

MERCY FOR ANIMALS

Brief by:

Mercy For Animals (MFA)

Submission to:

The Standing Committee on Agriculture and Agri-Food

Regarding:

The Health of Animals Regulations on Humane Transportation

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Presented by:

Krista Hiddema

Mercy For Animals

Vice President, Canada

KristaH@MercyForAnimals.org

(416) 666-3093

Brief by Mercy For Animals (MFA) to the Standing Committee on Agriculture and Agri-Food Regarding the *Health of Animals Regulations* on Humane Transportation

Canadian laws governing the transportation of farmed animals are arguably the worst in the Western world. Transportation exposes animals to unique stressors that severely compromise their well-being.¹ In 2015, more than 9 million farmed animals arrived at Canadian federally inspected slaughterhouses dead or so sick or injured that they were declared unfit for human consumption.² According to the regulatory impact analysis accompanying the proposed regulations on animal transportation, roughly 14 million farmed animals experience undue suffering each year during transport, with approximately 1.59 million dead on arrival.

These bleak facts stand in stark contrast to the expectations of the Canadian public regarding the government's obligation to ensure humane treatment in all phases of animal agriculture. A survey commissioned by MFA in 2015 documents that 97% of Canadians believe Canada's transport regulations must be updated to ensure farmed animals are transported in a safe and humane manner and that 81% believe humane transport is *extremely* or *very important*. Ninety-five percent of Canadians surveyed agree that even if protecting farmed animals from weather extremes and providing them with food, water, and rest during transport means higher costs for livestock producers, transport companies, and consumers, ensuring animals are treated humanely is still important.³

The *Health of Animals Regulations* regarding farmed animal transport are long overdue for a major overhaul. As the regulatory impact analysis for the proposed regulations correctly notes, numerous deficiencies exist in the current regulatory scheme, including its failure to meaningfully address animal welfare problems; ensure compliance by transporters; reflect the current science on animal care and handling; and match the standards of other countries, many of which are engaged in trade with Canada. This becomes even more important with the implementation of the Comprehensive and Economic Trade Agreement (CETA) between Canada and the European Union (EU). The EU currently has the most progressive animal transportation laws in the world.

MFA applauds the House of Commons' Standing Committee on Agriculture and Agri-Food for studying these issues. We are also grateful for the opportunity to share what we have learned. The proposed regulations are encouraging in their inclusion of detailed definitions of compromised and unfit animals; a prohibition on transporting compromised and unfit animals to auction; and a transition from regulating length of confinement to regulating intervals without feed, safe water, and rest. But the proposed regulations, while an improvement on the current regulations, are far behind the standards set by other Western (G7) countries. They fail to adequately address the most pressing issues, including total transport times; provision of food, water, and rest; enforceable stocking density limitations; protection from the elements; treatment of ill or injured animals; and transporter accountability. The proposed regulations thereby remain out of step with scientific best practices, consumer expectations, and other G7 countries.

The following brief details the inadequacies of the current and proposed regulations and our recommended changes. It also compares Canadian regulations on animal transportation to those of other G7 countries.

Regulations: Current, Proposed by the CFIA, and Proposed by MFA

Time Without Feed, Water, and Rest

Canada's current maximum allowable transport times are the longest in the Western world. Under section 148 of the *Health of Animals Regulations*, horses, pigs, and other monogastric animals may be transported for up to 36 hours without food, water, or rest. For cattle, sheep, goats, and other ruminants, the maximum is 52 hours.

The proposed regulations still allow animals to be transported up to 36 hours without food, water, and rest. Although the time frames proposed by the CFIA improve on the current regulations, they exceed the animals' physiological capacities regarding dehydration and food deprivation. If the goal of the proposed regulations is to "improve animal welfare and reduce the risk of suffering during transportation," as the CFIA claims, the maximum allowable transport times must be drastically reduced.

We propose that the regulations require total transport time not to exceed eight hours. At the eight-hour point, animals must be fed, watered, and rested for 24 hours.

If given onboard food and water, poultry may be transported up to 12 hours, and cattle, sheep, and horses may be transported up to 24 hours. Under no circumstances should pigs be transported more than eight hours, even if provided with onboard food and water.

