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Chapter 5 - Transportation and Livestock Sales

5.1 Transportation

5.1.1 Introduction

Animals destined to become food for humans are usually transported at least once if not several times prior to slaughter. The number of times an animal is transported will depend on the species, on the husbandry practices of the producer and on the marketing method used to sell the animal for slaughter. Some animals are raised to the proper weight for slaughter and sent directly to slaughter from the birth farm. Others are sent from their farm of origin to other farms or feedlots for finishing. Animals are transported to and from farms, artificial insemination centres, feedlots, community sales, abattoirs, and veterinary clinics.

The transportation of animals is conducted by a variety of people, including producers, operators of feedlots, operators of slaughter plants and transportation companies. Vehicles used to transport animals range from pickup trucks and small trailers to full-sized transport trailers that can carry 40 head of cattle, dozens of pigs or poultry by the hundreds.

The transportation of meat and meat products is also conducted by a variety of people and, as with the transportation of animals, no specialized registration or licensing for the transporter or vehicle is required.

5.1.2 Food Safety Issues

Food safety concerns that relate to the transport of animals arise from the mistreatment of the animals and the potential for cross-contamination. Although the extent of the impact of inhumane treatment on meat safety is not clear, there is evidence that suggests that malnourished and unduly stressed animals are more susceptible to disease and a substantial portion of condemned livestock are animals that have been subjected to inhumane treatment.

The transportation of meat and meat products gives rise to the same risks associated with the storage and handling of meat. If meat products are stored at inappropriate temperatures during loading, unloading or transit, they can be compromised and create a serious health risk. Also, in the event

meat products are not protected with proper packaging, they may be exposed to biological, physical or chemical contaminants.

The food safety risks involved in the transport of animals and meat products are significant and warrant regulation.

5.1.3 Legislative Structure

5.1.3.1 Ontario Legislation

Although there is very little provincial legislation that addresses the issues relating to the transportation of livestock, the *Livestock and Livestock Products Act*¹ and the *Livestock Community Sales Act (LCSA)*² do regulate the transport of non-ambulatory animals to abattoirs.

The *Meat Inspection Act (Ontario)*³ also addresses transportation issues that relate to non-ambulatory animals at abattoirs, the disposition of animals that die en route, and transport container standards for the transport of meat and meat products. Abattoir operators are required to ensure that meat and meat products are transported in containers which meet certain construction and refrigeration requirements and provide protection from contamination.

The transport of meat and meat products is further regulated by the *Food Premises* regulation under the *Health Protection and Promotion Act*⁴ in that the equipment used for the transportation of food is required to be of sound and tight construction, kept in good repair and of such form and material that it can be readily cleaned and sanitized.⁵ Further, operators of food premises who transport food are required to do so in a manner which prevents contamination of the food and maintains the food at temperatures prescribed in the *Food Premises* regulation.⁶

¹ *Livestock and Livestock Products Act*, R.S.O. 1990 c. L.20.

² *Livestock Community Sales Act*, R.S.O. 1990, c. L.22.

³ *Meat Inspection Act (Ontario)*, R.S.O. 1990, c. M.5.

⁴ *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7.

⁵ R.R.O. 1990, Reg.562, amended to O.Reg.502/01, s. 18.

⁶ R.R.O. 1990, Reg.562, amended to O.Reg.502/01. The *Food Premises* Regulation sets out specific temperatures at which meat and meat products must be kept during transportation as well as requirements to identify the meat processing plant of origin by tag, stamp or label. R.R.O. 1990, Reg.562, ss. 32, 33, 35 and 39.

Animal welfare issues are dealt with under the *Ontario Society for the Prevention of Cruelty to Animals Act*⁷ which permits the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) to take action where an animal is observed to be in immediate distress.⁸

5.1.3.2 Federal Legislation

In Canada, the Canadian Food Inspection Agency (CFIA) has primary jurisdiction over the transport of livestock in its administration of the *Health of Animals Regulation*. The regulation applies to the carriage of animals entering, leaving and within Canada.⁹

The *Health of Animals Regulation* sets limitations for the length of transport¹⁰ and prohibits the transport of an animal that cannot be transported without undue suffering or an animal that is likely to give birth during the expected journey.¹¹ Physical mistreatment of animals being transported and overcrowding on vehicles is also prohibited.

