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CANADA

STRIKING A BALANCE: ELECTRONIC LOGGING DEVICE REQUIREMENTS IMPACTING ANIMAL TRANSPORTATION

**Report of the Standing Committee on Agriculture and
Agri-Food**

Kody Blois, Chair

**DECEMBER 2023
44th PARLIAMENT, 1st SESSION**

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DEVICE REQUIREMENTS IMPACTING ANIMAL
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NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON AGRICULTURE AND AGRI-FOOD

has the honour to present its

SIXTEENTH REPORT

Pursuant to its mandate under Standing Order 108(2), the committee has studied electronic logging device requirements and animal transport and has agreed to report the following:

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LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

The House of Commons Standing Committee on Agriculture and Agri-Food recommends that the Government of Canada, in accordance with provincial and territorial jurisdictions:

Recommendation 1

Take the following measures with respect to unforeseeable circumstances and emergency situations in subsections 76(1) and (2) of the *Commercial Vehicle Drivers Hours of Service Regulations* to provide the necessary flexibility to transport animals to their destination while providing clear guidance so that the regulations are not variously interpreted:

- **develop a comprehensive list of what constitutes an emergency situation;**
- **consider animal welfare concerns when permitting drivers to extend the driving time allowed during adverse driving conditions or emergency situations;**
- **work immediately with the Canadian Council of Motor Transportation Administrations to provide clear guidance to all enforcement officers concerning section 76 of the regulations to clarify that a risk to animal welfare is considered an emergency situation to ensure it is enforced consistently; and**
- **provide government inspectors training from Canadian Livestock Transport on how to properly identify animal welfare scenarios that would necessitate an exemption in ELD Hours of Service requirements. 14**

Recommendation 2

Consider the possibility of revising the *Commercial Vehicle Drivers Hours of Service Regulations* to provide commercial drivers carrying livestock or insects with greater flexibility at the beginning and end of their trips, without compromising animal health or safety and taking into account local conditions and distances. 15

Recommendation 3

Consider amending section 2(1) of the *Commercial Vehicle Drivers Hours of Service Regulations* to broaden its exemptions to include agricultural producers, notably beekeepers, who use tractor trailers to transport their own products..... 15

Recommendation 4

Take the following measures with respect to animal transport:

- work with industry to promote the development of additional roadside stops and rest areas where truck drivers can stop and provide food and rest to livestock they are transporting and collected better data on livestock transport routes;
- encourage the adoption of new livestock traceability and monitoring systems like the Canadian Sheep Foundation’s AgroLedger platform; and
- encourage the adoption of innovative solutions that could improve ventilation in animal transport vehicles during periods of extreme heat, particularly in the context of rising temperatures and extreme climate events..... 15

Recommendation 5

Facilitate the transition of willing small and medium-sized slaughterhouses to federal inspection standards and remove regulatory barriers to reduce costs, thereby reducing the distances drivers must travel to transport animals, which will help to ensure that the *Commercial Vehicle Drivers Hours of Service Regulations’* requirements can be met even when drivers encounter extraordinary circumstances. 15



STRIKING A BALANCE: ELECTRONIC LOGGING DEVICE REQUIREMENTS IMPACTING ANIMAL TRANSPORTATION

INTRODUCTION

On 12 June 2021, amendments to the [Commercial Vehicle Drivers Hours of Service Regulations](#) (HOS Regulations) came into force requiring federally regulated long-haul commercial bus and truck drivers to install and operate electronic logging devices (ELDs) in their vehicles.¹ ELDs are mechanisms connected to a vehicle’s engine that automatically record driving times to, among other things, monitor commercial drivers’ compliance with mandatory maximum working hours. Authorities enforce these limits to reduce the risk of driver fatigue and improve road safety. Previously, commercial drivers manually recorded their daily working hours in paper logbooks, which could be easily falsified or otherwise made incomplete, or used first generation Electronic Recording Devices, which varied in their technical specifications.

