



Resolution 8: Commercial Drivers' Hours of Service

CARRIED

TITLE OF RESOLUTION:
Commercial Drivers' Hours of Service
RATIONALE / PURPOSE FOR RESOLUTION:
<p>Whereas legislation for commercial drivers' hours of service will come into force January 2023</p> <p>Whereas When the Regulations Amending the Commercial Vehicle Drivers Hours of Service Regulations (Electronic Logging Devices and Other Amendments) were published in 2017, we urged Transport Canada to harmonize Canadian regulations with the United States.</p> <p>Whereas in 2017 the United States has enacted an exemption for those transporting livestock. The exemption is still in effect.</p> <p>Whereas In December 2021 a letter was written and signed by 9 livestock organizations to Transport Canada and Agriculture and Agrifood Canada requesting the same exemption as granted in the United States with no response to date</p> <p>Whereas the 2017 regulations risk the safety and health of livestock in transport as well as citizens</p>
BE IT RESOLVED THAT:
The Alberta Beekeepers Commission work with Canadian Honey Council and the 7 livestock organizations to obtain an exemption to the 2017 regulation amending the commercial Vehicle Drivers Hours of Service Regulations for Canadian transport companies who handle and haul livestock and insects/honey bees
RESOLUTION BACKGROUND INFORMATION:
<ul style="list-style-type: none">• Attached

Name of producer submitting resolution:	Jeremy Olthof
Name of person seconding resolution:	Ryan Hicks
Date:	November 30, 2022



Ontario Livestock
Transporters' Alliance



December 8, 2021

The Honourable Omar Alghabra
Minister of Transport
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The Honourable Marie-Claude Bibeau
Minister of Agriculture and Agri-Food
Marie-Claude.Bibeau@parl.gc.ca

Re: Commercial Drivers' Hours of Service - Transporting Livestock

We are writing to you on behalf of our respective associations to communicate concerns expressed by Canadian transport companies who handle and haul live animals and insects (livestock transporters) regarding their ability to safeguard the welfare of the livestock being transported due to unforeseen delays during transport which cause drivers to go over duty hours. To address these concerns, we request Transport Canada provide a similar exemption as was recently enacted in the U.S. whereby drivers' on-duty time within a 150 air-miles radius (240 kms) of their load origin and destination is excluded from their on-duty hours. Canadian livestock transporters need this type of regulatory flexibility to be able to get animals to their destination as safely and efficiently as possible.

When the Regulations Amending the Commercial Vehicle Drivers Hours of Service Regulations (Electronic Logging Devices and Other Amendments) were published in 2017, we urged Transport Canada to harmonize Canadian regulations with the U.S. In fact, it is our understanding the impetus for Transport Canada initiating the mandatory use of Electronic Logging Devices (ELDs) for commercial carriers was that the U.S. was in the process of doing likewise. At that time, live animal and insect transporters in the U.S. were exempt from mandated use of ELDs and there was a proposed review of the hours of service for animal transporters.

The U.S. ELD exemption is still in effect. In addition, on November 15, 2021, President Biden signed the *Infrastructure Investment and Jobs Act* which includes an exemption from hours of service for livestock haulers within a 150 air-miles radius from the origin and destination of their trip. This flexibility helps prevent the situation of having a livestock hauler run out of duty hours mere miles from their destination.

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. Examples of what might cause an unforeseen delay while in transit include: adverse weather, traffic accidents which close roads or bring traffic to a standstill, border crossing delays, and bridge or road outages. Subsections 76(1) and (2) may cover some of those challenges but the interpretation is left largely to enforcement officers.

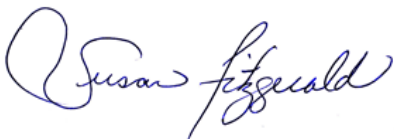
What has not been addressed is an unforeseen increase in service hours caused by non-driving hours which are clocked as on duty time, e.g., waiting to load, helping to load, waiting to unload, etc. This might arise due to difficulty in loading nervous or temperamental animals or a breakdown at the processing plant which would holdup unloading.

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. As well, drivers hauling live animals, 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 of our livestock 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. In addition, there are maximum times off feed, water and rest within the Health of Animals Act which must be adhered to so the load cannot be parked for extended periods of time while a driver goes off duty.

Adequate ventilation for bees loaded on flat bed trailers is also critical to prevent overheating; 400+ tightly packed colonies generate a large amount of heat which can cause death and reduce queen viability. When stationary, there is also a risk of bee escapes which could pose a safety risk to people.

Livestock transport is one of the most critical and visible components of the farmed animal production system and we support efforts which help ensure that it is done with animal welfare in mind. Livestock transporters have a responsibility to ensure the welfare of the animals is maintained. This is best accomplished by getting them to their intended destination. Harmonization with U.S. transport regulations, which provide an exemption from drivers' on-duty time of a 150 air-miles radius (240 kms) of their load origin and destination, would provide Canadian livestock transporters with the needed flexibility to be able to get animals to their destination as safely and efficiently as possible.

Sincerely,



Susan Fitzgerald, Executive Director
Ontario Livestock Transporters' Alliance¹
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Rick Bergman, Chair
Canadian Pork Council²
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¹ 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.

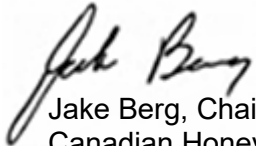
² The **Canadian Pork Council** is the national voice for hog producers in Canada. A federation of nine provincial pork industry associations representing 7,000 farms, the organization plays a leadership role in achieving and maintaining a dynamic and prosperous Canadian pork sector.



Bob Lowe, President
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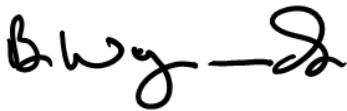
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³ The **Canadian Cattlemen's Association** is an advocacy group promoting the interests of cow-calf producers, feedlots, and packers in the Canadian beef industry.

⁴ The **National Cattle Feeders' Association** represents Canadian cattle feeders on national issues and work in collaboration with other cattle organizations and government to strengthen and improve the cattle feeding industry.

⁵ The **Canadian Honey Council** is the national association of beekeepers representing apiculturists across Canada. The CHC provides a forum where producers, packers, professionals, provincial associations, and officials from different levels of government can talk and recommend action in the best interests of the Canadian honeybee industry.

⁶ The **Alberta Beekeepers Commission** supports 175 producers who manage more than 300,000 hives for honey production and pollination of hybrid canola seed and BC blueberries. Alberta is the largest honey producer in Canada and third largest in North America. The Commission works with industry and other partners to innovate, grow and fund research to keep our bees healthy and our industry sustainable.

⁷ The **Canadian Veal Association** (CVA) is a partnership between Ontario and Quebec to advance the Canadian veal sector through proactive communication and collaboration. The CVA represents Canada's grain-fed and milk-fed veal farmers and industry partners.

⁸ The **Canadian Sheep Federation** represents the interests of Canadian sheep producers, through the member organizations, and provides leadership to the industry aimed at furthering the viability, growth and prosperity of the Canadian sheep and wool industry.

⁹ The **Canadian Meat Council** represents Canada's federally registered meat packers, meat processors and suppliers of good and services to the meat industry. CMC provides evidence-based advocacy on behalf of its members and works to secure and improve Canada's global meat competitiveness and promote a balanced diet, which includes high-quality and nutritious Canadian meat. The Canadian red meat industry represents over 20 billion dollars to the Canadian economy and supports 288,000 jobs across Canada.