The regulation sets out criteria for loading and unloading equipment, for transport containers, the provision of food and water for animals in transit, required records for transportation, and the disposal of injured animals. The regulation requires segregation of animals of different species or of substantially different weight or age, protection of animals from sickness or injury, protection from extremes of weather, and reporting of injured animals.

⁷ *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O.36.

⁸ Distress is defined as "the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect" in the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O-36, s.1.

⁹ Including an embryo and a fertilized egg or ovum. *Health of Animals Act*, S.C. 1990, c. 21.

¹⁰ The length of any portion of a journey without food or water is limited to 36 hours for horses and pigs, 72 hours for chicks that have just hatched, and 48 hours for cattle, sheep and goats unless they will reach their final destination in Canada within 52 hours. *Health of Animals Regulations*, S.O.R./91-525, s.148.

¹¹ By reason of infirmity, illness, injury, fatigue or any other cause. *Health of Animals Regulations*, S.O.R./91-525, s.138.

The *Criminal Code* of Canada also creates a number of criminal offences relating to the inhumane treatment of animals, which apply at all stages of the continuum including transportation.¹²

The presence of a federal statute in the legislative field does not prevent Ontario from regulating transportation within its boundaries as Alberta has recently done.

5.1.4 Licensing and Inspection

There is no requirement in any legislation that transporters of animals or meat and meat products obtain a special licence or registration for themselves or their vehicles. There are also no sanitation requirements for vehicles transporting animals in Ontario other than the federal animal transport requirements described above.

There are extensive powers under the *Health of Animals Act*¹³ for inspectors to conduct inspections of vehicles and animals, seize and detain animals, obtain warrants for searches, and conduct searches. However, these powers can only be used by persons designated as inspectors under the *Health of Animals Act* and Ministry of Agriculture and Food (OMAF) and OSPCA inspectors are not so designated.

CFIA inspectors can conduct inspections on demand to ensure that vehicles used to transport livestock comply with the requirements set out in the *Health of Animals Act* and its regulation and that the health and welfare of animals being transported are appropriately protected.¹⁴ OSPCA inspectors can also inspect transport vehicles and the animals contained in any vehicles, but only for the limited purpose of addressing the condition of the animals and can only take steps to protect animals that they observe, or reasonably believe, are in distress.¹⁵

In the normal course, transport vehicles are only inspected at community sales barns and abattoirs. Currently, there are insufficient resources

¹² *Criminal Code*, R.S.C. 1985, c.46, ss.429, 444, and 446.

¹³ *Health of Animals Act*, S.C. 1990, c. 21.

¹⁴ *Ibid.*, s. 38 and *Health of Animals Regulations*, *supra* note 11, s. 137.

¹⁵ *Supra* note 7. See note 8 regarding definition of distress.

available to CFIA and there is no authority for OSPCA or the OMAF inspectors to conduct inspections on highways.

Several stakeholders contended that the rules regarding transportation of animals need to be strengthened and complained that enforcement was poor. The issue was raised primarily with respect to the transportation of non-ambulatory animals which I will address in a subsequent Chapter.

There is little data on transportation, in terms of number of trucks, number of accidents, and problems arising in transport, due to the lack of regulation, records and provincial inspections. The lack of information is, in itself, a concern. Without sufficient information regarding this stage of the meat production continuum, an effective system cannot be designed to properly prevent, minimize and respond to the risks associated with transportation.

5.1.5 Training, HACCP and Biosecurity

There is no requirement for training, HACCP-based plans or biosecurity plans in order to transport animals or meat or meat products in Ontario. There are no HACCP plans developed by government or industry at present for transporters of livestock.

There is no requirement for courses on the handling of animals nor methods of transport for persons who transport animals in Ontario. Although recommended codes of practice for the care and handling of farm animals have been developed by various industry groups and governmental agencies across Canada,¹⁶ I am not aware of any training programs on safe handling and transport for transporters of animals or meat and meat products in Ontario.

¹⁶ Codes of Practice exist for poultry, pigs, veal calves, ranched mink, ranched fox, dairy cattle, beef cattle, sheep, farmed deer, horses, transportation and bison. The codes are designed to be used as an educational tool in the promotion of acceptable management in welfare practices. Ontario Farm Animal Council, Brochure, *Preventing and Handling Non-Ambulatory Livestock on the Farm*; Canadian Agri-Food Research Council, *Recommended Code of Practice for the Care and Handling of Farm Animals: Transportation* (2001); Ontario, *Veterinary Guidelines for Transporting Compromised Cattle, Sheep and Goats* (February 2002); Ontario, *Caring for Compromised Pigs Assessing Animals at Risk* (March 2003); Ontario Pork, *On-Farm Euthanasia of Swine Options for the Producer*; Alberta Agriculture, *The Beef Cow-Calf Manual* (Revised 1989); T. Seidle, Canadian Federation of Humane Societies and the Canadian Agri-Food Research Council, *AP101: A Briefing Manual for CFHS Representatives on CCAC Assessment Panels* (Summer 2001).

