

Points of View

A forum for sharing perspectives from across the Canadian Sheep Industry



CANADIAN SHEEP FEDERATION

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Myth: The fine for not tagging sheep is \$500 per animal.

As of October 2010, the fine for not tagging animals was increased from \$500 to \$1,300 per infraction, and transporters, producers and auction barns can be fined for violation by the Canadian Food Inspection Agency (CFIA).

It's the responsibility of all involved to ensure they are within the Health of Animals Part XV Regulations, which can be found on the Department of Justice's website at: <http://laws-lois.justice.gc.ca/en/C.R.C.-c.296>.

Producers need to ensure they are tagging all animals with a Canadian Sheep Identification Program (CSIP) tag before the animal leaves the farm of origin. If animals leave the farm of origin without tags, producers could be subject to the increased fines, as could transporters, auction marts and slaughter facilities should they accept animals without tags. Because there are currently no approved tagging stations for sheep, there is no allowance in the Regulations for sheep to leave their farm of origin without tags.

We have heard from producers who are concerned about the increased fines. The Regulations do currently address tags that are lost in transit and CSF is working in conjunction with auction marts, and in the interest of the industry as a whole (producers, transporters, auction marts and slaughter facilities), to ensure stakeholders are aware of what to do should an animal lose its tag in transit.

For more on how to manage lost tags, I would encourage you to read our case study with CFIA's Ken Sloik who provides some very valuable insights.

As we move forward, it's important to have a credible identification program, particularly as the industry and others proceed with Radio Frequency Identification to meet the demands of legislated mandatory traceability. **Identification is one of the three pillars of traceability – without it, we have no traceability.**

While the cost of the fine is high, having animals in the system that cannot be traced could have a much higher cost for our industry in the event of a foreign animal disease or food safety crisis. For more information on the CSIP, go to the Canadian Sheep Federation's website: www.cansheep.ca.

If you would like to comment on this issue, you can still submit your point of view. Please send your comments to pointsofview@cansheep.ca, or contact me directly.

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P.S. Please turn to page 3 to learn more about fines for not tagging animals from Ken Sloik, the CFIA's National Lead for Enforcement on Animal Identification.

Letters to the Editor

"Anyone who has worked with sheep and ear tags realizes a certain percentage of tags will get ripped out." - Patrick Smith

Stuart Greaves

Vita, MB

I think it is a disgrace that the CFIA can fine such amounts of money for loss of a tag. They say that producers and transporters can both be fined if they cannot determine if the producer or transporter is to blame for lost tags. Whatever happened to innocent until proven guilty?

Can you imagine the outcry if the RCMP saw two young men running away from a robbery who fled into a bar. When entering the bar, the RCMP find 10 young men so they decide to arrest them all because they can't determine who the culprits are.

"I find it amazing that that if I lose two tags on a trip to the market, I could be fined more than if caught driving under the influence in a busy city." - Stuart Greaves

Patrick Smith

MB

I'm a large producer in Manitoba – 2,000 ewes shipping 5,000 lambs all to Cookstown, Ontario. Who is the naïve person responsible for deciding a fine of \$1,300 for a lost tag is rational? Anyone who has worked with sheep and ear tags realizes a certain percentage of tags will get ripped out.

I realize government bureaucrats have usually never had any real working experience, but surely someone in the CSF is in a position to logically demonstrate the irrationality of such an onerous punishment. Perhaps the real objective is to eliminate the sheep industry as a viable farming group so that the government doesn't have to deal with this miserably small group of hopelessly optimistic individuals.

Bill Duffield

Wyoming, ON

The new CFIA rule imposing a \$1,300 fine for having an animal shipped even if the tag drops out on shipping is outrageous. If I ship a number of lambs that all have tags but one loses its tag, why should I or anyone else be fined? This will put a lot of people out of the business and might stop some from coming into it.

Increased fines for animals without tags

Ken Sloik, National Lead for Enforcement on Animal Identification, Canadian Food Inspection Agency

In October 2010, amendments were made to the Agriculture and Agri-Food Administrative Monetary Penalties Regulations (AAAMP Regulations) which increased the penalties available for violations under the Health of Animals Act. The changes affected the penalties applicable to persons who are found to contravene Canadian sheep identification requirements.

Recently, the Canadian Sheep Federation sat down with Ken Sloik, National Lead for Enforcement on Animal Identification with the Canadian Food Inspection Agency (CFIA). Sloik took the time to discuss the regulation changes – why they happened, what the CFIA is trying to achieve and what it all means for producers and the rest of the industry.

Changes to Regulations

Part XV of federal Health of Animals Regulations set out the identification requirements applicable to sheep. One important requirement is that every sheep leaving a farm must be identified with an approved tag. Non-compliance of this rule can lead to enforcement action, and may result in a fine being imposed.

