ECONOMICS OVER **ANIMAL WELFARE**

Production, Transport and Slaughter of Chickens in Canada

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APPENDICES

> The birds that did not survive transportation had been exposed to a climate incompatible with life.

> If you know that you're going to breach regulations, then you continue to do it, that's indefensible.

> To transport birds on a trailer with tarps is totally inadequate and it's for this reason that it is probably impossible to be in compliance with the regulations consistently throughout the year on all the loads because the system that's being used is totally inadequate.

> The point is, it is impossible to protect the birds from adverse weather on these vehicles.

> The technology is available, it's just not being used .

These are quotes from two Canadian Food Inspection Agency (CFIA) veterinarians – Dr. Martin Appelt and Dr. Gordon Doonan – who wrote expert reports and testified during the CFIA v. Maple Lodge Farms court case. As the quotes make evident, Canada's poultry are routinely transported on vehicles which disregard animal welfare.

INTRODUCTION

The intent of this report is to shed light on the chicken meat and egg industries in Canada, and circumstances surrounding two chicken transport trailers – the subject of a two-year trial involving the Canadian Food Inspection Agency (CFIA) v. Maple Lodge Farms (MLF). The charges centred on "undue suffering during transport for undue exposure to inclement weather."

Birds raised for meat (broilers) and egg laying hens are two distinctive types of chickens, yet both are subject to intensive confinement. Broilers are kept in crowded barns and hens are crammed into small wire cages. Broiler bird genetics force rapid growth to slaughter weight in just 33 days, causing growth-related maladies such as skeletal deformities and heart attacks.

Approximately 643 million meat chickens are reared for food annually in Canada[1] – by far the most of any species farmed for food in Canada. These young birds are not yet fully feathered when slaughtered. Industry's goal is to "grow" the birds in the smallest space, in the shortest time, with the least amount of feed. Ontario leads Canada in the production of meat chickens.

Approximately 95% of Canada's laying hens spend their lives confined in small wire cages, stacked multi-layers high in "batteries." There, hens spend a year intensively laying eggs, crowded with other birds, unable to nest, spread their wings, or perch – before being replaced by a new group of young birds. At that point the fragile hens are worn out, and many, featherless, when shipped to MLF for slaughter.

Across Ontario in 2014, 130 tractor trailers transport meat birds to slaughter daily, with 20 - 30 of those loads destined for MLF. Every day an additional 15-20 vehicles carry spent hens to Maple Lodge Farms for slaughter from across Ontario, nearby provinces and northern United States.

It is in this context Maple Lodge Farms Ltd. was charged by the Canadian Food Inspection Agency with 60 counts of transport violations under *Health of Animals Regulations*. Two counts were the subject of the two-year trial. The charges include unnecessary cruelty to animals and excessive dead-on-arrival meat chickens on Trailer 07 in 2008, and spent hens on Trailer 23 in 2009.

Birds are transported to slaughter at carefully-determined times, using rudimentary trucking systems, based on a "just-in-time" model which lacks flexibility for unforeseen circumstances such as bad weather.

The trial began in September 2011 and lasted until May 2013 in Ontario Superior Court in Brampton, ON. All court testimony was under oath. The hearings provided opportunity to learn first hand the workings of the Canadian chicken meat and egg industries, including transport issues. Representatives from the Canadian Coalition for Farm Animals and Animal Alliance of Canada followed the trial from the beginning, and attended all court sessions.

[1] www.statcan.ca, Production of poultry by province, 2012.

Justice N.S. Kastner presided over sixteen court days, including release of her ruling on September 27, 2013, when she noted the case was "complex and lengthy". As the trial revealed, thousands of chickens – both meat birds and spent laying hens – suffer and die for many reasons en route to slaughter. As a matter of course, it is assumed some birds will die during transport.

Economics over animal welfare was a clear theme which emerged from the trial. Maple Lodge Farms failed to ensure proper animal welfare for the birds, including not properly training its drivers, and not following Canada's voluntary Codes of Practice or the company's Standard Operating Procedures for bird welfare.

Justice Kastner found Maple Lodge Farms guilty on both counts tried in court, with her reasons outlined in a 99-page ruling. Sentencing for the two guilty counts and 18 additional guilty pleas occurred in March 2014. See Appendix C for a summary of the 18 additional guilty pleas, and Appendix D for Justice Kastner's sentencing document.

Maple Lodge Farms continues to be fined by the CFIA for transport infractions. (See Appendix A, page 38.)

This report is not a comprehensive review of all aspects of chicken production in Canada by any means. That would require a broader look at the genetics and rearing of these birds. There are, however, sections on slaughter and supply management which directly impact chicken welfare, and antimicrobial resistance which affects the health of both humans and animals in the long term.

On pages 6 and 7 are **20 recommendations for change** in the production, transportation and slaughter systems to improve chicken welfare in Canada.

Note: Throughout the court case Maple Lodge Farms was referenced as a "processor." This report does not use that term to denote the slaughter of birds unless as a direct quote, because as Dr. Janice Swanson said: "Slaughter is different from processing in that the raw material is alive, has a central nervous system, can express emotional states, and has biological components like humans."[2]

Special thanks...
to Liz White of Animal Alliance of Canada for purchasing the court transcripts and documents, and to Lynda Spencer for her help in summarizing transcripts and research, and to Rachel Power of Power by Design for the layout of this report.

Stephanie Brown,
Canadian Coalition for Farm Animals

[2] Dr. Janice Swanson, "Why you should care about animal welfare," American Meat Institute Foundation's 2002 Annual Handling and Stunning Conference, quoted by Karen Davis in "The Need for Legislation and Elimination of Electrical Immobilization."

TWENTY RECOMMENDATIONS FOR CHANGE

Justice N.S. Kastner, in her ruling, called for changes to *Regulations* under the *Health of Animals Act.* Animal Alliance of Canada and the Canadian Coalition for Farm Animals concur with the need for regulatory changes to the production, transportation and slaughter systems affecting hundreds of millions of chickens every year in Canada.

Recommendations pertaining to the trial:

1. That passively-ventilated flat bed trailers with tarps be replaced with mechanically ventilated, heated and cooled vehicles.

2. That the chicken meat and egg industries end "just in time" production, including transporting birds during extreme weather conditions.

3. That supply management policies which negatively impact the welfare of broiler birds and spent hens, such as fines for over-weight birds or late removal of spent hens, be ended.

4. That birds not be loaded or transported in weather conditions which exceed recommended temperatures in the Codes of Practice unless mechanically ventilated, heated and cooled vehicles are used.

5. That CFIA review the material generated during the court case and ruling, and incorporate relevant changes to the long-awaited animal transport *Regulations*, then publish the revised *Health of Animals Regulations in Canada Gazette* I for public comment and implementation.

6. That vehicle on-board monitoring equipment be required under the *Health of Animals Regulations* to alert drivers to changing temperatures and conditions of animals during transport.

7. That transport distances and times be mandated to be as short as possible, with premiums paid by slaughter plants to encourage short hauls, and birds slaughtered at the closest kill plant, not a distant plant based on contracts with particular plants.

8. That levels of dead-on-arrival animals be quantified under HAACP standards in addition to *Regulations under the Health of Animals Act.*

9. That lairage time be addressed in the *Health of Animals Regulations* and not dictated by the scheduling convenience of a slaughter plant.

10. That training about animal welfare and behaviour be mandatory for animal transport drivers, similar to driver education programs in the European Union.

11. That mechanical chicken catchers replace human chicken catchers to minimize trauma to the birds.

12. That the Codes of Practice and *Health of Animals Regulations* address acceptable humidity standards during transport, and require compliance with acceptable industry-established transport temperatures – unless mechanically heated and ventilated vehicles are used.

Broader industry recommendations:

13. That the Canadian chicken meat industry change current genetics of broiler birds from fast-growing strains to slower growing birds because, at present, the birds' unnatural and fast growth leads to severe metabolic and physiologic challenges which include heart failure, ascites, and skeletal malformations.

14. That on-farm destruction of spent hens be considered a viable alternative to transport to slaughter if and when humane on-farm killing methods are available.

15. That Canadian slaughter plants implement Controlled Atmosphere Killing systems for stunning and killing meat chickens and spent hens with gas mixtures not to exceed 30% $C0_2$, with inert gases such as argon and nitrogen constituting the remaining gases in clearly specified percentages.

16. That birds not be removed manually from transport crates or drawers at the slaughter plant, but rather, the drawers be moved into a Controlled Atmosphere Killing unit using inert gas for stunning and killing the birds.

17. That antimicrobial drugs used in chickens be exclusively veterinarian-prescribed for therapeutic purposes and not as growth promotants, and importation for "own use" antimicrobial drugs not evaluated and registered by Health Canada be ended.

18. That CFIA give greater prominence to humane slaughter as part of the C*ompliance Verification System*, where humane slaughter is a daily check-off item on a long list of tasks for CFIA personnel at slaughter plants.

19. That CFIA, as part of the *Compliance Verification System*, record numbers of "red skin" carcasses per load as a humaneness measure, with penalties for failure to control the problem.

20. That CFIA provide regular and consistent highway enforcement of animal transportation under the *Health of Animals Regulations.*

SECTION I

ABOUT MAPLE LODGE FARMS LTD.

Maple Lodge Farms was established by the May Family, with the original farm settled in 1834 in Norval, Ontario. The company is now Canada's largest independent poultry slaughter plant, still based in Norval, near Brampton. The judge's ruling describes MLF as "Canada's largest poultry slaughter plant." It is a fully integrated company which includes egg hatching, feed mills, transportation services from grower barns[3] to their kill plant, and slaughter.

Ontario is the largest chicken-producing province in Canada. Ontario produced 204,065,000 meat chickens of various weights in 2012.[4] MLF slaughters approximately 30% of Ontario's meat chickens, in addition to virtually all of Ontario's spent hens (also known as "fowl"), plus hens from other provinces and northern United States.[5]

On a typical day, 20 - 30 loads of broiler birds and 15 - 20 loads of spent hens are transported to Maple Lodge Farms for slaughter.[6] At an average of 10,000 birds per truckload, an estimated 450,000 - 500,000 birds are killed every working day, with an average 150,000 - 200,000 being spent hens and 200,000 - 300,000 broiler birds.

Birds are received 24 hours a day at the Norval plant, with two eight-hour shifts for killing birds. At the time of the two subject trailer loads (T-07 transporting broiler chickens in December 2008 and T-23 transporting spent hens in February 2009) there was a kill line for spent hens and one for broiler chickens, located side by side.

Major Maple Lodge Farms customers include quick food retailers, such as Swiss Chalet and KFC, airline caterers and large retail grocers. The company's stated policy includes adherence to Canada's voluntary poultry Code of Practice, in addition to its Standard Operating Procedures (SOPs) for treatment of birds. However, as the judge wrote in her ruling, the company did not adhere to either the industry Code of Practice or its own SOPs.

Under Canada's supply management system, Maple Lodge Farms contracts with chicken meat growers to provide them with day-old chicks which are genetically-selected to reach a specific weight within four to five weeks. When the fast-growing birds reach the desired weight, they are transported to Maple Lodge Farms on a pre-scheduled slaughter date. The kill date dictates when the eggs are "set" for hatch, so the birds will be ready for slaughter a few weeks later to meet Maple Lodge Farms customers' specifications for chicken meat. The supply management system also drives the timing of spent hen slaughter, based on the egg production quota system. (See Section VII. About supply management.)

Maple Lodge Farms has a long history of Administrative Monetary Penalties (AMPs) for transport violations under the *Health of Animals Regulations*. For a recent history (2011 - early 2013) of AMPs levied by the Canadian Food Inspection Agency against Maple Lodge Farms and its wholly owned subsidiary, Nadeau Poultry Farm Ltd. in Saint-Francois-de-Madawaska, New Brunswick, see Appendix A.

[3] Grower barns are owned by chicken meat farmers who obtain day-old birds from hatcheries and "grow" the birds about 33 days until shipment to slaughter.
[4] www.statcan.gc.ca, Production of poultry by province, 2012.
[5] Court transcript, January 5, 2012, p. 16.
[6] See Ontario Court of Justice, Ruling by Justice N.S. Kastner, September 27, 2013, Paragraph 82, and court transcript, January 5, 2012, p. 16.

The two charges in the Maple Lodge Farms court case

Justice N.S. Kastner's ruling set out the charges against Maple Lodge Farms as follows: [7]

[5] Maple Lodge Farms is charged pursuant to a federal statute, the *Health of Animals Act* and the regulations, the *Health of Animals Regulations*, enacted thereunder.

[6] The corporation has been charged on two separate Informations with a total of 60 counts averred. The first Information sworn on January 27, 2010 contains 38 counts. The second Information sworn on July 14, 2010 contains 22 counts. It was agreed between counsel and the judge presiding over the Judicial Pre-Trial that two representative counts would first be tried together, in order to assist the process of adjudicating or resolving the other 58 counts. The two representative counts are counts 7 and 34 on the first Information.

