

GOVERNMENT RESPONSE TO RECOMMENDATIONS

	Committee Recommendation	Government Response
1.	<p>Take the following measures with respect to unforeseeable circumstances and emergency situations in subsections 76(1) and (2) of the <i>Commercial Vehicle Drivers Hours of Service Regulations</i> to provide the necessary flexibility to transport animals to their destination while providing clear guidance so that the regulations are not variously interpreted:</p> <ul style="list-style-type: none"> a) develop a comprehensive list of what constitutes an emergency situation; b) consider animal welfare concerns when permitting drivers to extend the driving time allowed during adverse driving conditions or emergency situations; c) 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 d) provide government inspectors training from Canadian Livestock Transport on how to properly identify animal welfare scenarios that would necessitate an exemption in Electronic Logging Device Hours of Service requirements 	<p>The Government supports all elements of this recommendation in principle.</p> <p>The Government of Canada is responsible for certain operational matters relating to commercial motor vehicle activity including the maximum driving times and minimum off-duty times of commercial vehicle (bus and truck) drivers employed or otherwise engaged in extra-provincial transportation. Transport Canada implements these responsibilities under the <i>Motor Vehicle Transport Act</i>.</p> <p>On June 12, 2019, amendments to the <i>Commercial Vehicles Drivers Hours of Service Regulations</i> (HOS Regulations) were made to mandate certified electronic logging devices for federally-regulated truck and bus motor carriers and drivers who were required to maintain a paper daily log that records their location, driving time, on-duty time, and off-duty time. In June 2021, the HOS Regulations came into force, with a few exceptions. As of January 1, 2023, following a graduated approach, enforcement measures were being applied by provinces and territories that are responsible for the enforcement of the federal regulations.</p> <p>The Government of Canada recognizes in principle there are benefits in clarifying scenarios with respect to unforeseeable circumstances and emergency situations while respecting existing regulatory authorities, when it comes to assisting the livestock and insect transport industry in achieving positive transport outcomes and avoiding animal welfare incidents.</p> <p>In response to the recommendation concerning the review of guidance pertaining to section 76 of the HOS Regulations, the Canadian Council of Motor Transport Administrators (the Council) has formed a Task Force to carry out this work. The Government of Canada is a member of that Task Force.</p> <p>Provincial and territorial governments are responsible for the enforcement of federal motor carrier operational regulations. All federal and provincial/territorial jurisdictions work collaboratively through the Council to achieve national consistency on commercial trucking regulations.</p> <p>The Council is responsible for the development and maintenance of the Application Guide for Hours of Service which provides a common interpretation for enforcement, motor carriers and drivers to facilitate consistent enforcement and compliance</p>

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		<p>of the rules.</p> <p>With respect to training, provinces and territories are responsible for design and delivery of training for enforcement officers. The Government of Canada has shared the recommendation of the Parliamentary Committee on this item with provinces and territories through the Council for their consideration and action as appropriate.</p>
<p>2.</p>	<p>Consider the possibility of revising the <i>Commercial Vehicle Drivers Hours of Service Regulations</i> 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.</p>	<p>The Government supports this recommendation in principle.</p> <p>There are unique requirements of commercial drivers carrying livestock or insects should be included in a periodic review of the regulations, in consultation with provinces and territories as well as industry, to determine if amendments to the <i>Commercial Vehicle Drivers Hours of Service Regulations</i> (HOS Regulations) are appropriate.</p> <p>In Canada, commercial vehicle safety and oversight is a shared responsibility among federal and provincial/territorial governments and commercial vehicle owners and operators. In 1987, the federal, provincial, and territorial Ministers Responsible for Transportation and Highway Safety signed a memorandum of understanding to develop and implement a National Safety Code to encourage road safety, promote efficiency in the motor carrier industry, and achieve consistent safety standards across Canada.</p> <p>The HOS Regulations were first established in 1987 and have always been harmonized with National Safety Code Standard 9 – Hours of Service. The maximum driving times and minimum off-duty times of commercial drivers set out in the Standard are based on the principles learned from the Commercial Motor Vehicle Driver Fatigue and Alertness Study (the Study), the largest and most comprehensive over-the-road study of fatigue ever conducted in North America, jointly conducted by the United States Department of Transport and Transport Canada. The Government of Canada continues to adhere to the principles of safety set out in the Study with a view to maintaining the safety of commercial vehicles that share their workspace with the Canadian travelling public.</p> <p>Consistent with the objectives of the <i>Motor Vehicle Transport Act</i>, the Government of Canada is strongly committed to having the HOS Regulations harmonized with National Safety Code Standard 9. This approach is a legislative imperative of the <i>Motor Vehicle Transport Act</i> as subsection 3(1) stipulates that:</p> <p>“3 (1) <i>The objectives of this Act are to ensure that the National Transportation Policy set out in section</i></p>

