. Calf holding areas and box stalls must be kept clean and free of manure or refuse which "cause objectionable odours to permeate the dairy stable".

The sections of the Regulation pertaining to the health of cows appear oriented instead toward concerns about milk quality. For example, milking cows are required to be fed clean wholesome food, and in particular, no food which causes their milk to have an objectionable odour, taste or appearance. Cows being milked must be kept clean at all times. A cow's flanks, udders and tails must be kept clean and free of accumulations of mud and manure at all times and must be clipped. The Regulations require that free stall housing must have at least a 90 per cent stall to cow ratio. Stalls must be well constructed and maintained in good repair.

¹⁰⁵ P.E.I. Reg. 71/90

¹⁰⁶ R.S.P.E.I. 1988, c. D-1

¹⁰⁷ P.E.I. Reg. 735/88

The *Farm Practices Act* does not deal with animal care issues and the *Poultry and Poultry Products Act* is a fairly old piece of legislation which deals with hatcheries.¹⁰⁸ There are no longer any hatcheries operated on the island and the Act is expected to be repealed.¹⁰⁹

The *Public Health Act* deals with all matters relating to public health in the province, including food products prepared or manufactured for human consumption.¹¹⁰ Section 10 establishes a licencing scheme for the operation of commercial slaughterhouses. All animals slaughtered in a licensed slaughterhouse are subject to inspection before and after slaughter by a person authorized by the Chief Health Officer. Section 11 permits health officers to inspect farm premises on which milk or its products are produced, sold or kept for sale.

The *Slaughter House Regulations* are enacted pursuant to the *Public Health Act*.¹¹¹ They set out detailed requirements concerning the operation of licensed slaughterhouses. They do not address animal welfare or standards of care. In any event, they do not apply to farmers who slaughter animals on their own property for their own exclusive use and not for sale to the public (s. 2). The Regulations prohibit the entry of any dead or dying animal into any slaughterhouse and the flesh of such animal is not permitted to be used in any way for human consumption (s. 34).

Quebec

The *Agriculture, Marine Products and Food Act* does not address standards or acceptable practices for animal husbandry or care, but it does cover a broad spectrum of issues relating to food production and consumption, including the production and consumption of animal products.¹¹² The Act is mainly concerned, however, with licensing requirements. It does not apply to dairy products.

An agricultural product is defined to include a "foodstuff of animal origin". Section 9 requires operators of, among other things, slaughterhouses, plants which dismember animals, processing factories or packing houses to obtain a permit, subject to certain exceptions. Inspectors are given various rights of entry, inspection and search with respect to food operations.

The *Regulation Respecting Food* addresses the preservation of meat, fish, eggs and other products (such as fruits, vegetables, maple and water) destined for human consumption.

¹⁰⁸ *Farm Practices Act*, R.S.P.E.I. 1988, c. F-4.1

Poultry and Poultry Products Act, R.S.P.E.I. 1988, c. P-14

¹⁰⁹ telephone conversation between J. Stopford and P.E.I. government representative

¹¹⁰ R.S.P.E.I. 1988, c. P-30

¹¹¹ P.E.I. Reg. 478/62

¹¹² R.S.Q., c. P-29

¹¹³ Mostly, it contains hundreds of regulations regarding the handling, processing, identifying, grading and storing of animal products. It also contains some minimal regulations with respect to transport and slaughterhouses that account minimally for certain aspects of animal welfare. Fish are referred to in this regulation as "live freshwater products".

A licenced slaughterhouse for cattle, horses, pigs, sheep, goats and cervidae must include a receiving hall, a slaughtering room with an area for rendering animals unconscious and bleeding them and an area for the dressing and eviscerating of carcasses, cold storage room, waste room, etc. (s. 6.3.1.2).

The layout of the rooms and the various buildings must be such that the edible and inedible sectors are separate and that, from the time a live animal is brought into the slaughterhouse until the meat and offal fit for human consumption are shipped out, there is a continuous progression without any possibility of backtracking or crossing over or overlapping between live animals and meat, meat by-products and waste. Arrangements must be made to control the entry to and exit from the slaughterhouse (s. 6.3.1.3 and 6.3.2.2).

The receiving room or pen for animals must allow an undefined "rest" for the animals and an undefined "no-food period" prior to slaughter. Only animals to be slaughtered may be kept in the slaughter room (s. 6.3.1.4).

Concrete flooring with enough slope to drain running water is required in the animal pen which is isolated by adjoining the slaughtering room, as well as walls, a ceiling and partitions; ventilation to exhaust odours and prevent them from reaching the slaughter room; stalls with drinking facilities and feeding troughs; a special stall for animals suspected of disease, and ramps and partitions installed to prevent falls and injuries to the animals (s.6.3.1.5) The regulations contain typical requirements regarding ventilation and lighting.

Suspension equipment for any animal must be such that there is a clearance of 45 centimetres between the floor and the head of the animal's carcass; the slaughterhouse must be equipped for rendering the animal unconscious before being bled (s. 6.3.1.6)

Animals must be restrained, rendered unconscious and bled in accordance with ss. 76 - 80 of the federal *Meat Inspection Regulations* (s.6.4.2.2). Poultry must be transported to the slaughterhouse in crates or cages specially designed to prevent an injury to poultry in transit (s.6.4.3.1). Vehicles used for transporting animals intended for slaughter must have a fixed roof or impermeable canvas cover and be ventilated. The floor must be constructed in such a way as to prevent animals from slipping and be covered, throughout the trip, with a layer of sawdust or straw (s.6.8.1). Large and small animals must be

¹¹³ R.R.Q., c. P-29, r.1

separated from small ones. Animals may be fastened or tied to one another in such a way that they may lie down without being crowded together (s.6.8.2). Carriers must feed and give water to animals in their care every 12 hours. After each trip, the vehicle and equipment used for loading must be cleaned and disinfected (s. 6.8.3).

The *Animal Health Protection Act* deals with animal health and disease, artificial insemination, livestock auctions and medication.¹¹⁴ Division IV.1.1 of the Act pertains to animal welfare and safety, but is not yet in force. The Act applies to domestic animals and any animals kept in captivity, except animals kept in zoos (s. 2).

Although not yet in force, section 55.9.2 of Division IV.1.1 provides that the owner or custodian of an animal shall ensure that the safety and welfare of the animal is not jeopardized. This occurs where (1) the animal does not have access to drinking water or food in quantities and of a quality in keeping with the biological requirements of the species, (2) the animal is not kept in suitable, salubrious living conditions, (3) the animal is wounded or sick or does not receive the required health care, or (4) the animal is subject to abuse or ill-treatment that may affect its health. It also creates a number of search, seizure and confiscation powers for inspectors designated by the Minister.

However, section 55.9.15 creates a number of exceptions to the provisions of Division IV.1.1. In particular, agricultural activities practiced in accordance with generally recognized rules and ritual practices prescribed by religious laws are exempt.

The regulations under this Act include the *Artificial Insemination of Cattle Regulations* which allow for the issuance of permits for semen collection, insemination and possession of semen.¹¹⁵ They require various qualifications including knowledge on the part of applicants of the anatomy and physiology of the reproductive system of cattle and the skills required (undefined) to carry out the act as well as evidence of authorization by a breeders' association. These regulations emphasize sanitary conditions, lack of infectious diseases and preservation of the product but contain no requirements regarding the care and treatment of bulls.

The *Regulation respecting the sale of livestock by auction* is the licensing scheme by which auction establishments may operate.¹¹⁶ It requires that pens holding animals must have a supply (undefined) of hot and cold drinking water and lighting. Pens must be large enough so that animals can lie down without being overcrowded. Large and small animals are to be separated. Compartments and equipment which may come into contact with animals must be designed to prevent falls and injuries (s. 19). The receiving and shipping areas must have a non-slippery floor and the dock used for arrival and departure of animals must be covered and permit a brief observation of animals at the time of

¹¹⁴ R.S.Q., c. P-42

¹¹⁵ R.R.Q., c. P-42, r.3.01

¹¹⁶ R.R.Q., c. P-42, r. 4

arrival (ss. 22, 27). Waiting pens before sale must allow for the separation of various species. It must have a concrete floor and its walls and partitions must not be rough (s. 24).