Clive Phillips, PhD, is professor of animal welfare in the Centre for Animal Welfare and Ethics at the University of Queensland. He gave the following statement to MFA:

The [CFIA] proposed journey times will expose animals to significant stress, as a result of prolonged standing, the need for balance correction and the resultant fatigue, as well as thermal environments outside of their comfort zone. Other factors associated with such journeys, for example prolonged exposure to vibration and noise, are also likely to stress animals, but are less well understood. However, animals should be given the benefit of the doubt when considering the extent of stress experienced on long journeys. A maximum journey time of 8 hours is supported in many other major livestock producing countries in the world and, as a universal requirement, is more appropriate for a highly developed country, such as Canada, that wishes to provide good welfare for its livestock.

Cattle: Recent research on journey durations in Canada reveals that over a 52-week period, 86% of all loads were in transit less than eight hours, and only 5% exceeded 30 hours.¹ Fourteen hours of food and water deprivation, even without the additional stress of transport, resulted in vigorous attempts to obtain food and water, and 24 hours of deprivation resulted in physiological changes.⁴ Furthermore, cattle transported for 14 hours suffered from high levels of bruising. When journeys of 24 and 31 hours were compared, 24-hour journeys proved more appropriate because increasing journey durations resulted in higher levels of dehydration and depletion of muscle glycogen and an increased need to rest.⁵ Gallo et al. (2003) recommends journey length be as short as possible for carcass quality and high welfare.⁶ Given the small percentage of loads that would be affected and the science demonstrating the impacts of food and water deprivation, the regulation should mirror the regulation in the EU limiting transport to eight hours in the absence of food, water, and rest and to 24 hours when food, water, and

rest are provided.

Pigs: Research shows that the elevated heart rates and cortisol levels observed at the beginning of transport do not return to baseline during transport. While pigs are strongly motivated to eat and drink when transported for eight hours, they are highly susceptible to motion sickness and are therefore unlikely to eat on board a transport vehicle,^{1,7} thus supporting our recommendation to prohibit transport of pigs beyond eight hours.

Sheep: After 12 hours of food deprivation, sheep become highly motivated to eat, and after 24 hours, they lose 7–8% of live weight. When temperatures exceed 20°C, sheep become dehydrated during a 24-hour journey.⁴ Hence, if journeys are to last 24 hours, animals must be provided onboard food and water.

Broiler Chickens: Relatively short periods of feed deprivation (up to 6.5 hours) lead to fatigue and dehydration, as indicated by depletion of both liver and muscle glycogen and elevated plasma osmolality.^{8,9} Furthermore, research reveals that journey duration interacts with ambient temperature to influence mortality, with higher mortality during long journeys at extreme temperatures. In cold temperatures, some animals die of hypothermia and others of hyperthermia, all on the same truck.^{1,10} Given the extreme temperatures characteristic of Canada, broiler chickens must not be transported longer than eight hours without food, water, and rest.

Claire Weeks, PhD, is a senior research fellow in animal welfare in the School of Veterinary Sciences at the University of Bristol. She gave the following statement to MFA:

I really think 24 hours is far too long for broilers—there is evidence of poor welfare (which can also reduce meat quality) beyond a 4 hour journey and a short lairage period (e.g. see Warriss et al 1992). Broilers are very young with a high metabolic rate and in my opinion even 12 hours would be too long for them.

While the proposed regulations give the CFIA discretion to approve journeys longer than those prescribed for unforeseen circumstances or emergencies, the regulations should explicitly mandate that **in no event may transport times exceed 24 hours without a period of 24 hours for food, water, and rest**. Research across species has shown that short rest periods are not sufficient to allow animals to eat and drink. A rest period of 24 hours will ensure that all animals are able to rest, rehydrate, and increase glycogen to a level sufficient to endure another journey.^{5,11} Feed and water deprivation prior to transport should also be prohibited, with the exception of pigs, who are prone to motion sickness and should be fasted four hours prior to transport.^{12,13}

The proposed regulations fail to give due consideration to young animals. Because very young animals eat more often and are unable to cope with the stresses of transport as effectively as older animals, **pigs younger than four weeks, lambs younger than one week, and calves younger than 10 days may be transported only up to 100 kilometers and should not be confined to a transport vehicle for longer than four hours**.¹³

Additionally, to ensure that these requirements are enforced, all transport vehicles **must be equipped with tracking systems (i.e., satellite navigation tracking)**. Transporters should be required to provide satellite tracking information to the CFIA, which should make this information public either on its website or under the Freedom of Information Act.

