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RE: Canada Gazette Part 1 Publication date Dec.19,2008
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MAMMAL REGULATIONS

Dear Ms.Ste-Marie:

Representation: As authorized under statutes of the Government of Canada in respect to Proposed DFO Regulatory Amendments as noted above, I am making this representation on behalf of The Greater Victoria Coalition for Seal Welfare, a small but dedicated group of seal welfare advocates on Vancouver Island.

Abbreviations:

DFO- Department of Fisheries and Oceans of Canada
IVWG-Independent Veterinarians Working Group Report of 2005
Burdon-Veterinary Report Canadian Commercial Seal hunt 2001
Butterworth- Welfare Aspects of the Canadian Seal Hunt
EFSA-European Food Safety Authority
AVMA- American Veterinary Medical Association Panel on Euthanasia
MMR-Marine Mammal Regulations

Our Philosophy: Based in part on my detailed study of the more than 90 observer reports and papers on the Canadian commercial seal hunt carried out since 1966,(*see web site www.sealshurt.com for abstract of the study*)and evidence from videos of the hunt, our group is firmly committed to the abolition of the commercial hunt. This is based upon the overwhelming evidence of widespread cruelty.

This is the world's largest yearly slaughter of up to 300,000 intelligent marine mammals for the sole purpose of providing fur for fashion vanity and male sex organs for bogus oriental medicine. Omega 3 fatty acid synthesized from seal oil is not as pure a product as that derived from flax seed oil where nothing needs to be killed.

This brutal hunt has diminished Canada's reputation as a caring compassionate country, both in the eyes of Canada and of the world.

Our group is convinced that the hunt is inherently inhumane. Based upon the lack of respect by sealers for current MMR, no amendments, including those proposed above by DFO, will ever be obeyed, nor can they ever be enforced. They will not result in a humane hunt.

However even though we resolutely oppose the hunt, we have decided to point out to DFO the errors and omissions in the proposed regulatory changes and we have corrected

them to more closely follow the actual recommendations of the IVWG . **THE ANSWER TO THE CRUELTY OF THE HUNT CAN NEVER BE FOUND IN NEW OR AMENDED REGULATIONS**

IT IS ACKNOWLEDGED BY ALL COMPASSIONATE AND CARING NATIONS THAT THE HUNT IS INHERENTLY CRUEL AND CAN NEVER BE MADE HUMANE].

Critique of The DFO Regulatory Impact Analysis Statement:

- a) Our organization is extremely disappointed that we were not notified of the stakeholder meetings of Feb.and May of 2008, as well as the failure of DFO to notify us of the November 2008 meeting. Our individual members should be well known to DFO as well as to the major animal welfare organizations and the parliamentarians of Canada and the European Union because of our ongoing activities.
- b) We are disappointed that DFO persists in calling this massive and cruel slaughter, a” harvest”, when IVWG and EFSA as well as other groups of veterinarians and biologists decry that terminology. These are sentient animals who are individually cruelly clubbed or shot. They are not harvested like some crop of grain. The wording tends to trivialize the hunt and denigrate the welfare of the seal.
- c) DFO has insisted for years that the hunt was humane, sustainable, regulated and enforced, despite the incontrovertible evidence of cruelty provided to it. It has had little interest or willingness to improve the welfare standards with meaningful and enforceable regulations. The motive for these current and flawed amendments appears to be an effort to delude the EU into believing that the Canadian hunt is humane in order to achieve exemption from the anticipated EU legislation banning seal importation. Inexperienced individuals and those biased towards maintaining the hunt may unfortunately be deceived by looking in isolation at these amended regulations.
- d) However it will be seen that the *Crucial linkage of the steps* of the *Three Step Process* is not addressed in the amendments. The amendments have failed to ensure that the **Three Step process** as recommended by IVWG and EFSA as well as in previous scientific reports, is applied correctly. *The Three Step Process follows*

1.Render the seal immediately and irreversibly senseless by blow or gunshot to cranium.

2.Assure that seal is irreversible unconsciousness by immediately palpating the skull to confirm complete crush.

3.Immediately after completing step 2 to, kill the unconscious seal by bleeding out.