[7] The two representative counts the corporation is tried on are the following:

> **Count 7:** that Maple Lodge Farms Ltd., Ontario Corporation 92480, 8301 Winston Churchill Blvd,Brampton, Ontario, on or about the 30th and 31st days of December, 2008, in the Province of Ontario, unlawfully did transport an animal, to wit; *9,576 chickens between Clifford, ON and Brampton, ON on trailer T-07, including 711 chickens found "dead on arrival"* at unloading, in a motor vehicle where injury or under suffering was likely to be caused to the animal by reason of undue exposure to the weather, contrary to section 143(1)(d) of the *Health of Animals Regulations*, made pursuant to the *Health of Animals Act* (1990, c.21), and did thereby commit an offence under section 65(1) of the said Act; and
>
> **Count 34:**
> that MAPLE LODGE FARMS LTD., Ontario Corporation 92480, 8301 Winston Churchill Blvd., Brampton, Ontario, on or about the 23rd day of February, 2009, in the Province of Ontario, unlawfully did transport an animal, to wit; *10,944 chickens between Moorefield, ON and Brampton, ON, on trailer T-23, including 1181 chickens found "dead on arrival"* at unloading, in a motor vehicle where injury or undue suffering was likely to be caused to the animal by reason of undue exposure to the weather, contrary to section 143(1)(d) of the *Health of Animals Regulations* made pursuant to the *Health of Animals Act* (1990, c.21), and did thereby commit an offence under section 65(1) of the said Act.

[8] The Crown proceeded summarily and the litigants then chose to have a trial before a judge of the Ontario Court of Justice.

[7] Justice Kastner's ruling, Paragraphs 5-7.

SECTION II

CHICKEN TRANSPORT IS COMPLEX: THE ANIMAL WELFARE ISSUES

Virtually all animals raised for food in Canada are transported at least once in their lifetime. Many things can go wrong during transport, either by chance or extreme weather, inappropriate equipment, driver decisions, or planning and care of the animals.

Transport vehicles used by MLF in 2008 and 2009 were flat bed trailers with tarps on the top and sides – a crude system intended to protect birds from rain and snow.[8] Flat-bed trailer dimensions are 8.5' x 53', up to 12.5' high, with solid walls in the front and back, and passive ventilation.

This rudimentary transport system allows for large temperature differentials within a vehicle. There can be a 40 degree Celsius difference between outside and inside temperatures – for example, in the lower back of the truck where cold air enters the vehicle for ventilation, compared to the top of the trailer where hot, moist air is exhausted. Birds were transported in plastic crates, known as Ralide crates. In 2014, broiler chickens continue to be transported to MLF in these crates with passive ventilation.

Dr. Gordon Doonan, former CFIA veterinarian in charge of animal transport, testified, "It is possible for the birds to die from hypothermia and hyperthermia in different locations on the same trailer." ... "(The) birds suffered a prolonged death during transport and the subsequent waiting in the holding area.....Mortality was due to exposure to adverse weather.....Climate controlled vehicles are necessary....Reliance on passive ventilation in tarped or boarded trailers is inadequate to protect poultry."[9]

More sophisticated equipment than flat-bed trucks with tarps existed in 2008 and 2009, and was used by Maple Lodge Farms for transport of day-old chicks and pullets (young hens about to begin egg laying). Since these two categories of birds are economically valuable and vulnerable, they are treated with care to ensure survival.

The scientific literature says transport is very stressful, with the thermal environment being most important. Unevenly distributed DOAs (dead on arrival) coincide with extreme hot and cold on a vehicle. Some companies put sensors on the trucks to monitor temperatures, including contractors that haul spent hens for MLF.[10] But MLF did not use sensors. Even if they had, MLF transported birds in temperatures outside those recommended in the Code of Practice and in violation of their own Standard Operating Procedures.

[8] Subsequent to 2008 and 2009 when Counts 7 and 34 were laid, MLF implemented in February 2012 a different system called Controlled Atmosphere Stunning, for transporting and stunning spent hens. The new process was implemented following several years of planning and refitting by MLF. Plastic transport crates were replaced with "drawers" which are wheeled to the hen cages. The "drawers" are still transported on flatbed trailers. Despite this change Maple Lodge Farms has continued to receive significant fines (AMPs) from CFIA for transport violations between 2011 and early 2013. See Appendix A.

[9] Dr. Gordon Doonan, former CFIA veterinarian, written statement to the court, dated August 4, 2011, p. 3.

[10] Court transcript, November 28, 2011, p. 47.

The impact of transportation on chicken welfare

There are many issues affecting the well-being and survival of chickens during transport, including:

- **Loading** is a significant stressor. Broilers are captured at seven per catcher and carried upside down by their legs to the transport crates where they are pushed through a top opening. Spent hens must be removed from small "battery" cages and are then transported, upside down, on a dolly the length of the barn to waiting trailers for loading in crates.

- **Catching injuries cause 29% of deaths,** according to research at the University of Saskatchewan.[11] Catching is very stressful for spent hens because their bones fracture easily.

- **Feed withdrawal** is a significant stressor because, depending on the length of time between feed withdrawal and slaughter, it can be 18 hours or more. Food deprivation causes sudden loss of calcium in spent hens and distress for broiler birds who are genetically selected to eat constantly.

- **Extreme temperatures:** 20% of transport trips occur during "extreme" hot or cold temperatures, according to testimony by MLF. Birds are regularly transported in temperatures far outside recommended temperatures (5 C - 30 C for broilers,[12] 13 C - 30 C for spent hens). During the loading for transport, the barn doors are left open, exposing birds who have lived their entire lives in climate controlled environments to extreme weather conditions. This exposure is particularly problematic for spent hens because of their physical depletion and significant lack of feather cover.

In the case of Trailer 23, where 45,000 spent hens from one barn were loaded on four flatbed trucks, the birds loaded onto the last truck would have been exposed to the extreme cold for nine or ten hours in the emptying barn. Vehicle drivers must balance temperatures and ventilation using outdated tarp technology. Various microclimates can exist in loads. Birds huddle to conserve heat, and tuck their limbs and heads in, and shiver to conserve heat. A bird's core temperature depends on its feathering. Birds cannot tolerate high heat because they do not sweat. Spent hens are more vulnerable to cold weather, and highest mortalities are seen in extreme cold, while broilers are more susceptible to hot humid weather.[13]

- **Wet birds:** Birds become wet during transport in three ways. They may get wet on loading if it is snowing or raining. The birds at the back of the trailer may get wet due to snow and ice entering the load via the opening at the bottom back that provides ventilation. The birds at the top and sides of the trailer may become wet from warm humid air generated within the load. It is difficult or impossible for birds to keep warm during transportation if they get wet. Wet birds can die from hypothermia at 6 Celsius. It is more important to keep birds dry than warm. Wet birds should never be transported, according to the poultry Code of Practice.[14]

[11] Dr. Rachel M. Ouckama, court document titled Re: Case 0809ON2605, dated September 26, 2011.

[12] Recommended code of practice for the care and handling of farm animals: Chickens, Turkeys, and Breeders from Hatchery to Processing Plant, Canadian Agri-Food Research Council, 2003, Section 5.3.4, p. 33.

[13] Court transcript, November 28, 2011, pp. 48-49.

[14] Recommended code of practice for the care and handling of pullets, layers and spent fowl: Poultry - Layers, Canadian Agri-Food Research Council, 2003, section 7.1.15, p. 19.

• **The Codes of Practice** are voluntary, with no legal requirement to adhere to their standards. The poultry code does not address humidity issues during transport.

• **Vehicles:** Tractor trailers used during 2008 - 09, when Counts 7 and 34 were laid, consisted of stacked crates on a flat bed trailer, with only tarps at the top and sides, and passive ventilation. This type of vehicle is not satisfactory for protecting birds under many weather conditions. A vehicle designed in the United Kingdom in 2000, but not used in Canada, uses mechanical ventilation and heating when necessary, with sensors so the driver will know if vehicle conditions become too stressful for the birds.[15]

• **Tarps:** Tarps are used to protect birds from precipitation and wind, and to provide some insulation, with air drawn in through the load at the bottom back. Overly-tight tarps severely affect fresh air entering the trailer, so the middle of the load becomes warmer, sometimes fatally. Fully tarped trucks create warmer and moist air which can cause birds to become wet, and thus unable to keep warm. The bottom back of the load is the coldest, where air enters, and the front upper center is hottest. Fresh air is required to exhaust dampness from the load.[16]

• **Hypothermia** (from cold) can be reduced by loading birds at a lower density and not tightening the tarps. Flappy tarps are better. It can be a fine balance, requiring difficult judgement by drivers. Higher density of birds equals higher DOAs, according to research at the University of Saskatchewan.

• **Lairage** is the time birds remain in crates on vehicles at the slaughter plant, awaiting slaughter. Loaded trailers may wait many hours for their turn for slaughter, based on scheduling for the kill line. According to research at the University of Saskatchewan, half the birds die from transport, and half from time in lairage.[17]

• **Distribution of dead birds on a vehicle:** Dead birds not evenly distributed on a vehicle that coincide with areas of extreme heat and cold highly suggest exposure to adverse weather.[18]

• **Economics of dead birds:** Despite the fact DOAs are an economic loss to the slaughter plant because the company owns the birds once they are loaded for transport, other economic considerations take precedence. Despite commitments from the industry to comply with the Code of Practice, the system mitigates against compliance. For example, the slaughter day is pre-set and feed is supplied only for a specific number of days.

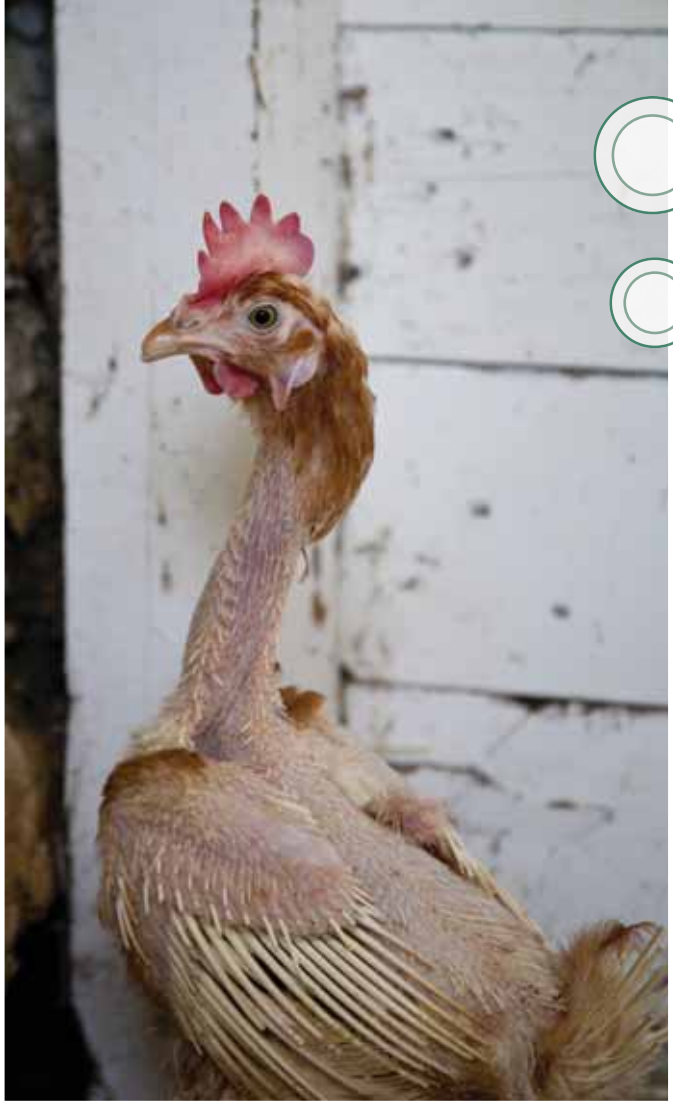
CFIA veterinarian Gordon Doonan told the court there are no regulations under the *Health of Animals Act* about allowable numbers of DOAs, but a threshold of 4% DOAs for spent hens was established to give guidance to CFIA inspectors to investigate DOAs, but not be overwhelmed with loads to investigate. (At the time of the charges in 2008 and 2009, 2% DOAs for broiler birds was the bench mark. In 2014, the percentage is 1% for broiler birds and 4% for spent hens).

Necropsies are not done on every load with DOAs, but when loads of 4% or more DOAs are selected for investigation, the sample is ten birds. "We're looking for evidence of noncompliance that would show animals were subjected to undue suffering due to transportation covered in *Part XII of the Health of Animals Regulations*," according to Dr. Doonan.[19]

[15] Court transcript, November 28, 2011, p.47.
[16] Op. cit., Ouckama, p. 74.
[17] Court transcript, May 8, 2012, p. 26.
[18] Court transcript, November 28, 2011, pp. 47-48.
[19] Court transcript, November 28, 2011.

SECTION III

ABOUT SPENT HENS



The most common breed of egg-laying hens in Ontario is the white leghorn. In 2012 there were 324 registered egg producers in Ontario, and the average number of layers per Ontario producer was 23,402 hens.[20] There are an estimated 26 million active laying hens in Canada at any one time.

The fate of laying hens after a year of lay falls under the radar. Their egg production has dropped and they are no longer wanted by producers who are about to receive a new group of high-producing young hens.

Spent hens are sent to slaughter at age 60 - 75 weeks. Barns remain empty for three - five days until 18-week-old pullets replace the spent hens in battery cages.

Maple Lodge Farms does not pay producers for spent hens because they are considered waste or salvage from the egg farmer's perspective, though MLF incurs catching and transportation costs for the birds.

Maple Lodge Farms kills 99% of Ontario's spent hens, plus additional spent hens from adjacent provinces and northern United States. Out-of-province transport to Maple Lodge Farms is longer than most in-Ontario travel for the physically depleted birds. The company is the largest or second largest slaughterer of spent hens in North America. Given the hens' worn out condition from a year of intense egg production, the birds' bodies are converted to "mechanically separated meat" for spiced products such as chicken hot dogs, according to court testimony.

