



August 28, 2023

Darrell Russett  
President, Beef Farmers of Hastings County

The following resolution was passed that the 2023 BFO AGM

**WHEREAS**, truckers are limited to thirteen (13) hours per day,  
and

**WHEREAS**, livestock is held on trucks during the drivers rest period,  
and

**WHEREAS**, livestock can be within minutes from their destination and the driver has to  
pull over to avoid log book infractions and fines from the Ministry of Transportation, and

**WHEREAS**, CFIA has already decreased the hours for animals to be in transit,

**THEREFORE, BE IT RESOLVED THAT BFO** lobby the Transport Canada to get the  
electronic log book exempt for all livestock haulers.

The BFO Board of Directors shares your concerns on Electronic Logging Devices (ELDs) for transporters regarding the potential impact on animal welfare while trying to comply with the *Commercial Vehicle Drivers Hours of Service Regulations*. The ELD issue has been front of mind both at the federal and provincial levels as we have met with various Members of Parliament (MP) and Members of Provincial Parliament (MPP) to express our concerns with the regulations. BFO has been an active member with the National Working Group – Animal Transport which also includes CCA, Ontario Livestock Transporters' Alliance and other provincial and national organizations.

The working group has met with Transport Canada, AAFC and CFIA asking 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 working group has also asked Transport Canada to take immediate steps to harmonize Canadian live animal transport regulations with the U.S. legislation. This would include an exemption for livestock and insect haulers from hours-of-service regulations within a 150-air-mile radius from the origin and destination of the animals. This is an extremely beneficial exemption as it allows the drivers flexibility in delivering the animals to their destination in a timely and safe manner.

While the regulations are federal, enforcement is a provincial matter. BFO met with MPP Grewal, the Parliamentary Assistant to the Minister of Transportation and explained the grassroots impact these regulations will have on our sector. Following that meeting, BFO sent a letter to the Minister of Transportation, Caroline Mulroney outlining our concerns and requesting the immediate provision of strong guidance to all enforcement officers that clearly states that animal welfare issues are defined as 'emergency situations'. We received a response from Minister Mulroney to our letter; both it and the letter we submitted are attached along with Regulation 555/06 (Hours of Service) which outlines the exemptions and regulatory flexibilities that are relevant to our sector.

The federal government has made it very clear that ELDs will not be exempt from truckers transporting livestock; however, through discussions with the government, they have suggested that the current regulations have enough flexibility within the emergency clauses to allow transporters to reach their final destination if they are within a reasonable distance. We are not encouraged by this answer as we would rather see guidance language within the hours-of-service emergency exemption clause to specifically address animal welfare. This would provide livestock transporters confidence that they are operating within the law.

BFO will continue to monitor this issue and push for more clear and distinct language around welfare to be included in the emergency exemption clauses. Thank you for taking the time to submit your resolution to the 2023 AGM.

Sincerely,



Jack Chaffe  
Beef Farmers of Ontario, President

cc: Brad Denure (Mover)  
Paul Kinlin (Advisory Councillor)  
Al & Marg Govier (Secretary)



## Ontario Livestock Transporters' Alliance

May 30, 2023

Hon. Caroline Mulroney  
Minister of Transportation  
5th Floor  
777 Bay St.  
Toronto, ON M7A 1Z8  
[minister.mto@ontario.ca](mailto:minister.mto@ontario.ca)

Dear Minister Mulroney:

Re: Commercial Drivers' Hours of Service - Transporting Livestock

We are writing on behalf of our respective associations regarding animal welfare concerns associated with the mandatory use of electronic logging devices (ELDs) for animal transporters. This issue was raised in OLTAs letter to you on December 12, 2022, and during a meeting Beef Farmers of Ontario had with PA Grewal earlier this month.

Our cargo, unlike freight, has differing dispositions sometimes leading to challenges and delays in getting the animals loaded or unloaded. Drivers and handlers must work with these behavioural traits. This sometimes means taking quite a bit longer to load a particular group than normal or as planned especially during hot or humid weather to avoid stressing the animals. Drivers take their jobs very seriously and take pride in their safe driving record. Animal care is a big part of transporting live cargo. Patience and attention to detail are huge for animal transporters.