Some commercial truck drivers who specialize in carrying livestock have noted that, while the HOS Regulations allow drivers facing an “emergency” or “adverse driving conditions” to work beyond their maximum service hours, they do not make any specific provision for livestock drivers who face an emergency related to the health or welfare of an animal in their care while in transit.

In addition to the HOS Regulations, livestock drivers are also subject to the [Health of Animals Act](#) and its regulations, which make them responsible for the health and safety of any animals they are transporting, including providing them with feed, rest, and water at regular intervals. These drivers explain that this legal obligation sometimes requires them to remain on duty beyond their maximum hours of service.

While ELDs allow them to record the reason for such overages in their digital logbooks, they are nonetheless concerned that the determination of whether attending to animal welfare constitutes an emergency under the HOS Regulations appears to be at the sole discretion of individual law enforcement officers, some of whom may not be familiar with animal transport requirements. If an officer determines that such actions do not

1 [Transport Canada](#) and provincial and territorial transport authorities granted the trucking industry a transitional period following these amendments coming into force. These authorities began to actively enforce the ELD requirement on 1 January 2023.



constitute an emergency, the offending driver and his or her employer could face considerable fines and other penalties.

To better understand this issue, the House of Commons Standing Committee on Agriculture and Agri-Food (the committee) adopted the following motion on 19 October 2023:

That, pursuant to Standing Order 108(2), the committee undertake a study on animal transport regulations and its conflicts with new electronic logging device (ELD) regulations; that the committee hold a minimum of two meetings to hear from the Minister of Transport and witnesses; and that the committee report its findings to the House.

The committee held three meetings on this topic between 26 October and 9 November 2023 during which it heard from 18 witnesses, including federal government officials, representatives of the livestock and transportation sectors, and animal welfare advocates.

BACKGROUND

Regulatory Framework

Road safety is a shared responsibility between the federal and provincial/territorial governments. While [subsection 92\(10\)](#) of the *Constitution Act, 1867* grants Parliament the exclusive authority to legislate on issues related to interprovincial and international transport, the federal government delegates the authority to enforce laws in this area, most notably the federal [Motor Vehicle Transport Act](#) and its regulations, to the provinces and territories.

To allow for a more consistent application of vehicle safety standards across Canada, federal, provincial, and territorial ministers of transport established the National Safety Code for Motor Carriers (NSC) in 1988. This Code is maintained by the Canadian Council of Motor Transport Administrators (CCMTA), a consortium of authorities responsible for transportation oversight in their jurisdictions. [Standard 9](#) of the NSC sets out the requirements for commercial vehicle drivers' hours of service and their use of ELDs, based on the relevant sections of the HOS Regulations. The CCMTA also publishes guidance documents for provincial and territorial officers who enforce motor vehicle regulations to ensure they interpret and apply these laws in a consistent manner.

The Commercial Vehicle Drivers Hours of Service Regulations

The HOS Regulations require commercial bus and truck drivers travelling more than 160 kilometres from their home terminal to drive for no more than 13 hours a day, and to limit their total on-duty time (including loading and unloading vehicles) to no more than 14 hours a day. Drivers can spread these working hours over a 16-hour period before they must take 8 consecutive hours of rest. Drivers can follow either a 7- or 14-day work cycle and, upon reaching the maximum hours for these time periods, must rest for 36 or 72 consecutive hours, respectively, before beginning a new one.