Some producer groups are starting to require HACCP-based plans and records be maintained and accompany the animals.

There are biosecurity risks associated with the transport of livestock as the vehicles pick up animals, dirt and other materials from one location and carry them to other locations in the province and beyond. These vehicles can literally become carriers of disease.

I recommend that the Ministry of Agriculture and Food work with industry groups and transporters to develop training on the handling of animals in transport, the handling of meat products in transport, and to develop and implement HACCP-based and biosecurity plans for transporters. Consideration should be given to making these plans mandatory for commercial transporters within five years.

5.1.6 Disease Surveillance and Testing

There is no routine testing of animals during transport in Ontario by either federal or provincial authorities and there is only limited authority in provincial legislation to permit any testing of animals in transport.

Under the *Health of Animals Act*,¹⁷ CFIA inspectors are permitted to test animals in transport and the *Health Protection and Promotion Act*¹⁸ gives public health inspectors the authority to seize and test items where they have a reasonable belief that there may be a risk of harm to the health of any person. Although OMAF inspectors have no jurisdiction to test animals in transport, they do have authority under the *Livestock and Livestock Products Act* to test certain species that they believe are contaminated.¹⁹

¹⁷ *Health of Animals Act*, *supra* note 13, and *Health of Animals Regulations*, *supra* see note 11, s. 137.

¹⁸ *Health Protection and Promotion Act*, R.S.O. 1990, c. H-7, s. 19.

¹⁹ Containing or having been treated with a substance prohibited or in excess of limits prescribed under the *Food and Drugs Act*, R.S.C. 1985, c. F-27; *Canadian Environmental Protection Act, 1999*, S.C. 1999, c. 33; *Pest Control Products Act*, R.S.C. 1985, c. P-9, an ingredient, food additive or any source of ionizing radiation not permitted by or in an amount in excess as prescribed by the *Food and Drugs Act*, R.S.C. 1985, c. F-27; *Livestock and Livestock Products Act*, R.S.O. 1990, c. L-20, s. 12 and O. Reg. 318/99, s. 3.

5.1.7 Traceability

There is no requirement in Ontario or federal legislation for transporters of livestock to use standardized way bills or manifests or to keep records with information which would permit the tracing of each group of animals. Although some transporters do keep records which would be helpful in tracking animals, many do not.

Earlier in this Report, I suggested the development of a traceability system for meat throughout the food continuum which would include transport. Sufficient information should be collected and retained for animals and meat and meat products to facilitate food recalls and foodborne illness investigations.

I recommend that the regulations under the *Food Safety and Quality Act, 2001* require standardized forms and record keeping for the transport of animals, meat and meat products pending implementation of the recommended traceability program.

5.1.8 Other Jurisdictions

5.1.8.1 Alberta

Alberta is the only province with a regulation devoted to requirements for the transport of healthy animals.

The *Livestock Transportation Regulation* under the *Livestock and Livestock Products Act*²⁰ sets out requirements for the loading, unloading and transport of animals that are, in most respects, the equivalent of those in the federal *Health of Animals Regulation* except for air and sea travel, which have no intraprovincial application. The enforcement of the transportation regulation is delegated to the Alberta Society for the Prevention of Cruelty to Animals which receives funding from the Alberta government.

In addition, livestock being transported are required to be accompanied by either a livestock manifest or a livestock permit, with some limited exceptions. All of the manifests and permits are compiled and entered into a

²⁰ *Livestock Transportation Regulation*, Alberta Reg. 22/99 under the *Livestock and Livestock Products Act*, R.S.A. 2000. c. L-18.

computerized database which permits tracing of cattle movements and sales. The information includes ownership, when the animals were bought or sold, where the animals originated and their movements. Alberta's livestock manifests include a feed and veterinary drug declaration that requires sellers to declare that the animals have not been fed any materials prohibited under the *Health of Animals Act* and that drug withdrawal times have been followed.

