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Dear Ms. Ste-Marie:

**Re: *Canada Gazette*, Part I, Vol. 142, No. 52 — December 27, 2008
Regulations Amending the Marine Mammal Regulations**

I write on behalf of the Atlantic Canadian Anti-Sealing Coalition (the “Coalition”) in response to the above-noted announcement published in the *Canada Gazette* on December 27, 2008.

I have reviewed the proposed amendments to the Marine Mammal Regulations and have several serious areas of concern. I have detailed these areas below for your review.

PROPOSED AMENDMENT # 1

Subsection 2(1) of the Regulations is amended by adding the following in alphabetical order:

“crushed”, with respect to a skull, means that the cranium has been broken so that it does not present a solid structure on either the right or left half when palpated; (*écrasé*)

“palpate” means to examine the right and left halves of the cranium by pressing it by hand from the top; (*palpation*)

COMMENTS

The wording of the proposed amendment to Subsection 2(1) suggests that a cranium need only be broken on one side to constitute a crushed skull.

Numerous scientific and veterinarian studies have stipulated that **both** hemispheres of the brain must be crushed to ensure irreversible unconsciousness. These studies include the European Food Safety Authority (“EFSA”) Report *Animal Welfare aspects of the killing and skinning of seals - Scientific Opinion of the Panel on Animal Health and Welfare* (2007) and the Independent Veterinary Working Group (“IVWG”) Report *Improving Humane Practice in the Canadian Harp Seal Hunt* (2005).

RECOMMENDATION

Clearly, the proposed amendment to Subsection 2(1) is not adequate and should be rewritten to indicate veterinary standards and to specify that both the left AND right side of the cranium must be broken.

PROPOSED AMENDMENT # 2

28 (1.1) No person shall use a club or hakapik to strike a seal older than one year unless the seal has been shot with a firearm.

COMMENTS

This amendment is presumably in response to the recommendation of the EFSA's report *Animal Welfare Aspects of the Killing and Skinning of Seals – Scientific Opinion of the Panel on Animal Health and Welfare* which was submitted to the European Commission and adopted on December 6, 2007. In its report the EFSA stated that clubs and hakapiks are not effective stunning or killing weapons for older animals which have thick skulls. This amendment, in my opinion, is completely meaningless.

Firstly, adult seals are not targeted during the commercial seal hunt. The majority of seals killed during the commercial seal hunt are between the ages of 12 days and three months, with the majority being under one month of age.

Secondly, there is no mention of grey seal pups. Grey seal pups are substantially larger than harp whitecoat pups and hooded blueback pups. The skull of a grey seal pup is much heavier and thicker, with a high bridge across a prominent snout, and a brain case set lower than other species. Obviously, clubs and hakapiks are far less effective stunning or killing weapons for grey seal pups. Yet every year in Nova Scotia, thousands of grey seal pups are beaten to death by fishermen wielding wooden bats.

Thirdly, the location and conditions under which the seal hunt is conducted is not conducive to rendering a seal of any age unconscious quickly and humanely using a hakapik or club. Sealers are on slippery and unstable ice pans, swinging a weapon at a pup who is moving. Exhausted sealers lose their footing while swinging – sometimes using just one hand – and strike the seal on the face or body, causing avoidable pain.

RECOMMENDATION

If DFO is contemplating banning the use of clubs and hakapiks on adult seals because of thickness of skull, such a ban should also encompass their use on grey seals of any age. Further, such a ban should be complete, banning the use of those weapons on seals of any age as it is physically impossible due to location and conditions under which the hunt is conducted to use the hakapik or club as an effective and humane method of killing.

PROPOSED AMENDMENT # 3

28 (2) 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.

(3) 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.

(4) 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.

COMMENTS

Currently the Marine Mammal Regulations stipulate that anyone striking a seal with a club or hakapik “shall manually check the skull, or administer a blinking reflex test, to confirm that the seal is dead before proceeding to strike another seal”. Why have the words “before proceeding to strike another seal” been removed?

It should be specified that the seal must be struck only on the skull and on no other part of the body, ie snout, jaw, eyes, upper or lower body.

