



Ontario Livestock Transporters' Alliance



December 12, 2022

Honourable Omar Alghabra, P.C., M.P.
Minister of Transport
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Honourable Marie-Claude Bibeau, P.C., M.P.
Minister of Agriculture and Agri-Food
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Re: Commercial Drivers' Hours of Service - Transporting Livestock

We are writing on behalf of our respective associations to **request that Transport Canada take immediate steps to harmonize Canadian regulations for live animal transport with the U.S. legislation.**

Current Canadian regulations put livestock transporters in the impossible position of either complying with hours-of-service regulations or doing what they know is best for the humane and safe transportation of live animals.

We call upon the federal government to create regulatory flexibility so that transporters can safeguard the welfare of the livestock being transported due to unforeseen delays during transport which cause drivers to go over duty hours.

The U.S. has recognized this challenge and the 2021 *Infrastructure Investment and Jobs Act* included an exemption from hours of service for live animal and insect transporters within a 150 air-mile (240 km) radius from the origin and destination of their trip. This exception helps prevent the situation of having an animal transporter run out of duty hours mere miles from the destination.

Why Animal Transport is Different

- Drivers hauling live animals, unlike freight transporters, cannot simply pull into a rest area and go 'off-duty' if they unexpectedly cannot reach their destination within their hours of service. Most livestock trailers are passively ventilated which means the load cannot remain stationary for prolonged periods of time; it must be kept moving to attain maximum air flow and temperature control for animal welfare.
- Adequate ventilation for bees loaded on flat bed trailers is also critical to prevent overheating which can cause death and reduce queen viability. When stationary, there is also a risk of bee escapes which pose a safety risk to people.
- Livestock, unlike freight, has differing dispositions sometimes leading to challenges and delays in loading or unloading animals. Drivers must work with these behavioural traits that can result in longer load time than normal. The delayed loading time counts against the drivers on duty hours and thus may exceed their hours of service before the animals arrive at the destination.
- As per Canada's *Health of Animals Act*, there are mandated livestock feed, water and rest breaks, which are completed at designated facilities. This federal requirement often does not align with the federal requirement on drivers' hours of service – creating an impossible situation.

Comparison with U.S.

- In the U.S., live animal and insect transporters are exempt from mandated use of ELDs. In addition, on November 15, 2021, President Biden signed the *Infrastructure Investment and Jobs Act* which includes an exemption from hours of service for livestock haulers within a 150 air-miles radius from the origin and destination of their trip (the exemption from origin has been in place since 2017).
- The U.S. Federal Motor Carrier Safety Administration commercial driver and crash data shows this exemption has not increased the metric of livestock transporters involvement in total crashes involving large trucks.

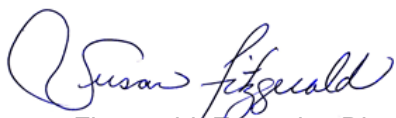
Current Canadian Situation

- Subsections 76(1) and (2) of the *Commercial Vehicle Drivers Hours of Service Regulations* permit drivers to extend the driving time allowed during adverse driving conditions or emergency situations in order to reach their destination for the safety of the occupants and the security of the load. Examples of what might cause an unforeseen delay while in transit include: adverse weather, traffic accidents which close roads or bring traffic to a standstill, border crossing delays, and bridge or road outages. Subsections 76(1) and (2) may cover some of those challenges but the interpretation is left largely to enforcement officers.
- What has not been addressed is an unforeseen increase in service hours caused by non-driving hours which are clocked as on duty time. As noted above, this can involve delays in loading nervous or temperamental animals or a backlog at the processing plant which can holdup unloading the live animals.

Proposed Canadian Solution

- When amendments to the Commercial Vehicle Drivers Hours of Service Regulations (Electronic Logging Devices and Other Amendments) were first published in 2017, the agriculture sector urged Transport Canada to harmonize Canadian regulations with the U.S. This is especially important given the fluidity of livestock transport between the two countries.
- Despite suggestions that this issue can be addressed by assigning multiple drivers to livestock loads, this is in no way feasible. There is a significant shortage of commercial transport drivers. The most recently available data (June 2022) shows there were 28,210 vacancies for transport truck drivers in Canada. The vacancy rate is 9.1%.
- Livestock transporters have a responsibility to ensure the welfare of the animals in their care is maintained. This is best accomplished by delivering the animals to their intended destination as safely and efficiently as possible.
- Harmonization with U.S. transport regulations, which provide an exemption from drivers' on-duty time of a 150 air-miles radius (240 kms) of their load origin and destination, would provide Canadian livestock transporters with the flexibility they need to maintain the highest level of safety for drivers on the roads, to transport livestock humanely, to maintain a consistent set of rules for drivers crossing the border and to prevent food supply chain disruptions.

Sincerely,



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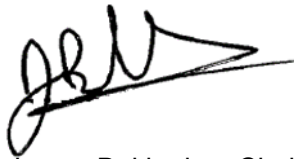
Rick Bergman, Chair
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¹ The **Ontario Livestock Transporters' Alliance** represents approximately 80% of the commercial hog transport in Ontario and over half of the cattle transport. We also have members located in Manitoba, Alberta and Quebec.

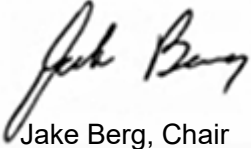
² The **Canadian Pork Council** is the national voice for hog producers in Canada. A federation of nine provincial pork industry associations representing 7,000 farms, the organization plays a leadership role in achieving and maintaining a dynamic and prosperous Canadian pork sector.



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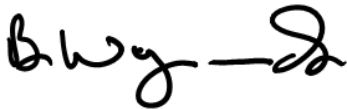
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³ The **Canadian Cattle Association** is an advocacy group promoting the interests of cow-calf producers, feedlots, and packers in the Canadian beef industry.

⁴ The **National Cattle Feeders' Association** represents Canadian cattle feeders on national issues and work in collaboration with other cattle organizations and government to strengthen and improve the cattle feeding industry.

⁵ The **Canadian Honey Council** is the national association of beekeepers representing apiculturists across Canada. The CHC provides a forum where producers, packers, professionals, provincial associations, and officials from different levels of government can talk and recommend action in the best interests of the Canadian honeybee industry.

⁶ The **Alberta Beekeepers Commission** supports 175 producers who manage more than 300,000 hives for honey production and pollination of hybrid canola seed and BC blueberries. Alberta is the largest honey producer in Canada and third largest in North America.

⁷ The **Canadian Veal Association (CVA)** is a partnership between Ontario and Quebec to advance the Canadian veal sector through proactive communication and collaboration. The CVA represents Canada's grain-fed and milk-fed veal farmers and industry partners.

⁸ The **Canadian Sheep Federation** represents the interests of Canadian sheep producers, through the member organizations, and provides leadership to the industry aimed at furthering the viability, growth and prosperity of the Canadian sheep and wool industry.

⁹ The **Canadian Meat Council** represents Canada's federally registered meat packers, meat processors and suppliers of goods and services to the meat industry. The Canadian red meat industry represents over 20 billion dollars to the Canadian economy and supports 288,000 jobs across Canada.

¹⁰ The **Canadian Federation of Agriculture** is a farmer-funded, national umbrella organization comprised of provincial general farm organizations and national and interprovincial commodity groups. Through our members we represent approximately 190,000 Canadian farm families from coast to coast.