Due to the decreased flexibility with ELDs, our concern is the potential for drivers to reach their maximum hours of service due to **unforeseen delays** before reaching the animals' destination or with unloading at the destination. Live haul drivers, unlike freight transporters, cannot simply pull into a rest area and go off-duty if they unexpectedly cannot get to their destination and/or unload within their hours of service.

Most of our animal 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. This is also true for the transportation of bees. Plus, with bees, there is the concern of bee escapes when stationary which could be a human safety concern.

Animal transporters are not seeking a blanket exemption from ELDs or hours-of-service. We are asking for flexibility in the hours-of-service enforcement in **unforeseen** circumstances where drivers may be put in the difficult position of either complying with hours-of-service regulations or doing what they know is best for the welfare of the animals in their care which is getting them to their destination as quickly and safely as possible.

As part of a national working group, we have met with Agriculture and Agri-Food Canada, Canadian Food Inspection Agency, and Transport Canada officials multiple times but there does not seem to be an understanding of the urgency and seriousness of the concerns we are raising. AAFC and CFIA contend this is a transportation regulation and therefore outside their mandate. Transport Canada officials have requested statistics and information from the sector that are not available. We should address this concern before we have data on animal deaths due to the unworkable transport regulations.

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. This may cover animal welfare concerns, but the interpretation is left largely to enforcement officers.

The U.S. has recognized the unique challenges associated with animal and insect transport. The 2021 *Infrastructure Investment and Jobs Act* included an exemption from hours of service for livestock and insect haulers within a 150 air-mile radius from the origin and destination of their trip. This is an extremely beneficial exemption as it allows the drivers flexibility in delivering the animals to their destination in a timely and safe manner. Alignment with U.S. transport regulations would provide Canadian animal transporters with the flexibility they need to maintain the highest level of safety for drivers on the roads, transport livestock humanely, and prevent food supply chain disruptions.

We acknowledge that facilitating alignment may take time. Therefore, in the interim, we request the immediate provision of strong guidance to all enforcement officers that clearly states that animal welfare issues are defined as 'emergency situations' in Subsections 76(1) and (2) of the *Commercial Vehicle Drivers Hours of Service Regulations*. As we are entering the summer months with higher temperatures and humidity, this guidance is **urgently** required.

Transport Canada has provided provincial enforcement agencies with the *Commercial Vehicle Drivers Hours of Service Regulations Application Guide* which provides guidance on interpreting and applying the regulations. Our request is that Transport Canada update the existing *Commercial Vehicle Drivers Hours of Service Regulations Application Guide* or provide an addendum to the *Guide* that specifically addresses animal welfare. This would provide clarity to enforcement officers and reassurance to animal transporters. Thus far, Transport Canada officials have not indicated to us that they would move forward with this reasonable request.

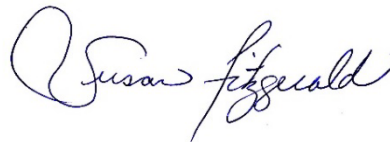
Therefore, we have taken it upon ourselves as a sector to draft proposed guidance for Transport Canada's consideration which we feel would provide assistance to enforcement officers in appropriately enforcing the regulations while safeguarding the welfare of animals being transported. This flexibility is imperative so that transporters can safeguard the welfare of the livestock in their care when unforeseen delays occur.

We are asking for your support by contacting Minister Alghabra and Minister Bibeau and urging them to address this issue immediately. Additionally, in light of Transport Canada's reluctance to act, we request the Ontario Ministry of Transportation directly issue guidance to provincial enforcement officers regarding animal welfare considerations. Both driver safety and animal welfare need to be considered. We would welcome the opportunity to meet with you to further discuss this important issue.