Accommodation pens for animals before shipping must be equipped with drinking facilities and feeding troughs (s.26). Surfaces with which animals may come into contact must be scraped after each auction of organic waste and soiled bedding (s.28.1). The sale of sick animals is regulated in detail. Other regulations include the *Regulation respecting the administering of certain medications*, *Regulation respecting medicinal premixes and medicinal foods for animals* (which allow for the use of antibiotics and other medicines in feed) and the *Health program authorizing the sale of certain medications for animals*, none of which addresses animal welfare.¹¹⁷

The *Dairy Products and Dairy Products Substitutes Act* addresses matters relating to dairy production, including the manufacture and trade of dairy products, the transportation and distribution of milk and cream, dairy contracts, substitutes, permits and dairy farm investigations and inspections.¹¹⁸ There are no provisions in the Act relating to the standard of care for dairy cattle. Nor are there any in the regulations with minimal incidental exceptions, such as the requirement in the *Regulation respecting the quality of dairy products* that manure be removed every day from cow and goat barns, except where open stabling is used.¹¹⁹ In open stables, bedding must be provided for cows and goats to have a dry and clean rest area (s. 22).

Saskatchewan

The *Agricultural Operations Act* oversees various aspects of agricultural operations including "intensive livestock operations" but its emphasis is on waste management; there are no requirements regarding the care of the animals in these operations.¹²⁰ Like the other western provinces, farm operations are protected against nuisance claims or claims for an injunction or other court order arising out of their operation if they are using "normally accepted agricultural practices" (s. 3). Instead, a board is set up to take such complaints (s. 13).

The *Animal Identification Act* addresses the identification or branding of animals.¹²¹ A brand is a mark applied to the head or hide of an animal by hot or cold metal device. The *Brand Regulations* provide for the size and style of brands but there is no requirement for anesthetic or pain relief.¹²² For cattle, the brand must be at least two characters of at least

¹¹⁷ R.R.Q., c. P-42, r. 0.1; r. 3.1; and r. 3.2

¹¹⁸ R.S.Q., c. P-30

¹¹⁹ R.R.Q., c. P-30, r. 14.1

¹²⁰ SS 1995, c. A-12.1

¹²¹ R.S.S. 1978, c. A-20.1

¹²² A-20.1, Reg. 1

75 mm x 50 mm and it may be applied to the animal's shoulder, rib or hip (s. 9). For horses, the brand must be at least one character of at least 50 mm x 25 mm and it may be applied to the animal's shoulder, hip, neck or jaw; newly registered brands may not be to the neck (section 10). For sheep, notches must be made leaving 1 - 4 permanent indentations on the edge of the animal's ear(s). The must be done "in accordance with generally accepted standards of animal health and welfare" (s. 15).

The *Animal Products Act* addresses the production, manufacture, sale, purchase, transport and inspection of animals and animal products.¹²³ It establishes that one does not require a licence to raise cattle, horses or swine for meat; sheep for meat or wool; or cattle, horses, sheep or swine for breeding. In most of the many regulations under this Act, including the *Dairy Manufacturing Plant Regulations*, the *Dairy Producers Regulations*, 1995, the *Saskatchewan Hatchery Regulations*, 1978 and the *Domestic Game Farm Animal Regulations*, there are no requirements regarding the care of the animals.¹²⁴ In the latter, the emphasis is on identification of animals, escape, import, transport, processing and labelling of products.

There is reference to animal care in some of the regulations. In the *Livestock Dealer Regulations*, 1995, provision is made for the licencing of stockyards.¹²⁵ They must be clean and sanitary. Water may be withheld for up to 12 hours. Structures must be free from projections that might bruise or injure animals; certain animals must be separated from the others, including calves under 200 kilos, as well as sick and crippled animals; the floor should prevent slipping; there must be a totally enclosed area or a building of sufficient size to hold calves under 75 kilos and hogs (s. 12).

In the *Livestock Inspection and Transportation Regulations*, 1978, floors of vehicles that transport livestock must be constructed with suitable footholds or strewn with sufficient non-slip material to prevent slippage; animals must have clear head room; ramps should not incline or decline on an angle greater than 45 degrees; there should be secure footing and sides; boxes, racks and partitions should be free from projections which might bruise or injure livestock (s. 18).¹²⁶ Partitions are to be used to confine livestock to a space so they do not fall or jostle (s. 19). Ventilation is required to protect against suffocation, excessive draughts or overexposure to heat or cold. There are particular requirements for temperatures between 0 and -20 degrees, and for temperatures below -20 degrees, proscribing the permitted size of open space on top and on the sides (s. 20). Crippled, injured or dead animals may be transported if they are separated from the others or unloaded at the nearest stockyard (s. 21). Animals can travel for up to 12 hours with no food or water at which point a 5 hour rest should be provided (s. 22).

¹²³ R.S.S. 1978, c. A-20.2

¹²⁴ SR 53/79; A-20.2, Reg. 8; SR 268/8

¹²⁵ A-20.2, Reg. 9

¹²⁶ S.R. 242/78

The *Saskatchewan Poultry Regulations* provide extensive protection for poultry products, for example, that they must have adequate protection against abnormal temperatures which may be detrimental to the products but the only reference to the live animal provides that live poultry shall not be transported in any manner that is deemed by an inspector to be inhumane or injurious to the poultry (s. 11).¹²⁷

The *Animal Protection Act, 1999* is Saskatchewan's humane society legislation.¹²⁸ Under Part II, Animals in Distress, animal protection officers are authorized to take certain prescribed actions on the basis of animals in "distress", which has a similar meaning in Alberta to other provinces. An animal is in distress if deprived of adequate food, water, care or shelter; injured, sick, in pain or suffering; or abused or neglected. However, an animal is "not considered to be in distress" if handled "in a manner consistent with a standard code of conduct, criteria, practice or procedure that is prescribed as acceptable" or in accordance with "generally accepted practices of animal management" (s.2).

Part III of the Act is entitled Protection of Certain Animals Against Dogs. It establishes that one may kill a dog if the dog is running at large and attacking or viciously pursuing a "protected animal", defined to include certain farm animals.

The *Diseases of Animals Act* seeks to prevent and control disease in animals.¹²⁹ It provides for animals to be inspected in stockyards but only for the purpose of preventing the sale of diseased animals (s. 4). The regulations under the Act, including the *Control of Animal Disease Regulations* and the *Diseases of Domestic Game Farm Animals Regulations*, make no mention of matters relating to animal care.¹³⁰ The *Regulations Governing the Inspection of Meat in Domestic Abattoirs* require compliance with the "Humane Slaughter of Food Animals Act", which does not exist.¹³¹

The *Horned Cattle Purchases Act* encourages the dehorning of cattle by way of financial incentive established through a special method of (lesser) payment for "cattle with horns", a defined term.¹³² It applies to any bovine species weighing more than 100 kilos, and describes "dehorned" animals as those whose horns have been removed in such a manner as to ensure that no more than 50 mm of horn or boney tissue projects beyond the surface of the skull.

The *Milk Control Act, 1992* governs the production, supply, distribution and sale of milk.¹³³ Neither it nor the *Milk Control Regulations* make reference to animal care.¹³⁴

¹²⁷ S.R. 257/78

¹²⁸ S.S. 1999, c. A-21.1

¹²⁹ R.S.S. 1978, c. D-30

¹³⁰ S.R. 274/75

¹³¹ S.R. 911/68

¹³² R.S.S. 1978, c. H-6

¹³³ S.S. 1992, c. M-15.1

¹³⁴ M-15, Reg. 1

D. Recommended Codes of Practice

The most remarkable aspect of the production of animals for food is that most details of their day-to-day lives are not prescribed by legislation but by voluntary codes of practice established by the industry itself.

The Codes are nationally developed guidelines for the rearing and handling of eight species of "food animals" (poultry, pigs, veal calves, dairy cattle, beef cattle, sheep, farmed deer and horses) and two other species of "farm animals" (rancher mink and rancher fox) from birth to slaughter. Two more Codes are currently being developed for livestock transport and goats.

The Codes are developed and reviewed under the auspices of the Canadian Agri-Food Research Council (CARC) by producer groups (including representatives from farm groups, veterinarians, animal scientists, federal and provincial governments, related agricultural sectors and other interested individuals) in cooperation with the Canadian Federation of Humane Societies.

