



November 8, 2012

VIA EMAIL

Canadian Food Inspection Agency
c/o Complaints and Appeals Office
1400 Merivale Road, T1-6-350
Ottawa, Ontario K1A 0Y9

Dear Sirs/Mesdames:

**Re: Complaint - Shipping of Live Horses via Air Cargo from Winnipeg and Calgary
Violation of 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 the Canadian Food Inspection Agency's capacity as the lead agency responsible for ensuring compliance under the *Health of Animals Regulations* SOR/91-525, s. 2 (the "Regulations").

As stated, CHDC is actively seeking to halt the commercial slaughter of horses on humanitarian grounds. CHDC's concerns extend to live horses being shipped from Canada to other jurisdictions for slaughter.

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 Regulations.

The video found at the attached internet link, portions of which were aired on a recent CTV news report, 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 *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 Regulations mandates that horses over 14 hands high must be segregated for air transport. The size of the horses in question is evident, in particular at 2:32 of the video. 14 hands (as measured at the withers) is only 4'8" and, assuming the humans in the footage are of average height, it is clear to see that these horses are in the range of 16 to 17 hands.

Placing two large horses in one crate in which the horses cannot raise their heads is contrary to regulations, and this occurring in full view and therefore with the implied consent of CFIA raises serious questions as to CFIA's commitment to enforcing the laws that fall within its mandate.

The possibility that a shipment of horses has, as reported in the CTV news clip referenced above, perished while in the air, is also troubling. As of this date, we do not have full particulars of that occurrence. Since the CTV news report indicated this information came directly from CFIA, we request you provide us with full particulars of the incident, in addition to advising what steps CFIA is taking to ensure compliance with the Regulations in respect of the air transportation of horses.

Kindly direct your responses to the writer.

Thank you.

Yours truly,

MW Law Offices*

per:

A handwritten signature in black ink, appearing to read 'N. Weigelt', with a stylized flourish at the end.

Nicholas Weigelt

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

COMPLAINTS, COMMENTS AND COMPLIMENTS

Reserved for use by the CFIA

Select all that apply

Complaint

Comment

Compliment

Part 1 Identification and Mailing Address (required)			
Given name and initial	Surname	Canadian Horse Defence Coalition	
Address (Street or Postal Box) 150 First Street, PO Box 21079		City Orangeville	
Province or Territory Ontario	Country, if outside Canada	Postal Code or ZIP Code L9W 4S7	
Daytime Telephone Number 604.605.4300	Alternate Telephone Number	Best time to contact you daytime	
Email nic.mwlaw@telus.net			

Part 2 Information about your Complaint
<p>1. Describe the complaint. (required if complaint is selected) Please see attached correspondence re failure of CFIA to enforce applicable regulations</p>
<p>2. What action have you taken to try to resolve your complaint? Include the name(s) of the Canadian Food Inspection Agency (CFIA) staff and office location(s) you have contacted, and describe any action that they have taken. (required if complaint is selected)</p> <p>Direct complaint</p>
<p>3. Describe the outcome you want. (required if complaint is selected) Enforcement of applicable regulations</p>

All personal information provided on this form or to one of our officers, by you or your representative, in the course of a review will be dealt with in accordance with the provisions of the *Privacy Act* and other applicable laws. The information will be stored in Personal Information Bank No. PSU 902. The CFIA may contact you, or your representative, to ask for feedback about how we handled your complaint, compliment or comment. Information may be accessible or protected as required under the provisions of the *Access to Information Act*.

Part 3 Comments or Compliments

1. Give the details of your comment or compliment. (required if comment or compliment is selected)

2. What do you think we should do to improve our service?

Part 4 Authorizing a Representative

If you wish to authorize a representative to deal with the CFIA on your behalf, please complete this section. The CFIA may collect, use and disclose information provided by your representative as if it were provided directly by you. This authorization is valid until you or your representative notify us of an intention to cancel this authorization.

Name of Representative	Nicholas Weigel, MW Law Offices	Relationship of Representative	legal counsel
Telephone Number	604.605.4300	Alternate Telephone Number	
		Best time to contact you	daytime
Email	nic.mwlaw@telus.net		

Part 5 Signature and Certification (required)

I authorize CFIA to review my complaint, comment or compliment and to deal with my authorized representative (if identified in Part 4). I further certify that the information given on this form or in any attached document is, to the best of my knowledge, correct and complete.

Signature (deemed to be signed if submitted by email)	Date YYYY-MM-DD 2012-11-08
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Completing and Submitting the Form

In order to help us better understand your matter and to avoid delays, please send this completed form and any supporting documentation to the Complaints and Appeals Office

You can email us at:

CAO_BPA@inspection.gc.ca

You can send postal mail to the following address:

Canadian Food Inspection Agency
c/o Complaints and Appeals Office
1400 Merivale Road, T1-6-350
Ottawa ON
K1A 0Y9

By fax:

Canada/US Toll-free: 1-855-297-4198
Local: 613-773-8561

For more information you can reach us by phone:

Toll-free: 1-800-442-2342
Local: 613-225-2342
TTY: 1-800-465-7735

Our phone lines are open from 8:00 a.m. to 8:00 p.m. Eastern Time, Monday to Friday.

Wed Nov 07 2012 10:57:43 GMT-0800 (Pacific Standard Time)