



MW Law Offices*

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File No: 10458001

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VIA EMAIL Jim.welwood@tc.gc.ca

Transport Canada
1st Floor, MacDonald Building
P.O. Box 8550
344 Edmonton Street,
Winnipeg, MB R3C 0P6

Attention: Jim Welwood, Superintendent, Aviation Enforcement

Dear Sir:

**Re: Civil Aviation - Complaint
Transport of Horses by Korean Air Cargo in a Manner Violating Federal Regulations**

We are counsel for the Canadian Horse Defence Coalition ("CHDC"), an organization dedicated to ending the commercial slaughter of horses generally and in Canada in particular. We write to you in Transport Canada's capacity as the lead agency in civil aviation safety enforcement. Since the conduct we are complaining of is one of an ongoing nature but with immediate safety issues for the public, we do not feel it appropriate to utilize the Civil Aviation Issues Reporting System.

CHDC's complaint relates to the shipping of live horses, principally large draught horses, by Korean Air Cargo from Calgary and Winnipeg International airports. The horses are being transported in clear violation of the *Health of Animals Regulations* SOR/91-525, s. 2; while at first glance, the regulations prescribing the manner in which the horses are being crated and transported may appear to have little relevance to aviation safety and lying within the exclusive jurisdiction of the Canadian Food Inspection Agency, for the reasons discussed below, in our view the *Health of Animals Regulations* are, in reference to air transportation safety, complimentary to the *Aeronautics Act* and the *CARs* and therefore to Transport Canada's mandate.

As stated, CHDC is actively seeking to halt the commercial slaughter of horses on humanitarian grounds, attempting to bring us into line with the United States where the slaughtering of horses is unlawful. CHDC's concerns extend to live horses being shipped from Canada to other jurisdictions for slaughter. In this case, large draught horses are being shipped by air to Japan for slaughter. Draught horses are very large animals, typically 16 to 19 hands high (1 hand = 4 inches) and weighing between 1,400 to 2,000 lbs. They are heavily muscled and immensely strong.

The video found at the attached internet link clearly shows these animals in crates that are not high enough for them to raise their heads to a natural position.

Section 142(a) of the *Health of Animals Regulations* provides:

No person shall transport or cause to be transported animals in a railway car, motor vehicle, aircraft or vessel unless each animal is able to stand in its natural position without coming into contact with a deck or roof.

Common sense dictates this causes the animals severe discomfort over the 24 hour period in which they are in transit and therefore puts them in distress. Further, the horses in the video are not being crated separately. Section 141(8) of the *Health of Animals Regulations* mandates that horses over 14 hands high need to be segregated for air transport.

While draught horses are considered "cold blooded" breeds as they are generally known for their calm nature, distressing them can turn these normally docile giants into one tonne wrecking machines. Placing 2 large horses in one crate and putting them in a stressful environment inside an aircraft in flight, in particular since these flights are carrying up to 120 horses, is, in our view, a recipe for disaster.

Any person familiar with horses can attest to the strength of these animals. Even a 14 hand horse can turn a stall made of solid 2 by 6 planks into kindling if unduly distresses or aggravated. If 2 heavy horses crated together begin fighting, or for that matter, a single large horse panics while in transport, the crates shown in the video are not likely to contain them. A panicked or aggravated 2000 lb draught horse moving about, even in the cargo hold of a large aircraft such as a Boeing 747, could have disastrous consequences in terms of centre of gravity and lateral balance.

The possibility that a shipment of horses has, as reported in a CTV new clip last night, perished while in the air, is also troubling. As of this date, we do not have full particulars of that occurrence, but are following up.

Yours truly,

MW Law Offices*

per:



Nicholas Weigelt

<http://www.youtube.com/watch?v=Ji5n8siQGAw&feature=plcp>