A 2005 report on disposal of spent hens by Janet Montgomery of the University of Alberta, provides additional insight about operations at Maple Lodge Farms:

> *Maple Lodge Farms processes approximately 1.4 million birds per week, roughly half of which are light fowl (spent hens) purchased from Ontario and the United States. The birds are killed and processed at Maple Lodge; legs are exported, breasts are made into the several kinds of chicken roasts that Maple Lodge markets, and the carcass is processed for mechanically separated meat....The mechanically separated meat (MSM) that is taken off the processed carcasses it puts through a grinder and then pushed through a screen to rid it of bones and bone fragments (the bones are used for bone meal); the resulting meat is used in the widely consumed chicken wieners from Maple Lodge. The spent fowl products from Maple Lodge appeal to the consumer who values low-fat and nutritious meals, which are easily prepared but also tasty.*

[20] www.eggfarmers.ca, Egg Farmers of Canada Annual Report 2012.
www.humanefood.ca, Canadian Coalition for Farm Animals, Facts about our food: Battery Hens.
Court transcript, February 13, 2012, p. 81.
Court transcript, February 13, 2012, p. 84.

There are, however, problems using light fowl. These include the relatively high number of dead-on-arrival (DOA) birds that are counted when a flock arrives at the processing facility; because of the small nature of laying hens, and their relatively depleted state at the end of the laying cycle, they are not able to cope well with the stress and physical strain of transport. Also, the small size, low feather cover, and lack of fat on the birds can result in even higher transport mortality during the winter. The size of the birds can be a hindrance on the kill line as well, as the feathers are difficult to remove, and the small carcass size can be difficult to handle. If these problems are addressed with a long-term stance, it may be possible to minimize these issues and create a stable market for light spent fowl.[21]

An alternative to transporting spent hens to slaughter is to kill them on - farm, thus avoiding the trauma of transport for these fragile creatures. A key requirement, though, is the availability of a humane on-farm killing system.

The egg production cycle

Young egg-laying birds, known as pullets, begin their egg-laying lives when they are received at egg barns at 18 weeks of age, transported in dolly trucks outfitted with a roof and solid back. These are economically valuable birds about to begin a year of lay, so their transport occurs in more protective vehicles than the flat bed trailers with tarps used for shipping the spent hens to Maple Lodge Farms for slaughter in 2009. According to Jackie Wepruk's undated report, *The Disposal of Spent Laying Hens,* for the Animal Welfare Foundation of Canada:

Hens generally begin laying at 18 to 20 weeks of age. Normally they are considered spent between 71 and 72 weeks of age. Therefore, laying hens have a production lifespan of approximately one year. In that year, hens lay an average of 288 eggs each.[22] *After peaking at 24-26 weeks of age, a hen's production drops slowly. By 72 weeks of age a flock's egg production rate can be down by 30%. Eventually, the hens will cease to product eggs and go into a moult. However, laying hens in Canada are generally not allowed to moult. If moulting does occur, hens will resume laying eggs once new feathers are grown, but egg production will be approximately 10-15% lower than the first year.*[23]

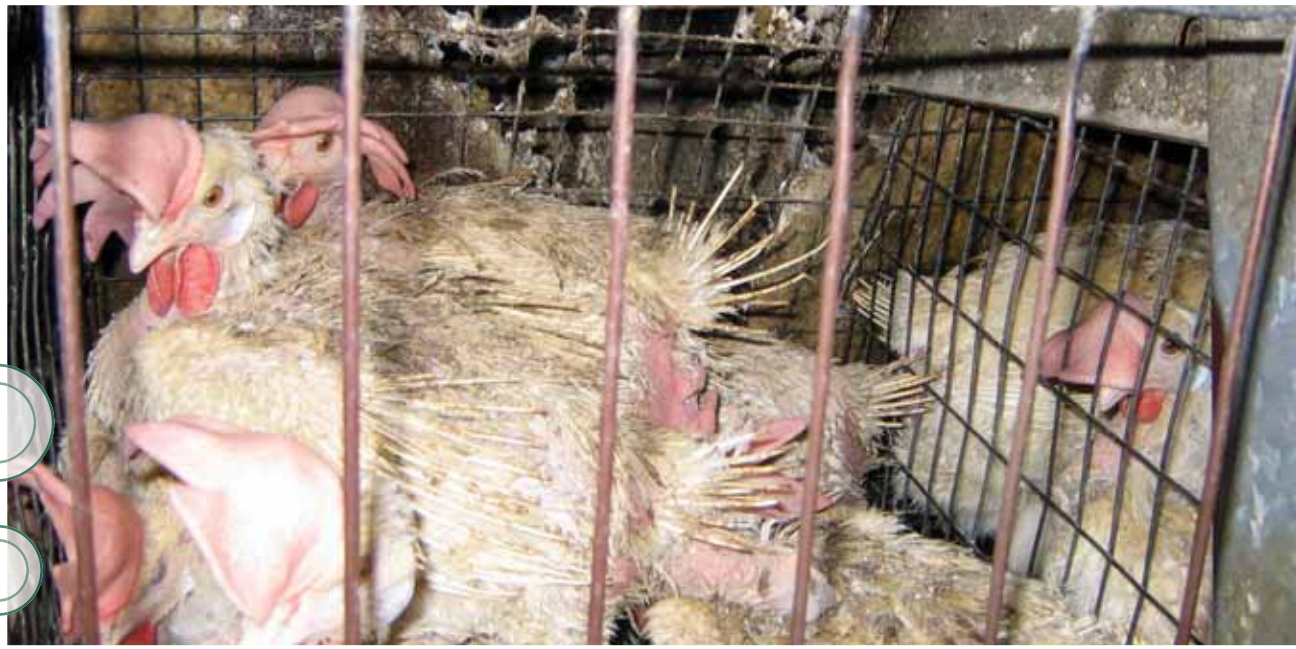
An estimated 95% of laying hens in Canada are confined in battery cages, five - seven hens in a 16" x 18" cage, with each hen having a living space approximately 8.5" x 8.5" or an area approximately the size of a computer mouse pad.[24]

[21] Janet Montgomery, "The Disposal of Light and Heavy Spent Fowl in Canada, University of Alberta, September 12, 2005, pp. 12- 13.

[22] To put this in perspective, most wild chickens lay one clutch of eggs per year: del Hoyo, J., Elliot, A. & Sargatal, J. eds. (1994) Handbook of the Birds of the World., Vo. 2.,New World Vultures to Guienafowl, Lynx Edicions, Barcelona.

[23] Jackie Wepruk, The Animal Welfare Foundation of Canada, "The Disposal of Spent Laying Hens," undated, page 1.

[24] www.humanefood.ca, Facts about our food: Battery hens: A hen in unable to nest, perch, spread her wings or dust bathe in a battery cage – all important behaviours for hens.



During transport to slaughter, the hens continue to produce eggs in their bodies. They need continued nourishment and calcium due to the toll of high egg production on their bodies and calcium depletion, but they do not receive it. Unequal food provision within the barn and the withdrawal of food prior to transport place additional stress on an already fragile and compromised skeletal system.

Spent hens' bones are fragile from osteoporosis after a year of egg and shell production, making them susceptible to bruising and fractures. Their brittle bones – especially their hips and wings – break when the hens are aggressively pulled from battery cages through small trap doors. The hens are not used to being handled by humans, causing additional stress.

The hens' feed is withdrawn five - seven hours prior to the beginning of loading – which in itself takes hours to load a barn of 45,000 birds – causing stress to depleted bodies. Loading spent hens onto vehicles takes longer than broiler birds due to their removal from small battery cages. Birds waiting to be loaded wait in the increasingly cold barn. During loading the barn temperature decreases in winter from open doors and fewer birds to warm the barn. On arrival at the slaughter plant there are further hours waiting in lairage.

Feed is withdrawn to empty the hens' intestines so they do not dirty the crates during transport or spill intestinal contents during evisceration. This is done for human food safety, with no thought to the hens' welfare or suffering. Maple Lodge Farms sets the time for feed withdrawal. (See Appendix B, necropsy report.)

As a result of feed withdrawal, hens lack fuel to support needed heat production during transport in cold weather. Not only were the hens' bones on Trailer 23 very fragile, their bodies were 75 - 90% featherless, according to testimony from the CFIA veterinarian who carried out post-mortem examinations on the birds. The sample birds had also suffered broken bones. (See Appendix B).

Feather loss is caused by pecking from other birds, rubbing against the small, wire battery cage, and internal stress. An extreme lack of feathering causes hens to be more vulnerable during transport. When exposed to rain, snow and road spray during transport, wet (or non-existent) feathers affect the hens' ability to keep warm. Spent hens are small birds, and they are unable to produce sufficient heat to regulate their internal temperature.

Birds die during transport from lack of feather cover, decreased robustness, exposure for long periods in inconsistent humidity, and high and low temperature extremes. A wide distribution of DOAs on the truck coincides with a poorly ventilated 'thermal core'[25] and passive ventilation on the trailer.

Spent hens are frail and vulnerable, and it is recognized by the CFIA that some birds will die during transport as a matter of course. As noted, CFIA policy dictates an investigation be undertaken by their inspectors and veterinarians when a 4% threshold of spent hen deaths occurs. Because Trailer 23 had 10.8% DOAs, an investigation was undertaken, which ultimately resulted in a charge being laid.

[25] Thermal core refers to the central part of the trailer.

SECTION IV

COUNT 34: TRAILER 23, SPENT HENS FROM GRAY RIDGE FARMS, MOOREFIELD, ON

The weather on February 23, 2009 was snowy and very cold (-15 Celsius), with a wind chill of -21 to -23 degrees Celsius. The Code of Practice states comfortable temperatures for spent hen transport are +13 to +30 degrees Celsius.[26] The truck had no roof, only a tarp on the top and sides of the trailer. Driver John Melo did not inquire of Maple Lodge Farms whether to transport the birds in that very cold weather. There were no thermometers on the vehicle.

According to Dr. Martin Appelt, a CFIA veterinarian who testified at the trial, the weather conditions on February 23, 2009 at the farm made bird transport "a very risky undertaking."[27] According to Mr. Melo's driver's sheet, the spent hens appeared to be in poor health. The birds were small and had no feathers. Despite this, there was no indication from Gray Ridge Farms of any problems with the birds' health with respect to disease or infections.[28]

T-23 was the third trailer to load that night from a barn holding 45,000 birds. Loading lasted nearly three hours (5:45 a.m. - 8:30 a.m.). The birds loaded on T-23 waited six hours with the barn door open to extreme weather conditions while two earlier trucks were loaded. The birds loaded after T-23 waited nine hours prior to loading. Since spent hens must be removed from battery cages through small trap doors, loading takes longer than for broiler chickens.[29] The judge's ruling noted, "The process of removing these birds from their cages is very stressful."[30]

After removal from the wire cages, 200 - 250 birds at a time were shackled upside down by their feet on a dolly, which was then pushed the length (250 - 500 feet) to the doors of the barn.[31] The hens were then put in plastic crates through a flap on top, and the crates were loaded onto the trailer. Crates were stacked nine high, 36 crates per row, front to back of the trailer.

Gray Ridge Farms is a facility with multiple barns. Four loads of spent hens left Gray Ridge Farms that day, including T-23. The Crown characterized T-23 as "one of four catastrophic loads emanating from the same farm (Gray Ridge Farms) that night." A total of 5,556 birds from four loads died en route to Maple Lodge Farms. "Catastrophic is not an overstatement," the judge wrote in her ruling about that night's transport from Gray Ridge Farms.[32]

[26] Recommended code of practice for the care and handling of pullets, layers and spent fowl, Canadian Agri-Food Research Council, 2003, page 20.

[27] Justice Kastner's ruling, Paragraph 230.

[28] Justice Kastner's ruling, Paragraph 237.

[29] It takes three hours or more to load a trailer of spent hens compared to 1.5 - 2 hours to load a trailer of broiler birds.

[30] Justice Kastner's ruling, Paragraph 224.

[31] Court transcript, January 5, 2012, p. 119.

[32] Justice Kastner's ruling, Paragraphs 460 and 461.

On T-23, a total of 1181 of 10,944 spent hens, or 10.8%, died en route to Maple Lodge Farms. There were dead birds on all sides of the trailer. On arrival at Maple Lodge Farms at 10:25, high numbers of dead birds were noted, so the load was sent directly to slaughter, with no wait in lairage. The spent hens were killed five and 3/4 hours earlier than dispatch had scheduled them to die.

Dr. Andrew Gomulka, the CFIA food safety veterinarian assigned to the Maple Lodge Farms slaughter plant, noted the "DOAs had been dead for some time. The majority died prior to arrival at MLF." He did a necropsy of ten birds a few hours after receiving the dead birds, finding them cyanotic[33] and (with) significant feather loss, though no frostbite. He concluded the uneven location of dead birds was due to cold weather, with most deads on the sides of trailer. He wrote, "...most likely cause was inadequate protection. Birds had very, very poor feathering."[34] (See the necropsy report, Appendix B).