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		<p><i>5 of the Canada Transportation Act out with respect to extra-provincial motor carrier undertakings, and, more specifically, that</i></p> <p><i>a) ...</i></p> <p><i>b) the operating standards that apply to those undertakings are applied consistently across Canada."</i></p> <p>In keeping with roles and responsibilities, including the current process through the National Standard Code, the Government of Canada will raise Recommendation 2 with the Council and request that it be considered as part of the Council's next review of National Safety Code Standard 9.</p> <p>If the built-in regulatory flexibilities, for example Sections 76, 77, and 81, of the HOS Regulations do not meet the unique needs of the livestock sector, motor carriers or the associations on their behalf may make an application for a regulatory exemption under Section 16 of the <i>Motor Vehicle Transport Act</i>. For those seeking an exemption from regulatory requirements, the Government of Canada has a clearly defined process, which includes the provision of a clear rationale and supporting data.</p> <p>For those seeking an exemption from regulatory requirements, the Government of Canada has a clearly defined process, which includes the provision of a clear rationale and supporting data, in keeping with the <i>Directive for the Issuance of Exemptions from Regulatory Requirements Pursuant to the Motor Vehicle Transport Act</i>. This process has been used by multiple stakeholders, and is available to the livestock sector. The Government of Canada continues to believe that this is the best approach to address the needs of the livestock sector.</p> <p>The Government of Canada encourages the animal and insect transport industry to submit an application focused on addressing specific problems and proposing specific relief needs. Departmental officials stand ready to work with the industry to address these specific issues and determine if regulatory relief is warranted. In accordance with the <i>Motor Vehicle Transport Act</i>, the granting of an exemption occurs after consultations with provinces and territories, if the Minister of Transport is of the view that the exemption is in the public interest and unlikely to affect motor carrier safety.</p>
3.	Consider amending section 2(1) of the <i>Commercial Vehicle Drivers Hours of Service Regulations</i> to broaden its exemptions to include agricultural	<p>The Government supports this recommendation in principle.</p> <p>There are unique requirements of commercial</p>

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<p>producers, notably beekeepers, who use tractor trailers to transport their own products</p>	<p>drivers carrying livestock or insects that could be included in a periodic review of the regulations, in consultation with provinces and territories as well as industry, to determine if amendments to the <i>Commercial Vehicle Drivers Hours of Service Regulations</i> (HOS Regulations) are appropriate.</p> <p>The Government of Canada recognizes that transporting honeybees, have similar challenges and concerns as that of the livestock sector. Moving honeybees from one location to another can be very stressful for the bees and involves an additional potential risk to the public of getting stung by the bees if they are in vicinity of a stopped truck.</p> <p>The HOS Regulations state that:</p> <p><i>“2 (1) These Regulations apply to all commercial vehicles other than the following:</i></p> <p style="padding-left: 40px;"><i>(a) a two or three-axle commercial vehicle being used for</i></p> <p style="padding-left: 80px;"><i>(i) transporting the primary products of a farm, forest, sea or lake, if the driver or the motor carrier is the producer of the products, or</i></p> <p style="padding-left: 80px;"><i>(ii) a return trip after transporting the primary products of a farm, forest, sea or lake, if the vehicle is empty or is transporting products used in the principal operation of a farm, forest, sea or lake;”</i></p> <p>The Government of Canada heard the testimony from the beekeepers that section 2(1)(a) of the HOS Regulations concerning two-axle or three-axle trucks is too narrow, as most commercial producers are now using larger trucks to transport their bees.</p> <p>The Government of Canada will raise Recommendation 3 with the Council and advance its inclusion in any discussion regarding amendments to National Safety Code Standard 9. The Government of Canada is supportive of raising the transport of bees within the discussions with the Council pertaining to interpretations and possible amendments to the Application Guide highlighted in Recommendation 1. If the Council agrees to make the changes being requested, Standard 9 would need to be adjusted, and its changes incorporated into federal, provincial, and territorial regulations.</p> <p>If the built-in regulatory flexibilities, for example Sections 76, 77, and 81, of the HOS Regulations, do not meet the unique needs of the livestock sector, motor carriers or the associations on their behalf may make an application for a regulatory exemption under Section 16 of the <i>Motor Vehicle</i></p>

