

February 23, 2024

Standing Committee on Agriculture and Agri-Food Sixth Floor, 131 Queen Street House of Commons Ottawa ON K1A 0A6

Via email

Dear Chair and Committee Members:

Re: Brief to Standing Committee on Agriculture and Agri-Food on Bill C-355, the *Prohibition of the Export of Horses by Air for Slaughter Act* 

I write on behalf of Animal Justice – Canada's leading national animal law organization – to voice our strong support for Bill C-355, the *Prohibition of the Export of Horses by Air for Slaughter Act*. Shipping live horses from Canada to Japan for slaughter causes significant and unnecessary suffering and distress to draft horses, approximately 2,000 of whom are forced to endure this gruelling journey every year. The practice is opposed by every major animal protection group in the country, leading veterinary and animal welfare experts, and the majority of Canadians of all political stripes. A Parliamentary e-petition in support of a ban on horse exports overseas for slaughter presented by MP Alistair MacGregor recently amassed over 36,000 signatories from across the country.

In the face of clear scientific evidence and overwhelming public support for a ban, the Liberal Party of Canada committed to ending this cruel practice during the 2021 federal election.<sup>4</sup> The commitment was reflected in the Minister of Agriculture's December 16, 2021 mandate letter, yet nearly 4,000 horses have been shipped to Japan for slaughter since that time. Animal Justice thanks MP Tim Louis for introducing Bill C-355, and urges this Committee to work expeditiously to support the Bill's urgent passage into law to prevent horses from continuing to suffer needlessly on the journey overseas.

<sup>&</sup>lt;sup>1</sup> Other animal protection groups advocating for a ban on horse exports for slaughter include the Canadian Horse Defence Coalition, Humane Canada, World Animal Protection, the Winnipeg Humane Society, the Vancouver Humane Society, Humane Society International/Canada, the BC SPCA, the Ottawa Humane Society, Manitoba Animal Save, and the Montreal SPCA.

<sup>&</sup>lt;sup>2</sup> See, e.g. the brief submitted to this Committee on February 20, 2024 signed by 34 leading experts and the December 14, 2023 letter to all Parliamentarians signed by 20 experts available online: https://animaljustice.ca/wp-content/uploads/2023/12/2023-12-14-Expert-Letter-Live-Horse-Export.pdf

<sup>&</sup>lt;sup>3</sup> See, e.g. 2021 Research Co. poll available online: <a href="https://researchco.ca/2021/02/18/horse-exports-canada/">https://researchco.ca/2021/02/18/horse-exports-canada/</a>

<sup>&</sup>lt;sup>4</sup> Note that this Commitment followed several NDP private member's bills also aimed at ending this practice.

# Strong scientific support for Bill C-355

For nearly 20 years, Canada has exported thousands of draft horses annually from feedlots in Alberta and Manitoba overseas, primarily to Japan, where the animals are kept in barren feedlots and fattened up before being slaughtered. The Health of Animals Regulations permit the horses to endure transport of up to 28 hours without food, water, and rest, though shipments can and have exceeded this regulatory limit and no enforcement action has been taken.<sup>5</sup>

Horses transported from Canada to Japan for slaughter are commonly in transit for 24 hours or more without food, water, and rest. For instance, the most recent known shipment of horses from Canada for slaughter left Winnipeg early in the morning on February 20, 2024 on Korean Air flight 9214 and the animals were in transport for approximately 25.5 hours. It is important to note that this and all other approximations of travel duration end the moment the horses touch down in Japan, but this is not in fact the end of the horses' journey. Horses are not provided food, water, and rest the moment their plane lands in Japan and are instead forced to endure unloading from the plane, loading onto trucks, and transport to quarantine – a process of unknown duration but which brings into question whether most or any of these shipments in fact satisfy the 28 hour legal threshold.

There is clear and compelling scientific evidence showing that horses exported from Canada for slaughter overseas experience significant physical and psychological suffering due to the duration and conditions of transport (more details on these conditions below). For instance, as noted above 34 leading veterinarians and animal welfare experts have submitted a brief to this Committee in support of Bill C-355, summarizing this scientific evidence. The letter establishes that horses shipped under these conditions experience suffering in various forms, including anxiety, pain, fear, exhaustion, thirst, hunger, and panic.

According to data from the Canadian Food Inspection Agency ("**CFIA**"), at least five horses have died en route to Japan since 2013,<sup>6</sup> with the most recent known death having happened in May 2020.<sup>7</sup> This data also shows that at least six horses died during the journey overseas for slaughter in 2012 and three died in 2011.

