



Canadian Livestock Transporters' Alliance



September 6, 2024

Hon. Prabmeet Singh Sarkaria
Minister of Transportation
Government of Ontario

Dear Minister Sarkaria,

On behalf of the Beef Farmers of Ontario (BFO), Ontario Pork (OP) and the Canadian Livestock Transporters' Alliance (CLTA) and our members we write to you today to bring your attention to the most recent update to the guidance regarding Electronic Logging Devices and Commercial Vehicle Drivers Hours of Service Regulations.

Our associations have been active participants in the National Working Group – Animal Transport, collaborating with organizations such as the Canadian Cattle Association (CCA), the Canadian Pork Council, and other national and provincial entities. This group has engaged in discussions with Transport Canada, AAFC and CFIA advocating for regulatory flexibility to ensure that unforeseen delays do not compromise the welfare of livestock during transport.

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 within their hours of service. Most animal trailers are passively ventilated which means it must be kept moving to attain the air flow and temperature control required to ensure the safety of animals.

The Canadian livestock sector has recommended that Canada adopts a system similar to the United States, where livestock haulers are exempt from hours-of-service regulations within a 240 air-kilometre radius from the origin and destination of their trip. This exemption provides drivers with the necessary flexibility to deliver animals safely and on time.

Recognizing that full alignment with the United States may require time, we requested interim measures to address this issue. Therefore, sectors requested clear guidance for all enforcement officers stating that animal welfare issues are defined as 'emergency situations' in Subsections 76(1) and (2) of the Commercial Vehicle Drivers Hours of Service Regulations.

After raising our concerns for almost two years, we are pleased the Canadian Council of Motor Transport Administrators (CCMTA) reviewed the issue and relevant portions of the guidelines relating to Section 76 and they have been revised to provide clarity to industry and enforcement officers on animal welfare situations.

Attached are the changes within the guidance to section 76 that was communicated to us, and while the guidance is not as specific or prescriptive as requested, it does clearly state the safety of the load is justification for drivers going over their hours of service. Further, the load is defined as including livestock and insects. *“While the load is not defined in the Regulation it could likely be interpreted as any goods or equipment being transported by the vehicle and can include live animals such as livestock and insects.”*

It is important to highlight that Ontario farmers and transporters understand their responsibility to plan for the transportation of their livestock such that the animals can be delivered safely to the destination within the allowable hours of service for the driver and recognize that the enforcement flexibility outlined in the guidance is only when unforeseen circumstances arise on a trip. However, we see this as a step in the right direction as it comes to safe and humane livestock transportation across the country.

CCMTA has provided provinces and territories with the revised guidance and now the provinces must now disseminate this information to the enforcement staff within their respective jurisdictions for implementation. **We ask that the Ontario Ministry of Transportation ensure this guidance is communicated in a timely and clear manner to enforcement officers throughout Ontario.**

We are trusting that the revised guidance will provide live haul drivers reassurance and ensure animal welfare is protected. Please do not hesitate to contact us if you have any questions or require additional information.

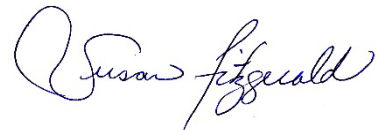
Sincerely,



Craig McLaughlin
BFO President



Tara Terpstra
OP Chair



Susan Fitzgerald
CLTA Executive Director

cc: Doug Jones, Deputy Minister - Ministry of Transportation
Ric Bresee, Parliamentary Assistant to the Minister of Transportation
Hon. Rob Flack, Minister of Agriculture, Food and Agribusiness
Dr. John Kelly, Deputy Minister - Ministry of Agriculture, Food and Agribusiness

June 28, 2024

Kody Blois
Chair, Standing Committee on Agriculture and Agri-Food
House of Commons
Ottawa, Ontario K1A 0A6
Kody.Blois@parl.gc.ca | AGRI@parl.gc.ca

Attention: Parliamentary Standing Committee on Agriculture and Agri-Food

On behalf of the Canadian Council of Motor Transport Administrators (CCMTA) Board of Directors, I am pleased to respond to the Committee's request for CCMTA assistance.

In the Parliamentary Committee's report "*Striking a Balance: Electronic Logging Device Requirements Impacting Animal Transportation*," CCMTA was cited in Recommendation 1 as an entity that could "provide clear guidance to all enforcement officers concerning section 76 of the [Hours-of-Service] regulations to clarify that a risk to animal welfare is considered an emergency situation to ensure it is enforced consistently...".