IVWG veterinarians cautioned, based on their experience with this approved procedure in the controlled environment of the slaughterhouse, that “ while the three steps in the process carried out in rapid succession should result in a humane seal hunt, it should be noted that failure to correctly carry out any one of the three steps or undue delay in completing the second or third steps can result in a situation in which a seal may not be killed in a humane manner.”

THEREIN LIES THE FLAW IN THESE ARGUMENTS ---- THE THREE-STEP PROCESS AS CARRIED OUT ON A SINGLE RESTRAINED ANIMAL IN THE CONTROLLED ENVIRONMENT OF THE SLAUGHTERHOUSE CANNOT BE APPLIED EFFICIENTLY OR EFFECTIVELY TO THE MASSIVE SLAUGHTER OF HUNDREDS OF THOUSANDS OF ANIMALS IN THE SEAL HUNT.

THE SEAL HUNT IS CONDUCTED ON UNRESTRAINED SEALS IN A RUSHED MANNER OVER AN AREA OF THOUSANDS OF SQUARE KILOMETERS IN DANGEROUS WEATHER ON UNSTABLE ICE PANS WHERE MULTIPLE ANIMALS OR WOUNDED BY GUNSHOT OR REPEATEDLY BLUDGEONED.

- e) I will elaborate on the serious flaws and lack of enforceability in subsequent paragraphs. Your oft -stated comment over the years, that DFO was committed to seal welfare, appears disingenuous. Now under pressure of the forthcoming EU legislation, you seem to admit that the hunt was not humane during those years. You will likely argue that you were always working towards improving the welfare of the seals, but undoubtedly that has not been the case. I am sure that you must realize that the public will not view your current proposed amendments as evidence of altruism.

- f) You appear to have selected only those recommendations of the IVWG and EFSA that suit your purpose and have ignored and failed to draft regulations to address the following IVWG recommendations
 - (i) Cease calling the hunt a “fishery”
 - (ii) Crush **both** sides of the skull
 - (iii) Open the hunt to observers to work in collaboration with sealers
 - (iv) Reduce competitiveness and haste of hunt (currently as short as two days)
 - (v) Increase DFO officer staffing and training. Inadequate numbers of DFO officers who are often unmotivated
 - (vi) Conflict of interest “DFO is both advocate of hunt and its regulator”

- (vii) Need for outside DFO officers with no link to local fishing communities.
- (viii) If first gunshot fails to render seal unconscious and if manual inspection not possible, fire further shots to achieve the result *before hooking* seal.
- (ix) Seals should not be shot in the water or where their recovery is doubtful

Errors and Omissions:

Subsection 2(1) DFO Proposed MMR Definition of “crushed” --- “crushed with respect to a skull means that it does not present a solid structure on either the right or left half when palpated”

COMMENT: The IVWG, EFSA, AVMA Panel on Euthanasia and the Burdon et al study (co-authored by a veterinary neurologist) state emphatically that both the right and left sides of the skull and the underlying cerebral cortices must be crushed to assure unconsciousness (even then the animal can regain consciousness if not bled out immediately)

OUR SUGGESTED WORDING “crushed with respect to a skull, means that it does not present a solid structure over BOTH right and left sides when palpated.”

b) Amendments to Subsection 28 of MMR.

- (1.1) (DFO Proposed New regulation) “No person shall use a club or hakapik to strike a seal older than one year unless the seal has been shot by a firearm.”

COMMENT: Jordan in his report to Royal Commission in 1987 provided measurements of skull thickness of seals at one month of age. They were already very thick at 2.5 to 3 mm compared to a one month old calf at 3-6 mm and a 2 week old lamb at 0.5 –1. Therefore the skull of a seal much younger than one year is already resistant to fracture, enhanced also by the presence of a thick layer of blubber. A single blow or rapid consecutive blows to the head is not an easy method of fracturing the skull of these seals. Studies show that in 40 % of cases the sealer must return after some time to deliver a further series of blows. (During that time the seal suffers!)