Horses have also collapsed or otherwise become injured during this gruelling journey. For instance, in December 2022 alone, CFIA data shows that one horse was found down

<sup>&</sup>lt;sup>5</sup> A recent example is a December 2022 shipment of horses from Winnipeg, which exceeded the 28 hour limit and during which at least three horses collapsed. Those responsible for the shipment were aware before takeoff that the 28 hour limit would be exceeded and proceeded with the shipment regardless, yet the CFIA refused to take any enforcement action. See, e.g. CBC News "Canada isn't doing enough to protect horses flown to Japan for slaughter, advocates say" available online:

https://www.cbc.ca/news/canada/manitoba/horse-transport-flight-canada-1.6737522

<sup>&</sup>lt;sup>6</sup> https://inspection.canada.ca/animal-health/terrestrial-animals/humane-transport/horses/exports-of-horse-to-japan/eng/1601347381621/1601347382153

<sup>&</sup>lt;sup>7</sup> https://canadianhorsedefencecoalition.org/horse-dies-on-korean-air-flight-from-winnipeg-to-japan/

in their crate on December 5th and three horses collapsed the following week on December 12th during a flight exceeding the 28 hour regulatory time limit for transit without food, water, and rest.<sup>8</sup> In the May 2020 flight during which one horse died, four others were found down in their crates showing no physical strength.<sup>9</sup>

The actual number of injuries and deaths is unknown, but is almost certainly higher than CFIA data suggests, given that we do not have access to evidence about horse illnesses and injuries discovered once the animals are in Japan. We only have government data on when horses actually die during the transport process or when they are found down in their crates in the plane.

Though tragic incidents of horses dying or collapsing during transport for slaughter are extremely concerning and highlight the dangerous nature of live horse exports for slaughter, it is important to understand that even when horses survive the journey without apparent injury their welfare can still be severely compromised. As the above-noted expert brief summarizes, horses can and do experience suffering and distress due to:

- Auditory discomfort, anxiety, and fear caused by aircraft engine sounds, changes
  in altitude and air pressure, unsteady motion, and take-off and landing in
  particular. Planes carrying horses to Japan for slaughter take off and land twice
  due to the need to refuel before crossing the Pacific Ocean.
- Horses' high centre of gravity, which makes them particularly susceptible to imbalance during acceleration, deceleration, turbulence, takeoff, and landing.
- Risk of illness such as pleuropneumonia (also known as "shipping fever") a serious lung infection that causes fever, malaise, and abnormal breathing and heart rate, and which is considered to be stress-induced and colic a condition that causes abdominal pain caused by stress, dehydration, and other factors associated with transport.
- Lack of access to food and water for 24 hours or more which can cause hunger, severe dehydration, and distress.
- Fear, anxiety, and panic caused by the loading and unloading process. Horses exported for slaughter are generally not trained or habituated to travel, making them particularly susceptible to these forms of distress. Observers have also documented workers unloading horses at airports using particularly harsh and unacceptable handling techniques which increase risks to horses' welfare.
- Extreme fatigue caused by the duration of their journey and the conditions in which they are transported, which restrict horses from moving freely, lying down, resting, and even freely raising and lowering their heads.

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<sup>&</sup>lt;sup>8</sup> See footnote 5.

<sup>&</sup>lt;sup>9</sup> See footnote 7.

Anxiety and fear caused by prolonged confinement with unfamiliar horses, some
of whom may be incompatible or who may be fearful and vocalizing their
distress.

Due to public pressure and animal welfare concerns, other jurisdictions are also working to end live horse exports for slaughter. For instance, the United States does not send horses overseas for slaughter and, following state laws banning horse slaughter in Texas, Illinois, California, and New Jersey, as well as federal directives denying funding for inspection in horse slaughter plants, the country also does not slaughter horses domestically. The United States does continue to ship horses to Mexico and Canada for slaughter, but New York state recently passed a bill to prohibit exporting horses for slaughter and federal legislation to permanently ban domestic horse slaughter, as well as export for slaughter, is currently under consideration.<sup>10</sup>

Existing laws are not enough to protect horses during transport for slaughter

Canada's animal transport standards are among the worst in the western world. They are based not only on science but also reflect economic considerations of industry. No amount of tweaking of these standards will prevent the suffering outlined above given the conditions of transport overseas for slaughter and the practical reality that the journey from Canadian feedlots to feedlots in Japan generally takes 24 hours or more.

As noted above, even these weak standards limiting the time during which horses in transport can be forced to go without food, water, and rest are not always enforced. Animal Justice has also filed legal complaints in instances where workers at airports have been documented indiscriminately jabbing horses with poles to get them out of a truck, but no enforcement action has been taken.

The Criminal Code's animal cruelty provisions are seldom used in the agricultural context. They are primarily applied when an individual intentionally causes suffering to an animal outside of an industrial context. In the farming context, criminal laws are generally only used in rare cases, like egregious beatings or willful neglect, that fall very far outside of standard agricultural industry practices. Meanwhile, provincial animal cruelty laws explicitly exempt suffering caused by standard industry practices. Our existing transport and cruelty laws are not enough to protect horses exported for slaughter.