The Codes are self-described as "an educational tool in the promotion of sound husbandry and welfare practices". With the exception of Manitoba, New Brunswick and Prince Edward Island, the Codes are voluntary and not legally enforceable.¹³⁵ Even in New Brunswick and Prince Edward Island, there is no positive obligation to conform to the prescriptions of the Codes; rather, if charged with an offence under provincial legislation, one may rely on the fact that s/he conformed to the Codes' standards as a defence.

As one reads the Codes and their recommendations in favour of or against particular practices (such as recommendations that containers of live animals not be dropped or thrown¹³⁶; that animals should not be unloaded by tilting the box of a dump truck¹³⁷; that hitting a calf on the head with a blunt instrument is no longer an approved method of rendering a calf unconscious¹³⁸; that animals must not be lifted by the head, ears, horns, tail or fleece¹³⁹; or to ensure there is no backlog at the point of entry where live, unwanted chicks wait to be shredded by a high speed macerator¹⁴⁰), it is apparent that, unless some piece of legislation specifically says otherwise, these practices may lawfully occur and do;

¹³⁵ Alberta has incorporated them for one particular issue: the care and handling of livestock at markets and assembling stations.

¹³⁶ For example, see Dairy Cattle and Poultry Codes.

¹³⁷ For example, see Dairy Cattle and Veal Calf Codes.

¹³⁸ For example, see Veal Calf Code.

¹³⁹ For example, see Sheep Code.

¹⁴⁰ For example, see Poultry Code.

if they did not, there would not be any reason to make recommendations in regard to them.

All of this raises a question which may be somewhat beyond the scope of this paper, but is unavoidable at this juncture: what kind of daily existence must be experienced by animals whose care-givers have to be told not to lift them by the head?

Equally troubling is the Codes' actual endorsement of some of the most harmful of the prevailing intensive production practices. These include gestation and farrowing crates for breeding and nursing pigs, in which animals are so thoroughly confined they can stand up and lie down but not move at all beyond that, even to turn around. Confined pigs (and other animals) eat, sleep, urinate and defecate in the same spot, generally over slatted flooring which allows their waste to fall through and the ammonia and other fumes to remain, causing respiratory and other illnesses.

Confinement also induces lameness and arthritis in pigs. They are medicated with growth promoters and their feed contains antibiotics to minimize the illnesses that are common in intensive conditions. Pigs may be kept in the dark to prevent the use of energy that should be directed to increasing their weight. The Code's recommendations allow all natural activity to be denied to these pigs so that they live bored, frustrated, possibly sick and permanently uncomfortable.

Often piglets' ears are tagged, part of their tails are cut off and their teeth are clipped to prevent them from biting their mother's teats or other pigs, once they are closely confined together. Both are unnatural behaviours common in intensive conditions. The Code recommends that these practices, along with the castration of males, be done in the first few weeks of life. Males' tusks are often trimmed to the gums and while the Code warns about avoiding gum damage, no anesthetic or pain relief is required for any of these procedures.

For sheep, while the Code recommends that persons conducting surgical procedures take all precautions to avoid "unnecessary pain or distress", it is acceptable for lambs under 3 months of age to be castrated by non-veterinarians, without analgesics or anesthetics. Acceptable methods of castration include rubber rings, rubber rings plus crushing devices, cut and pull, or crushing devices alone.

The Code permits and in fact encourages tail docking of sheep, recommending that usually long-tailed woolly sheep benefit from it. It recommends that the tail be left long enough to cover at least the anus in ram lambs and the vulva in ewe lambs. The following devices may be used after the lamb has consumed colostrum and before 7 days of age: electric or gas heated docker, rubber ring, crush and cut device and rubber ring plus crushing device. Prior to 7 days of age, veterinary advice is not recommended.

The Code permits horn trimming and dehorning of sheep, but advises against the practice of "mules operation", which involves the surgical removal of woolled skin on the back of the thighs, the perineum and around the anus and vulva to the tail head region.

It is recommended that sheep in transit may be without food, water and rest for up to 48 hours and this may be exceeded if they will reach their final destination without being confined for longer than 52 hours. The Code allows for lambs to be accepted for sale from the age of 3 days, or younger if accompanied by their mothers.

As will be discussed further below, the Codes endorse other aspects of intensive production, such as the use of crates for veal calves, and battery cages and forced molting of laying hens. Other traumatic practices, such as segregated early weaning of piglets and tail docking of dairy cows, are not addressed at all in the Codes and have become entrenched practices. The Codes codify the status quo and offer no incentive to producers to exceed them.

It is trite to observe that producers would prefer voluntary codes to legislation. They are not restrictive, yet they cover a wide range of issues ranging from recommended temperatures to transportation. They are used not only as a defence to any charge that might be laid, but more broadly to deflect growing criticism of intensive handling systems.

The review process is supposed to be every five years, but we learned that in practice, most Codes are reviewed far less often.¹⁴¹ Each commodity group is responsible for distributing the Codes to its members. Yet, at least four are out of print and very difficult to obtain.¹⁴² This must raise questions about the seriousness with which the Codes are regarded in the first place, even for their stated function.

Below we provide a summary of three of the Codes of which we were able to obtain copies: dairy cattle, veal calves and poultry. What follows is a summary, providing examples of the kinds of details which are addressed in the Codes. Prior to summarizing each Code, we provide a brief description of some of the practices which appear to be increasingly common in Canada.¹⁴³

CATTLE - DAIRY

Maximum Production

¹⁴¹ For example, the Code for pigs was prepared in 1984, last revised in 1993, and is now out of print.

¹⁴² The Codes for pigs, beef cattle, mink and fox are out of print.

¹⁴³ The descriptions are based on a variety of information reviewed, including federal and provincial government reports, industry literature, books and interviews.

The modern dairy cow is expected to produce a high yield of milk both during and after pregnancy. Her udder holds up to ten litres of milk at any one time, an amount far in excess of that which cows traditionally carry. The resulting huge udder distorts her walking to such an extent that lameness often results. So too does mastitis, which involves swelling and heat in the affected glands and changes in the cow's milk which may become watery or pus-like in consistency. Treatment requires drawing off accumulated pus from the infected canal and the injection of antibiotics into teats.

In practice, dairy cows are kept indoors in winter and often other months. This is a time in which severe lameness, overcrowding and boredom result. In the space many cows are given to spend hours at a time, foot damage results.

Tail Docking

Dairy cows often have their tails removed so as not to interfere with milking machines. This is generally done without anesthetic, by cutting the tail or cutting off the blood flow by tight rubber ring until it eventually drops off.

Separating Mothers and Babies

Cows, in order to produce milk, must be in a constant cycle of pregnancy and delivery. They give birth once a year. Mother and calf are often separated within hours or days of birth, with the baby usually moving into veal production. Calves not wanted for dairy herd replacement or for the veal or beef industries are slaughtered at a few days of age, as their birth served to keep the mother's milk supply on target. The mother is generally artificially inseminated and the process begins again. Dairy cattle generally go to slaughter by age six or seven, though out of confinement they live into their twenties.

Downers

Dairy cattle are the most common "downers", meaning a non-ambulatory animal who is injured or diseased and unable to stand as a result of injuries such as dislocated hips, spinal injuries, hind quarter paralysis, broken bones, torn tendons and ligaments, neck and head injuries, prolapsed uterus, milk fever and swollen abscesses.¹⁴⁴ Downers are shipped alive to most provincial slaughter plants. Federal plants are not supposed to receive downed animals from farms unless the injuries occurred in transit. In practice, downed animals are taken to and from trucks to slaughter in a variety of intensely painful ways including being dragged, kicked, pulled, shouted at, prodded and winched.

Transport and Slaughter

¹⁴⁴ Dairy cattle appear to be the most common downers in Canada, but beef cattle, pigs and chickens are also found among them.

At markets, animals are stressed, afraid and exhausted from their living and transport conditions. Many suffer bruising following their ordeals during loading, transport and while in the markets, caused by blows from owners, truckers and market personnel. Internal injuries are also common. Arriving at slaughterhouses, animals are frightened and confused. They are beaten, kicked and shouted at or encouraged by electric prods or sticks applied to various parts of their bodies. They slip and fall on the busy, noisy slaughterhouse floors. They are supposed to be stunned into unconsciousness before being bled to death; however, in the rush to keep the assembly line moving, inadequate stunning is not uncommon. Cattle stunning pens are noisy and busy. If the bolt or other stunning device is placed incorrectly or if the animal jerks her head, the stun will not be effective. The animal is then shackled by a chain around a hind leg to a conveyor and moved to the bleeding area where her throat is cut. Her heart must still be bleeding to pump out the blood.

