



Our Journey to Improved Bird Welfare

On September 27, 2013, Maple Lodge Farms was convicted of two regulatory offences related to incidents that occurred approximately five years ago, involving undue exposure of chickens to cold weather during transport. These were regulatory offences under the Health of Animals Act and not Cruelty to Animals charges. Cruelty to Animals is a criminal offence prosecuted under the Criminal Code which requires proof of intent to harm; such claims were never made in this case. To the contrary, Maple Lodge Farms took steps to protect the chickens from being exposed to adverse weather during transport but the Judge concluded that we could have done more.

The sentencing hearing for these convictions took place on Thursday March 27, 2014, resulting in fines of \$40,000.00 for each of the two counts. Maple Lodge Farms has also plead guilty to a further 18 counts for which the sentence has been suspended pending the successful completion of a probationary period. The conditions of the Probationary Order were developed collaboratively between the CFIA and Maple Lodge Farms, and then approved and adopted by the Court. This order will serve as our guide over the next three years to make improvements to the transportation of chickens not only for our company, but that might also benefit our industry.

We acknowledge the seriousness of these charges and the moral obligation we have to better the conditions for the chickens we process; hence improving the welfare and humane transportation of chickens is a top priority for our company. To inform our customers and the public of these improvements, we will post progress on our website throughout the next thirty-six months.

DOA Report Dec. 28, 2015 to Mar. 27, 2016.

Mortality rate for all birds transported Dec. 28, 2015 to March 27, 2016 is 0.39%, which means 99.61% of all birds purchased were transported successfully.

Date	Bird type	Prov/State	Transporter	Number	%	Corrective action implemented (Y/N)
Dec. 28, 2015	broiler	ON	MLF	146	1.52	Y
Dec. 29, 2015	leghorn	PA	third-party	508	6.23	Y
Jan. 11, 2016	leghorn	ON	MLF	354	4.92	Y
Jan. 12, 2016	leghorn	PA	third-party	352	4.31	Y
Jan. 12, 2016	leghorn	PA	third-party	401	4.91	Y
Jan. 18, 2016	broiler	ON	MLF	117	1.47	Y
Jan. 18, 2016	broiler	ON	MLF	256	2.55	Y
Jan. 18, 2016	broiler	ON	MLF	301	3	Y
Jan. 18, 2016	broiler	ON	MLF	114	1.48	Y
Jan. 19, 2016	broiler	ON	MLF	93	1.2	Y
Jan. 19, 2016	broiler	ON	MLF	137	1.7	Y
Jan. 19, 2016	broiler	ON	MLF	96	1.43	Y
Jan. 19, 2016	broiler	ON	MLF	162	2.36	Y
Jan. 29, 2016	leghorn	MI	third-party	572	7.2	Y
Feb.8, 2016	leghorn	OH	third-party	736	9.02	Y
Feb.8, 2016	leghorn	OH	third-party	2926	35.9	Y
Feb. 12, 2016	leghorn	ON	third-party	625	7.66	Y
Feb. 12, 2016	leghorn	ON	third-party	630	8.2	Y
Feb. 12, 2016	leghorn	NY	third-party	432	5.63	Y
Feb. 12, 2016	leghorn	NY	third-party	392	5.54	Y
Feb. 19, 2016	broiler	ON	MLF	166	1.8	Y
Feb. 19, 2016	leghorn	ON	MLF	320	4.65	Y
Feb. 19, 2016	broiler	ON	MLF	178	2.29	Y
Feb. 19, 2016	broiler	ON	MLF	178	1.78	Y
Feb. 19, 2016	broiler	ON	MLF	125	1.25	Y
Feb. 19, 2016	broiler	ON	MLF	115	1.15	Y
Feb. 29, 2016	leghorn	ME	third-party	320	4.44	Y
Mar. 7, 2016	leghorn	NY	third-party	683	8.41	Y
Mar. 11, 2016	leghorn	PA	third-party	1026	11.9	Y
Mar. 11, 2016	leghorn	PA	third-party	384	4.44	Y
Mar. 15, 2016	leghorn	NY	third-party	542	6.64	pending
Mar. 16, 2016	leghorn	NY	third-party	550	6.94	pending
Mar. 16, 2016	leghorn	NY	third-party	562	7.1	pending
Mar. 17, 2016	leghorn	NY	third-party	762	9.62	pending
Mar. 17, 2016	leghorn	NY	third-party	348	4.39	pending
Mar. 18, 2016	leghorn	NY	third-party	333	5.83	pending
Mar. 22, 2016	leghorn	NY	third-party	446	5.47	Y

HER MAJESTY THE QUEEN

and

MAPLE LODGE FARMS

AMENDED 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, the total number of DOAs for each load exceeding the thresholds, and the percentage of birds found DOA upon arrival at MLF facilities for each load that exceeds the thresholds.
 - 17.1. For greater clarification, in addition the summary of DOAs published by MLF, the following statistics for each and every load that exceeds the threshold must be published on a quarterly basis in a manner approved of in advance by the CFIA, including:
 - a. The type of bird;
 - b. The State or Province where the farm or producer is located;
 - c. The date;
 - d. Whether MLF's own transportation division or a third party transported the load and if a Corrective Action Request (CAR) was issued;
 - e. The number of DOA birds on that load; and
 - f. The percentage of DOA compared to the total number of broiler birds or spent hens transported on that load
 - 17.2. For greater clarification, the statistics referred to in paragraph 17.1 must be published as either a list or a chart on MLF's website for each and every load that exceeds the threshold. The list or chart must be published at the forefront of the link.
 - 17.3. For greater clarification, where MLF identifies a third party as responsible or partially responsible for DOAs or loads that exceed the threshold, MLF must notify the third party, require a report from the third party and make it available to the IE and the CFIA as soon as possible.