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		<p><i>Transport Act</i>. For those seeking an exemption from regulatory requirements, Transport Canada has a clearly defined process, which includes the provision of a clear rationale and supporting data.</p> <p>For those seeking an exemption from regulatory requirements, the Government of Canada has a clearly defined process, which includes the provision of a clear rationale and supporting data, in keeping with the <i>Directive for the Issuance of Exemptions from Regulatory Requirements Pursuant to the Motor Vehicle Transport Act</i>. The Government of Canada continues to believe that this is the best approach to address the needs of the livestock sector.</p> <p>The Government of Canada has outlined the process and steps industry representatives can take to request an exemption and have communicated it is open to hearing their exemption request. Departmental officials stand ready to work with the industry to address these specific issues and determine if regulatory relief is warranted. In accordance with the <i>Motor Vehicle Transport Act</i>, the granting of an exemption occurs after consultations with provinces and territories, if the Minister of Transport is of the view that the exemption is in the public interest and unlikely to affect motor carrier safety.</p>
4.	<p>Take the following measures with respect to animal transport:</p> <ul style="list-style-type: none"> a) 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; b) encourage the adoption of new livestock traceability and monitoring systems like the Canadian Sheep Foundation’s AgroLedger platform; and c) 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. 	<p>Recommendation 4a</p> <p>The Government acknowledges this recommendation.</p> <p>In Canada, protecting animal welfare and food safety is also a shared responsibility between federal, provincial, and territorial governments, producers, and transporters. Any drivers involved in the transportation of livestock are subject to the <i>Health of Animals Act</i> and its Regulations, which make them responsible for the health and safety of any animals they are transporting. This includes providing them with feed, rest, and water at regular intervals. Currently, there are no existing federal or provincial regulatory requirements for the specific construction of rest stops for livestock.</p> <p>With industry consolidation in processing plants, livestock are now transported for longer durations and the demand for rest stop infrastructure to ensure adequate food, water and rest criteria are met has increased. Agriculture and Agri-Food Canada’s research has examined various feed, water and rest intervals for cattle during transport. It was determined that pre-conditioned calves are most suitable for long distance travel.</p> <p>There is an opportunity for leadership in the</p>

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	<p>livestock industry to examine the establishment of new, or retrofit of, existing rest stop facilities in Canada to ensure adequate capacity and design, adherence to transportation regulations, mitigation of disease and positive steps towards emergency preparedness. Federal government officials could assist in facilitating discussions between interested parties, including provinces and territories.</p> <p>Agriculture and Agri-Food Canada’s Canadian Agricultural Strategic Priorities Program may be able to support projects aiming to develop strategies and implementation plans to ensure adequate rest stop requirements for the movement of livestock between provinces and better collection of livestock transport data. However, the program is not designed for direct infrastructure investments. The Program’s application intake is currently suspended but anticipates re-opening application intake on April 1, 2024.</p> <p>Recommendation 4b</p> <p>The Government supports this recommendation.</p> <p>The Government of Canada supports the adoption of new, digital livestock traceability and monitoring systems that improve the health and welfare of animals in Canada.</p> <p>The Canadian Food Inspection Agency has engaged extensively with stakeholders to discuss and inform proposed amendments to the <i>Health of Animals Regulations</i> Part XV (Animal Identification) that would expand the scope and improve the accessibility, timeliness and accuracy of animal identification and movement information, improving response times during an animal disease outbreak. The proposed amendments, which were pre-published in Canada Gazette I in March 2023, allow for future innovations in livestock identification and traceability technologies, including the digitization of data.</p> <p>The proposed regulations are technology neutral so that industry can introduce livestock indicators that are both innovative and compliant with identification requirements. The amendments will also support improvements in livestock movement reporting and data collection, including when livestock arrive at a site, and detailed information collected by the transporter. This additional information will allow for a better understanding of livestock transport patterns in Canada. Existing requirements in the <i>Health of Animals Regulations</i> require monitoring of animals before and during transport to assess their capacity to withstand the confinement and transport. Compliance with this</p>