Horses shipped overseas for slaughter are transported differently than sport horses As the photographs below from the Calgary airport show, horses shipped for slaughter are transported in wooden crates that are significantly smaller than conventional horse stalls, limiting their ability to move freely and maintain balance, particularly during takeoff, landing, and turbulence phases of air transport.

<sup>&</sup>lt;sup>10</sup> Save America's Forgotten Equines Act of 2021 available online: <a href="https://www.congress.gov/bill/117th-congress/house-bill/3355/text">https://www.prnewswire.com/news-releases/aspca-commends-gov-hochul-for-signing-bill-to-protect-new-york-horses-from-slaughter-302014619.html</a>





These conditions are far worse than the conditions that other horses – such as those exported for sport or breeding – are transported in. Unlike sport horses, who receive training for travel, ample space, supervision, hay, and often continuous access to food and water, horses transported for slaughter lack these basic provisions. They are often directly confined with other unfamiliar animals, increasing the risk of stress and injury.

Air Canada's sport horse transport service exemplifies a more humane approach, offering transportation for up to 18 horses per flight under conditions that prioritize animal welfare. Conversely, flights of horses destined for slaughter in Japan can accommodate over 100 animals under significantly compromised conditions.

The World Organization for Animal Health ("OIE") mandates specific standards for humane equine transport, including the separation of horses, emergency access, and the

<sup>&</sup>lt;sup>11</sup> See, e.g. Horse Sport "Air Canada Cargo Launches Equine Transportation Service" available online: <a href="https://horsesport.com/horse-news/air-canada-cargo-launches-equine-transportation-service/">https://horsesport.com/horse-news/air-canada-cargo-launches-equine-transportation-service/</a>

provision of food and water for journeys exceeding six hours.<sup>12</sup> Although Canada is an OIE member country, the current method of transporting horses overseas for slaughter does not comply with these standards.

### Economic impact of a ban on horse export for slaughter

The live horse export industry is dominated by a handful of feedlot/export operators in Manitoba and Alberta. As of 2022, there were four such exporters of horses for slaughter with feedlots in these provinces. These four businesses obtain most of the financial benefit from Canada's export of live horses for slaughter overseas — an industry worth approximately \$20 million annually.

In contrast, activities involving live horses contribute significantly to the Canadian economy. According to a 2010 Equine Canada study, the value of the equine industry in our country was estimated to be over \$19 billion, impacting sectors including agriculture, tourism, entertainment, and recreation/leisure. In short, horses are worth more alive than dead to the Canadian economy, contributing significantly to employment opportunities in comparison to the horse export for slaughter industry which benefits very few.

### Unwanted or surplus horses

Because horses exported for slaughter are purpose-bred, ending this practice will not result in significant surplus horses in need of care and rehoming. Furthermore, the Bill, as currently drafted, will not come into force until 18 months after it is proclaimed in force. This is ample time for producers to cease breeding since the gestation period for horses is roughly 12 months. Even without the delayed coming into force, the Canadian equine community could likely absorb draft horses who would have otherwise been destined for the export market. There are many other purchasers of draft horses, known as "gentle giants", across the country and horse rescue groups and feed banks are also ready and willing to assist as needed after the ban comes into force to ensure the health and well-being of draft horses currently kept for export purposes. The Canadian horse protection community is united and on standby to assist in rehoming draft horses displaced by an end to the live horse export for slaughter industry.

## Impacts on horse breeders

The approximately four companies that export horses for slaughter breed draft horses for this purpose and also purchase some horses as weanlings and yearlings from breeders. Most of the hundreds of horse breeding operations in Canada are not associated with the live export industry and the ban will primarily impact the four large feedlot operators. The practice of shipping horses overseas for slaughter has been taking place for less than 20 years and the draft horse breeding industry is <u>not</u> dependent on this practice.

The breeders who supply the most horses to these feedlots appear to be based in Ontario. For instance, an August 2022 article from Ontario Farmer entitled "Horses Still Head to

<sup>&</sup>lt;sup>12</sup> Terrestrial Animal Health Code, Chapter 7.4 "Transport of Animals by Air", available online: <a href="https://www.woah.org/en/what-we-do/standards/codes-and-manuals/terrestrial-code-online-access/?id=169&L=1&htmfile=chapitre">https://www.woah.org/en/what-we-do/standards/codes-and-manuals/terrestrial-code-online-access/?id=169&L=1&htmfile=chapitre</a> aw air transpt.htm

Japan" states that the main draft horse breeder supplying these export companies is Wilson Farms based in Vankleek Hill, Ontario. Another operation near St. Thomas, Ontario is also known to supply many of these horses.