It is not an easy or effective way to guarantee crushing of these thick skulls when the sealer is working on a slippery surface, with seal moving its head and trying to escape and sealer running after it and sometimes trying a one handed strike

In fact the use of clubbing for marine animals is not acceptable according to the recommendation of the AVMA Panel on Euthanasia, which states that “clubbing to render an animal senseless is only acceptable for newborn pigs”

OUR SUGGESTED CORRECTION: “No person shall use a club or hakapik to strike a seal of ANY age unless the seal has been shot by firearm”

28(2) of MMR- Currently reads: “Every person who strikes a seal with a club or hakapik shall strike the seal on the forehead until its skull has been crushed and shall manually check the skull or administer a blinking reflex test to confirm that the seal is dead before proceeding to strike another seal”

28(2) of MMR-DFO proposed wording: “Every person who strikes a seal with a club or hakapik shall strike the seal on the top of the skull until it has been crushed and shall immediately palpate the cranium to confirm that the skull has been crushed”

ERROR: You propose deleting the blinking reflex test but maintaining the skull crush test. Although scientific views on the value of blinking test vary, concentrating on the skull crush test is worth a try in an attempt to get the sealer to do ANY test for unconsciousness, since all studies including that of IVWG, indicate that 80% of sealers currently do not perform either test.

You have substituted “top of the skull” for “forehead” this might appear significant to a reader unfamiliar with the hunt itself.

However, IVWG, EFSA, Burdon and EFSA agree that 61% of seals have been struck on nose and facial bones, jaw, orbit and throat and trunk. Therefore the sealer in only 39% of cases hits his target of the skull.

You have proposed adding the word “immediately” This may be helpful, IF the sealer would obey.

You deleted the words ” before proceeding to strike another seal” This is an error. Its very important in order for the THREE- STEP PROCESS for humane killing to succeed, that the sealer immediately performs the skull palpation test for unconsciousness and follows this immediately with the bleed- out, before hooking or skinning that seal and before going on to strike or shoot another seal.

28(2) OUR SUGGESTED CORRECTION: “Every person who strikes a seal with a club or hakapik shall strike ONLY the top of the skull until it has been crushed and shall immediately palpate the cranium to confirm this. The seal should then be immediately bled- out by severing the axillary arteries under the front flippers and allow a bleed- out of at least a minute before hooking or skinning that seal or going on to strike or shoot another seal”

28(3) of MMR Currently reads: “If a firearm is used to fish for a seal, the person who shoots the seal or retrieves it shall administer a blinking reflex test as soon as it is shot to confirm that it is dead”

28(3) of MMR -DFO Proposed wording: “If a firearm is used to fish for a seal, the person who shoots the seal or retrieves it shall palpate the cranium as soon as possible after it is shot to confirm that the skull has been crushed.”

COMMENT: The term “fish for a seal” is erroneous. These are sentient mammals, they are neither “fished for nor harvested”. DFO has been informed of this countless times! I also question how your experts had unscientifically perpetuated the erroneous implication that an “absent blinking reflex indicates death”. It only indicates UNCONSCIOUSNESS (which can even reverse spontaneously)

28(3) OUR SUGGESTED CORRECTION:” If a firearm is used to assault a seal, the person who shoots the seal or retrieves it shall palpate the cranium as soon as possible after it is shot to confirm that the skull has been crushed”

28(4) of MMR currently reads: “ Every person who administers a blinking reflex test on a seal that elicits a blink shall immediately strike the seal with a club or hakapik on the forehead until its skull has been crushed and the blinking reflex test confirms that the seal is dead.”

28(4) of MMR-DFO Proposed wording: “Every person who palpates the cranium of a seal and determines that the skull is not crushed shall immediately strike the seal with a club or hakapik on the top of its skull until the skull has been crushed.”

COMMENT: We have no objection to the amendment in 28(4) , which just substitutes “crush” for “blinking reflex” and correctly deletes the implication that the absent blinking reflex equates to death. However, too often this re-clubbing is delayed, resulting in unacceptable suffering.