Dr. Gomulka also reported broken legs and wings, which he said are unavoidable from removing these fragile birds from their cages.[35]

The hens on load T-23 were 75-90% featherless.[36] According to Dr. Gomulka's necropsy report, the hens were still in active lay (with partly formed eggs in their bodies), yet they had been off feed for 18.5 hours by kill time, a significant stressor.[37]

MLF witness- and veterinarian Rachel Ouckama wrote in her report to the court another reason to take away feed is "to spare expense at the end of the birds' life by the egg producer." [38]

Feed withdrawal would have been a significant stressor, contributing to a mineral and energy imbalance, according to Dr. Ouckama. The birds were light weight, at 1.64 kg average weight.

The Maple Lodge Farms defense outlined potential causes for the high DOAs as:

1) fragility of the birds and loading stresses
2) the birds' metabolism (few fat reserves to produce heat to regulate body temperature)
3) feed withdrawal
4) bird physiology (low calcium in their blood and fear responses) and
5) vulnerability to exposure to extreme temperatures[39]

[33] Cyanosis is the blue discoloration of skin due to presence of de-oxygenated blood as a result of cold.

[34] Court transcript, November 28, 2011, pp. 24-25.

[35] Justice Kastner's ruling, Paragraph 262.

[36] Justice Kastner's ruling, Paragraph 258.

[37] Food withdrawal occurred six hours prior to the first trailer loading, and T-23 was the third trailer to load – thus the long delay. None of the birds contained any feed during the necropsy.

[38] Op. Cit., Ouckama, p. 36.

[39] Justice Kastner's ruling, Paragraph 279.

The judge concluded the birds did suffer, caused by over exposure to the weather.[40]

Judge Kastner concluded, "Regrettably, Maple Lodge Farms, through their employees and agents, decided that commercial imperatives trumped animal welfare when setting out that day to transport the spent hens to slaughter."[41]

[Note: There was virtually no time when the Court heard from MLF drivers (who had been transporting spent hens for years) when they did not load a trailer in terrible weather, other than one instance in 2011 (after the offence dates) when the weather was -25 C, and windy and snowing. One load was transported, with 25.2% dead, with other loads cancelled that night].[42]

Another reported disastrous load of spent hens was January 25, 2007 (prior to the charges in this trial) from Burnbrae Farms in Lyn, Ontario, near Brockville, when 40.1 per cent died en route to MLF.[43]

[40] Justice Kastner's ruling, Paragraph 338.
[41] Justice Kastner's ruling, Paragraph 468.
[42] Justice Kastner's ruling, Paragraph 465.
[43] Court transcript, January 30, 2012, p. 14.

SECTION V

ABOUT MEAT "BROILER" CHICKENS

The majority of chickens raised for meat in Canada are called "broiler" chickens. Heavier birds are known as "roasters". The chicken meat industry's objective is to produce a bird with the maximum amount of meat with a minimum growing time with minimal feed. "It's all economics," according to Dr. Ouckama.[44]

The short life (about 33 days) of a typical broiler chicken in Canada is part of a highly structured production cycle:

- Three weeks for egg incubation at the hatchery
- The egg hatches, and is shipped to a producer within a day
- Approximately 32-34 days to grow to the desired weight, to meet customer contracts
- Transport to slaughter on a flatbed trailer, in all weather, with only a tarp for protection
- Slaughter

The birds are still neonates when killed. At age 33 days or so, when they are slaughtered, the birds are not yet properly feathered.

Broiler birds are mass housed on the floor in crowded sheds, outfitted with automatic feeders and waterers, and near-continuous lighting to stimulate food consumption for fast weight gain. As the birds near slaughter, space per bird becomes increasingly smaller.[45]

Ontario is the largest chicken meat producing province. In 2012, 204,065,000 meat chickens were produced in Ontario.[46] Across the province, 130 trucks transport meat birds to slaughter daily,[47] with 20-30 loads going to Maple Lodge Farms.

The chicken meat industry uses **"just in time" production** which is planned more than two months in advance to ensure a constant flow of product. Approximately five weeks prior to the delivery of one-day old chicks to the grower, **Chicken Farmers of Ontario** (through an allocation from **Chicken Farmers of Canada**), issues an "allotment" to producers, specifying the number and weight of birds to be produced within a given time frame. The production "window for a target weight" is short, according to a court report by Maple Lodge Farms - veterinarian Rachel Ouckama.[48]

The "just in time" production system impacts negatively on the welfare of meat chickens. According to MLF witnesses, transportation of birds must happen on pre-determined dates to meet the needs of customers for fresh chicken, of specific weights, on specific days. Any interference with pre-planned schedules is not an option, despite existing external conditions, such as extreme weather which puts birds at risk – making it impossible for MLF to comply with the Codes of Practice and their own SOPs.

[44] Court transcript, May 8, 2012, p. 57.

[45] www.humanefood.ca, Canadian Coalition for Farm Animals, Facts About our Food: Broiler Chickens.

[46] www.statcan.gc.ca, Production of poultry, by province.

[47] Justice Kastner's ruling, Paragraph 82.

[48] Op.cit., Ouckama, p. 48.

Transport distances to slaughter vary greatly, but the shortest distance to a kill plant does not necessarily occur because producers contract with a particular slaughter plant to supply their day-old chicks and to later kill the birds. An average transport distance is 575 km, but ranges from 15 km to 1100 km, according to Dr. Ouckama.[49] Slaughter companies are bound by contract to transport the birds, whatever the distance. The result is some very long journeys, notwithstanding the reality of the longer the journey, the greater the risk to the birds.

If pickup of broiler birds for slaughter is delayed for any reason, including extremes of hot or cold weather, the arrival of the next batch of day-old chicks is delayed, causing a problem at the hatchery since the chicks can stay only one day. An interruption of transport would result in a "shortage of fresh product." There is "almost no idle capacity in infrastructure," Dr. Ouckama told the court.[50]

The transport show must go on, and it does, causing birds to suffer and die in massive numbers.

Broiler chicken production and transport

Broiler chicken deaths during loading and transport may result from hypo- and hyperthermia, hypoxia, congestive heart failure, heart attack, concussion or catching injuries, according to Dr. Ouckama. "Today, broiler chickens are bred to produce the maximum amount of chicken meat over the minimum growing period with minimum feed consumption. They are not bred to withstand transport stress," she wrote in her report to the court.[51]

A limited number of genetics companies produce strains of broiler birds which are developed for U.S. conditions, not Canada's. At age 31 - 44 days old, the birds have experienced a "very rapid growth phase," and reach their "physiologic limits" from the fast growth.

[49] Ibid., Ouckama, p.49.
[50] Ibid., Ouckama.
[51] Ibid., Ouckama, p.79.

According to Dr. Ouckama, U.S. broiler chickens are fed the cheapest ingredients possible. Cleaner barns in Canada, compared to the U.S., and specially-designed feed provide ideal conditions for the birds to grow even faster in Canada. The faster the growth, the greater the risk of metabolic issues.[52]

A large percentage of broiler chicken deaths that occur before and during transport result from heart and circulatory disorders caused by the birds' rapid growth. Fluid collects in the birds' abdomen and heart sac. The birds' tendons and muscles grow at different rates compared to their bones, causing skeletal abnormalities. They suffer chemical imbalances, including diabetic attacks. Already at their physiologic limit from fast growth, the birds can suddenly die from metabolic upsets and heart failure when picked up by catchers. Heart attacks are most common. Rapid growth can interfere with the birds' ability to regulate body temperature – another negative during transport to slaughter. [53]

When the desired slaughter weight (to meet customer demand) is reached, feed and water are withdrawn at least five hours prior to transport. Lights are dimmed. The birds are corralled and picked up and carried to the barn exit by "catchers," who carry four birds in one hand and three in the other, upside down, for loading into plastic crates. It is the first time the birds have been handled by humans. Until then, the birds have lived in climate-controlled conditions their entire (short) lives. Exposure to outside elements is a shock. Feed withdrawal is traumatic for creatures genetically selected to do little but eat and drink.

A variety of issues, including extremes of weather, contribute to broiler chicken deaths during transport. These include feed withdrawal, penning for catching, mixing birds, their young age, never having been picked up previously, disturbance of their social hierarchy, noise, motion, vibration, catching, their inability to reach feed, being carried upside down, temperature shock outside the barn, genetic selection for rapid growth, to live only a limited period, obesity, and their male gender, in the case of T-07 (males grow faster than females).

[52] Court transcript, May 8, 2012.

[53] Court transcript, May 8, 2012, pp. 62-63.

[54] Justice Kastner's ruling, Paragraph 117.

SECTION VI

COUNT 7, LOAD T-07, BROILER CHICKENS FROM LAKEVIEW POULTRY IN CLIFFORD, ON

Driver Kevin Donaldson left Maple Lodge Foods on December 30, 2008, and arrived at the farm near midnight. It was snowing at the farm. During loading, some birds got wet before the tarp was pulled. It took only one hour, 15 minutes to fill 684 crates, with two floors of the barn emptied simultaneously. **A transport crate is filled every seven seconds on average.**[54]

At 1:15 a.m., load T-07 was the first of two loads to leave Lakeview Poultry that night. Mr. Donaldson had begun loading at 11:45 pm, according to his driver's sheet.[55] There were no empty crates left at the top of the trailer for bird protection, nor was there a directive from Maple Lodge Farms to do so.

Mr. Donaldson did not stop during the journey to inspect the load or adjust the tarps as the company's SOP called for. The trailer weighed in at Maple Lodge Farms at 3:30 a.m. Driver Donaldson was early: he was scheduled to return by 5 a.m. on December 31, New Years Eve. After arrival at the plant, the birds on T-07 were monitored only once – at 4 a.m. – though MLF policy calls for hourly checks. Other loads were killed while T-07 waited its turn. Moving a load forward delays other waiting loads.

At 4 a.m. when the load was checked, Mr. Donaldson lifted the tarp to take the temperature, which was -4 Celsius. Twenty+ dead birds were noted. At 7:40 a.m., the trailer went to Barn #2 to wait its turn for slaughter with eight other loads. The birds were scheduled to be killed at 8:45 a.m. – a wait of five hours, 15 minutes at the plant. At 8:51 a.m., unloading for slaughter began. It was now nearly five hours since the observation of 20+ dead birds. At 8:56 slaughter began. "The total time the chickens were stationary was almost nine (9) hours." [56]

The court was told **a transport crate is emptied every 3.5 seconds**, with an average of **257 birds per minute**, removed from the plastic travel crates[57] and hung upside down by their feet on shackles – a ***very*** rapid speed. Many broiler birds suffer painful skeletal abnormalities from rapid growth, and hanging the birds upside down is painful and frightening.

MLF's goal for "crate time" – the time between the first bird is caught from the barn floor, until the last bird is killed – is less than eight hours. With T-07 the crate time was nine hours and eleven minutes. Long lairage causes deaths. Density in crates was 14 birds per crate. All the birds were male – also known as "cockerels" – which grow faster than females, making them even more subject to physiological problems from fast growth.

[54] Justice Kastner's ruling, Paragraph 117.
[55] Court transcript, January 30, 2012, p. 36.
[56] Justice Kastner's ruling, Paragraph 189.
[57] Justice Kastner's ruling, Paragraph 169.

The birds were 33 days old, and at 1.87 kilograms (on average) they were over weight, since the intended average weight was 1.75 kilograms.

Though company policy calls for the birds to be inspected each hour during lairage, the company was short staffed that night and the hourly inspection policy was not followed.

MLF purchases birds by weight from the grower. The birds' weight is the gross weight of the full trailer, minus the trailer and crates' weight, as basis for payment.

Accumulated snow and ice during transport add weight which the company does not want to purchase. Despite being short staffed that night, all available personnel were called to remove snow from the bottom of trucks so the company "doesn't buy snow." Meanwhile, Trailor 7, waiting in lairage, was not monitored hourly as policy requires.

Justice Kastner's ruling quotes Bernard Durose, MLF's then-live haul manager:

"There was snow and [sic]on arrival. All hands go to removing snow from the trailer. So it can be weighed. And that is done so we're not buying snow and water so that is a top priority as we can pick up, up to 1000 or 2000 kilos of snow underneath the trailer." [58]

During loading and transport from the farm that night, the birds had gotten wet from blowing snow, though it was not recorded on the driver's report. As previously noted, there was no directive from MLF to leave the top row of crates empty, to protect the birds from snow.

There were 711 dead birds on load T-07, or 7.4% DOAs. The dead birds, as they were removed from the crates, were left in a pile on the kill floor.

The CFIA was called in to investigate. A written report from the in-plant CFIA veterinarian, Dr. Andrew Gomulka, "found birds were wet, had poor feathering (being neonate yet), cyanois, congested internal organs, but no signs of disease," according to testimony by CFIA veterinarian Gordon Doonan.[59]

"Excessive wait time for slaughter was also a contributing factor," Dr. Doonan testifed. "The birds would have suffered a prolonged death. **Seven hundred eleven birds were dead, which strongly suggests a much larger number of birds were suffering."** [60]

[58] Justice Kastner's ruling, Paragraph 138.
[59] Court transcript, November 28, 2011, p. 19.
[60] Court transcript, November 28, 2011.

CFIA veterinarian Martin Appelt's report to the court dated July 26, 2011, was primarily based on documentation from Dr. Gomulka's conclusions about T- 07, including:

1. The observations of the birds being wet, suggesting exposure to a cold environment
2. The "load temperature" in the holding barn was below the comfort zone of 5 C
3. The presence of snow and ice in the crates on the load
4. The wetness of the sample birds examined by Dr. Gomulka
5. The fact humidity may reach sufficient levels in a tarped vehicle that dripping occurs onto the birds, causing their death because they cannot maintain body heat
6. Lack of evidence of death from infectious disease[61]

Dr. Ouckama was of the opinion the long lairage time for T-07 was not a cause for the high DOAs. However, the following table of the loads that night from Gray Ridge Farms suggests otherwise:[62]

Trailer No.	Holding Time	DOAs
T-13	4.5 hours	.7%
T-09	3.8 hours	1%
T-03	.95 hours	.58%
T-07	***5.5 hours***	***7.4%***

Trailer 7 was the first to be loaded and the last to be killed.

