



April 6, 2021

Canadian Food Inspection Agency
c/o Craig Koenig - Director of Operations, Manitoba Region
Room 613, 269 Main Street
Winnipeg, Manitoba R3C 1B2

Dr. Scott Zaari
Chief Veterinary Officer
Manitoba Agriculture and Resource Development

Manitoba Agriculture
Animal Care Line
Unit C - 284 Reimer Avenue
Steinbach, Manitoba R5G 0R5

Via Email

To Whom It May Concern:

Re: Request to investigate live hens found in Brady Landfill on April 1, 2021

On April 1, 2021, six live hens were found at the Brady Landfill in Winnipeg, Manitoba, among thousands of euthanized hens that had just been mass culled and dumped at the facility.¹ One of the hens died shortly after being discovered. Based on photographs shared from the scene, it appears that these hens were in distress, thin, malnourished, and partially feather-bare. It is unclear based on public reports what facility these animals originated from.

This is the second time in less than a year that live hens have been found at this landfill after being dumped following a mass cull at an egg farm.² We request that you investigate this most recent incident to ensure hens are not forced to endure needless suffering when they are killed by common egg industry practices such as gassing. Gassing chickens en masse is unreliable and can cause immense suffering, particularly in light of variables such as gas exposure,

¹ Danton Unger, "Five hens founds alive and moving among culled flock dumped in Winnipeg landfill" (5 April, 2021) CTV News Winnipeg, online: <https://winnipeg.ctvnews.ca/five-hens-found-alive-and-moving-among-culled-flock-dumped-in-winnipeg-landfill-1.5375585>. See also:

<https://www.facebook.com/thegoodplacemb/posts/938191546917607>.

² Manitoba Egg Farmers (5 April, 2021) Instagram, online: <https://www.instagram.com/p/CNS9EuFgHja/>; Jessica Scott-Reid, "When Gassing Animals to Death Doesn't Work" (28 July, 2020) Sentient Media, online: <https://sentientmedia.org/when-gassing-animals-to-death-doesnt-work/>.

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inappropriate numbers or sizes of animals in the chamber, or insufficient duration of gas exposure.

Based on media coverage surrounding the April 1, 2021 incident, we believe that the facility responsible for culling the hens in question may have contravened the relevant National Farm Animal Care Council (“NFACC”) standard of care guidelines, as well as *The Animal Care Act*, CCSM c.A84, the Health of Animals Regulation, Man Reg 126/98, and the federal Health of Animals Regulations, CRC c. 296.

We request that the CFIA and Office of the Chief Veterinary Officer investigate the April 1, 2021 incident and take action to prevent and prosecute animal cruelty in accordance with your respective mandates.

1. Legal Basis

Section 3 of Manitoba’s *Animal Care Act* states that: “No person shall inflict upon an animal acute suffering, serious injury or harm, or extreme anxiety or distress that significantly impairs its health or well-being” unless in the course of “an accepted activity”.

Under section 4(1) of the *Act*, “euthanasia of animals” is deemed an accepted activity. However, as per section 4(2), any accepted activity must be carried out in a manner that is “consistent with a standard or code of conduct...specified as acceptable in the regulations”; “consistent with generally accepted practices or procedures for such activity and does not cause needless suffering”; or “that is otherwise reasonable in the circumstances, and that does not cause needless suffering”.

Guidance documents specified in the Health of Animals Regulation (such as the *Report of the American Veterinary Medical Association Panel on Euthanasia* and the *Guide to the Care and Use of Experimental Animals*) emphasize the stated goal of preventing suffering among the animals being euthanized. Neither of these documents exempt botched culling as an acceptable practice.

Additional industry guidance documents such as the Pullets and Laying Hens Code of Practice produced by NFACC explicitly recommend only those types of euthanasia that end the lives of animals “promptly” and “rapidly” in a manner that “minimize[s] or eliminate[s] pain and distress” for the animals. This Code of Practice indicates that personnel involved in euthanasia “must be able to recognize” when a bird is alive (even when insensible) and “be able to apply a secondary euthanasia method if the first method was ineffective”. The NFACC Code stresses the importance of confirming the effectiveness of the euthanasia method on the birds and states that “birds must be inspected... immediately after the euthanasia method has been applied” and death must be confirmed “by cessation of breathing and heartbeat”. It is evident that the farm in



question failed to follow this NFACC Code, which constitutes the egg industry's own standards.

Pursuant to section 139 of the federal Health of Animals Regulations, it is illegal to transport an animal that is "unfit". The chickens involved in this incident appear to meet the definition of an "unfit" animal, given that they were suffering from injuries and required urgent medical care. Steps should have been taken to ensure all of the animals were dead before they were transported to the landfill and any animals who were still alive should have received prompt veterinary care.

In this case, at least six hens survived a botched culling, were buried among corpses, were transported with the corpses, and were dumped alive in a landfill contrary to the legal requirements and industry standards set out above.

2. Conclusion

As individuals and departments designated by legislation to oversee and enforce animal welfare laws in the province of Manitoba, you have the ability as well as the responsibility to bring violations of animal welfare laws before the courts for adjudication.

We strongly encourage your offices to investigate this incident and take action to prevent this kind of mistreatment of animals during transport from occurring in the future. We would be pleased to provide further information or to otherwise assist you in your investigation. Please do not hesitate to contact me at kmitchell@animaljustice.ca if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Kaitlyn Mitchell".

Kaitlyn Mitchell
Staff Lawyer
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