Weather Protection and Ventilation

The current regulation prohibiting “injury or undue suffering” by “undue exposure to the weather” applies only to journeys of more than 12 hours. Further, neither of these terms is defined. There are no measurable standards to guide behaviour.

The proposed regulation is no better at protecting animals from the elements. The regulation prohibits transport “if the animal is likely to suffer, sustain injury or die by being exposed to meteorological or environmental conditions, humidity or inadequate ventilation.” This gives far too much discretion to an industry that has proven, time and again, that it is incapable of self-regulation.

In this case, an outcome-based measurement is not preventive. Indeed, it often is not. For example, Maple Lodge Farms, one of Canada’s largest poultry producers, had been convicted of animal cruelty for improperly transporting animals in severe weather conditions, yet defied a court probationary order multiple times by still allowing chickens to arrive at the slaughterhouse dead from exposure.^{14, 15} In 2015, MFA caught Maple Lodge Farms on video acting in violation of the court order. Recently, the company was caught in violation yet again and fined \$6,000. Clearly, outcome-based measurements that place the burden with the producer to ensure adequate measures are taken are ineffective.

Clive Phillips, PhD, told Mercy For Animals:

The proposed regulation concerning environmental stressors, including ambient temperature and humidity, is difficult to apply as some transporters are unlikely to know when animals are suffering during inadequate conditions. There is now sufficient evidence of animals’ responses to temperature-humidity indices to prescribe precise conditions that should be monitored at various points in the vehicles and action taken if the welfare of livestock is threatened.

The humane treatment of animals is the responsibility of the federal government. Accordingly, the proposed regulations must clearly set forth the precise parameters within which animals may be transported. As proposed, enforcement by the CFIA will wait until animals have suffered, been injured, or died. This will not result in high welfare.¹⁶

Thermal environment must not cause suffering. Temperatures must be kept 5–30°C throughout transport vehicles, and animals must be protected from precipitation and sun. Humidity must be taken into account through use of species-specific temperature-humidity indices.^{1, 17}

If maintaining temperatures within the prescribed limits is not possible, transport should be delayed until these conditions can be met.

Vehicles must be fitted with temperature sensors in areas most likely to experience extreme climatic conditions.^{18, 19} **Temperature data must be provided to authorities and the public upon request. A warning system must also be installed to alert the operator when temperatures within the vehicle deviate from acceptable limits. Immediate action must be taken when temperatures deviate from these limits.**

If a heating or ventilation system is installed to control temperatures, it must be able to operate for four

hours independently of the vehicle's engine. If there is no such system, provisions should be made in case of unexpected delays and documentation of such contingency plans provided to authorities and the public upon request.

Transport of Unfit or Compromised Animals

Canada's current regulations governing transport of animals in compromised health are vague, allowing for interpretation and harm to animals being transported. Section 138 of the *Health of Animals Regulations* prohibits transporting or causing to be transported animals if they "by reason of infirmity, illness, injury, fatigue or any other cause cannot be transported without undue suffering during the expected journey" or if "it is probable that the animal will give birth during the journey."

The proposed regulations are much more detailed in their definitions of compromised and unfit animals and prohibit sending these animals to auction. We agree with the prohibition on transporting unfit animals. But the proposed regulations allow compromised animals to be without feed, water, and rest for up to 12 hours. This would result in intense suffering and cause compromised animals to become unfit during transport. The proposed definition of "compromised" includes animals with conditions such as lameness or frostbite and those who have "impaired capacity to withstand transportation because of infirmity, illness, injury, fatigue or any other condition intrinsic to the animal." Given the poor health of the animals and the complicated relationship between stress and the immune response,²⁰ **compromised animals must not be without feed, water, and rest for more than eight hours and should be transported the shortest distance possible.** The following changes should also be made:

1. Wet birds must be considered unfit for transport during cold weather. Wet birds have impaired thermoregulatory capacity, making them more susceptible to hypothermia or freezing in cold temperatures.²¹
2. Animals with external prolapses must be considered unfit for transport until the prolapses are treated. Rectal and vaginal prolapses are both external and likely to be damaged during transport.²²
3. End-of-lay hens (also known as spent hens, see below), especially those from caged systems, are likely to have fractures²³ and should be considered compromised to reduce the duration of their suffering.
4. Under "compromised," "(p) is in the last ten percent of its gestation period or has given birth during the preceding 48 hours" should be changed to "(p) is in the last ten percent of its gestation period or has given birth during the preceding seven days."
5. The following statement in section 136 (3) should be removed: "An animal is considered unfit for the purposes of this Part if it is both compromised and unfit."