Beef Cattle

While the Code for beef cattle is unavailable and not discussed below, we mention these animals briefly in passing. To prevent overcrowded, frustrated animals from hurting one another, preventive mutilations are often performed on them. Most cattle have their horns removed. Dehorning (removing existing horns by a saw or other sharp device) is considered to be a very painful process. Cattle are also castrated by methods including cutting off the blood supply to the testicles and scrotum with a tight rubber ring, crushing the spermatic cords or surgical castration with a knife. Anesthetic is not required and even if used, the pain can persist.

Breeders and owners in search of methods of maximizing output engage in such practices as embryo transfer which can result in cows giving birth to calves which are too large for their mother's birth canal and cause extreme pain and injury during birth. Cesareans become common, which themselves, in the number which each cow undergoes in her life time, can lead to chronic abdominal pain.

The Code's Recommendations

The *Recommended Code of Practice for the Care and Handling of Dairy Cattle* consists of eight sections: introduction, housing, feed and water, pastures, delivery of calves; care of calves and young cattle, herd management, transportation and assembly yards, sales yards and processing facilities.¹⁴⁵

Introduction

This section stresses that stock handling is a key factor in the welfare of the animals. When the use of technology increases, the welfare of the animals must be considered

¹⁴⁵ Canadian Agri-Food Research Council: 1990

anew in relation to that technology. Adequate human resources have to be employed in order to provide the level of care, attention and knowledge needed to safeguard the welfare of the individual animals. The introduction claims that badly managed and unhealthy cattle do not do well and that nothing should result in delay in treatment or in neglect of the animals. It emphasizes that the Code itself, and the practices it urges, are voluntary.

Section 1 - Housing

This section has a number of general recommendations about construction, design, flooring, materials and illumination. It sets out minimal space requirements. For the largest animal, the recommended width of a tie stall is 56 inches and the recommended length (with trainer) is 72 inches; for free stalls, the recommended width for the largest animals is 48 inches and the length (including curb) is 90 inches. It is recommended that cattle be given enough room to be able to groom themselves and lie down normally (but no mention is made of any need on the animal's part to otherwise move or even turn around). It is also recommended that cows that are tied in stalls be released routinely for exercise, when weather permits. There are recommendations for adequate ventilation, temperature and humidity and for safety measures and emergency procedures to be put in place. With the use of so much technological and electrical apparatus in dairy farming, measures to prevent cows from suffering from stray or excess electrical current are recommended. Proper manure handling techniques are set out.

Section 2 - Feed and Water

This section recommends that producers be familiar with the nutritional requirements of cattle and feed their cattle adequate quantities of good quality feed, free of spoilage, at least every 24 hours. There should be enough space that undue competition for food is avoided. Special provisions are set out for the feeding of calves, especially in the first three days of life, when they should not be removed from the farm unless with their mothers or for immediate slaughter. Fresh, clean, uncontaminated water should be available to the cattle at all times and no interruption in supply should be for more than 12 hours, especially when the temperature exceeds 28 degrees C.

Health care should be through sound sanitation and immunization, with larger herds and increased density necessitating closer attention to prevent disease. Animals should be treated only with approved medication, and medication should not be used to replace good husbandry practices. Elective surgical procedures such as castration, dehorning, cauterization or the removal of extra teats are acceptable and should be performed as early as possible; precautions, such as the use of local anesthetics, should be used to avoid causing unnecessary pain. Dehorning should be performed during the first 3 months after birth. There is no specific recommendation made of in favour of or against docking (cutting off) of tails.

Section 3 - Pastures

This section recommends care in the use of fertilizers and chemicals in pasture lands; gradually introducing calves to pasture feeding; providing additional feed if the pasture is inadequate; providing shelter for cattle kept out for long periods; safe and properly maintained fences, with an intensity of electrical current that is effective without being harmful; regular inspection of cattle on pasture; and regular monitoring and control of fly and insect populations.

Section 4 - Delivery of calves; care of calves and young cattle

This section contains recommendations on calving facilities, delivery and neonatal care. When calves are removed from their mothers, separation should be complete (ostensibly to reduce the period of adjustment). Calves in individual pens should be able to see their peers, to stand up or lie down and to exercise their limbs (but not necessarily to turn around or move about). In group pens they should all be able to rest comfortably at the same time and should be housed with other calves of similar size. Calves should be fed at least twice a day at regular intervals. Ventilation, temperature and humidity should be carefully controlled because calves are especially susceptible to environmental factors. The recommended treatment for young cattle shares features with the treatment of calves and of older cattle.

Section 5 - Herd management

This section includes recommendations for the supervision, identification and handling of cattle; milking parlours and milking; attendants; breeding and insemination; and, the breeding of bulls. It also contains a general recommendation that, in order to minimize aggression, the composition of groups of cattle not be changed frequently and that animals with horns never be mixed with dehorned cattle. Proper supervision requires regular checking and cleaning of barns and lots, rodent and pest control, checking the animals for parasites and checking of legs and hooves for injury or disease. Reporting of some diseases is mandatory (by law). Sick or injured animals must be given prompt and appropriate medical or other care and, if necessary, disposed of humanely. The financial cost should never result in a delay in treatment or in neglect of animals in distress. Marking for identification should be done with care to avoid unnecessary pain, distress or trauma. Branding with caustic paste or hot irons should be avoided. Non-toxic materials should be used for temporary marking, and neck, leg or tail bands should be fitted with care.

Consistent, quiet, but firm handling without surprise is recommended at all times. Equipment for handling and restraint should be effective without causing unnecessary stress or pain to the animal. Activities that cause unnecessary fear in the animal should always be avoided, as should punishment. There may be some situations where punishment of an animal is considered necessary; the Code recommends it be applied with discretion.

Cleanliness, comfort and consistent routines are recommended for milking. Overmilking should be avoided, and painful stimuli or unpleasant experiences should not be associated with the milking parlour. Milking equipment should be kept in good working order and only used if it has an appropriate vacuum level, pulsation rate and pulsation ratio.

Recommendations for breeding and insemination also come under herd management. Bulls should be matched to cows in size and body weight, both for the comfort and safety of the cow during natural breeding and to reduce the difficulties of calving. Safety precautions are recommended. Natural mating should take place in areas with secure footing, adequate headroom for mounting and no protrusions. Bulls kept for breeding need only have sufficient freedom to rise, stand and lie down comfortably.

Section 6 - Transportation

Generally, transport crews should be knowledgeable about the basic facts of animal welfare and skilled in handling cattle. They are responsible for the welfare of their load. Trucks should be started, driven and stopped smoothly to prevent animals from being thrown off their feet. Within the first 35 miles, each truck load should be checked, and the animal distribution be adjusted if necessary. The most direct route available should be chosen.

Most of these provisions of the Code are similar to the Transportation Part of the regulations under the federal *Health of Animals Act*. Most of the recommendations for the construction, strength and design of vehicles, containers and ramps are almost identical. There are some additional recommendations, however: vehicles should be constructed so that no part of an animal can protrude from the vehicle; containers should be moved smoothly and tilted as little as possible during loading and unloading and never dropped or thrown; tilting of the box of a dump truck for unloading is unacceptable; sudden changes in environment should be minimized and animals should not be subjected to excessive, unfamiliar noise; loading and unloading paths and ramps should be curved, illuminated and designed so that each animal can see the tops of the heads of their forerunners so that they feel more secure.

Recommendations for the transport of unfit cattle are similar to the regulations under the federal *Health of Animals Act*, although the regulation provides that animals too infirm, ill, injured or fatigued to be transported without undue suffering are not to be loaded or transported by any method, while the Code recommends only that they not be transported unless special precautions are taken. The Code also recommends that unfit cattle be loaded last and unloaded first in a way that causes them the least suffering. In these respects, the Code recommendations are in danger of falling below the standard required by the regulation, although both terms are a matter of discretion to be subjectively determined. Similarly, the federal regulation prohibits the transport of an animal that will probably give birth during the journey. The Code indicates that timing cannot be

precisely predicted and merely recommends that consideration be given to curtailing long-distance travel during expected calving time and immediately after.