Subsection 76(1) of the HOS Regulations exempts a driver who faces an “emergency” that jeopardizes the safety of his or her vehicle, its occupants, its load, or others on the road, from these requirements:

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

Similarly, subsection 76(2) offers a driver facing “adverse driving conditions” with additional time to complete their journey:

A driver who encounters adverse driving conditions while driving the vehicle during a trip south of latitude 60°N may extend the permitted 13 hours of driving time specified in sections 12 and 13 and reduce the 2 hours of daily off-duty time required by subsection 14(3) by the amount of time needed to complete the trip if

- (a) the driving, on-duty and elapsed time in the cycle the driver followed is not extended more than 2 hours;
- (b) the driver still takes the required 8 consecutive hours of off-duty time; and
- (c) the trip could have been completed under normal driving conditions without the reduction

While the Regulations do not define “emergency,” they do offer the following definition of “adverse driving conditions:”

[A]dverse driving conditions means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a motor carrier dispatching a driver immediately before the driver began driving or could not reasonably have been known to them.



In the Regulatory Impact Analysis Statement that accompanied the publication of the regulations requiring ELDs in the *Canada Gazette*, the federal government explains that, in introducing these amendments, it intended to improve compliance with the regulatory maximum working hours for commercial drivers, which seek to reduce driver fatigue and the corresponding risk of on-road collisions.² The federal government also notes the importance of harmonizing Canadian regulatory requirements in this sector with those of the [United States](#) (U.S.), which began requiring commercial vehicles to operate with ELDs in December 2017.³

CONCERNS RELATED TO ANIMAL TRANSPORTATION

Livestock industry representatives explained that drivers transporting animals face exceptional challenges in their work. They emphasized that while all drivers face unforeseeable delays such as traffic accidents, sudden adverse weather, and road and bridge closures, these types of delays are particularly difficult for livestock drivers, who are also responsible for the health and welfare of the animals they are carrying.

While [Ms. Melanie Vanstone](#) of Transport Canada described the HOS Regulations as “agnostic” as to the type of load a truck is carrying, witnesses from the livestock transport sector explained that when they reach their maximum service hours, they cannot—unlike drivers hauling most other types of freight—go off-duty and rest for eight consecutive hours, as they have a legal obligation to continue to care for the animals in their charge.⁴ Witnesses noted several examples of what they see as unique, often unforeseeable, obstacles that livestock haulers face in their work that drivers carrying other types of freight do not.

Longer Journeys

Witnesses noted that consolidation in the meat processing sector has led to the closure of many slaughter and processing facilities, requiring animals to be transported further

2 Government of Canada, *Canada Gazette, Part I, Volume 151, Number 50: Regulations Amending the Commercial Vehicle Drivers Hours of Service Regulations (Electronic Logging Devices and Other Amendments)*, 16 December 2017.

3 Ibid.

4 House of Commons Standing Committee on Agriculture (AGRI), *Evidence*, 44th Parliament, 1st Session: [Mr. René Roy](#) (Chair, Canadian Pork Council) and [Ms. Susan Fitzgerald](#) (Executive Director, Canadian Livestock Transporters’ Alliance).

distances on longer journeys.⁵ The Regulatory Impact Assessment Statement accompanying the 2019 amendments to the *Health of Animals Regulations* in the *Canada Gazette* acknowledges this phenomenon, citing data showing that the number of federally regulated beef slaughterhouses in Canada had declined considerably over the previous decades, from 400 in 1976 to 30 in 2015.⁶

This has also led to drivers experiencing longer waits and delays while making deliveries at remaining facilities. [Mr. Don Shantz](#) of the Canadian Livestock Transporters' Alliance described how these delays can frequently cause drivers to exceed their maximum service hours:

Breakdowns at Conestoga or Sofina have happened and trucks have been lined up, waiting to unload. It's 30°C outside. The animals are getting warm. Everybody knows that they need ventilation. They ask that the trucks leave the site and drive, go out on the highway, get some air flowing through them for, possibly, half an hour and then return to the plant. That adds more driving time to their already tight schedule that day. They get back to the plant—and, hopefully, things are running again—and get unloaded. It's possible that the driver's time could have expired in the meantime. When that happens, generally the driver is not allowed to park at the plant and needs to leave. It can happen that he needs to exceed his hours of service when he leaves the plant at that point.