Sincerely,



Richard Horne, Executive Director  
Beef Farmers of Ontario<sup>1</sup>  
[richard@ontariobeef.com](mailto:richard@ontariobeef.com)



Susan Fitzgerald, Executive Director  
Ontario Livestock Transporters' Alliance<sup>2</sup>  
[susan.tfo@bell.net](mailto:susan.tfo@bell.net)

cc: Hardeep Singh Grewal, Parliamentary Assistant to the Minister of Transportation  
[hardeep.grewal@ontario.ca](mailto:hardeep.grewal@ontario.ca)  
Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs,  
[minister.omafra@ontario.ca](mailto:minister.omafra@ontario.ca)

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<sup>1</sup> **Beef Farmers of Ontario** represents 19,000 beef farmers in Ontario by advocating in the areas of sustainability, animal health and care, environment, food safety, and domestic and export market development.

<sup>2</sup> 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.

## **Proposed Text for Inclusion in *Commercial Vehicle Drivers Hours of Service Regulations Application Guide***

### **Text within Regulations which relates to Emergencies and Adverse Driving Conditions**

76 (1) 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.

- (2) 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.

#### **Existing reference in Guidance document:**

100. What is considered to be an “emergency” for the purposes of Section 76(1) in order to be permitted to drive beyond the prescribed driving periods?

**Guidance:** An emergency is a situation or impending situation where the safety or security of people is at risk or likely to be in jeopardy. The term “in any emergency” shall not be construed as encompassing such situations as a driver's desire to get home, shippers' demands, market declines or shortage of drivers.

#### **Additional new text for Guidance document:**

In the case of live animal transport, would an unforeseen animal welfare concern which could lead to animal suffering, illness or death be considered an “emergency” for purposes of Section 76(1) in order to be permitted to drive beyond the prescribed driving periods?

**Guidance:** Where the safety and security of the load is at risk, in this case live animals, this could be deemed an emergency situation. The load must be taken to the nearest appropriate place that has the required facilities, equipment and materials to unload and/or care for the animals.

#### **Existing reference in Guidance document:**

103. Does the term “the security of.....and its load” include the temperature of the load?

**Guidance:** No. The rule has not changed in this respect. However, other legislation may apply, such as the Federal Health of Animals Regulations, Explosive Act, etc.

#### **Suggested new wording to replace current 103 in Guidance document:**

103. Does the term “the security of.....and its load” include the temperature of the load?

**Guidance:** Only in situations where the temperature of the load poses an imminent, life-threatening situation for the occupants of the vehicle or for other users of the road. This includes live animal transportation where animal life is at risk due to the temperature of the load. The load must be taken to the nearest appropriate place that has the required facilities to accommodate the load to prevent animal suffering, illness or death.

**New item:**

What constitutes “adverse driving conditions” referenced in 72 (2) and (3)?

**Guidance:** Adverse driving conditions could include severe weather, traffic accidents which close roads or bring traffic to a standstill, border crossing delays, bridge or road outages, and other unforeseen animal behaviour challenges that slow or delay transport.

Ministry of  
Transportation

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107-2023-1645

Thomas Brandstetter  
Manager of Policy & Issues  
Beef Farmers of Ontario  
[thomas@ontariobeef.com](mailto:thomas@ontariobeef.com)

Dear Thomas Brandstetter:

Thank you for your email sharing concerns associated with the mandatory use of electronic logging devices (ELDs) as they relate to the animal transport industry. I appreciate the opportunity to respond.

ELD technology will improve safety on our roads by helping to ensure that drivers operate in compliance with Ontario's Hours of Service rules and aligning Ontario with federal *Commercial Vehicle Drivers Hours of Service Regulations*.

As you are likely aware, with the introduction of ELDs, Ontario's Hours of Service rules for drivers of commercial motor vehicles have not changed, including:

- drivers who are required to carry and maintain a record of duty status;
- information that must be contained in a record of duty status;
- hours of service limits and cycle requirements that drivers must follow; and
- responsibilities and obligations of operators related to the monitoring of drivers.

The same regulatory flexibilities that drivers had while maintaining a paper record of duty status also continue to be available to drivers tracking their hours using ELDs including certain exemptions and provisions when encountering adverse driving conditions where criteria are met. Additional details on specific regulatory flexibilities that may be relevant or of interest to the animal transport sector is enclosed, for reference.