28(5) OUR SUGGESTED NEW MMR REGULATION: Because IVWG and EFSA as well as the 1987 Malouf Royal Commission on Seals and Sealing in Canada, agree that the seal should not be shot in the water or on an ice flow where recovery is expected to be unlikely or delayed or in a situation where the first blows cannot be delivered properly to the skull, that these should be banned and the following regulation added.

28(5) “Seals should not be shot in the water or on ice pans where recovery is expected to be difficult and which would entail hooking and dragging the seal before unconsciousness can be assured by confirming that skull is crushed”.

Subsection 29 of MMR Currently reads “ No person shall start to skin or bleed a seal until a blinking reflex test has been administered and it confirms that the seal is dead”

Error: the blinking test only indicates unconsciousness, not death.

Subsection (29) of MMR- DFO Proposed wording: “No person shall skin a seal until the skull has been crushed and at least one minute has elapsed after the two axillary arteries of the seal located beneath its front flippers have been severed to bleed the seal”

ERROR AND OMISSION: This is where DFO must emphasize the importance of the immediate sequential performance of the THREE STEP METHOD OF HUMANE KILLING AS ADVOCATED BY IVWG, EFSA, BURDON AND BUTTERWORTH

Subsection29: OUR SUGGESTED WORDING “ No person shall hook or skin the clubbed or shot seal, or go on to strike another seal until that seal’s skull has immediately been confirmed crushed and the seal is unconscious and the two axillary arteries of the seal located beneath its front flippers have been severed and bleed out under observation for at least one minute”

SUMMARY: Studies, including those of Daoust, Burdon, IVWG, EFSA and Butterworth, agree that 80 % of sealers do not obey the current regulations for humane killing. One questions why they would then obey the new regulations when they do not respect the current less onerous regulations? These regulations, just published in the Canada Gazette, which included the Three-Step Process, were actually introduced for the 2008 hunt Yet video from that hunt showed little evidence that the sealers were obeying these regulations.

Other disturbing statistics-

- (i) Approximately 60 % of seals are not killed by the first gunshot and the sealer is often reluctant to shoot again for fear of damaging the pelt. This results in the wounded seal suffering while it waits for the sealer to reach it and club it. Even worse, the conscious animal is often hooked through the eye or jaw with boat hook or hakapik and dragged back to the boat, writhing in pain.***
- (ii) 40% of seals receive a second series of blows at various and sometimes extended intervals after the first series. It suffers during this tim , often choking on its own blood until finally bludgeoned again .This need to club again, to induce unconsciousness, does not meet the standards of slaughter house humane killing, where the approved procedure is to render the animal senseless by one application of the trauma to brain, followed by immediate bleed- out to ensure death before skinning..***
- (iii) 40 % of seals make movements when hooked with gaff, boat hook and hakapik. IVWG, EFSA, Burdon and Butterworth studies state that movements of the seal triggered by trauma, such as this, are evidence of pain and that these movements are not the involuntary “swimming***

reflex”movements which may occur momentarily at the time of cerebral trauma.

SUMMARY: Amendments to the Marine Mammal Regulations in order to achieve any benefit in respect to seal welfare would have to address the following causes of the consistent pattern of widespread cruelty in the Canadian hunt. Based upon the nature, location and circumstances of the hunt, a reasonable person will realize that they will never be obeyed or enforced.

a) Example 1: Hakapik killing of seals in Gulf of St. Lawrence.

The following is a typical description of the hunt as recorded in numerous videos and witnessed by observers. The sealer finds a group of seals resting on the ice. He charges in swinging wildly with his hakapik , hitting some skulls but often striking face and jaw. He is satisfied if this first series of blows only wounds and immobilizes the seal while he quickly strikes others, dragging some back by their flippers as they try to escape. Finally the field is littered with dead and dying and wounded seals struggling in pain and often choking on their own blood.

Only then might he return to any that are still conscious and suffering and strike them again.

(There is indisputable proof that 80% of sealers do not carry out the required blink test or skull palpation tests for unconsciousness after striking each seal.)

He may then begin to hook and drag them with hook rammed through eye or jaw. If the seal struggles and bites at the hook, the sealer just thinks, “oh that is just the swimming reflex, its involuntary, there is no pain- because that’s what DFO has told me” (That is if he gives it any thought at all).