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. Lawless 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;
- 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.
- 19.6 Live haul carriers or drivers must immediately notify MLF when there are high DOAs or when a load appears to be distressed. MLF must then immediately notify the CFIA as soon as a driver or live haul carrier reports a stressed load or a load with high DOAs.

- 19.7 MLF must also immediately notify the CFIA if the load appears to be distressed or high DOAs are observed when a load arrives so that inspectors may be present during the unloading process. MLF must keep written records of who called the CFIA office, the date, and the trailer number, and maintain those records for the duration of the probation order.
- 19.8 MLF must establish a system to accurately record the location of DOAs when concentrated areas of DOAs are visible or obvious to the live receiving staff at unloading.
- 19.9 MLF must preserve and maintain copies of all internal investigative report. Reports must be produced in all cases where DOAs exceed the threshold for broiler birds and spent hens or fowl. The reports must detail the identification, potential causes, analysis, and resolution of any issue subject to investigation. Reports must be comprehensive and demonstrate care is taken by MLF to ensure that non-compliance is identified and corrected. The reports must be reviewed and certified by MLF, and must be maintained for the duration of the Probation Order.
- 19.10 MLF shall take appropriate measures to secure adherence to its welfare policies, standards, and procedures by third party transporters and catchers, and take appropriate measures to identify and correct non-compliance, and to avoid transporting spent laying flocks, which are visibly unfit for the intended transport to MLF's premises, and to correct incidents of non-compliance. (The parties recognize that the distance travelled is not a demonstrable problem with the transportation of spent hens).
- 19.11 For greater clarification, MLF will keep a log of identified flocks for the duration of the probation order, documenting any refusals to transport spent hens and the basis for their decisions.
20. MLF shall maintain copies on their premises of all internal veterinary necropsy reports relating to high DOA loads and provide copies to the CFIA upon request.
- 20.1 For greater clarification, veterinary necropsy reports must contain copies of the supporting documentation and report of the veterinarian utilized by MLF and all other supporting documents, photographs, and other material relied upon or referred to in the report.
- 20.2 For greater clarification, high DOA loads means loads where DOAs exceed 1% for broilers and 4% for spent hens.

EQUIPMENT, FACILITIES AND IMPLEMENTATION OF TRANSPORT SOPs:

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. The modification of equipment and facilities be made to all or some of the following, as MLF sees fit, are:
 - 26.1 Climate controlled and/or mechanically ventilated trailers for transporting all broilers and spent hens;
 - 26.2 Temperature and humidity monitoring devices for all trailers;
 - 26.3 Modular transportation of broilers and spent hens; and
 - 26.4 Climate controlled and/or mechanically ventilated barns for broilers and spent hens with sufficient capacity to service all arriving trailers.
27. MLF will provide complete and total access to all of its facilities, equipment and data collected pursuant to this Probation Order to the CFIA and IE and establish a reasonable time frame for any exchange of documents requested. MLF must produce documents or information as requested by the CFIA. The confidentiality of intellectual property rights will be respected. Access to confidential corporate

financial information shall be limited to the IE. MLF must provide all third party receipts and documents relating to expenditures set out in paragraph 26, for verification by the CFIA.

28. The IE will report on a quarterly basis to the designated CFIA person (CFIA Regional Chief Inspector, Central Region, or their designate) and the Court with respect to all matters related to compliance with this Probation Order. The report must include random samples of records kept by MLF and the IE's opinion on whether or not MLF has complied with the specific provisions of this Order. The report must also contain copies of documentary material referred to in the report.

28.1 For greater clarification, the IE shall examine random samples of records kept by MLF as required by the Order. Random samples that are examined by the IE must be attached to each quarterly report, excluding financial records

29. 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.

30. 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.

31. 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.

September 25, 2015

Honourable Justice N.S. Kastner

Maple Lodge Farms Probationary Compliance Report

Submitted by Penny Lawlis under the terms of the Probationary Order

Date: April 27, 2016

Background:

This report summarizes the conditions prescribed in the revised Probationary Order (Information # 10-9578) and MLF's compliance with those conditions.

1. MLF will be posting Q8 summary of Dead on Arrivals (DOAs) as per the new requirements on April 30, 2016.
2. On Thursday April 21, 2016 I spent approximately 2 hours at the facility interviewing staff and reviewing records. The record review consisted of a random review of the records outlined in the Probation Order. At the time of the audit, I verbally instructed staff to provide me with records from within a specific time period and I randomly examined a sample of the records. Several different records accompany each load – I have attached redacted samples from the larger sample that was examined. All examined records have been filed together and can be forwarded if necessary. All live haul records are reviewed daily by a MLF staff person who initiates corrective actions and keeps a log book of deficiencies, which is monitored by the yard supervisor.
3. I was provided with a list of over threshold loads for the quarter and randomly selected and reviewed individual investigation reports from this list and discussed root causes and corrective actions that have been taken. These redacted investigation reports are also attached.
4. MLF's expenditure for the 8th quarter was in excess of \$80,000 – and receipts provided relate to the animal welfare projects outlined in the Probation Order.
5. MLF provided substantive evidence that they are complying with the terms of the Probation order and the terms of the Probation Order have contributed to a reduction in over threshold loads which constitutes an improvement in bird welfare during transit.
6. The transition to modular loading and gas stunning for broiler chickens is moving forward within the context of the order.

Attached please find the report provided by Carol Gardin.

Regards,

Penny Lawlis