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	<p>monitoring requirement could be achieved with innovative technologies by transporters.</p> <p>The Government of Canada will continue to work cooperatively with provinces and regulated parties to ensure a modernized and comprehensive regulatory framework with regulations anticipated to be published in Canada Gazette II in early 2025.</p> <p>Agriculture and Agri-Food Canada provides support through assurance programming, including under the current Sustainable Canadian Agricultural Partnership. The AgriAssurance program supports systems aimed at protecting plant and animal health, including the development of traceability systems and Codes of Practice for the care and handling of farm animals.</p> <p>Throughout the years, federal, provincial and territorial governments, through their programs, have consistently ensured that complementary funding has been available for livestock producers to meet traceability requirements. For example, the AgriAssurance Program supported the Canadian Sheep Federation to evaluate AgroLedger’s capacity to meet traceability reporting needs and identify areas where the technology can support industry programs.</p> <p>Agriculture and Agri-Food Canada’s researchers are also developing decision-support tools using artificial intelligence to help those involved in animal transportation determine whether an animal is fit for transport as per Part XII of the <i>Health of Animal Regulations</i> that came into effect in 2020. Diagnostic tools such as these are an important step in the continuous improvement of the welfare of animals.</p> <p>Recommendation 4c</p> <p>The Government acknowledges this recommendation.</p> <p>Air flow within a livestock conveyance is essential for removing heat and moisture from animals and aiding in cooling. In Canada, cooling and livestock transport trailers work through passive ventilation or natural air flow. Agriculture and Agri-Food Canada actively conducts research examining the effects of different trailer designs on airflow and temperature conditions related to animal welfare during transportation.</p> <p>While no Agriculture and Agri-Food Canada programs identify enhanced transportation ventilation activities specifically, most provinces and territories have Sustainable Canadian Agricultural Partnership cost-shared programs supporting the implementation and improvement</p>

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		of animal health and animal welfare systems and standards.
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 <i>Commercial Vehicle Drivers Hours of Service Regulations</i> ' requirements can be met even when drivers encounter extraordinary circumstances	<p>The Government acknowledges this recommendation.</p> <p>The Government is not proactively transitioning small and medium-sized slaughterhouses to federal inspection standards at this time, although the Canada Food Inspection Agency has put in place a number of measures to facilitate such transitions for willing small and medium slaughterhouses. Increasing the number of federally licensed slaughterhouses could give livestock producers a wider choice of facilities. For example, under current regulations, animals can be transported to any abattoir in another province but only meat products from a federally inspected facility can be conveyed back across the provincial border for sale by the livestock producer. An increase in federally regulated facilities could give livestock producers broader access to local slaughterhouses in nearby provinces.</p> <p>The Canadian Food Inspection Agency administers and enforces the <i>Safe Food for Canadians Act</i> and its Regulations which govern food import, export and interprovincial trade. The <i>Safe Food for Canadians Regulations</i>, which came into force in 2019, were developed to improve consistency of rules across all types of foods, and between food businesses; reduce administrative burden; and, enable food businesses to be innovative through less prescriptive requirements.</p> <p>In addition, while direct federal action to facilitate small and medium-sized slaughterhouses to federal inspection standards is limited, the <i>Safe Food for Canadians Regulations</i> were developed using the small business lens so that they would be scalable to any business size and not limited to large scale facilities. The Canadian Food Inspection Agency also developed tools such as the Toolkit for Food Businesses to assist willing small and medium sized businesses in becoming federally licensed. Finally, the Canadian Food Inspection Agency is undertaking efforts with the provinces and territories to identify and reduce regulatory barriers to the internal trade of meat.</p>