The Canadian and U.S. livestock sectors have become increasingly integrated over the past three decades, and many Canadian producers sell their livestock to buyers in the U.S. Livestock animals crossing the border are subject to inspection by a veterinarian from either the Canadian Food Inspection Agency (CFIA) or the United States Department of Agriculture, further adding to travel times. Witnesses cited long, unforeseen waits at the U.S.-Canadian border as a frequent source of delays for international livestock drivers.⁷

Witnesses also expressed concern that, as ELDs operate once a vehicle reaches a speed threshold of eight kilometres an hour⁸, long waits at production points at the beginning

5 AGRI, *Evidence*: [Mr. Roy](#) (Canadian Pork Council), [Ms. Lynn Kavanagh](#) (Campaign Manager, World Animal Protection), and [Mr. Jack Chaffe](#) (Officer at Large, Canadian Cattle Association).

6 Government of Canada, [Regulations Amending the Health of Animals Regulations: SOR/2019-38](#), *Gazette*, Part II, Volume 153, Number 4, 1 February 2019.

7 AGRI, *Evidence*: [Ms. Cathy Jo Noble](#) (Vice-President, National Cattle Feeders' Association), [Ms. Fitzgerald](#) (Canadian Livestock Transporters' Alliance), and [Mr. David Fehr](#) (Chief Financial Officer, Van Raay Paskal Farms Ltd. and Member, National Cattle Feeders' Association).

8 Canadian Council of Motor Transport Administrators, [Canadian ELD Technical Standard–FAQ](#).



of their journeys can cause them to easily exceed their hours of service. As [Mr. David Fehr](#) of the National Cattle Feeders' Association explained:

Whether you're ready to back up to a chute and load or you are just turning in and backing up, now your day has started. All of these factors are important. Perhaps you load as a group, so if you're going across the border, you need to cross the border as that group. If you have to load with another group of people, you're waiting there for 45 minutes or however long it could be. You might be the first person there, so your day has already started and you're an hour into your day now.

Few Options for Feed, Water, and Rest on Routes

[Part XII](#) of the *Health of Animals Regulations* requires commercial animal transporters to provide animals in their care with feed, safe water, and rest at the following intervals:

- 12 hours for any compromised animals (animals with certain medical conditions that limit their fitness for transport);
- 24 hours for broiler chickens, spent laying hens, and rabbits to have access to safe water and 28 hours for them to have access to feed and rest;
- 28 hours for equines and porcines; and
- 36 hours for all other animals.

[Mr. Jack Chaffe](#) of the Canadian Cattle Association explained that drivers have few options to provide animals with feed, water, and rest on cross-country routes. He testified that there is only one facility designed for this purpose ("The Barn" in Thunder Bay, Ontario) located on the frequently travelled route between livestock farms in the Prairies and processing plants in Ontario, and that it is at "maximum use". The Committee heard from The Barn's owner and operator, [Mr. Andrew Livingston](#), who explained that the average time truckers spend at his facility has increased from 8 to 36 hours following the ELD mandate coming into force. Mr. Livingston also noted that he has seen an increase in injured and dead animals arriving at his facility, which he attributed to drivers not being able to properly monitor animal health in transit due to time constraints.

[Ms. Carlena Patterson](#) of the Canadian Sheep Federation expressed concern that drivers might be forced to use public off-road rest areas when they reach their maximum service hours. She cautioned that this would create a negative perception of the sector among members of the public using these facilities:

The concern is that those trucks pull over in truck stops just like cargo and freight trailers do and sit there....[Members of] the general public get out and stretch their legs and walk around. Now you have a trailer full of animals at 30°C with no ventilation stopping because they have maxed out their hours of service and there's no other place to do it. People look at the animals and become concerned and try to give them water.