In Alberta, there are courses offered for livestock truckers, auction markets, feedlot personnel, and producers on a variety of handling and transportation issues. Alberta is also working on a uniform livestock transportation code of practice.

5.1.8.2 European Union

The current regime for transportation of animals in the European Union (EU) was agreed to in 1995 and implemented in 1997. The requirements include transporters' authorization and training, maximum journey times and resting, and feeding and watering intervals for horses and farmed animal species. The requirements are more stringent than in Canada, particularly with respect to the amount of travel permitted between resting, watering and feeding. In December 2000, the European Commission published a report on the experience of EU member states in implementing those requirements. The report noted that there was evidence of a lack of commitment to enforcement, poor coordination and significant non-compliance, which included poor vehicle standards, poor handling, poor ventilation controls, overloading, transporting unfit animals and regularly disregarding journey times and route plans.²¹

The European Commission has adopted a proposal for a regulation which would significantly change the rules regarding animal transport. The changes would include banning the transport of animals deemed unfit and prohibiting transport for more than nine hours without a rest stop.²² At

²¹ European Commission, *Report from the Commission to the Council and the European Parliament* (Brussels: EC, 6 December 2000).

²² An unfit animal would be one that is injured or presents with physiological weaknesses or pathological processes including those that are unable to move independently without pain or walk unassisted, those with severe open wounds and those with prolapses.

present, the rules permit journeys to continue for up to 29 hours without a break.

On April 1, 2004, the European Commission introduced a new information technology system which is web-based to improve the management of the movements of animals and animal products. The system is designed to replace the former paperwork and includes a single central database to track the movement of animals and certain types of products with a system of electronic veterinary certificates. It will permit tracking of the 50,000 animals transported into the EU each day.²³

The European Food Safety Authority's Scientific Panel on Animal Health and Welfare provided an opinion recently on a request from the Commission regarding the welfare of animals during transport.²⁴ The panel's opinion was that a variety of stressors involved in transport are key factors that lead to poor animal welfare, increased susceptibility to infection and increased shedding of infectious agents in already infected animals. As a result, the panel recommended that all stressful conditions should be minimized. Since the transportation of livestock, birds and fish can spread both animal and zoonotic diseases, the panel suggested that clinical inspection before transport and biosecurity measures including cleaning and disinfection of transport vehicles are important measures to prevent the spread of infectious diseases. The panel concluded that all persons responsible for animal transport should be properly trained and that animals which are unfit for transport should be humanely euthanized.

5.1.9 Enforcement and Compliance

There is currently no authority in any Ontario statute to stop a vehicle for routine animal or meat inspection. Inspections are not being conducted on the highways or roads of Ontario, except to the extent that an inspector may be enforcing the *Livestock and Livestock Products Act* and attempting to

²³ European Commission, Press Release, *TRACES: Commission adopts new system to manage animal movements and prevent the spread of animal diseases* (15 April 2004).

²⁴ European Food Safety Authority, *Opinion of the Scientific Panel on Animal Health and Welfare on a request from the Commission related to the welfare of animals during transport* (Adopted on 30 March 2004).

determine whether a livestock dealer is properly licensed or the livestock being sold is contaminated.²⁵

At present, the CFIA has jurisdiction to enforce the transportation requirements in the *Health of Animals Regulations*. CFIA veterinarians have no authority to euthanize animals in distress, but can euthanize if the animal is diseased. There were concerns expressed during the course of the Review that there was not enough being done to enforce the transportation regulations because Ontario inspectors have limited authority to deal with these issues. For example, when transportation issues arise at provincial plants and sales barns, in the absence of CFIA inspectors, there are only limited responses available to the provincial inspectors.

Proclamation of the *Food Safety and Quality Act, 2001 (FSQA)*²⁶ and the promulgation of supporting regulations should remedy those shortcomings in enforcement, but will not necessarily address all meat safety and animal welfare concerns that have been identified with the transportation of livestock.

I recommend the provincial government make regulations for the transport of animals under the *Food Safety and Quality Act, 2001* that are comparable to the *Livestock Transportation Regulation in Alberta*.

5.2 Livestock Community Sales

5.2.1 Introduction

There are approximately 30,000 livestock farms in Ontario and 224 abattoirs (33 federal and 191 provincial). Animals slaughtered for human consumption typically fall into one of three categories: animals brought to the abattoirs for custom slaughter; animals raised by and for the abattoir operation itself; and animals purchased from producers by abattoirs through direct sale or public auction.