Though the export of horses overseas for slaughter is a relatively new industry in Canada – first becoming established when an individual from the United States moved to Canada in 2003 and set up an export business in Alberta at some point thereafter – concerns have been raised by industry representatives and MPs opposed to Bill C-355 that the Bill may adversely impact Indigenous peoples. Because an access to information package obtained by the Canadian Horse Defence Coalition showed that as of 2022, none of the four exporters of horses for slaughter identified as Indigenous producers, our understanding is that the concerns are based on claims that some breeders who sell horses to feedlots for export may be Indigenous individuals. If this is the case, it is undoubtedly an important issue to explore.

Animal Justice takes concerns about the impacts of laws on the rights and interests of Indigenous peoples very seriously and has made significant efforts to understand any such impacts. We encourage the federal government to work with any potentially impacted Indigenous individuals to support those who may need to find alternative buyers for horses who would previously be sold to exporter feedlots. Nonetheless, industry representatives' exaggerated claims about the Bill's unintended impacts are misleading and should not serve as a basis for continuing a practice that causes extreme suffering to horses.

#### Requirement for a declaration to export horses

Bill C-355 will allow for the continued export of horses for performance, sport, breeding and other reasons without restriction, subject only to the requirement that persons exporting horses for such purposes provide a declaration indicating that the purpose of the export is not slaughter or fattening for slaughter. If a mechanism for obtaining a declaration is easily accessible and expeditious, this requirement will not unduly burden individuals who export horses for show and other purposes.

The individuals in equine industries with whom we have spoken have indicated that a declaration for end use is already made in the CFIA health certificates used to export horses from Canada (that is, a different certificate is used for slaughter vs other purposes). They have indicated that there is always a final inspection of each horse before loading at a port of export and that they are already providing a declaration through the CFIA (using the correct health certificate) and CBSA to indicate that the horses are not going for slaughter.

It is unclear whether and how the additional requirement of a declaration would add to the current paperwork requirements involved in exporting live horses by air, but if implemented in tandem with these existing requirements it could presumably be done without much change to the process. Some have also suggested that the declaration requirement in Bill C-355 would unduly burden pilots and airlines. Our understanding from discussions with pilots and others is that air carriers already have significant requirements related to paperwork in connection with international departures, including cargo manifests which are handed over from ground staff to the pilot, and that pilots have existing responsibilities for obtaining necessary paperwork before taking off.

While we believe the declaration requirement can be implemented in an efficient manner, it is our view that the declaration component could also be removed from the Bill altogether without jeopardizing the objective of ending live horse exports for slaughter. All that is necessary to give effect to this purpose is for the Bill to prohibit exporting horses for slaughter or for fattening for slaughter.

In the event that the Committee has concerns with the requirement for a declaration, the Bill can easily be amended to accomplish the goal of ending live exports for slaughter without the requirement for a declaration. For instance, the following amendments could accomplish this result:

### Export of horse by air

4 (1) It is prohibited for a person to export a horse from Canada by air unless they have, in the form and manner specified by the Minister, provided the Minister with a written declaration attesting that, to the best of their knowledge, the horse is not being exported if the person knows or should reasonably know that the horse is being exported for the purpose of being slaughtered or fattened for slaughter as well as with any other documentation that the Minister may require.

### **Copy of declaration**

- (2) A copy of the declaration must be delivered to
- (a) the pilot in command or the operator of the aircraft; and
- (b) the chief officer of customs of the airport from which the aircraft is to depart.

#### No departure without declaration

- (3) If an aircraft that is to depart from Canada has a horse on board, unless a copy of the declaration has been delivered in accordance with subsection (2), it is prohibited
- (a) for a person to send the aircraft on its flight; and
- (b) for a person in charge of the aircraft to take the aircraft on its flight.

#### **Detention**

(4) The chief officer of customs referred to in paragraph (2)(b) must detain a horse until a copy of the declaration has been delivered to that officer.

### False or misleading information

5 It is prohibited for a person who submits a declaration under subsection 4(1) to provide false or misleading information or make a false or misleading statement in respect of the declaration or any matter related to the declaration.

Again, Animal Justice does not believe such amendments are necessary, but wishes to be clear that if Members do have concerns about the requirement for a declaration, that requirement can easily be removed from the Bill without compromising its effectiveness.

#### Conclusion

We wish to thank the Committee for considering this serious issue. Passing Bill C-355 is an important step toward ending the unnecessary suffering of horses and bringing our laws in line with the values of Canadians.

Yours truly,

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#### **About Animal Justice**

Animal Justice Canada is Canada's leading national animal law organization. We work to advance legal protections for animals by strengthening animal protection laws at all levels of government, going to court to ensure animals have a voice in legal proceedings, and supporting transparency and increased public awareness about animal protection issues.