Airflow

Most commercial trucks carrying animals “passively” ventilate and climate control their trailers via vents that circulate outside air. As Mr. Shantz mentioned in the above example, these systems require the vehicle to be in motion at a normal travelling speed to operate. A truck not moving for an extended period, such as when it is stopped in traffic or experiencing a delay at a production point, can therefore pose a threat to the health of the animals being transported, particularly on warm days.⁹ Some witnesses explained to the committee that, when faced with such circumstances, drivers will continue to work beyond their scheduled service hours to ensure animals receive fresh air and do not overheat.

Injury and Stress During Animal Loading and Unloading

Several witnesses noted that loading and unloading is a stressful and potentially dangerous time for animals in transit.¹⁰ Unpredictable animal behaviour during this part of the journey can lead to delays for producers and stress and injuries for animals.

[Mr. Eric Schwindt](#) of Ontario Pork explained that loading animals into new facilities can also make them more susceptible to catching or spreading infectious diseases:

Every time we load and unload that pig into new facilities, there's that increased chance that occurs, for instance, of mycoplasma pneumonia and other diseases that are harmful to the animal. I can't stress enough how the loading and unloading of the animal is the hardest part of the journey. Any time we have to pull over one more time, that cure is worse than the disease in terms of adding stress and impacting the animal.

[Ms. Patterson](#) explained that her sector has invested in traceability tools to better monitor and protect animal health in transit. One such tool is AgroLedger, which uses

9 AGRI, *Evidence*: [Mr. Roy](#) (Canadian Pork Council), [Ms. Fitzgerald](#) (Canadian Livestock Transporters' Alliance), [Dr. Mary Jane Ireland](#) (Executive Director, Animal Health Directorate, Chief Veterinary Officer for Canada, Canadian Food Inspection Agency), and [Dr. Raymond Reynen](#) (Past-President, Canadian Association of Bovine Veterinarians).

10 AGRI, *Evidence*: [Mr. Eric Schwindt](#) (Director, Ontario Pork), Mr. Roy (Canadian Pork Council), and [Ms. Fitzgerald](#) (Canadian Livestock Transporters' Alliance).



Blockchain technology to digitally record and store an animal’s travel history data, ensuring it is easily accessible throughout the supply chain.

Bees

[Mr. Ron Greidanus](#) of the Alberta Beekeepers Commission explained that many beekeepers transport their own bee colonies as many commercial carriers do not want to assume the risk of doing so. He also noted that bees tend to become disoriented when they are taken from their hives and frequently try to escape the vehicle to make so-called “orientation flights” during the daytime hours to find forage. To avoid such escapes and to keep bees from overheating, most beekeepers choose to transport bees at night. Deviations from this schedule, such as those resulting from hours-of-service overages and ensuing mandatory driver rest breaks, could, Mr. Greidanus cautioned, pose a public safety hazard as bees frequently escape confinement during such breaks.

Mr. Greidanus explained that while Section 2(a) of the HOS Regulations exempts producers transporting their own commodities from the hours-of-service requirements if they drive a two or three-axle truck, many beekeepers use tractor trailers or other larger vehicles to transport their bee colonies, and therefore do not qualify for this exemption. He recommended expanding this exemption to account for this situation.

Animal Welfare

The committee also heard from representatives of two animal welfare advocacy groups who questioned the extent to which the reasons the livestock industry cited for overages, such as long waits at border crossings or processing facilities, were truly unforeseeable rather than systemic issues in the sector that the industry needs to resolve. [Ms. Barbara Cartwright](#) of Humane Canada expressed her view that these types of delays were not animal welfare emergencies in and of themselves, but foreseeable circumstances that could be addressed through better planning, more local processing capacity, and climate-controlled vehicles. [Ms. Lynn Kavanagh](#) of World Animal Protection expressed concern that greater regulatory flexibility for livestock drivers would lead to even longer journeys for animals rather than the sector investing in these solutions.¹¹

11 The Committee notes that the livestock industry witnesses it heard from did not ask for an exemption from the *Health of Animals Regulations*’ animal transport requirements. This report and its recommendations only deal with extending travel times for livestock drivers in emergencies to allow them to deliver animals to their destination as quickly and safely as possible.