Recommendations are given for protecting cattle and especially calves in cold, hot and humid weather. Wet bedding should be removed from the truck after each trip. Openings should be covered. Ventilation should be adjusted according to weather conditions, and load and ventilation should be checked during transit. Vehicles should not be parked in direct sunlight. Loading density should be reduced in hot and humid weather and cattle should be loaded and unloaded promptly. Emergency procedures should be followed in case of vehicle breakdown. In hot weather or fluctuating temperatures, cattle should be handled with extra care and patience because of the stress these conditions cause.

Section 7 - Assembly yards, sales yards, and processing facilities

The recommendations respecting the design and construction of facilities, pens, alleyways and chutes, the treatment and handling of unfit animals, pre-slaughter holding and handling and slaughter are similar to the provisions of the various *Meat Inspection Acts* and their regulations. Facilities should have flooring with secure footing, no sharp corners or obstructions, adequate lighting, ventilation and proper drainage. Uncovered pens should be used only for overflow and only for brief periods in suitable weather.

Unfit animals should be off-loaded without causing undue pain and suffering, documented as unfit, and placed in a segregated pen. They should be kept comfortable, fed (if necessary) and given water. They should be provided with medical treatment as soon as possible or humanely destroyed.

The holding and handling provisions include the standard recommendations about space, unloading and handling in a manner that exposes animals to the minimum of discomfort and the use of prods. The Code also recommends that there be pens of various sizes to reduce mixing, that pens be designed to facilitate one-way traffic and that excessive use of ear tags be avoided. Employers are responsible for training employees properly on humane handling, equipment use and livestock care.

The Code indicates that selection and training of persons doing the stunning are the most important factors in ensuring that slaughter is humane. It repeats the *Meat Inspection Act* provisions that no cattle shall be slaughtered without first being rendered unconscious by an experienced person using an approved and humane method and that hoisting or bleeding of cattle not rendered unconscious is illegal. The exception for ritual slaughter in accordance with Jewish or Islamic law is repeated, and the approved method stated. The recommendation that stunning be carried out by properly trained operators with the physical ability to apply well maintained stunning systems without causing the animals avoidable pain and suffering, so that unconsciousness of the animals results immediately, echoes the *Meat Inspection Act* provisions. The Code adds the recommendation that the

interval between stunning and sticking be no more than 30 seconds to prevent a return to consciousness.

CATTLE - VEAL

Veal calves are a product of dairy cattle. They are separated from their mothers at one or two days of age, before they can walk. At several days of age, they can be transported to facilities to be raised in individual stalls or in pens with other calves, the former apparently being the most common approach in Canada. Calves receive controlled rations of liquid feed which inhibits the normal function of the rumen. In stalls they are sometimes restrained by tethers that may allow them to stand up and lie down, but are not long enough that they can tangle and choke, thus not long enough that they can turn around in their stalls or move. When in group pens, they tend to suck on the other calves' ears, tails, navels or scrotum, having been removed prematurely from their mothers. They may end up drinking urine in this manner, or getting injured and injuring one another. Milk-fed veal provides the lightest colour of meat. It comes from calves slaughtered generally at or about five months of age before their flesh gets too tough by age or exercise.

The Code's Recommendations

The *Recommended Code of Practice for the Care and Handling of Veal Calves* consists of nine sections: housing, feed and water, calf selection for veal, calf arrival, personnel, health management, transportation, processors and veal research.¹⁴⁶

Section 1 - Housing

This section sets out basic housing standards for veal calves, including flooring, ventilation and temperature requirements, stalls, tethering and pens. Calves should be housed in buildings that are suitably insulated and ventilated. They should be protected from temperature changes and drafts and should be provided with enough light to observe one another for a minimum of 8 hours during each 24 hour period.

The Code advises that flooring should be safe for calves. Slatted flooring (through which excrement and urine can be passed and accumulated) is acceptable and the recommended maximum spacing between slats is 3.2 centimetres while the recommended minimum top surface width of each slat is 5 centimetres. All pen surfaces should be capable of being easily cleaned and disinfected and all pens should easily permit visual inspection of calves. Calves should be inspected at regular intervals 4 times a day.

¹⁴⁶ Canadian Agri-Food Research Council: 1988, revised 1998

The Code recommends basic standards for individual stalls, tethering and group pens. Individual stalls should allow good air circulation and permit visual contact between calves. They need only provide sufficient space to provide for normal resting postures and allow the calf to get up and lie down without difficulty, but not necessarily to move several steps or turn around. Stall sizes are determined by "finished" calf weights, and a stall width of 70 cm (27.5 in) untethered and 80 cm (31.5 in) tethered is generally accepted. For all new and renovated facilities, the current minimum recommended pen size for calves weighing up to 200 kg (440 lb) is 90 cm x 165 cm (35.5 in x 65 in). The Code also refers to the current European Union standards which mandate that stalls must be at least 90 cm (35.5 in) wide and can only be used until calves are 8 weeks old.

Tethering should not be used in closed stalls. Tethering devices should not interfere with or constrict throat passages, should be checked frequently for signs of wounding and should be adjusted frequently to allow for calf growth.

The Code notes that group pens are now widely used in Europe, but discourages them by referring to "inherent difficulties in providing individual care for each calf and increased risk of disease transmission" in group pens. Where group pens are used, they should be large enough to allow all animals to lie comfortably at the same time. The Code recommends using either rubber mats or organic material as bedding.

Section 2 - Feed and Water

This section sets out general guidelines for the provision of food and water to calves. Producers should be familiar with the basic nutritional requirements of their calves, including the feed products, recommended feeding and mixing procedures and feeding programs. Drinking water and water for feed mixture should be potable, which is defined as ice free, uncontaminated and fit for animal consumption. Producers should have their water analyzed twice per year.

Section 3 - Calf Selection for Veal

This section describes guidelines for the selection of calves for veal. Purchasing calves from auction facilities is discouraged. Instead, the Code recommends purchasing calves directly from a dairy operation. Calves should be at least one week old when purchased. Regardless of time of transport from the dairy farm, holding time at the auction, and further transport to the veal farm, calves may go without feed and water for 12 hours.

Section 4 - Calf Arrival

The Code makes several recommendations concerning the arrival of calves at production farms. For example, housing facilities to accommodate calves should be prepared before calves arrive on the producer's premises. Attendants should be aware of changes in behaviour, indicative of stress in calves, and take appropriate steps to alleviate

discomfort. Identification devices must be light in weight, safe for the calf and applied only by a competent attendant. Calves should be unloaded with care so as to avoid any undue stress. The use of electric prods is discouraged.

Section 5 - Personnel

This section establishes recommended standards of competence and awareness for all personnel working with calves. For example, personnel should understand and accept their responsibility to prevent avoidable suffering of calves. Calves should not be frightened, and sudden or unusual movements or noises should be minimized. The Code notes that handling can be stressful to calves unless done skilfully, and that calves therefore should be handled with care, gentleness and patience. The use of electric prods is discouraged.

Section 6 - Health Management

This section contains recommendations for sound health management practices, such as how often calves should be checked each day, what attendants should be checking for on their daily inspections, what health records are required to be maintained, what steps are to be taken if disease or illness is discovered and when to seek veterinary advice. This section also discusses iron deficiency anemia and suggests a diet to prevent its occurrence.

Section 7 - Transportation

This is a particularly detailed section of the Code. It addresses a number of issues related to the transportation of calves, including (1) loading and unloading, (2) vehicle requirements, (3) space requirements, (4) segregation, (5) protection of calves during transit, (6) feed, water and rest during transit, (7) procedures with respect to distressed calves, (8) precautions in hot and cold weather, (9) transportation stress and (10) assembly and sales yard facilities.

Calves may be transported once they are 7 days of age. Transportation personnel are responsible for the welfare of the calves for the entire stage of transport and should be properly instructed and knowledgeable in the basic facts of animal welfare. The infliction of physical injury to calves is discouraged. Each load should be checked and realigned, if necessary, shortly after departure, and should be checked periodically during transport.

The use of canvas slappers and other devices to move calves is acceptable but should be "kept to a minimum to avoid excitement or injury to calves". The use of electric prods is unacceptable. Ramps should be used for loading and unloading calves; tilting the box of a dump truck is totally unacceptable. Ramps and chutes should be strong, provide safe footing, and have sides high enough to prevent calves from falling or jumping off. Use of ear tags is acceptable but should not be excessive.