Claire Weeks, PhD, stated:

I would suggest adopting the terminology "end of lay hens" as we have found by calling them "spent" people inevitably regard them as worthless and treat them accordingly. It is now pretty much standard practice in government legislation and (Industry) codes of practice or assurance scheme standards in Europe to avoid the use of "spent."

To be comprehensive, the regulations should require that **a properly trained person inspect all animals prior to the journey to determine fitness for travel.** If uncertainty exists as to an animal's fitness for travel, or if an animal exhibits difficulty walking, a veterinarian must be consulted.

Although the proposed regulations provide guidance in the event that an animal becomes unfit or compromised during the journey, no regulatory mechanism is in place for transport operators to monitor and identify animals who become so during transport. This deficiency renders that provision essentially meaningless. **Drivers must inspect animals for injury or signs of pain or distress within two hours of the beginning of the trip and at least every four hours thereafter, attending to any welfare problems as they arise. Compromised animals must be inspected every two hours.** If animals become ill or injured during transport, they must be separated from the group to be treated or euthanized according to best welfare standards. The time and place of each inspection, as well as any deaths or incidents causing suffering to animals, must be recorded. This information must be provided to the CFIA upon request.

Animal Handling

The current regulations prohibit beating or loading an animal “in a way likely to cause injury or undue suffering” to the animal. The current regulations suggest that there are times when animals duly suffer.

The proposed regulations are much more prescriptive in their prohibition on beating, dragging, prodding, or otherwise mishandling animals during transport. In order to make this prohibition meaningful, however, a **zero tolerance policy for animal abuse must be established**. Acts of intentional cruelty should be categorized as “very serious” violations, and **stiff penalties for violations** are necessary to make these regulations effective, meaningful, and dissuasive.

The routine use of electric prods must be prohibited. Electric prods are often used in lieu of good animal handling skills to load or unload animals. Electric prods must only be used as a diagnostic tool by a veterinarian. Electric prods have been shown to increase stress, carcass bruising, and blood splashes.²⁴

Dr. Ian J.H. Duncan, BSc, PhD, emeritus chair in animal welfare at the University of Guelph, upon viewing footage obtained by MFA at Western Hog Exchange,²⁵ a pig assembly yard in Red Deer, Alberta, stated:

[T]he third scenes involve a male worker using an electric prod repeatedly on a crippled pig that is unable to walk. The pig is squealing in pain and distress and the worker continues to prod it. One worker warns another that prodding should not be carried out if there is a CFIA Inspector present. This is completely unacceptable and cruel. Electric prods should only be used in emergencies and never used repeatedly.

In response to the same footage, **Dr. Kees Scheepens** shared with MFA:

In the Netherlands, the law states that animals who are unable to stand on their own are not allowed to be moved. They must be euthanized on-farm.

To implement a robust and meaningful set of animal handling regulations, the following recommendations should be included:

- Monitoring for compliance should be frequent and unannounced.
- The CFIA should establish a training program for local law enforcement agencies regarding animal welfare during transport to better distribute oversight responsibility.

- Video cameras that live stream to the internet should be installed in catching, loading, and unloading areas.
- Offences should be prosecuted under the Health of Animals Act and the Meat Inspection Act as they were in *R. v. Maple Lodge Farms, 2013 ONCJ 535*.
- Companies should encourage careful handling of animals by workers, with incentives for farms and transport companies whose animal shipments have the lowest antemortem condemnation numbers.

The proposed regulations should also encourage use of new technologies that minimize opportunities for animal injury and distress.