PROPOSED SOLUTIONS

Representatives from the federal government explained that the CFIA and Transport Canada had worked together to ensure that the *Health of Animals Regulations*' intervals for animal feed, rest, and water do not conflict with the HOS Regulations.¹² [Ms. Melanie Vanstone](#) of Transport Canada also underlined that the ELD requirement coming into force did not change the maximum service hours for truck drivers, which have remained unchanged since 2007, but merely requires drivers to record their compliance with these standards in a more accurate way. Ms. Vanstone also testified that, according to Transport Canada data, while commercial motor vehicles were involved, on average, in 7% of motor vehicle collisions in Canada between 2012 and 2021, these crashes accounted for 19% of road fatalities and 10% of serious injuries. She highlighted that driver fatigue is internationally recognized as a “critical risk factor” associated with these types of incidents.

Livestock sector representatives acknowledged the federal government’s position that the ELD requirement did not change maximum service hours for livestock drivers and made clear that they understand the dangers of sleep deprivation and have undertaken efforts to educate employees to recognize and respond to signs of fatigue while on duty.¹³

These witnesses clarified that they were not asking for a blanket exemption from the sector’s obligations under either the HOS Regulations or the *Health of Animals Regulations*. Instead, they asked for the federal government to provide national guidance stating that a risk to animal welfare is an emergency situation.¹⁴ In the longer term, some witnesses also recommended statutory or regulatory amendments along these same lines.

Clearer Guidance for Enforcement Officers

[Ms. Cathy Jo Noble](#) of the National Cattle Feeders Association explained that, while Transport Canada has told the industry that the HOS Regulations already addresses the livestock transport industry’s concerns, they want it to issue more specific guidance in this area:

Transport Canada has suggested that our concerns are already covered by section 76. We believe that this section is too vague and leaves interpretation to the individual

12 AGRI, *Evidence*: [Dr. Ireland](#) (CFIA) and [Ms. Melanie Vanstone](#) (Director General, Multi-Modal and Road Safety Programs, Department of Transport).

13 AGRI, *Evidence*: [Mr. Fehr](#) (Van Raay Paskal Farms Ltd) and [Ms. Fitzgerald](#) (Canadian Livestock Transporters’ Alliance).

14 AGRI, *Evidence*: [Ms. Cathy Jo Noble](#) (Vice-President, National Cattle Feeders’ Association).



enforcement officers. That's why we are asking for guidance as it relates to animal welfare. Our sectors and our drivers want reassurance that a threat to animal welfare is deemed an emergency situation and that the definition of "adverse conditions" includes traffic accidents but also situations such as being delayed at the border for a CFIA vet inspection or unexpected and unusual animal behavioural challenges.

Several witnesses noted that the CCMTA provides law enforcement officers with written guidance to help them evaluate possible violations of motor vehicle safety requirements. These witnesses encouraged Transport Canada, which sits as a member of the CCMTA, to have the body publish written guidance declaring that drivers who exceed their service hours because of an animal health or welfare incident qualify for the HOS Regulations' emergency provision.¹⁵ In their view, this type of guidance would resolve what they see as these Regulations' potentially ambiguous use of the term "emergency" and provide greater clarity for enforcement officers, some of whom, witnesses noted, may not have an understanding of issues surrounding agriculture or animal welfare.¹⁶

[Ms. Vanstone](#) explained that while revising the CCMTA's guidance for enforcement officers would be less "administratively complicated" than amending the Regulations, such a change would nonetheless require the consensus of all CCMTA members and that it could not "surpass the parameters" established by the HOS Regulations. [She](#) explained that the HOS Regulations, as currently written, limit the extent to which the Council can provide further clarifications to law enforcement:

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

Regulatory Amendments

Witnesses explained that they were also open to amending the HOS Regulations or their enabling Act to provide greater long-term regulatory certainty for the livestock sector.

