



Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments

Canada and Alberta Bovine Spongiform Encephalopathy (BSE) Surveillance Pilot Program

Program Conditions for Producers

(Revised January 26, 2009)

SCHEDULE B

1. **Purpose:** To ensure Canada and Alberta meet the required level of BSE surveillance as set by CFIA to promote the acceptability of beef and livestock from Canada in international markets through the submission of high risk eligible Alberta cattle for BSE testing, according to the recent OIE guidelines.
2. **Definitions & Interpretation:** In these Program Conditions and in the Application, the following words have the following meanings unless the context indicates to the contrary:
 - 2.1. **ARD:** Alberta Agriculture and Rural Development and its duly authorized representatives;
 - 2.2. **Applicant:** An individual, corporation, non-profit organization, a registered or non-registered partnership, Hutterite colony, or Metis settlement who has submitted an Application;
 - 2.3. **Application:** The Canada and Alberta *General Information Form* and the *Agreement Form*;
 - 2.4. **Certified Veterinarian:** A veterinarian who attended the animal that is subject of the Application and who is certified by ARD to participate in the Program;
 - 2.5. **CFIA:** The Canadian Food Inspection Agency and its duly authorized representatives;
 - 2.6. **Eligible Cattle:** A beef or dairy animal of the *Bos taurus* or the *Bos indicus* species that meets the requirements as set out in 3.2;
 - 2.7. **Eligible Applicant:** An Applicant who meets the requirements as set out in 3.1;
 - 2.8. **Eligible Sample:** A sample that meets the requirements as set out in 3.3;
 - 2.9. **Emergency Slaughter:** Slaughter that is done under direct supervision of a Certified Veterinarian in order to humanely relieve extreme pain or suffering that cannot be treated;
 - 2.10. **Minister:** The Minister of Alberta Agriculture and Rural Development and his duly authorized representatives;
 - 2.11. **Program:** The Canada and Alberta Bovine Spongiform Encephalopathy (BSE) Surveillance Pilot Program, as may be amended from time to time;
 - 2.12. **Program Guidelines:** Means the Manual for Interpretation and Guidelines for Certified Veterinarians.

3. Eligibility

3.1 Eligible Applicants:

3.1.1 An Eligible Applicant is an Applicant who:

- a. has completed the Application to the Minister's satisfaction;
- b. has been in lawful possession of the animal that is the subject of the Application for at least 30 days, and has provided adequate food and water, care and shelter, as required by the *Animal Protection Act* (Alberta);
- c. under the *Income Tax Act* (Canada) or the *Alberta Corporate Tax Act* (Alberta), would be liable to pay Alberta income tax or corporate tax (or claim losses) on income from the production of livestock;
- d. understands and agrees that no portion of the sampled animal can be used or sent for human food or rendering until the BSE test results are confirmed by the CFIA, ARD, or a Certified Veterinarian. An Applicant who uses or sends any part of a sampled animal for human or animal food before that time shall not be eligible for payment under the Program;
- e. At the time of submitting the Application, is not being investigated under the *Animal Protection Act* (Alberta); and
- f. has not been disqualified or made ineligible for the Program by the Minister and is not otherwise prohibited from participating in the Program.

3.2 Eligible Cattle:

3.2.1. Eligible Cattle is a beef or dairy animal located in the province of Alberta at the time of sampling that is:

- a. age verified as being between 30 months and 107 months, by a Certified Veterinarian, either by review of documentation, or animal identification that is satisfactory to the Certified Veterinarian; or by examination of dentition conducted in accordance with Program guidelines, and
- b. was categorized by the Certified Veterinarian to be at least one of the following:
 - i. **Neurological:** Animal exhibiting abnormalities in AT LEAST TWO of the following categories: locomotion, sensation or mentation that a Certified Veterinarian could directly attribute to a Central Nervous System (CNS) cause;
 - ii. **Diseased:** Animal that has (1) progressively lost body condition, (2) exhibited or has a history of a chronic and progressive disturbance in at least one of the following: locomotion, sensation, or mentation, (3) has not responded, or is unlikely to respond to therapy by the Certified Veterinarian, and (4) is not diagnosed with a CNS abnormality.
 - iii. **Distressed:** Acutely ill or injured animal that requires on farm Emergency Slaughter;
 - iv. **Non-Ambulatory:** Animal down or disabled and unable to get up and/or walk without assistance; or
 - v. **Dead:** Cattle found dead from undetermined causes

3.2.2. A beef or dairy animal shall not be Eligible Cattle if it:

- a. shows clinical signs consistent with BSE as defined by the CFIA or is to be tested for rabies. Such animals must be reported to the nearest CFIA District Office as required by the *Health of Animals Act* (Canada and its regulations);
- b. is diseased, distressed, non-ambulatory or dead due to neglect, starvation or mismanagement in the determination of the Certified Veterinarian, or by the Chief Provincial Veterinarian, or his duly authorized representative. Such cases must be reported to the appropriate animal welfare authorities;
- c. is part of an investigation under the *Animal Protection Act* (Alberta), or has been euthanized under that Act;
- d. has died as part of a group of animals dying from a known cause; or
- e. appears to have died from obvious causes, such as calving difficulty, drowning, severe weather, electrocution or fire; or
- f. was euthanized by the owner before it was examined by the Certified Veterinarian.

3.3 Eligible Sample:

3.4.1. An Eligible Sample is the brainstem of Eligible Cattle that:

- a. is collected by a Certified Veterinarian using a collection kit provided by the Minister, and is properly identified; and
- b. at collection and delivery, maintains its morphology, does not exhibit an advanced degree of decomposition, and that ARD or CFIA otherwise finds to be acceptable for testing in accordance with the purposes, objectives and requirements of the Program.