To reduce stress during loading and unloading, when possible, hydraulic lifting systems should be used in place of ramps.^{1,12} When ramps are used, solid sides will reduce distraction to animals during loading and unloading and result in less balking.^{26,27} Maximum ramp slopes should be in line with regulations in the EU, Australia, and New Zealand: 26° from horizontal in the case of a cervid (deer), goat, or sheep; 26° from horizontal in the case of an adult bovine (cattle) and 12° for calves; and 20° from horizontal in the case of a porcine (pig) or horse.

Overcrowding and Space Requirements

The current regulations prohibit loading, causing to be loaded, transporting, or causing to be transported any animal in any vehicle if it is crowded to such an extent that injury or undue suffering is likely. There are no specific, measurable guidelines that set out appropriate loading densities, and the term “crowded” is undefined. The regulations require only that animals be able to stand in their natural position without coming into contact with a ceiling.

The CFIA is obligated to set specific, enforceable maximum stocking densities rather than rely on industry to self-police according to vague outcome-based measures that can only be assessed after animals suffer. MFA recommends stocking densities based on allometric equations using the most recent *k* values.²⁸ Transport stocking densities should allow animals to lie down, thermoregulate effectively, and assume natural postures and movement.

Overcrowding and lack of adequate space is a documented stressor¹ for animals during transport. In their recent chapter²⁹ on animal transportation, animal welfare experts Donald Broom, PhD (former chairman of the OIE land transport group), and Andrew Fraser, PhD, said the following:

Floor space allowances need to be defined in unambiguous terms. In particular, stocking densities must be defined as square meters of floor area per animal of a specified live weight, e.g. m²/100 kg or kg live weight per m² floor area (kg/m²). Stocking rates such as m² per animal (m²/animal) are not an acceptable way of defining floor space requirements, since these take no account of variation in animal weight. Definitions of acceptable space allowances must consider the whole range of animal sizes (live weights) to be encountered.

Animals must be able to stand up after lying down and have sufficient headroom to allow freedom of movement and ensure adequate ventilation. Stocking densities must be uniform across the vehicle (except for cases of solitary animals) and within acceptable limits. If ambient air temperature inside the truck is between 20 and 30°C, stocking densities must be sufficiently reduced to protect animals from hyperthermia.²⁹

Segregation

Both the current and the proposed regulations relating to segregation and overcrowding leave open a dangerous loophole that would permit producers to mutilate animals in order to increase stocking density. The current regulations require boars who have not been de-tusked to be transported separately but allow de-tusked boars to be transported as a group, thus encouraging de-tusking. The proposed regulations make no mention of de-tusking; they simply state that animals who are incompatible should be segregated from one another. An explicit prohibition on de-tusking must be included in the regulations. Removing the word “de-tusked” from the regulations will do little to end this cruel, industry-approved practice.

To cut the tusks of boars or otherwise mutilate animals in preparation for transport must be prohibited. As clearly seen and heard in the footage from Western Hog Exchange,²⁵ de-tusking is a cruel and painful process.

Further support for banning this practice comes from **Dr. Ian J.H. Duncan, BSc, PhD**, emeritus chair in animal welfare at the University of Guelph. Upon viewing the above-noted footage, Dr. Duncan stated:

Finally, scenes are shown of boars being “de-tusked” using large two-handed shears. This is an extremely painful procedure as the tusks are chopped off around the gum level. These are teeth, and chopping them off at this level exposes the pulp and the rich supply of nerves that teeth have. The boars can be heard squealing in extreme pain as the tusks are chopped through. A rear view of one of the boars shows it writhing in agony as the tusks are chopped off. But of course the pain does not end there; the boar will be in extreme pain from the nervous tissue until eventually it is killed. The reason for chopping off tusks is to prevent boars from damaging each other during fights. Boars will fight with other boars during transport. For this reason boars should be transported to slaughter in individual pens.

Tusk trimming must also be prohibited, as it is likely to be painful³⁰ and has not been demonstrated to reduce skin lesions in mixed boars.^{31, 32}

The following groups must be transported separately:

- (1) Adult breeding boars, horned cattle, and stallions
- (2) Animals of different species
- (3) Animals of significantly different sizes or ages
- (4) Animals from different farms
- (5) Aggressive individuals (sexually mature males should be separated from females)
- (6) Horses, except for mares with foals (should be transported each in a separate stall)

Knowledge and Skills / Training / Contingency Plans

Much of the cruelty and abuse inflicted on farmed animals is the result of inadequate training and supervision of factory farm, transport, and slaughterhouse workers. While the proposed regulations address this important issue, they allow for interpretation and include loopholes that negatively impact animal welfare and contradict the purpose of the regulations.