15 AGRI, *Evidence*: [Mr. Chaffe](#), (Canadian Cattle Association), [Mr. Roy](#) (Canadian Pork Council), [Ms. Noble](#) (National Cattle Feeders' Association), [Ms. Fitzgerald](#) (Canadian Livestock Transporters' Alliance), and [Mr. Scott Ross](#) (Executive Director, Canadian Federation of Agriculture).

16 AGRI, *Evidence*: [Mr. Roy](#) (Canadian Pork Council) and [Ms. Noble](#) (National Cattle Feeders' Association).

They acknowledged, however, that any legislative or regulatory change would likely be a years-long undertaking.

Some witnesses from the livestock and transportation sectors encouraged the federal government to revise the hours-of-service requirements for livestock drivers at the beginning and end of their journeys, as many of the delays they face, such as difficulties in loading or unloading animals or congestion at production points, occur at these times. Several witnesses encouraged Canada to adopt a provision providing livestock drivers with greater flexibility within a certain distance radius of the beginning and end of their journeys, modelled on the one currently in force in the U.S.¹⁷

The U.S. has enforced an ELD requirement for commercial truck drivers operating in that country, including Canadian drivers making cross-border trips, since December 2017. The U.S. *Code of Federal Regulations* exempts livestock drivers from having to record their hours of service when operating within a radius of 150 air-miles (172.6 statute miles or approximately 277 kilometres) of the source and destination of their commodities.¹⁸ Witnesses noted that a similar exemption in Canada would provide greater flexibility to livestock drivers and allow for regulatory harmonization between the U.S. and Canadian livestock sectors.

[Ms. Vanstone](#) noted, however, that Canadian regulations already allow longer driving hours, working days, and on-duty hours than their U.S. counterparts. [She](#) also cautioned that the U.S. 150 air-mile exemption does not align with scientific research on driver fatigue and that the U.S. National Transportation Safety Board has identified this provision as a potential contributing factor in at least one fatal road accident.¹⁹

CONCLUSION

While all forms of truck transport require training and careful adherence to safety guidelines, the transport of animals and insects by truck is particularly complex and necessitates detailed planning and adequate knowledge of animal welfare requirements to ensure a successful journey. In this study, the committee heard that many in the

17 AGRI, *Evidence*: [Mr. Chaffe](#) (Canadian Cattle Association), [Mr. Roy](#) (Canadian Pork Council), [Ms. Noble](#) (National Cattle Feeders' Association), [Ms. Fitzgerald](#) (Canadian Livestock Transporters' Alliance), [Mr. Ross](#) (Canadian Federation of Agriculture), [Ms. Corlena Patterson](#) (Executive Director, Canadian Sheep Federation), and [Mr. Ron Greidanus](#) (Canadian Honey Council Delegate and Director, Alberta Beekeepers Commission).

18 United States Code of Federal Regulations, [49 CFR § 395.1\(k\)](#).

19 National Transportation Safety Board, [Driver Fatigue leads to Deadly Phoenix Milk Truck Crash, NTSB Finds](#), 28 March 2023.



animal transport sector find the current federal regulatory hours-of-service regime provides them with insufficient flexibility to do their job effectively and safely. These witnesses acknowledge the important role these rules play in combatting driver fatigue and making Canadian roads safer, but asked the federal government for clarity, either in the form of guidance to provincial and territorial enforcement officers or regulatory amendments, to better address the specific challenges their sector faces in its work.