Under the proposed amendments, the three-step process (ie stun, check and bleed) does not conform to international veterinary standards for humane killing. The three steps must be completed in quick succession. The wording of the proposed amendments do not reflect this, and this must be rectified.

The current Regulation allows for blink reflex test or skull palpation. Every year we see overwhelming evidence that sealers routinely violate this regulation, conducting neither skull palpation nor eye reflex test before hooking and dragging or leaving the seal to pursue another. Why does DFO believe this amended rule will be followed when the original rule was not followed?

RECOMMENDATIONS

Regulation 28(2) should read as follows: “Every person who strikes a seal with a club or hakapik shall strike the seal on only the top of the skull until it has been crushed and shall immediately palpate the cranium to confirm that the skull has been crushed, then shall immediately cut the two axillary arteries of the seal located beneath its front flippers and shall remain with that seal to bleed the seal for a period of not less than one minute before leaving that seal to proceed to strike or shoot another seal”.

Regulation 28(3) should read as follows: “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, then shall immediately cut the two axillary arteries of the seal located beneath its front flippers and shall remain with that seal to bleed the seal for a period of not less than one minute before leaving that seal to proceed to strike or shoot another seal”

Regulation 28(4) should read as follows: "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, then shall immediately cut the two axillary arteries of the seal located beneath its front flippers and shall remain with that seal to bleed the seal for a period of not less than one minute before leaving that seal to proceed to strike or shoot another seal".

PROPOSED AMENDMENT # 4

28 (3) 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.

COMMENTS

When seal pups are "fished" by sealers using firearms, they are immobilized by a bullet and lay suffering on the ice while the boat makes its way to them. Sometimes ice conditions do not permit sealers to get onto the ice to retrieve the seals. Even when ice conditions do permit, some sealers prefer to remain in the boat. To retrieve pups from the boat, sealers use a gaff (a long pole with large metal hook attached) to stab the wounded and oftentimes still conscious pups through the face and haul the pups onboard, where they may then be beaten with a hakapik or club, or simply tossed in the pile. Such a scenario raises serious animal welfare concerns, as much avoidable pain and distress has been caused to the animal between the time it is shot and the time it is ascertained to be irreversibly unconscious. The new amendment to the Marine Mammal Regulations does not require palpation of the skull *immediately* following the pup being shot. It simply states palpation must be executed "as soon as possible after it is shot".

Furthermore, the EFSA recommended in its Report:

"Unless they are in the water, animals should not be moved, ie gaffed, hauled or moved from the position they have come to rest, until it has been confirmed that they are dead or irreversibly unconscious, or have been bled-out."

The Canadian Veterinary Medical Association echoes this recommendation:

"Notwithstanding the killing method, before the animal is dragged with a hook or is bled, the CVMA insists that the sealer must check by palpation that the skull is crushed to ensure that the animal is dead."

The EFSA also made the following observation:

"Shooting animals where the likelihood of reaching them quickly is reduced or questionable (e.g. on thin and loose pack ice, open deep water), poses an unknown risk of causing avoidable pain, distress and suffering."

As stated above, common practice is to gaff and haul conscious seals after first wounding them with a bullet. This practice is inherently inhumane and is contrary to scientific and veterinarian recommendations. The new amendments to the Marine Mammal Regulations will not change or improve this serious concern, and the practice of gaffing and hauling conscious pups will be permitted to continue.

It is important to note that the IVWG recommended that seals should not be shot in the water due to the high potential for “struck and lost” events, suffering resulting from the inability to confirm irreversible unconsciousness, and potential for the loss of wounded animals. Shooting seals in open water is also condemned by the Canadian Veterinary Medical Association, which stated:

“The CVMA opposes the shooting of seals in the water as this can result in an unacceptably high rate of loss of these animals at some times of the year.”

However, this is not reflected in the amendments to the Marine Mammal Regulations. The practice of shooting seals in water will be allowed to continue.