The Maple Lodge Farms defense outlined their explanations for potential cause of high DOAs:

i. **The fragility of the birds being transported** (Significant stress is experienced by the chickens.)

ii. **Broiler chickens and stress** (These birds were 33 days old, they were overweight, they have low stress tolerance, and are highly vulnerable to sudden death with stress.)

iii. **Broiler chicken and physiology** (These male birds are genetically designed to grow rapidly, they are fed constantly until feed is withdrawn; they are taken to the edge of their physiological limits. Some die from metabolic upsets and inability to regulate body temperature.)[63]

[61] Justice Kastner's ruling, Paragraph 199.
[62] Justice Kastner's ruling, Paragraph 211.
[63] Justice Kastner's ruling, Paragraph 217.

Justice Kastner commented on the "perfect storm" of problems associated with T-07, including cold temperatures, blowing snow, wind, exposure of the top row of crates until the upper tarp could be secured, failure to leave any empty crates around the bottom perimeter on loading, possible over-tightening of the tarp, accumulation of snow and ice inside the back of the trailer, failure to stop to adjust the tarping and allow the birds to warm up and rest on a long trip, understaffing at the MLF yard, re-assignment of a barn worker for snow removal, failure to monitor the load adequately in the holding barn, and insufficient (driver) training.[64]

The lack of staff training concerning transport of birds in inclement weather was a major concern for the judge. A key example cited was then-live haul supervisor Bernard Durose's lack of knowledge about, and use, of a document for training drivers, titled, *Should this Bird be Loaded? Guidelines for Transporting Poultry*.[65] This "decision tree" document was developed cooperatively by Canadian industry, academics and government.

The Crown argued a pervasive attitude of MLF was one of **profits ahead of animal welfare** – that when there was a tension between the needs of the animals and the expediency of the production line, the balance fell on the side of industrial requirements.[66]

[64] Justice Kastner's ruling, Paragraph 441.
[65] Justice Kastner's ruling, Paragraph 446.
[66] Justice Kastner's ruling, Paragraph 453.

SECTION VII

ROLE OF SUPPLY MANAGEMENT IN THE PRODUCTION AND TREATMENT OF MEAT CHICKENS AND LAYING HENS

Supply management is a powerful political and economic force introduced in Canada in the 1970s to protect certain agricultural sectors from competition and to stabilize producers' incomes. Supply management controls five animal-based products: meat chickens, turkeys, eggs, broiler-breeder eggs and dairy. The system is designed to ensure a sufficient, but not excessive domestic supply of those products and to guarantee producers a profit.[67]

The benefits of supply management, as described by the Chicken Farmers of Ontario, provide the consumer access to high quality products, the industry with significant economic benefits and the farmers with profitability.[68] The welfare of the chickens is not mentioned.

Business journalists regularly comment on the higher costs Canadian consumers pay for supply managed products.

For the privilege of producing supply managed products, producers must purchase quota, a significant cost of doing business. When supply management was begun in the 1970s, quota allocations were given free to producers, but now quota trades at high prices – so steep some people are unable to enter the market.

For example, for the right to sell the milk from one dairy cow in Ontario, a producer must purchase quota that costs approximately $25,000 per cow on today's market.[69] For the right to sell the equivalent of one meat chicken during set quota periods, the price is approximately $100 per bird,[70] and for eggs, the price is approximately $300 per laying hen in Ontario.[71]

Imports of supply managed products are controlled with tariffs as high as 300% to protect domestic production.[72] Production quotas are established by national marketing boards to meet, but not exceed, domestic demand. National boards allocate a percentage of the national quota to provincial marketing boards, who in turn allocate production units to individual quota-holding producers.

[67] www.omafra.gov.on, Factsheet, "Supply Management Systems."

[68] www.ontariochicken.ca/supply.aspx.

[69] Farmers Forum, Eastern and Western Ontario editions, "Ontario milk quota capped in price in August 2012," July 2012.

[70] Ontario Ministry of Agriculture and Food Appeal Tribunal, "Max Burt v. Chicken Farmers of Ontario, November 8, 2011 decision.

[71] Better Farming Magazine, June 14, 2013.

[72] A recent development is the new CETA trade agreement with the European Union. The Canadian dairy industry is concerned large quantities of tariff-free imports of EU cheese will adversely impact sales of Canadian-produced cheese.

When producers exceed or under-produce their allocation, heavy financial penalties can result, which is the case with broiler chicken production. During the court case, MLF representatives referenced significant "overweight" penalties from Chicken Farmers of Ontario[73] which can result when over-weight broiler birds, such as those on T-07, are shipped. They claimed the birds *had* to be transported when the birds' desired weight was reached. (As it happened, the birds on T-07 were already overweight on their designated shipping date.)

If birds were kept in the barns longer (for example, due to extreme weather conditions) producers and MLF were subject to increasingly significant fines from the marketing boards.

As well, there would be no feed for the birds since producers purchase only enough feed until the shipping date, minus feed for the 5 - 7 hour withdrawal prior to loading.

MLF claimed that "just in time" scheduling is an inherent requirement of the supply management system, while the Crown argued it was less an excuse and more a motive for their failure to adhere to the most basic principles of humane transportation – "a near religious dedication to supplying its production lines. [74]

Canada's Supply-Managed Marketing Boards

The **Canadian Broiler Hatching Egg Marketing Agency** (CBHEMA) administers the national system for broiler bird hatching eggs, for production of broiler chickens. As with other supply-managed marketing boards, an allocation is given to the (provincial) Ontario Broiler Hatching Egg and Chick Commission by the national board. It sets prices paid by hatcheries for hatching eggs and chicks, based on the cost of production, plus a profit. Individual broiler egg producers must own production quota and have contracts with hatcheries before they may produce hatching eggs.

Chicken producers (growers) are individually responsible for obtaining the chicks they require from hatcheries. As a vertically integrated company, Maple Lodge Farms owns several hatcheries to supply its contracted growers with day-old chicks.

Chicken Farmers of Canada administers the national quota, which determines the national supply of chicken meat. The provinces submit requests for specific volumes for provincial production, based on quota periods, or 6.5 "crops" per year, as they are referred. Chicken Farmers of Ontario then allocates its share to Ontario quota holders. Slaughter plants (such as MLF) contract with growers to provide the chickens for slaughter, and they pay a regulated price to the grower, based on an agreed-upon, marketing board-approved cost of production plus profit. Producers choose the hatchery and slaughter plant for the birds they grow, and the kill plant, in turn, must transport and slaughter the birds, and pay the producer.[75]

[73] Current overweight levies the Chicken Farmers of Ontario applies range from $.50 cents per kilogram for chicken produced and marketed by the producer in excess of 104% up to 106% above allotted production, and $1 per kilogram in excess of 106% of the allotted production quota, effective April 21, 2013.

[74] Justice Kastner's ruling, Paragraph 421.

[75] Op. cit., Ouckama, p. 47.

About five weeks prior to a producer receiving the day-old chicks, Chicken Farmers of Ontario gives an allotment for broiler birds for a specific production weight within a set period, and enforces contracts with potential penalties for infractions for too much or too little chicken produced.[76]

The 2012 annual report of the Chicken Farmers of Canada describes "production discipline" as one of the three pillars of supply management, along with "import controls" and "production pricing."[77]

Egg Farmers of Canada administers the national supply system for table and industrial eggs, determining the annual domestic egg supply, and dividing it among provincial egg farmer organizations, such as Egg Farmers of Ontario, which in turn allocates the provincial egg supply to producers. All eggs are bought by graders at the price set by the provincial body. Retailers buy table eggs from graders at a price negotiated between the two parties. Different categories of eggs, such as "breakers" used in commercial food production, cost less than table eggs.

Egg farmers are obliged by the Egg Farmers of Ontario to empty their barns at specified times, usually after one year, to control the domestic production of eggs. Owned-quota must match egg production: over production or under production is not allowed, and is punished by fines when it occurs.

The economic influence of supply management is significant for both producers and Canadian consumers who pay higher prices for supply managed products.

Though the Dairy Farmers of Canada are not the subject of this report, a column by Margaret Wente in the *Globe and Mail* reported Canada's 12,500 dairy farmers, who make up just 0.04 percent of the Canadian population, own dairy quota worth roughly $30 billion.[78]

Farmed animals produced under supply management are adversely affected by the system. Producers and slaughter plants are expected to transport animals – whatever the weather conditions – to accommodate the financial considerations associated with supply management – seemingly at any cost to the animals.

[76] Dr. Martin Appelt, Expert Witness Report, July 26, 2011, p. 4.

[77] www.eggfarmers.ca, Egg Farmers of Canada, Annual Report 2012, p. 24.

[78] Margaret Wente, The Globe and Mail, October 17, 2013.

SECTION VII

ANTIMICROBIAL RESISTANCE AND THE ROLE OF CHICKENS

Antimicrobial resistance is a serious problem for both humans and animals, putting the achievements of modern medicine at risk. Resistant organisms have emerged, making many important antibiotics virtually ineffective.

Valuable antimicrobial drugs – many of which are the same, or close relatives of drugs used in humans – are used in large quantities for the production of farmed animals. These drugs are used in animals to treat disease, to control or prevent infection and for growth promotion and disease prevention in crowded, dirty and stressful conditions.

Infections caused by resistant microorganisms often fail to respond to the standard treatment, resulting in prolonged illness and greater risk of death and higher costs. The problem costs lives and money and threatens our ability to fight infections.[79]

The traditional response has been to develop new drugs to treat disease, but this approach is no longer feasible because new, effective, safe and affordable products are expected to diminish in the future.

What is antimicrobial resistance?

Resistant organisms are able to withstand attack by once-effective antimicrobial medicines, such as antibiotics, antifungals, and antivirals, so that standard treatments become ineffective. Thus many infectious diseases risk becoming untreatable and uncontrollable.

The problem approaches crisis proportions in human medicine where efforts are being made to curtail unnecessary antimicrobial use in people and animals.

A bacterium can acquire resistance when a genetic mutation occurs within the organism or when it acquires existing resistance genes from another organism.[80] Resistance among bacteria in animals can adversely affect human health directly or indirectly, with indirect effects occurring when resistance genes from animal bacteria are transferred to human pathogens.

[79] Uses of Antimicrobials in Food Animals in Canada: Impact on Resistance and Human Health, Health Canada, Health Products and Food Branch, June 2002, p. VI.

It is well established that the longer an antimicrobial drug is used, the more likely it is that resistance will emerge. This is the major reason microbiologists question the prolonged administration of important antimicrobial drugs in the feed of animals for growth promotion and feed efficiency. Antimicrobial selection pressure is cumulative in a population, and the best way to prevent complex resistance development is to reduce antimicrobial use in all areas as much as possible. [81]

Approximately 88% of total volume (by weight of active ingredients) of antimicrobials distributed for sale in Canada are for animal use,[82] although many of these are anticoccidials[83] or are older drugs not used significantly in human medicine.

Taking action: Use of antimicrobials in farm animals

Canada is one of the few industrialized countries that allows over-the-counter sale of antimicrobial drugs for farmed animals. Canadian farmers are also legally importing valuable antimicrobial drugs in large quantities from overseas, sometimes via the Internet, for "own use" in farmed animals.[84]

Most broiler chicken rations contain antimicrobial drugs, including several drugs approved for growth promotion and feed efficiency, mostly, however, to prevent coccidiosis. Most of the drugs used for growth promotion and coccidiosis are not of significance in human medicine. Treatment of individual sick birds is not generally practical, so nearly all medications are administered to entire flocks through water or feed. [85]

As the court was told, broilers birds have been genetically selected for fast growth. Valuable antimicrobial drugs need not be employed to promote fast growth when the birds already suffer growth - related maladies.

[80] Ibid, Uses of Antimicrobials in Food Animals in Canada, p. VII.

[81] Ibid., Uses of Antimicrobials in Food Animals in Canada, p. VII and VIII.

[82] Rebecca Irwin, "Canadian Integrated Program for Antimicrobial Resistant Surveilliance: What it's telling us about stewardship in agriculture," presentation to Antimicrobial Stewardship in Canadian Agriculture and Veterinary Medicine Conference, October 30 - November 2, 2011, Toronto.

[83] Anticoccidals are used to treat coccidiosis, a disease of birds and mammals caused by an internal parasite.

[84] Op. cit., Uses of Antimicrobials in Food Animals in Canada, p. X and XIII.

[85] Ibid., Uses of Antimicrobials in Food Animals in Canada, p.59.

Canada has not taken action against existing loopholes ("own use", "active pharmaceutical ingredients", importing) associated with widespread use of antimicrobials in farmed animals. Canada should require veterinary prescriptions for these drugs, and should end large-scale importation of these un-prescribed drugs for farmers' "own use" in animals.

In December 2013, the U.S. Food and Drug Administration announced restricted use of antibiotics as growth promotants for farmed animals, including poultry. Antimicrobial drugs will require a prescription from a licensed veterinarian to treat, prevent or control disease. The USDA intends to phase in the new restrictions over three years.[86]

Canada should follow the lead of the U.S. Food and Drug Administration in requiring veterinary prescriptions for valuable antimicrobial drugs.