The AAAMP Regulations have three different classifications of non-compliance – minor, serious and very serious. Prior to October 2010, the penalties for violations committed during the course of business were \$500 for minor, \$2,000 for serious and \$4,000 for very serious. The CFIA has increased these penalties to \$1,300 for minor, \$6,000 for serious and \$10,000 for very serious. An example of a minor infraction would be not tagging an animal, a serious infraction would be not keeping the necessary records, and a very serious infraction would be altering or producing false tags.

Why the Change?

Sloik says the changes were put into place to achieve better compliance generally under the Health of Animals Act and Plant Protection Act. The result for the animal identification programs is expected to be more effective deterrence of non-compliance throughout all sectors of the industry – primary producers, transporters, auction marts and processors.

Although, the majority of industry stakeholders have fully embraced mandatory traceability, according to Sloik there is still a small group that have not. He says this is the group the CFIA are targeting.

“Animal identification is important because if there is a question about disease or food safety, we need exact information on where the animal has been and where it originated,” Sloik says

How will tagging requirements be enforced?

CFIA inspectors will randomly be present at various locations, including farms, auction marts and processing facilities. This is not new and those in the sheep industry are probably accustomed to interacting with inspectors from time to time.

It is important to note that in the case of an untagged animal, all stakeholders in the industry – primary producers, transporters, auction marts and processors – can be fined. Sloik says each potential violation will be investigated on a case-by-case basis.

For example, if a transporter arrives at the auction mart and one of the sheep does not have an ear tag, the CFIA inspector will look into the situation further.

“We would start by looking on the truck for a missing tag, or checking the animal’s ear to see if it has a tear mark in it,” says Sloik.

If the tag is found on the truck, the evidence shows that the tag fell out in transit between the producer’s farm and the auction mart. In this case, no fine would be imposed.

An example of non-compliance would be something like this: a producer arrives at the slaughter house with six untagged lambs. As the CFIA inspector is approaching the producer to investigate the situation, he sees the producer putting the tags into the lambs’ ears.

“The producer is non-compliant and he knows it because he brought the tags with him just in case an inspector is present at the slaughter facility,” Sloik says. In this case, a fine would be imposed.

Ensuring Compliance

According to Sloik, producers can ensure they are compliant with the tagging requirements in the regulations by ensuring that all sheep are tagged prior to leaving the farm.

Because transporters can also be fined, they need to ensure that any animals they transport are tagged. Sloik says it’s quite uncommon for a transporter to be fined but it has happened in the past. “If the transporter is a repeat offender or has a large number of animals without tags, he will be fined,” he says.

On the flip side, if it’s reasonable to believe that the transporter did not notice a tag or two missing, he will not be fined. Once again, all infractions are based upon the evidence gathered at the time of inspection and investigation.

One way that auction marts and slaughter plants can ensure their compliance is by refusing to take untagged animals. For animals that lose tags in transit, the transporter or operation must immediately tag animals as soon as a missing tag is identified.

Response to a Notice of Violation

Those who are issued a notice of violation under the AAAMP Regulations have four options:

1. Pay an amount equal to one half the penalty within 15 days.
2. Wait longer than 15 days and pay the total amount of the penalty before it is due.
3. Within 30 days, seek a review of the facts of the violation by the Minister or the Review Tribunal.
4. Within 30 days and if the amount of the penalty is \$2,000 or more, make a request to the Minister to enter into a non-compliance agreement.

For more information, copies of the applicable legislation are available on the Department of Justice Canada’s website at <http://laws.justice.gc.ca/en/H-3.3>.

Your feedback is essential!

This forum will only be successful if everyone weighs in with their own perspectives from their place in the industry. Tell us:

- What you think about "Points of View"
- If you had a strong reaction – either good or bad – to the first feature editorial
- If you want to contribute to an upcoming issue
- If you have a topic you'd like to see addressed
- If you have a story that would make a good case study for others to learn from

What's in it for you? Most people don't often get a chance to have their opinion heard. This is yours. Use it to help make an impact on the future of our business. **Send your comments, suggestions and questions to pointsofview@cansheep.ca or call CSF at 519-824-6018 or 1-888-684-7739.**

In the next issue...

Myth: Provincial government involvement in the Canadian Sheep and Lamb Food Safe Farm Practices Program gives government control over the program.

In Manitoba, training for the Food Safe Farm Practices Program is being conducted by the Manitoba provincial government. This is not the only province or commodity where the provincial government is involved in delivering training for these types of programs. Quite often, due to lack of resources, government representatives play a significant role in helping provincial sheep associations offer programming to the producer.

- Should more funding be provided to commodity groups to allow industry to lead the training programs?
- Do you feel government has a role to play in delivering these programs?
- Would the program be better supported by producers if it was delivered through representative commodity groups?

Please send your comments to pointsofview@cansheep.ca, or contact Barbara Caswell directly at 1-888-684-7739 or barbara@cansheep.ca.