RECOMMENDATION

It is the recommendation of the Coalition that the following amendments be made to the Marine Mammal Regulations:

1. Seals must not be moved, ie gaffed, hauled or moved from the position they have come to rest, until it has been confirmed that they are dead or irreversibly unconscious, and have been bled-out;
2. Palpation of the skull must be done immediately after shooting or stunning, and immediately before bleeding;
3. If it is impossible to palpate the skull of a seal immediately after shooting or stunning (ie if the seal is in the water or on thin and loose pack ice and cannot be reached immediately after shooting, the seal must not be shot or targeted;
4. The shooting of seals in open water or on thin and loose pack ice is prohibited.

ADDITIONAL RECOMMENDATIONS

COMMENT # 1

The EFSA in its report condemned the practice of herding seals before slaughter, stating:

“Seal hunts that involve herding before slaughter can cause fear and other forms of suffering in addition to any avoidable pain at the time of killing. Seals that are herded but are not targeted to be killed may suffer fear and, if the suckling young are separated from their nursing dams, they may also experience hunger until they are reconnected.”

Herding is a practice used by sealers during the grey seal hunts which occur annually in Nova Scotia. Grey seals of varying ages (including whitecoats and nursing dams) are herded together, and sealers walk through the herd, beating moulted pups with wooden bats mere inches from other seals.

RECOMMENDATION

It is the recommendation of the Coalition that a clause be added to the Marine Mammal Regulation prohibiting the practice of herding or gathering groups of seals together prior to slaughter.

COMMENT # 2

DFO persists in referring to the killing of seals as “fishing for seals”, and the seal hunt as a “seal fishery”, despite the glaringly obvious fact that seals are marine mammals, and not a species of fish.

EFSA in its report concluded:

“Seals are sentient mammals that can experience pain, distress, fear and other forms of suffering.”

RECOMMENDATION

It is the recommendation of the Coalition that DFO finally admits that seals are not fish and are instead mammals, by making the following amendments:

1. The phrase “fishing license for seal” should be replaced with “sealing license”;
2. The phrases “fishing for seals”, “fish for seals” and “fishing seals” should be replaced with “killing seals”;
3. The phrase “seal fishery” should be replaced with “seal hunt”;
4. Seals shall in general be referred to as marine mammals and not as fish.

COMMENT # 3

DFO claims that full utilization is made of seals taken during the commercial seal hunt. Yet upon study of each year’s Landings and Landed Value By Species for the Newfoundland Region it is clear that this is not actually the case.

Marine Mammal Regulation 10(2), under Prohibitions, reads as follows:

“(2) No person who kills a cetacean or walrus shall waste any edible part of it.”

It is currently illegal for anyone to kill a cetacean or walrus and waste any edible part of it, yet there is no similar prohibition for anyone killing seals. This is illogical, especially in light of the controversy surrounding the seal hunt being a hunt for fur.

RECOMMENDATION

To ensure the “full utilization” DFO and the sealing industry claims, it is the recommendation of the Coalition that the following be added under Prohibitions:

(3) No person who kills a seal shall waste any edible part of it.”

COMMENT # 4

The Analysis Statement published on the Canada Gazette website states that training will be an important component. It is unclear, however, whether that training will be mandatory. Currently, training is not mandatory but rather “encouraged”. All that is needed is a two-year apprenticeship period under an untrained sealer. Bearing in mind the speed at which the seal hunt is conducted, that apprenticeship

could last a mere few days. DFO tends to blur the lines between “licensed” and “trained”, and this is not acceptable.

Veterinary and expert studies have concluded that mandatory training of sealers is necessary, yet I see no proposed amendment to the Regulations themselves that would make training mandatory. Therefore, I have reached the conclusion that training will not be mandatory but will rather continue to be “encouraged”. This is not acceptable. Sealers should be required to complete a recognized training course approved by international veterinarians before their apprenticeship and if they have not successfully completed a recognized training course approved by international veterinarians, they do not get their license and will be prohibited from killing seals.