There are 42 community livestock sales operations in Ontario which offer livestock for sale at public auctions held at facilities known as “auction

²⁵ *Livestock and Livestock Products Act*, R.S.O. 1990, c. L-20, s. 12.

²⁶ S.O. 2001, c. 20.

markets” or “sales barns.”²⁷ In the normal course, animals are transported to these facilities, sold by auction and then transported from the sales barn to the abattoir for slaughter.

Livestock community sales in Ontario vary in size, species and types of livestock sold and the frequency with which they are held. Some of the facilities have only one building with a single auction ring, while others have many buildings and several auction rings. The species sold at sales barns include cattle, horses, sheep, lambs, goats, swine, rabbits, ducks, pigeons and other poultry. Within each species, the animals vary in size and age.²⁸ Some sales barns hold auction sales less than once per week and others as often as five days per week.

The system of inspection at livestock auction markets in Ontario provides an important layer of protection in the food safety system.

5.2.2 Food Safety Issues

I was told that the original purpose for livestock community sales was the sale of purebred animals. Times have changed. It is apparent from my tours of two sales barns that they are now used for a broad range of sales, including the sale of cull animals. These are milk producers or breeders which are no longer achieving the desired level of production and as a result, are being cut from the herd and sold for slaughter. Cull animals are older and have a higher incidence of health problems. As a result, their assembly at sales barns increases the risk of the transmission of diseases or pathogens. About 125,000 cull cows and bulls are marketed at sales barns in Ontario each year. Inspections at livestock community sales can identify

²⁷ Although most are conducted in person, some livestock sales are conducted electronically. See Ontario Livestock Exchange Incorporated, *About OLEX – TEAM*, available from <http://www.olex.on.ca/Olex/Default.asp> [accessed 1 June 2004].

²⁸ The types of livestock sold include commercial beef cows, commercial beef calves, springing heifers, open heifers, bred heifers, bred cows, breeder bulls, fed cattle, cull cows, slaughter cows, finished cattle, veal, bob calves, stockers, yearlings, weaner pigs, bred sows, bred boars, cull ewes, bred ewes, cull rams, baby kids, feeder kids, market kids, cull nannies, cull billies, dairy nannies, dwarf rabbits, young rabbits, meat rabbits, buck rabbits, doe rabbits, homing pigeons, barn pigeons, rent pigeons, tumbler pigeons, king pigeons, fantail pigeons, old hens, laying hens, pullets/meat birds, roosters, banties, silkies, quail, young turkeys, mature turkeys, mature peafowl, golden pheasants and silver pheasants.

unhealthy animals before they have travelled further into the system and potentially contaminated or infected other animals or humans.

5.2.3 Legislative Structure

In Ontario, livestock community sales operations must abide by the *LCSA*²⁹ which was enacted in Ontario in order to have veterinarians monitor animal health at sales barns.³⁰ Public auction sales are prohibited from commencing until an inspector has inspected the facilities and found that the facilities meet the requirements of the *LCSA*.³¹ There is also a prohibition against selling an animal at a public auction sale before it has been inspected.³²

In 1985, amendments were made to the *LCSA* regulation to permit animal health inspections by non-veterinarian inspectors for the purpose of identifying suspect animals for further examination by veterinarians.³³ In November 1999, OMAF³⁴ announced that the government intended to change the program into a user-pay system in which the sales barns would pay for veterinary inspection costs. A new program was developed over the course of the next year and fully implemented in mid-2001. The industry now pays for most of the inspection which is undertaken by “lay inspectors” who are employees of the sales barns.³⁵

The Ontario Cattlemen’s Association (OCA) has contributed funding for the livestock community sales inspection program since 1986 through its check-off funds. Under the *Beef Cattle Marketing Act (BCMA)*,³⁶ each person who sells cattle in Ontario must pay a licence fee of \$2.25 for each head of cattle.³⁷ The fee or levy is sent to the OCA by the seller of the animal. The OCA also contributes to the salary of the weigh and trim inspector who is

²⁹ *LCSA*, *supra* note 2.

³⁰ R.R.O. 1980, Reg. 586, s.11.

³¹ *Ibid.*, ss. 12 and 14(1).

³² *Ibid.*, s. 14(2).

³³ O.Reg.258/85.

³⁴ At that time known as Ontario Ministry of Agriculture and Food and Rural Affairs – OMAFRA.