Examples of antimicrobial drugs registered for use in animals and humans in Canada; Drugs registered for disease prevention, prophylaxis and/or control in chickens:

Lasolocid sodium (coccidiosis)
Maduramicin (coccidiosis)
Monensin (coccidiosis)
Narasin (coccidiosis)
Salinomycin sodium (coccidiosis)
Bacitracin[87]

[86] Romahn, Jim, Agri-007.blogspot.ca, December 11, 2013.
[87] Op. cit., Uses of Antimicrobials in Food Animals in Canada, pp. 55-58.

SECTION IX

SLAUGHTER SYSTEMS AT MAPLE LODGE FARMS

Though slaughter systems at Maple Lodge Farms were not widely discussed during the court case, they are, nonetheless, a key chicken welfare issue because they affect hundreds of millions of birds annually in Canada.

Regulations under the *Meat Inspection Act* require animals to be stunned (made unconscious) prior to slaughter, with exceptions for halal and kosher slaughter.

The **electrified water-stun bath** has been used for decades by the poultry industry, including Maple Lodge Farms during 2008 - 09, the time frame for Counts 7 and 34. The purpose of the water bath is to stun the birds prior to bleed out (death).

The electrified water bath process: After quick removal from transport crates by plant personnel called "hangers," the birds are hung, upside down by their feet, onto metal shackles attached to a conveyor belt. Birds are then conveyed to the electrified water bath for head immersion in the electrified water, (with the intent) to render the birds unconscious before they move to the spinning blades of the neck cutter for bleed out (death by exsanguination). Dead birds then move to the boiling "scald" tank for feather removal.

Though the electrified water bath is the most commonly used poultry stun system in Canada, serious humane issues are associated with its use, including:

- Handling stress associated with un-crating and shackling live birds
- Shackling conscious birds, upside down by their feet, which is frightening and causes painful injuries
- Pre-stun shocks when birds are splashed by the electrified water
- Lack of sufficient current to actually stun the birds to unconsciousness, as federal regulations require
- While shackled, birds may raise their heads, and miss the stun bath and neck cutter entirely, and enter the scald tank (for feather removal) still alive and conscious, causing "red skin" carcasses because the birds were scalded and drowned.

A recent study on electric water bath stunning by the Animal Sciences Group at Wageningen University in the Netherlands recommended:

"Use of the conventional water bath in its present form is to be strongly discouraged because of the inability to guarantee that each bird receives sufficient current for an effective stun."[88]

An Australian survey of twelve slaughter plants confirmed a range of variables in the plants' water bath systems, including line speed, voltage in the stunning bath, duration of stunning and time allowed for exsanguination – all of which affect the efficacy and humaneness of the process.[89]

Controlled Atmosphere Stunning and Controlled Atmosphere Killing

As footnote 8 states, Maple Lodge Farms replaced its electrified water bath stun system for spent hens with Controlled Atmosphere Stunning (CAS) in February 2012, following several years of planning and retrofitting. With this system, oxygen is replaced by CO_2 in an enclosed chamber. A similar system, Controlled Atmosphere Killing (CAK) ensures the birds are killed, not just stunned, making consciousness-recovery impossible.

There are distinct advantages for both birds and plant staff with a CAS or CAK system. It is better for birds because it involves less physical handing: birds are not quickly grabbed from transport crates at the rate of 3.5 seconds per crate, to be quickly live-hung upside down on shackles – a painful procedure for birds. Plant staff are not required to quickly live-hang scared birds in dark, dirty quarters.

With CAS-CAK systems, birds are stunned either in their transport crate or are tipped from the crates onto a conveyor which leads to the gas chamber, delaying shackling (for neck cutting) until the birds have been stunned, or died, from the gas.

[88] Electrical water bath stunning of poultry: An evaluation of the present situation in Dutch slaughterhouses and alternative stunning methods, Animal Sciences Group, Wageningen University, March 2009.

[89] Ian J.H. Duncan, "A Good Life and a Painless Death: Report on Killing Methods for Poultry," Col. K.L. Campbell Centre for the Study of Animal Welfare, University of Guelph, undated, p. 2.

The CAS system chosen by MLF (according to media accounts) is solely a CO_2 - based system, with no inert gases. High percentage CO_2 systems are known to cause strong, aversive responses (including gasping, head shaking, neck stretching) as the birds encounter high levels CO_2 and are unable to breathe. Inert gas mixtures, including argon and nitrogen with CO_2 in very specific percentages, do not produce the same adverse effects on birds.

Representatives from Animal Alliance of Canada and Canadian Coalition for Farm Animals have not seen Maple Lodge Farm's CAS system in operation, though the writer has seen a CAS system in the Netherlands where the percentage of CO_2 to inert gases was calibrated too high, causing an aversive response as the birds encountered the CO_2, and were unable to breathe.

Research in the United Kingdom has categorically shown the averse effects of high levels of CO_2.[90] According to the University of Guelph's Dr. Ian Duncan, the British Government was so convinced of the humaneness of gas stunning they approved two gas mixtures: 90% argon in air and a mixture of 30% CO_2 and 60% argon in air (which gives 2% residual oxygen) for stunning and killing chickens and turkeys in the United Kingdom.[91]

Following Dr. Duncan's observation of a CAK operating system using inert gases at a kill plant at Eye, Suffolk, in eastern England, he wrote:

"In my opinion, this is the most stress-free, humane method of killling poultry ever developed. The birds are quiet throughout the operation. They remain in the transport crate until dead and the killing procedure itself is fast, painless and efficient. There is no risk of recovery from unconsciousness."[92]

Canada kills hundreds of millions of chickens a year. These birds represent the largest percentage, by far, of all animals slaughtered for food in this country.

Hopefully Canada will mature to a level where it adopts regulations to ensure the most humane methods of transport and slaughter. Animal Alliance of Canada and the Canadian Coalition for Farm Animals recommend **Controlled Atmosphere Killing for stunning and killing birds using a controlled system of inert gases.**

[90] Ibid., Duncan, p. 7.
[91] Ibid., Duncan, p. 9.
[92] Ibid., Duncan, p. 9.

SECTION X

CONCLUSIONS

The vast majority of animals raised for meat in Canada are chickens – 643 million in 2012. Economic pressure from Canada's supply management systems and corporate policies dictate **economics over bird welfare** in the chicken meat and egg industries in Canada. A "just in time" system allows no flexibility for unexpected events like extreme weather. Birds suffer immensely in massive numbers during production, transport and slaughter. These birds are stressed and fragile creatures, whose bodies are pushed to physical limits through genetics and production systems.

"Broiler" birds raised for meat are genetically selected for extreme growth. These birds have been described as "over-grown baby birds" who grow to slaughter weight in a month. They are bred to do little but eat, and as a result their bodies are subject to severe physiologic and metabolic problems. They suffer heart attacks and broken bones from the stress of fast growth. These genetics need to be changed.

Spent hens suffer "unavoidable" broken legs and wings from osteoporosis and lack of exercise when they are roughly grabbed from battery cages, following a year of lay. Spent hens can be 90% featherless, rendering them unable to keep warm during transport in extreme temperatures. They wait hours as their increasingly-cold barn is emptied and the trailers are loaded. They may be transported many hours to the slaughter plant, only to wait additional hours in trailers for their turn to be killed – with scheduling which ensures the MLF yard staff and kill lines are working full tilt.

There are additional stressors associated with transport – including hours of food withdrawal for both broiler birds and spent hens – to save producers the cost of feed and for human food safety – but not bird welfare. The birds suffer metabolic deficiencies from food denial.

These systems are not humane, nor are they acceptable.

Transport enforcement by CFIA is inconsistent. Justice Kastner recommended CFIA take a fresh look at the transport regulations.[93] Existing animal transport regulations under the *Health of Animals Act* have been in place since 1975. Given today's research, **regulatory changes are long overdue after 39 years.**

Maple Lodge Farms has had a long history of transport violations and fines.

Animal transport vehicles with mechanical heating and cooling are available, but are not used. MLF drivers were not adequately trained, nor were they required to be, and they did not follow industry standards, including Canada's voluntary Codes of Practice and corporate Standard Operating Procedures (SOPs), as was clear from court testimony.

Voluntary standards and corporate SOPs do not suffice. Production, transport, and slaughter standards need to be codified in law, and enforcement ensured to protect birds. Currently, enforcement of humane slaughter regulations by the Canadian Food Inspection Agency through its Compliance Verification System, which employs only a daily checklist, is cursory at best. Meanwhile, birds suffer.

More humane killing systems, namely Controlled Atmosphere Killing, exist, but are not used. They should be.

Consistently, economic interests supercede bird welfare throughout the chicken industry in Canada.

Note: CCFA and AAC suggest a practical solution for readers to avoid the problems associated with chicken production, transport and slaughter. Readers can delete chicken-based products from their diet to avoid complicity in the issues.

Appendix A

Animal transport fines levied by CFIA against Maple Lodge Farms and Nadeau Poultry Farm Ltd., 2011 - 2013

In 2010, the Canadian Food Inspection Agency increased their financial penalties, Administrative Monetary Penalties (AMPs), for animal transport violations under Part XII of the *Health of Animals Regulations*. Depending on the scope of the violation, an AMP can reach $15,000. Violators are permitted to pay half of the penalty amount if paid within 15 days of issuance. Note that AMPs sometimes accumulate to $200,000 and more, for each of Maple Lodge Farms Ltd. and Nadeau Poultry Farm Ltd. Both companies are categorized as "Animal transportation repeat violators" by the CFIA.

Recent transport fines levied against Maple Lodge Farms Limited and Nadeau Poultry Farm Limited94 by the Canadian Food Inspection Agency[95]

CFIA: Animal transport repeat violators	Reporting period	Nº of AMPs issued this period	Penalty amount this period	Total number AMPs issued	Total $, past & present periods
Maple Lodge Farms	Jan - Mar 2011	4	$15,600	44	$152,200
Nadeau Poultry Farm	Jan - Mar 2011	11	$28,600	78	$202,800
Maple Lodge Farms	Apr - June 2011	8	$62,400	40	$143,600
Nadeau Poultry Farm	Apr - June 2011	-	-	-	-
Maple Lodge Farms	Apr - June 2012	-	-	-	-
Nadeau Poultry Farm	Apr- June 2012	5	$26,800	76	$225,200
Maple Lodge Farms	July - Sept 2012	3	$23,400	52	$243,600
Nadeau Poultry Farm	July - Sept 2012	-	-	-	-
Maple Lodge Farms	Oct - Dec 2012	7	$54,600	54	$270,800
Nadeau Poultry Farm	Oct - Dec 2012	5	$37,200	76	$221,800
Maple Lodge Farms	Apr - June 2013	8	$62,400	59	$327,200
Nadeau Poultry Farm	Apr - June 2013	-	-	-	-

[94] Nadeau Poultry Farm Ltd. in Saint-Francois-de-Madawaska, New Brunswick, is wholly owned by Maple Lodge Farms, and has been subject to repeated Administrative Monetary Penalties for transport infractions, as has its parent company, Maple Lodge Farms.

[95] http://www.inspection.gc.ca, Animal Transportation Repeat Violators.

Appendix B

Spent hens necropsy report

Canadian Food Inspection Agency / Agence canadienne d'inspection des aliments

REPORT OF INSPECTOR / RAPPORT DE L'INSPECTEUR

Page 1 of/de 2

Reference / Référence: T-23, flock No: 81600, D.O.A.-10.8%

Owner Information / Information sur le propriétaire

Owner Name / Nom du propriétaire		R.R. or Street Address / RR ou adresse à domicile	
Purchased By Maple Lodge Farms		8301 Winston Churchill Blvd.	
City / Ville	Province	Postal Code / Code postale	Telephone No. / N° de téléphone
Brampton	Ontario	L6Y 0A2	(905) 455-8340

Animal Location / Localisation de l'animal

Lot No. - Section / N° de lot	Concession or Township / Rangé et canton	Township - Range / Municipalité
Gray Ridge Egg Farm	#12904 Beechwood Line	Ridgetown
County or RM and Meridian / Comté	Province: Ontario	District Office where animals located / Bureau du district où l'animal se trouve

Reason for Inspection (check) / Objet de l'inspection (cochez)

Category / Catégorie: ☐ Export / Exportation ☐ Import / Importation ☐ Disease Control / Contrôle de maladie ☐ Other / Autre — Specify / Indiquer: Animal Transport

Activity / Activité: ☐ Inspection ☐ Diagnostic Testing / Épreuves de diagnostic ☐ Investigate / Enquête ☐ Control / Contrôle

Sub-activity / Sous-activité:

☐ C&D / N&D	☐ Final Verification / Vérification finale	☒ Necropsy / Autopsie d'animaux	☐ Seal Tank / Cuve scellée
☐ Clinical Examination / Examen clinique	☐ Inventory / Inventaire	☐ Obtain Samples / Prélèvement des échantillons	☐ Shipment / Chargement
☐ Ordered Destroyed / Ordonné à l'abattage	☐ Loading / Embarquement	☐ Preclearance / Inspection de prédédouanement	☐ Testing / Épreuve
☐ Destuffed Container / Contenu de conteneur	☐ Movement Tracing / Retraçage	☐ Quarantine / Quarantaine des lieux	☐ Vaccinate / Vaccination
☐ Disease Compliance / Maladie animale conformité	☐ Animal Transportation / Transportation des animaux	☐ National Livestock ID / Identification nationale du bétail	
☐ Residues / Résidus		☐ Other / Autre	