DFO has enflamed the sealer for years by erroneously blaming the seals for the failure of the cod fishery. As a result the sealer and the fisheries inspectors have little compassion.

(IVWG and EFSA state that movements of the seal in response to painful stimuli are not involuntary reflexes but are evidence of consciousness and pain.)

Then the sealer and his mates may just stack up the seals or may begin to skin them. Numerous studies have described the seals reacting in pain to the cut of the skinning blade.

The sealers eventually bleed out the seals during the process of skinning them. They will think that applying the steps of the three step process in isolation over extended periods of time would still meet the intent of the three step regulation (WHICH OF COURSE IT DOESN'T)

HOW CAN THE DFO THINK THAT THEY CAN CHANGE THE ENGRAINED HABITS OF 4000 SEALERS WITH SOME UNENFORCEABLE REGULATORY AMENDMENTS AND SOME LIMITED TRAINING?

ENFORCEMENT:

(i) It is naïve to believe that helicopters with video cameras can identify or deter offenders where 4000 sealers are killing 300,000 seals over an area of thousands of square kilometers. (The DFO has never accepted the validity of the numerous video documentation of cruelty which have been provided to them over the years)

(ii) The offender tip hot- line, where one sealer would be expected to squeal on an offending co-worker , is ludicrous.

(iii) The fisheries officers, as noted by IVWG, are unmotivated and prefer to remain on the boats.

(iv) There have been only 3 charges laid, based specifically on the humane killing regulations of the MMR, over the 10 years when 3 million seals have been slaughtered. This is not evidence of humane hunting .It is evidence of the complete lack of respect for the regulations and the humane killing of the seal (when we know that 80% are known to disobey the rules to check for blink reflex or skull palpation)

The only way your amendments would have any chance of relieving the pain and suffering, is if each of the 300,000 seal kills were observed by an officer and if an offence was committed, charges were laid.

The sealer wants to take as many pelts as he can, in as short a time as possible since he must compete with others. He will not change his habits and obey the new regulations which will slow down the hunt and cause his income to drop.

b) Example 2: Killing by firearm at the “Front”

Two thirds of the TAC are killed by gunshot at the “Front” off NFLD .

Sadly 60 % of the seals are not killed by the first shot but only wounded. They suffer on the ice flow until a sealer can reach them and club them. However they are often just hooked with a boat hook and dragged back struggling in pain to the vessel where they are finally clubbed.

There is no way that the hunter, after shooting the first seal, can follow the three step process and ensure its death before hooking and dragging it or going on to shoot another seal.

There fore the three- step process, when applied to shooting, will be valueless, as it cannot be applied in the proper rapid succession.

TRAINING:

I know that this training sounds good to the EU, parliamentarians and to other inexperienced readers of the MMR. However the question remains whether these “trained” sealers and DFO officers will follow the training when they are out on the ice? It is highly doubtful.

SUMMARY: *The amendments to MMR , published in the Canada Gazette as noted, by the DFO, have no chance of effectively making the Canadian commercial seal hunt humane.*

They are deceptive and designed mainly to try to convince the EU that the Canadian Commercial seal hunt is humane and therefore Canada should be exempted from the EU import ban. In the opinion of the majority of Canadians and citizens of the world, the hunt can NEVER be made humane.

It is time for the DFO to enter into discussions with the numerous animal welfare organization who support the wishes of the vast majority of Canadian citizens and citizens of the world and work toward abolition of the hunt. Over 80 % of Canadians, in objectively designed public opinion polls, wish the hunt abolished. The figure is even over 60 % in the Maritimes.

The welfare groups and the Government of Canada should contribute equal monies to a Sealer Transition Fund that would provide financial support to those sealers who might suffer financially if the hunt is abolished. The funds would also help in retraining sealers and in providing scholarships, honoraria and grants to them and their families.

It's time to abolish this horrible slaughter and stop the adversarial stance of the Government and animal welfare advocates and begin a process of negotiation to lead to abolition of the hunt. . Faux fur is just as good and no intelligent animal has to have its life cruelly cut short to supply it.

Sincerely,

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