³⁵ O.Reg. 47/01 added s. 3.1 to O. Reg. 729.

³⁶ *Beef Cattle Marketing Act*, R.S.O. 1990, c. B-5.

³⁷ R.R.O. 1990, Reg. 54, as amended by O. Reg. 291/96, ss.1 & 8.

employed by OMAF and attends at sales barns to inspect and verify their scales and oversee the lay inspectors.³⁸

Appointed veterinarians³⁹ attend each sale for a scheduled period of time to assess the health of the livestock and may re-attend, if called, to examine a suspect animal. The fees of the appointed veterinarians are paid by OMAF.

In the consultations prior to the enactment of the *FSQA*, OMAF indicated that that legislation was designed to modernize and consolidate the food safety and quality requirements of seven statutes. The *LCSA* is not one of the seven statutes. The intent of the *FSQA* is to promote a consistent science-based approach to food safety all along the farm to fork continuum and to provide the necessary enforcement tools to ensure compliance. The livestock community sales program is one of the stages in this continuum where food safety can be protected. For this reason, the *LCSA* should be brought under the *FSQA* umbrella.

I recommend that the *Livestock Community Sales Act* be incorporated into the *Food Safety and Quality Act, 2001* by way of regulation that would continue, but modernize the current livestock community sales program to match or exceed generally accepted standards for animal treatment.

5.2.4 Licensing

Livestock community sales operations involving the sale of cattle, goats, horses, sheep or swine, are required to be licensed under the *LCSA*.⁴⁰ There are three classes of licences with annual fees ranging from \$300 to \$1,500 depending on the number of sales held each week.⁴¹

³⁸ Ontario Cattlemen's Association, *2004 Annual Report*, available from http://cattle.guelph.on.ca/communications/annual_report_04/ [accessed 11 May 2004].

³⁹ Appointed veterinarians are veterinarians under the *Veterinarians Act*, R.S.O. 1990, c. V-3 who are appointed as inspectors under the *LCSA*.

⁴⁰ *LCSA*, *supra* note 2, s. 3. Class I for sales not more than once per week (\$300). Class II for sales not more than twice per week (\$600). Class III for more than two sales per week (\$1,500).

⁴¹ R.R.O. 1990, Reg. 729, as amended by 47/01, ss. 1 & 3.

The licensing provisions of the *LCSA* are similar to the provisions under the *Meat Inspection Act* (Ontario).⁴² If satisfied the applicant will meet with regulatory requirements, the Director of the Food Inspection Branch is required to issue a licence upon receipt of an application, and payment of the licence fee. Hearings can be held to determine whether to grant a licence as well as to suspend, revoke or not renew the licence.⁴³ Appeals from licensing hearings are to a statutory tribunal.⁴⁴ I am not aware of any hearings or appeals from licensing decisions from 1991 to April 2004 involving any issue related to food safety or the humane treatment of animals.

5.2.5 Inspection

There are approximately 80 lay inspectors in Ontario who are responsible for most of the inspection of the facilities licensed under the *LCSA*. Although initial training of lay inspectors was completed by OMAF in 2001, there have been no formal training sessions for them since that time.

Lay inspectors are required to observe all animals presented at the sale and to segregate, for veterinary inspection, any abnormal stock they identify. These inspectors also inspect the sales facilities to ensure the premises, including the unloading area and auction ring, are in proper condition. They are expected to ensure the pens are not overcrowded, that different livestock species are segregated, that adequate ventilation and temperature control is maintained and that clean water is provided to all livestock within a reasonable time.

When an animal with an abnormal condition is identified and brought to the attention of the appointed veterinarian, that veterinarian may require that the animal be returned to the consignor if the animal is in an active stage of disease process and, if sold, could spread that disease. The veterinarian can also designate an animal “for slaughter only” where the animal is not in an active infective state and deemed suitable for slaughter. Should an animal be so designated, it must be marked accordingly, can only be purchased by a licensed dealer who operates a slaughter plant and may be designated for

⁴² *LCSA*, *supra* note 2, s.s.4 & 5.

⁴³ *Ibid.*

⁴⁴ *Ibid.*, s. 9.

slaughter within a specified time frame. In circumstances where the veterinarian determines that the animal is not capable of being cured or healed, the veterinarian may order that the animal be euthanized.⁴⁵

Lay inspectors and appointed veterinarians are expected to fill out a report of their activities for each day of the sales and forward it to OMAF. From my review of a sampling of these reports, it appears that they are not consistently and fully completed.