Animals on premises / Nombres d'animaux sur les lieux

Cattle/Bovins	Bisons	Cervidae/Cervidés	Sheep/Moutons	Goats/Chèvres	Swine/Porcs	Camelidae/Camélidés	Poultry/Volaille	Other (spec.)/Autre (précisez)
							light fowls/ 70 wk.. old	

Date of visits / Dates des visites	Report / Rapport
2009-02-23	The load T-23 from Gray Ridge Egg Farm, Ridgetown, Ontario arrived to Maple Lodge Farms with 10,994 light fowls. Average body weight of fowl is 1,64 kg. This load has 1,181 dead birds upon unload what equals 10,8% -D.O.A. Live Receiving Report points that most of the dead birds are located on the sides of the trailer. A sample of 10 dead fowls is collected, tagged: 134882 and submitted for necropsy. The necropsy is performed by Dr Andrew Gomulka on the same day. The dead fowls in the sample are in good body condition and cyanotic. There is significant feathers loss over all body (up to 90% feathers are missing, see pic.#1) All dead fowls in the sample are cold on touch. Specimen #1. The dead fowl is in good body condition with fat in the abdomen. Moderate cyanosis. Significant feathers loss. 90% of the body has no feathers. The bird is cold on touch. The kidneys, liver and the heart are congested. The ovary is active with many follicles and eggs at different stage of maturation. One mature egg with shell is in the oviduct. The provetriculus is empty. Specimen #2. The bird is moderately cyanotic and cold on touch. It is in good body condition. 90% of the body is featherless. Right femur is transversely broken at proximal part of the shaft. There are bruises in surrounding muscles. Fat is in the abdomen. The heart, liver and the kidneys are congested. The ovary is active. The provetriculus is empty. Specimen #3. The fowl is cold on touch but in good body condition. Remarkable feathers loss is 90%. Fat is present in the abdomen. The ovary is still active. The internal organs such as: the kidneys, liver and the heart are congested. The provetriculus is empty. #6. The dead bird is in good body condition and moderately cyanotic. 85% of the carcass is featherless. Abundant fat is in the abdomen. The ovary is active. The kidneys, liver and the heart are congested. The provetriculus has little food (grain pieces)

ıte of Report / ıte du rapport	Inspector (Signature) de l'inspecteur	Inspector's Name/ Nom de l'inspecteur
)09-02-23	Andrew Gomulka	Andrew Gomulka D.V.M.

information on this document is collected by the Canadian Food Inspection Agency under the hority of the *Health of Animals Act* for the purpose of detecting diseases of toxic substances or uring compliance with this Act and the regulations. Information may be accessible or protected equired under the provisions of the *Access to Information Act*.

Les renseignements dans le présent document sont recueillis par l'Agence canadienne d'inspection des aliments en vertu de la *Loi sur la santé des animaux* afin de vérifier l'existence de maladies ou de produits toxiques ou d'assurer l'observation de la présente loi et des règlements. Les renseignements peuvent être accessibles ou protégés selon ce que prescrit la *Loi sur l'accès à l'information*.

IA / ACIA 1520 (2005/06)

Appendix C

Facts in support of 18 additional guilty pleas by Maple Lodge Farms

Count 2, Trailer 31
December 10, 2008, spent hens from Marcel Bourdon Ltd farm in Maxville, Ontario
12,480 live birds
Actual weather: between-13 C and-16 C, wind chill as low as-24 C
Loaded at 9:30 pm, arrived at MLF 6:59 am, slaughter at 12:55 pm
Lairage: 6 hours, total from loading to slaughter: 8.5 hours
1508 dead birds or 12.1% DOA
Admitted: birds died or suffered unduly by reason of undue exposure to the weather

Count 4, Trailer 15
December 22, 2008, broiler chickens from Speksnijder Farm, Cobourg, Ontario
10,920 live birds
Actual weather: between-9 and-13, wind chill as low as-19 C
Loaded: 1:40 am, arrived at MLF 6:01 am, slaughtered at 10:10 am
Lairage: 4 hours, total from loading to slaughter: 8.5+ hours
1237 dead birds or 11.3% DOA
CFIA vet concluded they died from exposure to inclement weather
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 11, Trailer 14
January 14, 2009, broiler chickens from Oak Range Farms Ltd., St. Paul's Station, Ontario
11,208 live birds
Actual weather: between-16 C and-20 C, wind chill value of-31C at MLF
Loaded 2:30 am, arrived at MLF 6:45 am, slaughter at 9:08 am
Lairage: 2+ hours, total from loading to slaughter: 6.5 hours
625 dead birds or 5.6% DOA
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 13, Trailer 09
January 14, 2009, broiler chickens from Oak Range Farms Ltd. In St. Paul's Station, Ontario
9,576 live birds
Actual weather: as set out above, Count 11, Trailer 14
Loaded 5:30 am, arrived 9:43 am, slaughter at 11:33 am
Lairage: 1.75 h, total from loading to slaughter: 6 hours
664 dead birds or 6.9% DOA
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 14, Trailer 02
January 16, 2009, broiler chickens from Borderline Poultry, Niagara on the Lake, Ontario
6,760 live birds
Actual weather: between-11C and-13 C, wind chill values of-20 C to-23 C
Loaded at 4:30 am, arrived at MLF at 9:30 am, slaughter at 6:09 pm
Lairage: 8.5+ hours, total from loading to slaughter: 14 hours
541 dead birds or 8.1% DOA
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 17, Trailer 34
January 16, 2009, mixed chickens from Hi-Vista Farms, Atwood, Ontario
8,876 live birds
Actual weather: between- 15 C and-16 C, wind chill value of-30 C
Loaded at 10:30 am, arrived at 1:15 pm, slaughtered at 3:10 pm
Lairage: 2 hours, total from loading to slaughter: 4.5+ hours
659 dead birds or 7.4% DOA
Admitted: died or suffered unduly by reason of undue exposure to weather

Count 20, Trailer 31
January 20 and 21, 2009, broiler chickens from Leo and Sarah Beliak's farm, St. Ann's, Ontario
10,444 live birds
Actual weather: between-13 C and-16 C, wind chill value of- 25 C
Loaded at 11 pm, arrived at 3 am, slaughter at 6:42 am
Lairage: 3.75 hours, total from loading to slaughter: 7.75 hours
925 dead birds, or 8.9% DOA
Admitted: died or suffered unduly by reason of undue exposure to the weather

Count 21, Trailer 12
January 21, 2009, broiler chickens from Leo and Sarah Beliak's farm, St. Ann's, Ontario
8,876 live birds
Actual weather: same as Count 20, above
Loaded at 2 am, arrived at MLF at 5:41 am, slaughter at 7:26 am
Lairage: 1.75 hours, total from loading to slaughter: 5.5 hours
542 dead birds or 6.1% DOA
Admitted: died or suffered unduly by reason of undue exposure to the weather

Count 22, Trailer 08
January 21, 2009, broiler chickens from Kees Dykstra farm, Clinton, Ontario
8,736 live birds
Actual weather: between-8 C and-10 C, wind chill of -16 C and-17 C
Loaded at 3 am, arrived at 6:45 am, slaughtered at 1:47 pm
Lairage: 7 hours, total from loading to slaughter: 10.75 hours
700 dead birds or 8% DOA
Admitted: died or suffered unduly by reason of undue exposure to weather

Count 25, Trailer 13
January 27, 2009, broiler chickens from Frelene Poultry (Van Maar Farms), Goderich, Ontario
9,968 live birds
Actual weather: between- 10 C and-20 C, Driver: "very cold birds, didn't look good"
Loaded: 5:20 am, arrived at MLF 11:50 am, slaughtered 1:12 pm
Lairage: 1.5 hours, total from loading to slaughter: 8 hours
714 dead birds or 7.2% DOA
MLF unable to provide a Live Transportation Investigation Report as required by their SOP
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 28, Trailer 31
February 05, 2009, broiler chickens from Donkers Poultry Farm, Elora, Ontario
10,920 live birds
Actual weather: Between 0-21 C and-27 C, driver noted "very cold on way and at farm"
Loaded 1:14 am, arrived at MLF 7:25 am, slaughtered at 10:20 am
Lairage: 3 hours, time from loading to slaughter: 9 hours
428 dead birds or 3.9%; veterinarian concluded inadequate protection from weather
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 32, Trailer 24

February 23, 2009, spent hens from Grey Ridge Egg Farm, Moorefield, Ontario
11,296 live birds
Actual weather: Between-10 C and-14 C, wind chill between- 18 C and-24 C
Loaded 9:10 am, arrived at MLF 2:30 pm, slaughtered 7:04 pm
Lairage: 4.5 hours, total from loading to slaughter: 10 hours
2019 dead birds or 17.9% DOA
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 7, Trailer 29
December 10 and 11, 2009 (discrepancy with date: January 14, 2009), broiler chickens from Henry and Tina Valkenburg, Blackstock, Ontario
9,360 live birds
Actual weather: between-9 C and -10 C, with wind chill as low as-31 C
Loaded 9:20 pm, arrived at MLF 1:40 am, slaughtered 9:08 am
Lairage: 7.5 hours, total from loading to slaughter: 12 hours
526 dead birds or 5.6% DOA
Admitted: birds died or suffered unduly by reason of exposure to the weather

Count 9, Trailer DEL-10L
December 29 and 30, 2009, broiler chickens from Laplante Poultry Farms in L'Epiphanie, Quebec
6,040 live birds
Actual weather: between- 16 C and-18 C, wind chill-23 C to-28 C, driver described, "very cold" and "chicken wet"
Loaded: 5:15 pm, arrived at MLF 3:46 am, slaughtered at 10:02 am
Lairage: 6 hours+, time from loading to slaughter: 16.5 hours
852 dead birds or 14.1% DOA
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 14, Trailer 01
January 27, 2010, spent hens from Burnbrae Farms Ltd. in Lyn, Ontario
7,490 live birds
Actual weather: Between-1 C and-2 C, wind chill-5 C to-7 C, snow showers
Loaded 5 am, arrived at MLF at 3 pm, slaughtered at 5:49 pm
Lairage 2.75 h, time from loading to slaughter, 9.75 hours
4362 dead birds or 58.2% DOA
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 15, Trailer 28
January 29, 2010, broiler chickens from Megga Farms in Goderich, Ontario
7,360 live birds
Actual weather: loading-9.6 C to-13.1 C, wind chill-18 C to-21 C
Loaded 5:30 am, arrived at MLF 10:15 am, slaughtered 11:10 am
Lairage 1 hour, time from loading to slaughter: 6 hours
876 dead birds or 11.9% DOA; report stated driver failed to properly strap top tarp, failed to stop to warm the birds
Admitted: birds died or suffered unduly by reason of undue exposure to weather

Count 19, Trailer DEL-37C
February 17 and 18, 2010, spent hens from Ohio Fresh Eggs Farm in Mount Victory, Ohio, USA
10,440 live birds
Actual weather: at loading, between 1C and 9 C, temperature rose en route to MLF
Loaded 8:15 am, arrived at MLF 8:10 pm, slaughtered at 3:40 am (next day)
Lairage: 7.5 hours, time from loading to slaughter, 19 hours
4,377 dead birds or 41.9% DOA
Admitted: birds died or suffering unduly by reason of undue exposure to weather

Count 21, Trailer DEL-14E
April 10, 11 and 12, 2010, spent hens from Nature Pure in West Mansfield, Ohio, USA
9,536 live birds
Actual weather: between 1 C and 9 C, at MLF, between 4 C and 17 C
Loaded 9 pm, April 10, arrived at MLF "approximately noon,"; April 11, slaughtered 3:40 am, April 12
Lairage: 15.5 hours, total time from loading to slaughter, "subjected to transportation process nearly 32 hours"
2003 dead birds or 21% DOA
Veterinarian concluded birds may have died from suffocation; MLF Live Transportation Report suggested no corrective actions
Admitted: birds died or suffered unduly by reason of undue exposure to the weather

Appendix D
The Judge's Sentencing

Appendix "A"
HER MAJESTY THE QUEEN

and

MAPLE LODGE FARMS

PROBATION ORDER
(Pursuant to 732.1 (3.1) Criminal Code of Canada)

WHEREAS:

1. Maple Lodge Farms (MLF) is an Organization within the meaning of Section 732.1 (3.1) of the Criminal Code of Canada.

2. MLF has been convicted of a total of 20 charges of failing to transport chickens humanely pursuant to section 65(1) of the Health of Animals Act.

3. MLF has been sentenced to pay a fine and directed to comply with the conditions prescribed in a Probation Order. That Probation Order will be for a period of three years. The maximum fine upon conviction for a single offence pursuant to section 65(1) of the Health of Animals Act where the Crown has proceeded by summary conviction is $50,000.00.

4. MLF has been sentenced to pay a fine of $40,000.00 on each of the two counts upon which Justice N. Kastner tried MLF for a total fine of $80,000.00.

5. The sentencing of MLF in relation to the additional 18 charges has been suspended for a period of 3 years during which MLF will be subject to this Probation Order.

6. MLF has agreed that in addition to any further conditions prescribed by the court it will comply with the following conditions which will also be prescribed by the court and will be subject to enforcement as part of the court's Probation Order.