RECOMMENDATION

A clause should be added to the Marine Mammal Regulations that all sealers, regardless of how long they have held a sealing license, are required to complete a recognized training course approved by international veterinarians and if they have not successfully completed a recognized training course approved by international veterinarians, a sealing license will not be issued to them and they will be prohibited from killing seals.

COMMENT # 5

According to DFO’s Regulatory Impact Analysis Statement published in the Canada Gazette, “voluntary compliance is critical”. What exactly does this mean? If DFO plans to “closely monitor and tightly regulate” the seal hunt, spending billions of Canadians’ tax dollars on new monitoring equipment and updating existing equipment, why is it stating that it is relying on sealers to voluntarily comply with the rules? The Marine Mammal Regulations are not simply guidelines, of which the compliance is voluntary. The Marine Mammal Regulations are not to be implemented by the “Honour System”. They are **law** under the Fisheries Act, to be enforced and followed under threat of prosecution.

DFO states that when sealers were presented with the proposed amendments - supposedly designed to make the seal hunt humane - one of their two concerns was that the amendments would slow the seal hunt down and render it less profitable. Clearly, profits are more important than animal welfare to the sealing industry. This is a valid point. What is the motivation for sealers to follow the new Regulations, which involves slowing down to ensure so-called “humane harvesting”, resulting in less seals killed, less pelts taken and consequently less money earned? Repeated studies of the commercial seal hunt over the years conclude that an unacceptably large proportion of sealers do not currently adhere to the Marine Mammal Regulations and that DFO is incapable of enforcing those Regulations. Does the Canadian government expect us to believe that this will change? In truth, given the mindset of the sealing industry (profit over animal welfare) and the physical impossibility of effective monitoring of all sealing activity in the southern Gulf, northern Gulf and the Front, nothing will change.

After researching numerous reports written by veterinarians and experts studying the Canadian commercial seal hunt, I find it interesting that DFO has chosen to implement some recommendations whilst ignoring others. For example, DFO is implementing the recommendation to prohibit the use of hakapiks on adult animals. However, DFO is ignoring recommendations crucial to ensuring animal welfare, such as prohibiting the moving of seals by gaffing, hauling or dragging until it has been confirmed that they are dead or irreversibly unconscious and have been bled-out, prohibiting the shooting of seals in thin and loose pack ice and open deep water, prohibiting the use of hakapiks on all thick-skulled species of seals regardless of age, and prohibiting the practice of herding seals before slaughter. For any amendments to the Marine Mammal Regulations to be meaningful from an animal welfare point of view, all past and present recommendations of veterinarians must be implemented.

The inconsistency is not surprising when one examines DFO's motives in proposing these amendments. Veterinarians and experts have been studying the seal hunt, expressing concerns from an animal welfare standpoint and making recommendations to resolve those concerns for many years. In the past, DFO ignored those recommendations, continuing to insist the seal hunt was humane and even claiming that those veterinarian studies gave the commercial seal hunt a stamp of approval. It is only now when the Canadian government is faced with a European Union-wide ban on seal products is it acting on some of those recommendations. The key word is "**some**". If DFO wishes to convince anyone that it is making changes to the Marine Mammal Regulations out of a sincere desire to improve animal welfare, it would strive to be consistent with those changes, implementing **all** recommendations of veterinarians, such as the ones I have detailed in this letter.

Finally, it is the position of the Coalition that the Canadian commercial seal hunt is inherently inhumane. It is physically and fundamentally impossible for the commercial seal hunt to be conducted in a humane and responsible manner, nor is it possible for DFO to adequately monitor and enforce the seal hunt. No number of proposed amendments to the Marine Mammal Regulations will change or rectify these fundamental facts. The Canadian commercial seal hunt is inherently inhumane, ecologically unsound and economically unnecessary. Polling consistently shows that the majority of Canadians oppose the commercial seal hunt and object to their tax dollars being used to fund, promote and defend it both at home and abroad. For the reasons listed above, the commercial seal hunt should be abolished and viable alternatives, such as a license buyback program, implemented.

Yours truly,

ATLANTIC CANADIAN ANTI-SEALING COALITION

Bridget W. Curran
Director

/bwc
VIA EMAIL