The weigh and trim inspector is the only full time OMAF employee working in the livestock community sales program. That inspector attends at the sales barns on a rotating basis, examines the facilities, observes the performance of the lay inspectors, reviews the health of the animals present, and reviews the treatment and handling of those animals. The weigh and trim inspector attends at each sales barn approximately once every six weeks, although the frequency depends on a number of factors including, season, size of sales barns, frequency of sales at the sales barns, complexity of sales, and location of the sales barns. The inspector reported that, from 2000 through the end of 2003, 134 to 152 inspections of sales barns were completed requiring between 48,000 and 57,000 kilometres of travel each year.

One of the two regional veterinarians in Ontario and the program manager at OMAF oversee the operation of the livestock community sales program. The level of day-to-day government oversight of the lay inspectors and appointed veterinarians is far from ideal.

There is a conflict in the role of the lay inspectors because the proper performance of their duties can have an adverse impact on the operators of the sales barns who employ them. Suspect animals and those marked for direct transport to slaughter bring less at auction and, therefore, less return for the operator. Also, any report of the inspector that identifies inadequacies in the facility could ultimately jeopardize the employer's licence. Concerns were expressed to me by enough people associated with community livestock sales to warrant some remedial action. In my view,

⁴⁵ *Ibid.*, s. 16(3)(d) and R.R.O. 1990, Reg.729, as amended by 47/01, s.12.

the inspection program at sales barns is a useful barrier in the food safety system, but if it is to be meaningful, the program needs to be strengthened. I believe this can be accomplished with more oversight.

I recommend that the existing livestock community sales program be strengthened with increased oversight of the lay inspectors and appointed veterinarians by an increased complement of Ministry of Agriculture and Food inspectors with responsibilities for monitoring the sales barn program.

5.2.6 Audit

In 1995, the Food Inspection Branch of OMAF started conducting annual audits of the sales barns to determine whether the structure, equipment, practices and operation of the sales barns are in compliance with the regulations under the *LCSA*. The audits cover five main areas – animal disease control, animal handling, inspection, sanitation and environment.

A standards of compliance manual was developed and distributed to operators in 1995 and later amended in July 2002 which lists the standards to be met by the sales barns. Each item in the *LCSA* regulation is restated as a standard designed to be assessed in a precise manner. The weigh and trim inspector who conducts the audits sends a letter to the sales barn operators and meets with them after the audit is completed to provide a summary of his observations and the overall rating. The rating after an audit is a letter grade from “AAA” to “F,” similar to the audit rating system for abattoirs. If there are any items of non-compliance, a due date by which the deficiencies must be corrected is set by the auditor after consultation with the sales barn operator.

None of the licensed sales markets in Ontario have been rated lower than “B” since 2000, although the audit reports list ongoing deficiencies at many livestock sales barns from year to year. These delays in compliance should be addressed and eliminated.

5.2.7 HACCP

There is no mandatory HACCP or HACCP-based program requirement for livestock community sales and no such programs that are specific to the

livestock community sales operations have been developed by OMAF or the industry.

5.2.8 Traceability

There is no system in place for tracing the origin, path and health of livestock arriving at livestock community sales. Cattle and sheep are required to have ear tags as part of a national identification system. The tags are to be applied to the ear of each animal before the animals leave the farm of origin, however, some cattle tags are being applied at the livestock community sales facilities. The tag numbers are recorded and then deleted from the system when the tags are collected at slaughter or deadstock collector/receiving plants. Not all tags are being collected. Tag identification only assists with tracing the animal back to its birth farm as information regarding the movements and health of the animal are not recorded with the tag number. If an animal became ill, it would take some time to trace its origins and movements. This delay heightens the risk of transmission of disease.

5.2.9 Biosecurity

Although the *LCSA* and its regulation require that every operator clean and disinfect the premises before receiving any livestock for the purpose of a community sale,⁴⁶ no biosecurity program is required nor has any been developed for livestock community sales by industry or OMAF.

There are biosecurity risks associated with livestock community sales as a significant number of livestock from many producers go through the same premises and in particular, the same stalls, loading docks, and auction rings. In addition, a substantial number of livestock trailers arrive and depart from the sales barn around the time of a sale. Standard biosecurity measures, such as sprays or washes for the boots of people at the sales barns, registration of persons attending the sales barns for the trace back of any cross-contamination or contamination discovered, or washing or sanitation of trucks or truck wheels are not in place and should be put into effect.