Thank you for you sharing details of the proposal to work with Transport Canada to develop guidance for enforcement authorities to address concerns regarding the mandatory use of ELDs within the animal transport sector. Our staff look forward to discussing details of your request as Transport Canada considers this proposal and as provincial and territorial transportation authorities are further engaged. I have directed ministry staff to contact Transport Canada to inquire on the status of this request and to monitor related developments.

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In response to your request for Ontario to issue interim guidance to provincial enforcement authorities, please note that enforcement officials continue to enforce Ontario's Hours of Service rules based on existing regulatory requirements - including provisions that extend regulatory flexibility in scenarios where criteria are met.

With respect to regulatory flexibility extended during an emergency, the current exemption in Ontario is limited to vehicles providing relief during an emergency only.

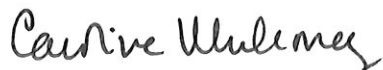
With respect to flexibility when encountering adverse driving conditions, the current flexibility extended is limited to scenarios involving impaired driving conditions that were not known, or could not reasonably have been known, to a driver or an operator dispatching a driver immediately before the driver began driving.

It is a priority of our ministry to ensure the consistent application and enforcement of Ontario's Hours of Service rules – including scenarios involving regulatory flexibility.

Should you, or your members, encounter issues regarding a lack of consistent enforcement of Ontario's Hours of Service rules, you are encouraged to report details to the Commercial Inspection and Enforcement Branch at [cepo@ontario.ca](mailto:cepo@ontario.ca).

Thank you again for your letter and for bringing this information to my attention.

Sincerely,



Caroline Mulroney  
Minister of Transportation

Enclosure

- c. The Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs  
Hardeep Singh Grewal, Parliamentary Assistant to the Minister of Transportation  
Commercial Inspection and Enforcement Branch, Transportation Safety Division,  
Ministry of Transportation  
Richard Horne, Executive Director, Beef Farmers of Ontario  
Susan Fitzgerald, Executive Director, Ontario Livestock Transporters' Alliance



bc. Case 107-2023-1645  
Jennifer Elliott, Director, Commercial Safety and Compliance Branch  
Andrew Chase, Manager, Carrier Program Development Office, Commercial  
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## **Regulation 555/06 (Hours of Service)**

The following provides information on specific regulatory flexibilities that may be relevant or of interest to the animal transport sector in Ontario.

Each section referenced below can be found in Regulation 555/06 (Hours of Service).

### **Exemptions:**

- Under Section 3 (1) 1, a driver and operator are exempt from provincial hours of service rules when operating a two or three-axle commercial motor vehicle, or combination of a two-axle commercial motor vehicle and a one-axle trailer, being used to transport the primary products of a farm, forest, sea or lake, if the driver or the operator is the owner and producer or harvester of the products, or to return after transporting the primary products of a farm, forest, sea or lake, if the vehicle is empty or is transporting supplies and equipment used for the production of primary products of a farm, forest, sea or lake.

### **Adverse Driving Conditions**

- Under Section 15 (1) A driver who encounters adverse driving conditions while driving a commercial motor vehicle may, (a) increase the driving time permitted by section 5 by up to two hours and the on-duty time permitted by that section by up to two hours and reduce the off-duty time by a corresponding amount; and (b) increase the driving time permitted by sections 9 and 11 by up to two hours and the on-duty times permitted by those sections by up to two hours if the 16 hour elapsed time required is not exceeded.
- Under Section 15 (2) If the driver exceeds the on-duty time for the cycle permitted by sections 12 to 14, the cycle requirements under those sections must be met by the end of the following day.
- Under Section 15 (3) if a driver increases their driving or on-duty times under Section 15 (1), the reason for the increase must be entered in the record of duty status or in the record required.

### **Record of Duty Status: Exemption**

- Under Section 23 (1) A driver is not required to keep a record of duty status (in any format) for a day if the driver (a) on the operator's instructions, drives a commercial motor vehicle solely within a radius of 160 kilometres of the location at which the driver starts the day; and (b) returns at the end of the day to the same location from which they started.