OBSERVATIONS AND RECOMMENDATIONS

The House of Commons Standing Committee on Agriculture and Agri-Food recommends that the Government of Canada, in accordance with provincial and territorial jurisdictions:

Recommendation 1

Take the following measures with respect to unforeseeable circumstances and emergency situations in subsections 76(1) and (2) of the *Commercial Vehicle Drivers Hours of Service Regulations* to provide the necessary flexibility to transport animals to their destination while providing clear guidance so that the regulations are not variously interpreted:

- **develop a comprehensive list of what constitutes an emergency situation;**
- **consider animal welfare concerns when permitting drivers to extend the driving time allowed during adverse driving conditions or emergency situations;**
- **work immediately with the Canadian Council of Motor Transportation Administrations to provide clear guidance to all enforcement officers concerning section 76 of the regulations to clarify that a risk to animal welfare is considered an emergency situation to ensure it is enforced consistently; and**
- **provide government inspectors training from Canadian Livestock Transport on how to properly identify animal welfare scenarios that would necessitate an exemption in ELD Hours of Service requirements.**

Recommendation 2

Consider the possibility of revising the *Commercial Vehicle Drivers Hours of Service Regulations* to provide commercial drivers carrying livestock or insects with greater flexibility at the beginning and end of their trips, without compromising animal health or safety and taking into account local conditions and distances.

Recommendation 3

Consider amending section 2(1) of the *Commercial Vehicle Drivers Hours of Service Regulations* to broaden its exemptions to include agricultural producers, notably beekeepers, who use tractor trailers to transport their own products.

Recommendation 4

Take the following measures with respect to animal transport:

- **work with industry to promote the development of additional roadside stops and rest areas where truck drivers can stop and provide food and rest to livestock they are transporting and collected better data on livestock transport routes;**
- **encourage the adoption of new livestock traceability and monitoring systems like the Canadian Sheep Foundation's AgroLedger platform;
and**
- **encourage the adoption of innovative solutions that could improve ventilation in animal transport vehicles during periods of extreme heat, particularly in the context of rising temperatures and extreme climate events.**

Recommendation 5

Facilitate the transition of willing small and medium-sized slaughterhouses to federal inspection standards and remove regulatory barriers to reduce costs, thereby reducing the distances drivers must travel to transport animals, which will help to ensure that the *Commercial Vehicle Drivers Hours of Service Regulations*' requirements can be met even when drivers encounter extraordinary circumstances.

APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

Organizations and Individuals	Date	Meeting
Canadian Cattle Association Jack Chaffe, Officer at Large Ryder Lee, General Manager	2023/10/26	78
Canadian Livestock Transporters' Alliance Susan Fitzgerald, Executive Director Don Shantz, Vernla Livestock Inc. and Member	2023/10/26	78
Canadian Pork Council René Roy, Chair Eric Schwindt, Director, Ontario Pork and Member	2023/10/26	78
Humane Canada Barbara Cartwright, Chief Executive Officer	2023/10/26	78
National Cattle Feeders' Association David Fehr, Chief Financial Officer, Van Raay Paskal Farms Ltd. and Member Cathy Jo Noble, Vice-President	2023/10/26	78
World Animal Protection Lynn Kavanagh, Campaign Manager	2023/10/26	78
Canadian Food Inspection Agency Dr. Mary Jane Ireland, Executive Director, Animal Health Directorate, Chief Veterinary Officer for Canada	2023/11/02	80
Department of Transport Melanie Vanstone, Director General, Multi-Modal and Road Safety Programs	2023/11/02	80

Organizations and Individuals	Date	Meeting
Alberta Beekeepers Commission Ron Greidanus, Canadian Honey Council Delegate and Director	2023/11/09	82
Canadian Association of Bovine Veterinarians Dr. Raymond Reynen, Past-President	2023/11/09	82
Canadian Federation of Agriculture Pierre Lampron, Second Vice-President Scott Ross, Executive Director	2023/11/09	82
Canadian Sheep Federation Corlena Patterson, Executive Director	2023/11/09	82
The Barn Feed & Livestock Co. Inc. Andrew Livingston, President	2023/11/09	82

APPENDIX B LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

Canadian Sheep Federation

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 78, 80, 82, 84 and 86](#)) is tabled.

Respectfully submitted,

Kody Blois
Chair