⁴⁶ R.R.O. 1990, Reg.729, as amended by 47/01, s.10.

5.2.10 Disease Surveillance and Testing

There is no testing of animals at the sales barns, although the animals may be tested at abattoirs or deadstock receiving operations after they leave the sales barns.

5.2.11 Disposal

The euthanasia of fallen animals and disposal of dead animals must be conducted in accordance with the *Dead Animal Disposal Act*.⁴⁷ There are no significant animal carcass disposal issues specific to sales barns.

5.2.12 Other Jurisdictions

No other province in Canada has a comparable system for the inspection of livestock auctions and none have legislation that is as comprehensive as the *LCSA*. Only two other provinces have livestock community sales legislation,⁴⁸ however, these permit, but do not require inspection of animals and facilities.

5.2.13 Animal Welfare and Humane Handling

Although the provisions in the *LCSA* regarding animal welfare are minimal, all inspectors appointed under the *LCSA* are required to oversee the humane handling of animals at livestock community sales and any humane handling problems are supposed to be recorded in the daily sales report of the inspector.

In early 2004, a pilot project was set up in which four inspectors of the *OSPCA* were appointed as inspectors under the *LCSA*. These inspectors have been travelling to various sales barns across the province to ensure compliance with the *LCSA* and the *OSPCA*'s legislation.

In addition to the increased level of inspection that the *OSPCA* inspectors provide to the livestock community sales program, they, under their enabling *Act*, also have authority to attend at farm properties or feedlots to address animal welfare problems on those premises. The pilot program is in

⁴⁷ *Dead Animal Disposal Act*, R.S.O. 1990, c. D-3.

⁴⁸ Prince Edward Island, *Livestock Community Auction Sales Act* R.S.P.E.I. 1988, c. L.16 and British Columbia, *Livestock Public Sales Act*, R.S.B.C. 1996, c. 274.

place until the summer of 2004 at which time it will be reviewed to determine whether it should continue. In my view, this is a worthwhile initiative. It gives the OSPCA inspectors access to sites where animal welfare issues are a concern and provides OMAF with additional surveillance capacity to oversee on-farm compliance as well as adherence to the regulations at sales barns.

I recommend the continued participation of the Ontario Society for the Prevention of Cruelty to Animals in the livestock sales barn program.

I was advised, during the Review, that the appointed veterinarians do not always have access to the tools necessary to humanely euthanize an animal. The generally accepted method is the captive bolt pistol. There are, at present, approximately 50 veterinarians, from 22 different clinics, who work part-time as appointed veterinarian inspectors at the livestock auction markets. The OSPCA estimates that half or more of those veterinarians do not have access to a captive bolt pistol. Most veterinarians are used to euthanizing animals by using chemicals, however, those chemicals, if used to euthanize a large animal, make the animal carcass unacceptable to a rendering operation and thereby limit the disposal options for the carcass.

I recommend that a captive bolt pistol be kept on-site and available at all sales barns for use by the appointed veterinarians.

Since March 2001, lay inspectors have been able to tag animals with potential health problems to be sold direct to slaughter instead of having the animals examined by a veterinarian.⁴⁹ This creates a risk of transmission of disease beyond the sales barn and should be discontinued.

I recommend that regulations require that any animal with a suspected health problem at a sales barn be referred for examination and disposition by a veterinarian.

⁴⁹ R.R.O. 1990, Reg.729, as amended by O.Reg. 47/01, s.11(4).

5.2.14 Non-Ambulatory Animals

The regulation under the *LCSA* contains provisions specific to non-ambulatory animals (also called downer animals). If a veterinary inspector, after examination, finds an animal to be non-ambulatory, the inspector must issue a certificate for direct transport to slaughter or release the livestock to the operator who is to arrange for the animal to receive the immediate care of a veterinarian.⁵⁰ If any *LCSA* inspector finds a non-ambulatory animal on a vehicle, the inspector must detain the animal and the vehicle must not then be moved unless a veterinarian issues a certificate for direct transport to slaughter or releases the animal to the driver who shall arrange for the animal to receive the immediate care of a veterinarian.⁵¹

A further discussion relating to animal welfare and food safety issues that arise with respect to non-ambulatory animals can be found in Chapter 6 where I make recommendations for their transport and disposition.

⁵⁰ *Ibid.*, s.12.

⁵¹ *Ibid.*, s.17.1.