Any vehicle used for transporting calves should have sides that are secure, strong and high enough to prevent the calves from jumping, falling, or being pushed out. Provision is supposed to be made for drainage or absorption of urine. Vehicles must suitably protect the calves from adverse weather, should contain suitable fresh bedding material and should be cleaned and disinfected after each shipment.

Calves must not be crowded in a way that causes injury or suffering and must be provided with sufficient floor space and headroom to allow them to stand in their natural position without touching the ceiling or roof. Loading density should be reduced by about 20% for trips expected to take longer than 8 hours from the time of loading through unloading.

During transit, calves need only be provided with suitable feed and water for 18 hours or, in the case of young calves requiring a special diet, 12 hours. If the journey is to last longer than 18 hours, calves must be fed and given water within 5 hours prior to loading. Calves that are unloaded for feed, water and rest must be placed in suitably covered shelter, provided with enough feed and drinkable water, and rested for at least 5 hours.

Distressed calves (in a state of pain or marked discomfort, such as that caused by illness, lameness, injury, heat stress, or deprivation of feed or water) must not be loaded for transport, unless special provisions are made to ensure the loading, transport and unloading will not cause additional suffering or injury. The animal should be examined on the premise by a veterinarian. Only if the carcass is not salvageable should the animal be euthanised. If the carcass could be of value, the animal should be rendered unconscious, slaughtered, and the carcass immediately moved to a slaughter facility for processing, subject to provincial regulations. In jurisdictions where on-farm slaughter is not permissible, the animal should be euthanised if loading and transportation without further suffering is not possible.

During winter travel, openings that allow drafts or freezing rain and snow to enter the vehicle should be covered. Both the calves and the ventilation should be checked during transit at least every 2 hours. Loading density should be reduced by about 10% if the temperature is above 16 degrees C. Density reduction of up to 25% should be considered if the weather is extremely hot and humid. During transit, calves must be protected from direct sunlight, high temperatures, and high humidity.

The Code also sets out acceptable standards for treatment of calves at assembly and sales yard facilities.

Section 8 - Processors

This section sets out recommended guidelines for veal processors. It includes recommendations on the unloading and handling of calves, the conditions of alleys,

chutes and holding facilities, special handling requirements of injured, sick and disabled calves, and the stunning and slaughter of calves.

Operators of all slaughtering facilities are fully responsible for humane handling of calves on their premises. The Code notes that the preferred means of handling downers (animals unable to move even with assistance) is to shoot/stun them on the vehicle, remove them from the vehicle, and bleed them prior to regaining consciousness. In the alternative, downers may be immediately off-loaded by means of a stretcher, cage or similar equipment, if properly constructed and if the design of the vehicle and size of the animal permit them to be moved without causing undue pain or suffering. Dragging of unconscious animals is not recommended.

Electric prods must never be used on calves. Calves that are sick, injured or disabled must immediately be separated from healthy animals. Equipment must be provided for the conveyance of non-ambulatory animals within the plant. Dragging of conscious animals is not acceptable. No calf should be slaughtered without first being rendered unconscious by an experienced person using an approved, humane method as listed in the *Meat Inspection Regulations*. Animals that are slaughtered in accordance with established religious laws, without stunning, should be properly restrained and the slaughter must be carried out by qualified, experienced persons using proper equipment. Hitting a calf on the head with a blunt instrument is no longer an approved method of rendering a calf unconscious. Hoisting of conscious calves is not permitted.

Section 9 - Veal Research

The Canadian Veal industry "recognizes the importance of research on issues related to the welfare of veal calves" and that "[t]he industry will continue to support research and the technology transfer methods that enhance production and calf welfare". We note in passing that research can and does involve using veal calves themselves as models and this in itself is a harmful experience for the individual animals used in this manner.

POULTRY

Layers: Battery Cages

Most eggs in Canada are produced by hens in "battery cages". Chicks are sexed at high speed and the males killed; laying hens have been selected for high egg production but not for high meat yield, so, economically, the males are not worth rearing. The Code recommends that chicks not be thrown or picked up by their head. Methods used to kill these chicks have included tossing them into containers to be gassed or drowned or left to suffocate or be crushed under the weight of birds thrown on top of them. These practices are not considered acceptable in the Code; it recommends death by high-speed macerator

which chops the chicks up. It further recommends ensuring no backlog at the point of entry where live chicks wait to be shredded.

Young birds are reared in special cages. At approximately eighteen weeks they are put in battery cages for the remainder of their lives, usually one year. In nature, hens are active, walking, running, pecking, foraging and scratching the ground for food, dust-bathing and nest-building. In the intensive confinement of battery cages, all of these natural behaviours are denied. Hens stand or crouch on bare sloping wire, often suffering severe damage to feet and claws, always in discomfort or stress. They are unable to stretch their wings, perch or dust-bather. Cages are stacked up to eight tiers high. The Code calls for 450 square centimetres for large hens, a space smaller than this piece of paper. The lack of exercise and continuous egg laying creates calcium-depleted bones which can break easily. At one to two years of age, having laid hundreds of eggs, as opposed to the dozens they might have laid naturally in this time, they are considered "spent" and slaughtered.

Vent Pecking, Feather Pecking, Cannibalism and Partial Beak Amputation

The Code notes that feather pecking and cannibalism among chickens can be a substitute for normal activities and that in some cases, it may be necessary to "trim" their beaks (also known as "debeaking"); this practice, along with partial toe removal, are recommended if necessary to prevent injuries. Modern hens lay eggs five to six times per week. They become highly stressed and aggressive during the pre-lay period because of the lack of privacy and nesting materials. When an egg is produced, the vent becomes red, distended and moist, attracting the attention of other bored and frustrated birds. Vent pecking can occur and can lead to cannibalism. Consequently, most chicks undergo a procedure in which part of their beaks are amputated with a hot blade or laser and without anaesthesia. This would appear to cause chronic pain in the nerves of the beak.

Forced Molting

In forced molting, the hen is deprived of food and water for one or two weeks until she loses 25-35% of her body weight. This shuts down her reproductive system and causes her to shed her feathers and begin another lay of eggs, accelerating what would have been the normal resting phase. In this time, hens are intensely frustrated. The resulting weight loss is associated with reproductive system regression, and to a lesser extent, reduced liver size, loss of body fat, feathers and muscle. It is not uncommon for hens to die from the trauma during or after this moult. Some choke to death when food is returned to them. This practice increases bone breakage and impairs the hen's immune system, predisposing her and her eggs to salmonella infection. Forced molting is common in the United States. It is permitted in British Columbia to produce large eggs. Trials have been done to introduce the practice elsewhere in Canada. The Code condones it.

Diseases

Many injuries and diseases go unnoticed in such conditions. Birds in the highest and lowest cages suffer most from neglect, being hard to see. Impacted eggs, prolapses and disorders of the kidney and liver commonly affect battery hens. Many "spent" hens have malignant tumours. Cage conditions where birds are denied any type of exercise and suffer a loss of calcium, result in hens with bones so brittle they snap when catchers pull them from their cages. The birds cannot escape extremely high ammonia levels from their excretions, thus they regularly inhale toxic fumes, dust and feathers. Often they reach the point of death before personnel even notice anything wrong. Dead hens can be left to decompose in cages with live hens for long periods.

Broilers

Selected for fast growth, the chickens that are destined to be eaten are slaughtered at five to seven weeks old. The extremely fast growth rate is a key factor leading to high levels of leg problems and chronic pain from skeletal disorders and scites. The Code recommends that broilers should be able to stand, turn around and stretch their wings. Towards the end of their lives, some broilers are so crippled they can not walk. Often they have fractured or broken legs, as their limbs are not strong enough to carry their bodies. The demand for white meat and drumsticks has led to selection for unnaturally large chests and thighs. Selective breeding and the use of growth promoters create birds twice as heavy at several weeks of age as full grown chickens normally are. They may develop breast blisters as waste accumulates on the floor. Broilers may be debeaked in the same manner as layers, but in Canada, this practice does not appear to be as common for the latter as it is for the former.

Broilers sometimes die from starvation or dehydration. Chicks must fend for themselves, having been removed from their mothers before or immediately after the egg was hatched. Those who fail to find their way to the food and water points are called "starve-outs".