Annual trainings as outlined below should be provided to all employees who have any direct contact with live animals. **No exceptions should be made**, however knowledgeable or skilled an employee may be.

Drivers must obtain an annual certificate of competence indicating training in and understanding of animal physiology, drinking and feeding needs, animal behaviour and stress, ways to reduce handling stress in animals, driving methods that uphold high welfare of transported animals,³³ emergency care, euthanasia methods, a contingency plan in case of unexpected delays, and all other factors set forth in proposed sections 138, 139, and 140.

Transport companies must demonstrate sufficient and appropriate staffing and training and must provide supporting documentation to the CFIA upon request.

Records

MFA's findings in the previous sections identify the categories of records sought from transporters, including (1) reports from installed electronic navigation systems that record the place of departure, place of destination, route, and opening and closing of the loading flap, (2) records of en route monitoring of animals to identify animals who become unfit for travel during transport, (3) information on the number of animals who become unfit or injured and the action taken, (4) contingency plans, and (5) certificates of employee training. Transporters should also be required to document the number of animals who arrive injured, ill, or dead. All of information should be compiled by the CFIA and made available to the public, preferably on a website but at least via Freedom of Information requests.

How does Canada compare to the world?

Canada's current *Health of Animals Regulations* concerning the transportation of animals reflect that they were last updated 40 years ago in 1977. Animal welfare science, livestock genetics, and technology have changed tremendously in the time since. Given the infrequency of updates to these regulations, the proposed changes must substantially improve animal welfare and make Canada a leader on the world stage. As proposed by the CFIA, the regulations would hinder Canada in becoming the example of humane animal transportation and allow other nations to advance in this area. As we strengthen our economic and social justice ties with other nations and engage in trade agreements with the EU through CETA, it is imperative that our trade partners see Canada as an equal regarding humane animal transportation.

The CFIA proposes to reduce the maximum time an animal may be without feed, water, or rest from more than 52 hours to a still-lengthy 36 hours. The EU has enforced regulations in place that do not allow transport of animals without feed and water for longer than eight hours. Even outdated regulations in the United States³⁵ (passed in 1873) limit journey duration to 28 hours.

The EU requires transporters to keep onboard temperatures within the enforceable limits of 5–30°C and to monitor onboard temperatures using thermometers and a driver alert system. The CFIA fails to enforce any temperature regulation by simply asking that the industry self-police and not transport animals when those animals are likely to suffer, become injured, or die as a result of the weather. There is no requirement that drivers monitor the temperatures on board the truck. Given the variable nature

of onboard temperatures, this proposed regulation creates dangerous transport conditions for the animals.

As to stocking densities, while the EU imposes strict, species-specific, science-based guidelines regarding the number of animals who can be loaded on a truck, the CFIA seeks to “improve” its regulation by simply prohibiting overcrowding that causes injury or death. In order to be enforceable before animals suffer or die, the CFIA regulation must set clear limits on stocking densities.

Conclusion

The Canadian government is responsible for ensuring the humane treatment of farmed animals. This expectation of the Canadian public must be honoured and the competitiveness of Canadian agriculture ensured. As stated in the regulatory impact analysis, the goal of the new regulations is to correct numerous deficiencies in the current scheme in order to improve animal welfare and prevent animal suffering during transport. To meet this goal, the proposed regulations, which still lag behind current science, other G7 countries, and consumer expectations, must be strengthened as outlined above.

The question is not whether the federal government should take action to address animal suffering during transport; it has already chosen to take action. The question is whether that action will be based on sound policy and evidence-based recommendations, whether it will be future looking, and whether it will actually protect animals from cruel treatment.

Thank you for the invitation to speak to the Committee on this issue. Please also refer to the binder provided for additional information.

Mercy For Animals is an international animal protection organization dedicated to preventing cruelty to farmed animals and promoting compassionate food choices and policies.

Supporting Literature

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