4 . Obligations of Applicants

4.1 To be eligible for payment, Applicants must:

- a. maintain the carcass with the identification tags from the sample collection kit affixed by the Certified Veterinarian;
- b. maintain the security of the carcass and all portions, until notified by the CFIA, ARD or the Certified Veterinarian of the BSE test result, in a manner and condition acceptable to CFIA/ARD and in accordance with federal, provincial and municipal regulations. The Applicant understands and agrees that the carcass must not be sent for human consumption or rendering pending confirmation from CFIA, ARD or the Certified Veterinarian of BSE test results; and
- c. when notified of the BSE status, dispose of the carcass and all portions in a timely manner and in accordance with federal, provincial and municipal laws, and where applicable, as directed by CFIA or ARD.

5 . Disqualification from the Program:

5.1 The Minister, or its duly authorized representative, may temporarily or permanently disqualify any Applicant from participation in the Program, where the Minister considers the Applicant to have breached the Program Conditions. The Minister shall send a letter to the Applicant notifying him/her of the disqualification, its duration, and the reasons.

5.2 An Applicant who is subject to a notice from the Minister is ineligible, as of the date

of the notice, from submitting any new Applications.

- 5.3 An Applicant has 30 days from the date of the notice in which to deliver a written objection to the Canada and Alberta BSE Steering Committee (the “CABSESC”). The CABSESC will review the case and give a final decision that cannot be appealed.

6. Signatures:

- 6.1 Designates are not permitted to submit an Application unless they have duly authorized powers of attorney, proof of which must be submitted with the Application.
- 6.2 Applications must be signed by, or on behalf of, a properly authorized person, who must at least be 18 years of age. The Minister may require evidence of authorization.

7. Verification:

- 7.1 The Applicant consents to the Minister releasing any information contained in the Application or related to it and obtained by the Minister in the course of verifying or auditing the Application to any other government department, agency or other body for the purposes of verifying the Application, determining the Applicant's eligibility for other related programs, or both. The Applicant expressly authorizes the Minister to obtain information from any government department, agency or other body to verify the contents of the Application.
- 7.2 Applicants agree to give the Minister access to examine their farming or business operation. Applicants agree to make available to the Minister all farm or other business or professional records, books of account and income tax returns necessary to audit the operation or to verify any information provided in an Application.
- 7.3 The Minister may require an Applicant to provide copies of all records, books of account, and income tax returns of non-arm's length persons, partners and shareholders or members who actively farm on behalf of the Applicant, necessary at the Minister's discretion to verify or audit an Application. If the Applicant fails to provide the records within 30 days of the Minister's request, the Applicant may be ineligible for future programs.
- 7.4 The Applicant agrees to provide further information related to the Application, Eligible Cattle, or any other matters contemplated by the Program that the Minister may require for the purpose of administering the Program. The Applicant also authorizes the release of any information to the Minister relating to the Applicant's farming, business or professional operation from and to any government department, agency or corporation, for the purpose of verifying information submitted under the Program, or other provincial or federal programs.

8. Program Payments:

- 8.1 Eligible Applicants are eligible for payments of \$225.00 per Application for an Eligible Sample (\$150 from ARD and \$75 from CFIA).
- 8.2 Applicants cannot assign or defer any payment under the Program.
- 8.3 The Minister reserves the right to withhold any and all payments should the Applicant fail to comply with the Program Conditions.

9. Termination of the Program:

The Minister and CFIA may terminate the Program at any time without notice. Eligible Applicants whose Applications had been received as of the date of termination will be eligible for payment.

10. False or Misleading Information:

Applicants who provide false or misleading information under the Program forgo all rights to any benefits for which the Applicant would be otherwise eligible.

11. Ministerial Discretion:

The Minister has the absolute discretion to determine the acceptability of any Application.

12. Debts to Government or Third Parties:

The Minister has the right to deduct from the Applicant's entitlement under the Program any amount due and owing to the Government of Canada, Province of Alberta or agents of the Government of Canada or Province of Alberta.

13. Refunds:

If, after making payment under the Program, the Minister determines that:

- a. an Applicant, animal, or sample is not eligible under this Program;
- b. a veterinarian is not a Certified Veterinarian; or
- c. an Applicant has breached a Program Condition;

then, on receipt of notice from the Minister, the Applicant must refund to the Minister of Finance (Alberta) the required amount within 30 days of the date of the notice. Failure to make repayments as required by the Minister creates a debt owing to the Crown in Right of Alberta that can be set off against any money the Crown or a Crown agent owes to the Applicant.

14. Representations and Warranties

14.1. The Applicant represents and warrants that the person signing is duly authorized to make the Application, bind the Applicant, and, in the case of a partnership, bind the partners to Program Conditions on the basis of joint and several liability.

14.2. The Applicant represents that no application has been made for the same animal by any other person, including without limitation, a person who is not at "arm's length" or a "related person" as defined by the *Income Tax Act* (Canada), or by a shareholder, member or partner who is actively carrying on business with the Applicant.

15. Changes to the Program Conditions

The Program may be changed without notice from time to time. An Application received after the Program is revised will be administered according to the conditions applicable as of the date that the Application is received.

16. Grant Regulation

In addition to complying with the terms expressly set out in these Program Conditions, the Applicant must comply with the *Agriculture and Rural Development Grant Regulation*, including any applicable amendments enacted under the *Government Organization Act* (Alberta).