When birds are reared together in such great numbers, proper inspections of individuals become impossible. Many dead and dying birds go unnoticed, to decompose on the shed floor. Heat stress is a major cause of death. Heart attacks and fatty liver and kidney syndromes kill many young birds. Viral diseases are also a problem, particularly because of the intensive confinement. Many broilers develop ulcerated feet and hock burns. High ammonia levels can cause blindness.

Feed is severely restricted for breeders. Broilers have been specifically bred for "greediness" as it suits industry for the birds to fatten as quickly as possible. They are kept on minimal rations that leave them hungry and pecking at empty troughs, eating faeces and litter. Drinking large quantities of water to assuage their appetites produces wet droppings and soggy litter so water supply may be restricted as well. The pronounced head shaking sometimes seen in female breeders is thought to be caused by the stress of constant hunger and unnaturally frequent breeding.

Catching, transport and slaughter all cause major trauma and pain. Soft, young bones break. Joints, already deformed, can be dislocated when birds are caught. Carried several in each hand by a team of catchers working at top speed, they are thrown or crammed into crates or modules (drawer-like containers) to be loaded on to trucks. Legs or wings can be trapped and heads can be crushed before the journey begins. The time when they are being loaded is the first time most of these birds have ever been outside.

Transport and Slaughter

Spent hens can travel great distances to slaughter since only a small number of plants specialize in killing them. Once they arrive, they may have to wait even longer if the plant is killing more valuable broilers. Spent hens have low economic value and reduced resistance to the stress of transport due to osteoporosis. Often nearly featherless, they, along with broilers, endure journeys in near-freezing conditions and arrive with limbs frozen to the truck; in hot weather, they suffer or die from heat distress. Sometimes they suffocate. An undetermined number, thought to be in the millions annually, die in transit from the stress.

Most poultry are offloaded from trucks on to highly mechanized and automated assembly lines where their legs are placed in metal shackles and they are moved, upside down, along a conveyor belt. Their heads are dragged through a water bath charged with a low voltage electric current. Stunning is often ineffective and the birds may just receive painful shocks. When effective, the stunning can cause multiple broken bones. If the electric current is reduced, so fewer bones are broken, they may have their necks cut or move to the scalding tank fully conscious. Some arch their necks or lift their heads and miss the stunner altogether. The machine carries on to the automatic knife which slits their throats but large or small birds can get cut in the eyes, head or breast. Death is supposed to occur through blood loss. Whether or not the throats are properly cut, they move on to be immersed in the scalding tank, full of boiling water, to loosen their feathers.

The Code's Recommendations

The *Recommended Code of Practice for the Care and Handling of Poultry from Hatchery to Processing Plant* consists of the following six sections: hatcheries, production of table and hatching eggs, broiler and roaster production, turkey production, handling and transportation of live poultry and processing plants.¹⁴⁷

Section 1 - Hatcheries

¹⁴⁷ Canadian Agri-Food Research Council: 1983, revised 1989

This section sets recommendations concerning the handling and vaccination of neonatal chicks, elective surgery for morphological alterations, the attachment of identification devices to chicks, euthanasia and disposal of nonsalable chicks and transportation of neonatal chicks.

Removal of chicks from hatching trays (including those rejected for marketing) should not be done by tipping the trays. The trays should be moved smoothly and in a level position and should not be thrown or dropped. Precautions should be taken to prevent chicks from falling off the trays onto the floor. Chicks may be squeezed for the purpose of excreta ejection during sexing by vent examination. When lifted, their bodies should be supported. Chicks being released should not be placed or dropped from a distance or in a way that is likely to cause injury.

Elective surgery for morphological alterations such as beak trimming, dubbing, removal of distal parts of the toes, and de-snooding are acceptable when it is necessary to prevent either self-inflicted injury or injury to others in later stages.

High-speed maceration is said to be a practical and humane method of killing unwanted chicks in which death occurs almost instantaneously. Carbon dioxide is also a suitable killing agent. The Code describes the recommended conditions of containers or chambers used to kill chicks by way of carbon dioxide. Decapitation, cervical dislocation, carbon monoxide gas and electrocution are not recommended for reasons of human safety. The Code states, however, that these methods are humane when performed by trained and competent personnel. Death by drowning, suffocation by piling chicks in disposal containers, chloroform, ether, cyanide, thermal exhaustion, or any other method resulting in an inhumane death are not acceptable.

Chicks may be held at a hatchery for up to 48 hours after hatch, where they should be provided with an appropriate environment. Outside temperature and duration of transport should be considered when determining the optimum density of chicks in delivery boxes. The area of box floor space should not be less than 21 square cm per chick. The maximum group size for a single compartment should be approximately 100 chicks. Boxes should not be thrown or dropped.

Section 2 - Production of Table and Hatching Eggs

Section 3 - Broiler and Roaster Production

Section 4 - Turkey Production

These 3 sections address acceptable practices in relation to: (1) receiving neonatal chicks/poults on the premises, (2) housing, (3) feed and water, (4) attendants, (5) supervision and protection of chickens/turkeys, (6) cleaning of pens and (7) handling of chickens/turkeys. General comments regarding social environment are also included. Some of the general recommendations contained therein are summarized as follows:

(1) Receiving Neonatal Chicks/Poults on the Premises

Boxes of live chicks or poults should always be handled in a level position and not thrown. Chicks and poults should not be removed by dumping the box. Rather, chicks and poults can be removed by tilting the box slightly and pushing them out carefully. Chicks and poults should not be dropped more than 15 cm on a hard floor or 30 cm on a soft floor.

(2) Housing

This section establishes recommended standards for lighting, temperature, ventilation, space and cage dimensions. The heating and ventilating systems should be able to maintain the recommended temperatures with reasonable accuracy in order to prevent either overheating or chilling of the chicks or poults.

There are different housing practices and standards for laying chickens, broiler chickens and turkeys. Laying chickens can be raised in cages or in floor pens. The Code states, however, that broilers are generally not raised in cages in Canada and are instead raised mainly in floor pens. Although the Code does not specifically state that turkeys are not raised in cages, all the housing provisions in the Code relating to turkeys deal exclusively with floor pens. According to the Code, turkeys are raised either in total confinement, semi-confinement or on a range.

Chickens raised in floor pens should have enough freedom of movement to be able to stand normally, turn around, and stretch their wings without difficulty. The Code sets out recommended minimum standards regarding feed, water, space and bird density.

Where layers are raised in cages, the cages should be designed to provide the chickens with a safe and comfortable environment. Cage height should permit standing chickens free head movement anywhere in a cage. The cage doors should be designed for easy insertion and removal of birds. Cage doors for breeding stock should be large enough for manipulation of the birds during artificial insemination. A cage floor that causes injuries or deformities to the birds' toes during any period of the production cycle is considered unacceptable.

(3) Feed and Water

In normal circumstances, all birds should have access to water at all times. Drinking water must be fresh and should originate from an uncontaminated source. When pen temperature is over 26, 28, or 30 degrees C (79, 82, 86 F), any interruption of water supply should not exceed 12, 6, or 2 hours respectively. The temperature of the drinking water should not exceed 30 C (86 F). In normal circumstances, all birds should receive feed on a regular, daily basis. When feeding restriction is necessary, any interruption of feed only should not exceed 48 hours. The diet must not contain ingredients that can

cause illness or suffering. The producer must be prepared to replace immediately a diet proved harmful to the birds or to marketed products.

When controlled restriction of feed or water is applied, the available feeding and watering space should be increased according to the degree of restriction. Whenever the amount of feed provided is restricted to less than 75% of the average ad libitum intake, space allowances should permit all the birds to feed at the same time. Increasing feed and water space in such cases prevents severe social competition or aggression.

The Code seems to permit forced or controlled molting. Specifically, it provides that feed and water should not be restricted for periods exceeding the Code requirements, except in the case of controlled molting. As a general rule, molting programs should aim at a loss in body weight of up to 30% of the bird's premolt weight. It is noted that some increased mortality will result from the molting procedure, but if mortality reaches 3% in 14 days, the program should be terminated or modified to avoid further losses. Birds that have not been in good health or did not produce at a high rate during the laying cycle should not be considered for controlled molting.