7. MLF will expend no less than $1,000,000.00 over the period of this probation order in the manner prescribed and according to the schedule for expenditures where provided for to modify its fleet of trailers used to transport broiler and spent hens and to make changes to its facilities as well as transportation policies, methods and procedures.

8. MLF hereby acknowledges that it remains subject to the provisions of all extant laws including the Health of Animals Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and Regulations.

9. The conditions of this Probation Order are intended to ensure compliance with the Health of Animals Act and Regulations.

IT IS AGREED BY THE PARTIES AND ORDERED BY THE COURT:

GENERAL

10. MLF will establish policies, standards and procedures to reduce the likelihood of that organization committing a subsequent offence.

11. MLF will report to the court on the implementation of those policies, standards and procedures as set out herein.

12. MLF has identified the Senior Animal Welfare Officer as the senior officer (SO) who is responsible for compliance with those policies, standards and procedures.

13. MLF will provide, in the manner specified herein, the following information to the public, namely,

    (i) the offence(s) of which the organization was convicted,

    (ii) the sentence imposed by the court

    (iii) any measures that the organization is taking – including any policies, standards and procedures established by this Order – to reduce the likelihood of it committing a subsequent offence.

14. MLF or the prosecutor may, at any time, apply to the court to:

    (i) make changes to any additional conditions;

    (ii) relieve MLF from compliance with any additional conditions completely or in part, or

    (iii) decrease the period for which this Order is in force.

TRANSPARENCY

15. MLF will ensure that the convictions, a summary of the facts supporting those convictions, the sentence imposed and the terms of the probation order are published in a prominent place on its website. That publication must include a summary of the reported decision of Justice Kastner including relevant excerpts from the Reasons for Decision and/or Sentence. That publication is subject to approval in writing as to form and content by the Canadian Food Inspection Agency (CFIA) within three (3) weeks of the date that sentence is imposed and its approval may be withheld at its discretion. The above noted information, as approved by the CFIA must be posted on MLF's website within a week of approval by the CFIA.

16. In addition, MLF will ensure that proof of implementation of the conditions herein be provided to the CFIA on a quarterly basis and as certified by the SO of MLF. Failure to meet a schedule for compliance as set out in this order must be published on the MLF website and is subject to approval in writing as to form and content by the CFIA and its approval may be withheld at its discretion.

17. In addition, while on probation, MLF will publish on its website, in a manner approved of in advance by the CFIA, a summary of Dead on Arrivals (DOA) on a quarterly basis indicating the number of loads that exceed the 1% and 4% DOA thresholds for broiler birds and spent hens that trigger a more in-depth CFIA inspection.

18. The parties have agreed that Penny Lawlis will assume the position of an independent expert (IE) for the duration of this Order to oversee and report to the Court in relation to both expenditures and compliance with this Probation Order and the above noted Act and Regulations. Ms. Lawlis is currently the Humane Standards Officer for the Ontario Ministry of Agriculture, Food and Rural Affairs.

POLICIES, STANDARDS AND PROCEDURES:

19. MLF will create and abide by specific standard operating procedures (SOPs) that make all decision making on loading and transporting broilers and spent hens transparent and traceable including:

    19.1 SOPs must be in writing and approved by the IE and made available to the CFIA and court if requested. Those SOPs must be adhered to and form part of this Probation Order. They must be posted in a conspicuous place in the workplace available to all employees. They must also include a prominent declaration that adherence to the SOPs is by court order. They must include the following:

    a. Guidance documents for employees and dispatchers, including contingency plans;

    b. Specifications and undertakings by third parties involved in transport that they will follow MLF procedures, and certifications that procedures have been followed;

    c. Reduce SOPs to writing and have all employees involved in the transportation process and supervisory personnel certify they have been trained and read the SOPs and are aware of the requirement to follow them;

    d. Requirement that drivers must report weather conditions to MLF dispatchers at the time of loading. Written records of these reports shall be kept and maintained by MLF for three (3) years;

    e. Requirement that drivers must take, and MLF shall preserve time and date

stamped, digital photos of the trailer being loaded in a way that accurately depicts the animals and current weather conditions at the following times:

i. the beginning of loading;

ii. the approximate halfway point of loading; and

iii. the completion of loading

19.2. This provision is subject to any regulations or laws prohibiting the photographing of any farms or property where loading takes place. In the event that photographing the trailer is prohibited by law or by the producer, the driver shall still take digital photographs in accordance with the above time requirements of the weather conditions immediately adjacent to the farm.

f. Requirement that the holding barns be manned by an employee fully acquainted with holding barn procedures.

g. Requirement that holding barn procedures be in writing and include monitoring of all loads to standards agreed upon with the IE. Compliance is to be confirmed in writing within a log kept by MLF for the duration of this order.

h. SOPs shall include procedures to be followed for internal investigations. Investigations are to be conducted by an identifiable person who will:

i. Certify facts and review all relevant documents;

ii. speak to all relevant witnesses/parties;

iii. identify the most likely cause of the deficiency and include all of this information in an investigation report that is certified true by that person, and

iv. recommend corrective action

i. Clear and effective contingency plans in writing including but not limited to the following events:

i. severe weather;

ii. equipment failures;

iii. delays in processing;

iv. compromised loads

19.3 Severe weather has the same meaning for any type of chicken and includes actual and forecast weather. Severe weather must include conditions during which the actual or forecast temperature are affected by humidity or wind chill. The Ontario Farm Animal Counsel (OFAC) Poultry Handbook chart and graph

contained on page twenty-six (26) provides guidance for whether or not to transport chickens during the summertime based on temperature and humidity combined. Standards for the transportation in cold weather shall take the wind chill into account in any related SOPs and procedures, and MLF shall maintain their records indicating the temperature and wind chill on days when chickens are transported in the winter. These decisions relating to transporting chickens in severe weather shall be documented and maintained for the duration of this probation order, and shall be made available to the IE and CFIA for the purpose of assessing compliance with this order.

19.4 Requirement that MLF provides semi-annual reports to CFIA and the IE on compliance with appropriate standards within six (6) months of this order. MLF must also provide in their report proof of implementation of new SOPs that have been certified by all MLF employees and third parties involved in the transport process of chickens, which shall be confirmed by the IE. Thereafter, reports must confirm that SOPs are being followed and outline any circumstances where SOPs were not followed, including details of any corrective action taken.

19.5 MLF will include SOP Industry/Government guidelines as the minimum for the loading process including "Should this bird be loaded" and the Transportation Code of Practice.

EQUIPMENT, FACILITIES AND IMPLEMENTATION OF TRANSPORT SOPs:

20. MLF will modify the equipment and facilities associated with the transportation, handling and receipt of live chickens to improve the conditions that live chickens (broilers and spent hens) are transported to its processing facilities in Brampton, Ontario.

21. MLF will spend a minimum of $1,000,000.00 on capital improvements to that equipment and those facilities, as well as the transportation SOPs during the period of this Probation Order.

22. That expenditure will take place in a manner and at the rate set out below, and must include improvements to trailers, holding facilities, modular transportation systems, and the SOPs for their use.

23. That expenditure must be supported by receipts and records provided to the IE as described below. MLF must provide the IE with proof to the satisfaction of the IE that changes made in accordance with this Probation Order has brought MLF into compliance with the *Health of Animals Act* and the regulations thereto in so far as the transportation of live chickens is concerned.

24. Specifically, MLF must ensure that modifications are made to all or some of the following as they see fit, while ensuring that the outcome is compliance with the above noted Act and Regulations. The IE shall assess whether the modifications made are substantial and demonstrable improvements consistent with ensuring compliance with the Act and Regulations.

25. The modification of equipment and facilities be made to all or some of the following, as MLF sees fit, are:

    25.1 Climate controlled and/or mechanically ventilated trailers for transporting all broilers and spent hens;

    25.2 Temperature and humidity monitoring devices for all trailers;

    25.3 Modular transportation of broilers and spent hens; and

    25.4 Climate controlled and/or mechanically ventilated barns for broilers and spent hens with sufficient capacity to service all arriving trailers.

26. MLF will provide unfettered access to all of its facilities, equipment and any data collected pursuant to this Probation Order to the CFIA and IE and establish a reasonable time frame for any exchange of documents required. The confidentiality of intellectual property rights will be respected. Access to confidential corporate financial information shall be limited to the IE.

27. The IE will report on a quarterly basis to the designated CFIA person (CFIA Regional Director, Central Region, or their designate) and Court with respect to all matters related to compliance with this Probation Order.

28. MLF's expenditures pursuant to this Probation Order will be at a rate of no less than $80,000 per quarter, which may be varied with the consent of the IE. Those expenditures will be reported to the IE in sufficient detail to identify and quantify those expenditures. Those expenditures will be supported by third party receipts or otherwise in accordance with generally accepted audit standards. Where scientific research and/or experimental research are undertaken any expenditure must be identified in accordance with Canada Revenue Agency (CRA) requirements. All expenditures are to be excluded from the calculation of expenditures required by this Order unless the IE is satisfied that the expenditure, including internal expenditures is not in the usual and ordinary course of business prior to this Order.

29. MLF will collect data relating to research and development with respect to the modification of equipment, as well as transport policies, methods and procedures, and make that data available to the IE when requested for the purpose of the IE's reports.

30. MLF must produce a Compliance Audit written by the IE on a yearly basis to report on MLF's compliance with the requirements above. The yearly Compliance Audit shall be published on MLF's website, in a manner to be approved of by the CFIA, and shall be provided to the parties and the Court. The annual Compliance Audit may be combined with the fourth quarterly report, in each year of the Order.

March 27, 2014

Honourable Justice N.S. Kastner

Appendix E
Definitions

Administrative Monetary Penalties (AMPs) – An economic enforcement tool of the Canadian Food Inspection Agency to punish infractions under Health of Animals Regulations.

Animal Alliance of Canada (AAC) – A Toronto-based non-profit organization that campaigns at all levels of government to protect animals and the environment.

Antimicrobial resistance – Occurs when valuable antimicrobial drugs lose their effectiveness against bacteria due to overuse, including widespread use in farmed animals for disease prevention and growth promotion.

Battery cages – Cramped wire cages where laying hens are unable to perform natural behaviors including nesting, perching, stretching or dust bathing.

Broiler chickens – Birds raised for meat in crowded barns, with the production goal to add the most weight in the shortest time, on the least amount of feed.

Canadian Coalition for Farm Animals (CCFA) – A Toronto-based non-profit organization that promotes the welfare of farmed animals through public education, legislative change and consumer choice.

Canadian Food Inspection Agency (CFIA) – A federal government agency whose mission is to safeguard food, animals and plants, including the oversight of animal transportation.

Canadian Codes of Practice – Coordinated by the National Farm Animal Care Council, codes are voluntary standards for handling and rearing animals in Canada.

Controlled Atmosphere Stunning/Killing (CAS/CAK) – Stunning and slaughter systems which use CO_2 and inert gases to stun or kill animals. CO_2 alone is aversive to animals, thus the need for a specified mix of inert gases for humane reasons.

"Dolly" system – Stacked "drawers" (which replace plastic crates) for transporting birds to slaughter, involve less human handling of birds than crate systems.

Electrified water stun bath – Conscious birds, held upside down by feet shackles, are moved by conveyor through an electrified water bath intended to stun (make them unconscious) prior to neck cutting for bleed out (death). There are serious welfare problems when the electrical current is too low to cause unconsciousness, or when birds raise their heads and miss the stun bath and neck cutter.

Feed withdrawal – For human food safety reasons, feed is withdrawn from birds 5-7 hours prior to emptying barns for transport to slaughter. Birds may be without food for 24 hours due to pre-loading feed withdrawal, loading, transport and lairage, causing great stress on the birds.

Flatbed trailers with tarps – A trailer with a level platform without sides or roof, which may be covered with tarps, depending on weather, resulting in haphazard, passive ventilation.

Health of Animals Act and Regulations – A federal statute governing import and export of foodstuffs, including animals, administered by the Canadian Food Inspection Agency, under the authority of the Minister of Agriculture.

Hyperthermia – The name given to a variety of heat-related illnesses.

Hypothermia – A condition in which the body's core temperature drops below that required for normal metabolism and body functions.

Just-in-time production – A system where contracts provide the signal for a product to be manufactured (or animals slaughtered, in the case of meat production), to produce only what is required, in the correct quantity and at the correct time – leaving no flexibility for unexpected situations, such as bad weather.

Lairage – A barn or area at the slaughter plant that holds animals – often many hours – until slaughter.

Laying hens – Female chickens who lay eggs in large numbers, usually for a year, before they are discarded for a new group of young birds.

Maple Lodge Farms, Inc. – A large, vertically integrated corporation based in Norval, Ontario, whose business includes feed mills, hatcheries, transportation and slaughter, accounting for approximately 30 per cent of Ontario's chicken meat slaughter and 99% of spent hen slaughter in Ontario.

Passive ventilation – A crude air circulation system that aims to provide protection to birds during transport, often associated with transport of birds on flatbed trailers with tarps.

Penalties under supply management – An enforcement tool used by supply-managed marketing boards to enforce production compliance and deadlines with quota holders.

Pullets – Young birds about to begin egg laying.

Quota system – A key component of supply management in Canada which must be purchased by farmers to produce broiler chickens, eggs, dairy, turkeys and broiler-breeder birds.

Spent hens – Fragile laying hens which the egg industry discards after a year of lay.

Supply management – A system to control the domestic supply and production of five animal products in Canada, which ensures profit for producers, tariffs on imports, and financial penalties for too-high or low production, based on production allocations through owned quota.