In addressing the Parliamentary Committee's recommendation, CCMTA reviewed relevant documentation, including the CCMTA 2007 *Commercial Vehicle Drivers Hours of Services Regulations - Application Guide* and considered stakeholder correspondence that highlighted industry concerns. Relevant portions of the Guideline relating to Section 76 have been revised to provide guidance to industry and enforcement while adhering to the Federal *Commercial Vehicle Drivers Hours of Service Regulations*. It is important to note that these guidance materials do not replace the Regulations and where questions arise, readers should defer to the Regulations. A copy of the revised sections of the Guide are attached. A revised disclaimer also forms part of the revisions to the Guide.

CCMTA will also be corresponding directly with the National Working Group on Animal Transport about the noted revisions to the Guideline. Provincial and territorial jurisdictions are responsible for working with their local enforcement agencies.

We appreciate the Committee's confidence in entrusting us with this responsibility, noting that our work is now complete.

Sincerely,



Kwei Quaye
Chair of the CCMTA Board of Directors

c.c.: Arun Thangaraj, Co-Chair, Council of Deputy Ministers Responsible for Transportation and Highway Safety, and Deputy Minister, Transport Canada
Steve Loutitt, Co-Chair, Council of Deputy Ministers Responsible for Transportation and Highway Safety, and Deputy Minister, Northwest Territories Department of Infrastructure
John Pearson, Executive Director, Council of Deputy Ministers Responsible for Transportation and Highway Safety

Commercial Vehicle Drivers Hours of Service Regulations Application Guide

Amendments – June 2, 2024

DISCLAIMER

Guidance documents are meant to provide assistance to provinces and territories on how to interpret some provisions of the regulations.

Guidance documents are administrative instruments not having force of law and, as such, allow for flexibility in approach. Enforcement measures cannot only be based on guidance documents.

Alternate approaches to the principles and practices described in this document **may be** acceptable provided they are supported by factual justification.

This guidance document should be read in conjunction with applicable laws.

EMERGENCIES AND ADVERSE DRIVING CONDITIONS (Section 76)

99. Can a driver use the emergency exception if they will exceed 13 hours driving time and 14 hours on-duty time, that would put the driver over the permitted hours in the elected cycle?

Guidance: Yes. Providing that the driver did not drive beyond the first location (as defined in section 104) that was capable of accommodating the passengers or providing a secure area for the vehicle and its load. While the load is not defined in the Regulation it could likely be interpreted as any goods or equipment being transported by the vehicle and can include live animals such as livestock and insects.

Reference: Section 76(1).

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: The term "emergency" is not defined in the *Motor Vehicle Transport Act* or in the *Commercial Vehicle Drivers Hours of Service Regulations* but is generally understood as a sudden and an unforeseen event or combination of circumstances that calls for immediate action.

An emergency is a situation or impending situation caused by a sudden or unforeseen event or combination of circumstances, wherein the safety or security of people, the driver of the vehicle or the load 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.

101(a). What are adverse driving conditions?

Guidance: adverse driving conditions are defined in *the Commercial Vehicle Drivers Hours of Service Regulations*, section 1. **Adverse driving conditions** means snow, sleet, fog or other adverse weather or road conditions that were not known to a driver or a motor carrier dispatching a driver immediately before the driver began driving or could not reasonably have been known to them.

101(b). If a driver invokes the exception for adverse driving conditions, does a supervisor need to sign the driver's record of duty status when they arrives at the destination?

Guidance: No. However, the driver must record the reason for doing so in the remarks section of the record of duty status. Reference: Section 76(4).

102. Are there allowances made in the Regulations for delays caused by loading and unloading?

Guidance: No. The Regulations only make allowances for unforeseen contingencies such as in Section 76(1), adverse driving conditions and emergency conditions; loading and unloading delays are not covered by this Section.

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

Guidance: No. The Hours-of-Service rules have not changed in this respect. However, other legislation and regulations may apply such as the *Federal Health of Animals Regulations*, *Explosive Act*, etc.

104. What is the interpretation of the term “a destination that provides safety”?

Guidance: The term “destination that provides safety” could be interpreted as the first location that can accommodate the passengers, and/or the driver and provides security for the commercial vehicle and its load. In this case security of the vehicle and the load also means the safety of the load.

Commercial Vehicle Drivers Hours of Service Regulations
Changes to Application Guide
June 2004

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Previous wording for 104:

104. The term “a destination that provides safety” requires interpretation and the following example illustrates the issue. The driver is 1 hour from a truck stop which provides the facilities for the driver to rest for 8 hours, but the driver is only 2 hours from the home terminal. Will the driver be allowed to proceed to the home terminal?

Guidance: No. In the case of an emergency, the exception to the driving rules only extends to the first location that can accommodate the passengers, and provides security for the commercial vehicle and its load. (If transporting a load under an oversize/overweight permit, drivers must be aware of the conditions of the permit and comply with them.)