(4) Attendants

Persons working with chickens and turkeys must understand and accept their responsibility to prevent any form of avoidable suffering. Before they are assigned their duties, workers should be adequately instructed and proved knowledgeable of the basic needs of the birds entrusted to their care. Attendants should be able to recognize obvious behavioural signs that indicate health problems and discomfort.

(5) Supervision and Protection of Chickens and Turkeys

Chicken and turkey flocks should be observed at least twice each day. The physical arrangement of bird pens should permit easy inspection of all birds. This is particularly important when one attendant is responsible for a large number of birds. Sick or injured birds must be promptly treated or killed humanely. Financial costs should not be a reason for delaying medical treatment or neglecting injured birds. Dead birds must be removed immediately and disposed of in an appropriate manner or according to regulations as they may apply.

(6) Cleaning of Pens

Pens should be cleaned periodically. The length of time between cleaning depends on the type of housing facilities, pen arrangement, ventilation system, and other factors that affect air quality in the pen. However, under all circumstances, piled excreta below raised floors or cages must be out of the birds' reach (though not necessarily out of their sensory perception, such as smell or sight or respiratory system).

(7) Handling of Chickens and Turkeys

When chickens or turkeys are being held, they should be in a comfortable body position. Broiler breeders over 14 weeks of age should be carried either by both legs or both wings. Hen and tom breeders should be carried by both legs and one wing. Holding or carrying in a vertical position with the head down should be avoided, and all movements with birds should be smooth.

In floor pens, chickens and turkeys with adequate feathering on their wings can be released from a short height provided they can land normally, feet first. Release that requires "flying" can excite or even panic other chickens in the pen and must be avoided. The recommended method of release is to set the birds on the floor, preferably on their feet. If possible, caged birds should be inserted through cage doors head first and should be removed from the cage feet first, by both legs. They should not be handled by the head, neck, or one wing alone.

Section 5 - Handling and Transportation of Live Poultry

Recommended procedures for the handling, loading and transportation of both caged and loose-housed poultry are discussed.

The Code states that owners and operators of poultry operations have a responsibility to provide facilities and equipment that make bird handling, loading, and unloading possible without causing unnecessary injury or suffering to the birds. All members of catching and transporting crews should be properly instructed on and knowledgeable about the basic aspects of animal welfare, and skillful in handling birds. Proper training and evaluation of personnel is the responsibility of the employer.

The Code states that piling of birds in corners can cause injury or mortality and recommends that steps must be taken to prevent this from occurring. The two most common procedures that facilitate easier catching of loose-housed birds are lowering the light intensity in the pen or using blue bulbs to provide adequate illumination for humans but not for poultry and corralling birds with a net or screen at the loading door. The most common procedure that facilitates easier catching of cage-housed birds is the former. Range birds can be loaded more easily by moving them in small groups.

When birds are transported in crates or bins, the design, construction and state of repair should allow the birds to be loaded, conveyed, and removed without injury. Birds should be loaded only into clean transporting crates and clean vehicles. When loaded into bins or crates, birds must be positioned to avoid smothering.

The number of birds per crate or bin depends on available floor space, body size of the birds, and prevailing environmental conditions at time of transport. Maximum density

per crate or bin should permit all the birds to rest on the floor at the same time if they are evenly distributed. Birds should be able to move their heads freely when sitting on the floor.

Covers should be used to protect birds in crates from wind, rain, and adverse weather conditions. Birds should held in crates or containers need not be given food or water for up to 36 hours. Ideally, crates with live birds should be moved in a horizontal position. If a conveyor is used for loading crates of live birds, the conveyor angle should prevent tilting of crates that causes birds to pile up. Crates should not be thrown or dropped. They should be moved smoothly during loading, transport, and unloading. The Code permits the mechanical collection of birds, but states that only devices proven to be humane should be considered for use.

The driver of the vehicle is responsible for the care and welfare of all birds during transport. The driver should take into consideration climatic conditions and should adjust coverings to allow birds to warm up or cool off, as required. Birds in transit may sit in a parked vehicle for up to two hours when facilities are unavailable for protection from the weather as, for example, at truck stops and border crossings.

The air temperature in a load of live poultry should be maintained between 5 degrees C (42F) and 30 degrees C (86F). During hot weather, the number of birds per crate or bin may have to be reduced in order to keep load temperatures within the acceptable range. The vehicle may be left stationary for up to 45 minutes when the temperature of the load exceeds 30 degrees C (86F). The vehicle should be driven at a minimum speed of 30 km/h (20 m/h) for a short distance. When this is not possible, the truck should be kept in shade and an alternative method of air circulation should be provided.

Section 6 - Processing Plants

This section sets out recommendations as to how birds should be handled and slaughtered at processing plants.

Receiving and handling of poultry

Processing plants must make arrangements for the holding and monitoring of birds upon arrival and, while waiting for unloading from transport vehicles, live birds must be protected against adverse weather conditions. When necessary, forced-air circulation or other means must be provided to minimize overheating of the birds.

Ideally, crates with live birds should be moved in a horizontal position. If a conveyor is used for unloading crates of live birds, the conveyor angle should prevent tilting of crates that causes birds to pile up. Crates should not be thrown or dropped. They should be moved smoothly during loading, transport and unloading. Birds should not be lifted by the head, neck, or wings. All mechanical devices used for unloading and removing birds from transportation crates must be demonstrated to be humane before they are installed.

Slaughter of poultry

In preparation for slaughter and during slaughter, birds should not be subjected to any unnecessary suffering and should be hung carefully to avoid injury.

The Code notes that the *Meat Inspection Act* and regulations permit several methods for the slaughtering of poultry: the application of an electrical current in a manner that causes immediate loss of consciousness and that ensures the birds do not regain consciousness before death; electrocution; decapitation; and ritual slaughter in accordance with Jewish or Islamic law. All poultry-processing plants that are not subject to the *Meat Inspection Act* and regulations should use only the same methods in accordance with recommendations outlined in the Meat Hygiene Manual published by Agriculture Canada.

All instruments used to render birds unconscious and for slaughter must be of an approved type and at all times must be maintained and functioning in a manner that avoids any unnecessary suffering. Operators of such equipment must have the appropriate skills and attitude to use the instruments without inflicting unnecessary suffering.

E. Conclusion

In her 1964 book *Animal Machines*, Ruth Harrison observed that if one person is unkind to an animal, it is considered to be cruelty, but where lots of people are unkind to animals, especially in the name of commerce, the cruelty is condoned and once sums of money are at stake, will be defended to the last by otherwise intelligent people. Our study leads us to confirm that observation.

The lives of animals used in food production are entirely unnatural and consist of a perverted series of privations, stresses and pain-causing treatments which are carried out for the principal purposes of (1) converting living animals into products as efficiently as possible and (2) protecting the health of the people who ultimately consume the products. Any interest in addressing the experience of the animals themselves is incidental. In the world of corporate agriculture, the living animal is all but entirely ignored, except to the extent that her suffering would impact on the value or safety of the product to be made of

her. Ironically, it is the fact that so many producers engage in harmful activities that protects their legal status as "generally accepted", where such acts would otherwise attract criminal censure.

Routinely painful practices such as tail docking, castration, dehorning, debeaking and branding would likely be criminal violations if any individual Canadian did them to her pet. In Newfoundland, tail docking and ear clipping are specifically prohibited but only for horses and dogs respectively. Such distinctions are illogical as these mammals can be expected to suffer similarly when their tails or ears are cut. Permitting gross violations to the interests of some animals but not others can only be based on one factor: the unreasonable distinction these laws make between the animals that are seen as companions and those that are used to earn profits.

In the agricultural context, where some amount of beating, mutilation, intensive confinement, sickness, injury, fatigue, pain, fear and suffering are both predicted and permitted, where the premature death of many animals is expected, even the few regulations that specifically purport to address animal welfare cannot reasonably be expected to be broadly interpreted or enforced in their favour.

Something is rotten in the state of Canadian agribusiness and we found no evidence within the confines of our study of any real attempt by government (who has the legal authority) or industry (to whom government has delegated much of that authority) to fix it. Canadian laws, despite paying lipservice to the societal expectation that we treat animals "humanely", actually regard animals as nothing more than production machines. Both on the federal and provincial levels, they facilitate the infliction of the most profound privation and suffering on hundreds of millions of individual animals on an annual basis.