

Border Crossings

Importing & Exporting Horses



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In recent years, the horse industry has become more international, as horse owners buy and sell horses from countries around the world. Competitions are also increasingly global, with trips to the United States and Europe for horse shows becoming more common. In this new global horse industry, horse owners may find that questions arise with respect to moving horses across international borders. This article will provide an overview of the issues associated with the importation and exportation of horses, as well as the temporary crossing of borders.

Importation and Exportation

In Canada, the importation and exportation of horses is governed by the *Health of Animals Act*, and its regulations. The *Health of Animals Act* is a general statute that applies to the importation and exportation of all types of animals, animal by-products, and animal food. One of its underlying purposes is to prevent the spread of communicable diseases among animals. The

Photo: Robin Duncane Photography



ABOVE: In today's global horse industry, more horses are moving across international borders for competition, and for purchase and sale. Do you know how to navigate the red tape and get your horse across the border in an efficient and cost-effective manner?

Canadian Food Inspection Agency (the CFIA) is responsible for the enforcement and administration of this statute.

It is important to note that the regulations governing the movement of horses across international borders can change at any time and without notice, due to disease outbreaks or international events.

Importation

The CFIA website (www.inspection.gc.ca) provides information on the specific requirements to be met when importing a horse into Canada. The Equine Canada website (www.equinecanada.ca) also

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provides some information. Generally, a negative Coggins test and a valid health certificate signed by an accredited veterinarian, which certifies that the horse has been examined within 30 days of entering the country and is free of contagious disease, are required.

Certain circumstances require that horses receive a veterinary inspection before entering Canada. These include: horses originating from another country other than the United States and horses in transit to countries other than Canada; horses that have been exposed to or are travelling through or from an area with a federally reportable disease; and horses destined for a slaughter facility operating in Canada. There are additional disinfection measures required where horses are coming from an area with Foot and Mouth Disease.

Under the *Health of Animals Act* regulations, where an animal is imported or tendered for import into Canada, the CFIA may inspect the animal and order the animal to be segregated and confined "in a place and manner suitable for inspection and testing within the period of time specified by the inspector." If the animal is suspected of being afflicted with a communicable disease or has been in contact with an animal so affected, the CFIA may order that the animal be quarantined and treated or destroyed.

In one case, the CFIA ordered a stallion imported from Germany to be removed from Canada because the stallion tested positive for Contagious Equine Metritis during post-entry quarantine. Failing the stallion's removal from Canada, the stallion was to be forfeited to the government and destroyed. The stallion's owner sought to stay the CFIA's decision, but was unsuccessful.

The regulations of the *Health of Animals Act* limit the ports of entry that can be used to import horses. The regulations stipulate that every animal admitted into Canada "may be admitted only at a quarantine port, an inspection port or other place approved by the Minister." Further, the regulations specify that every animal imported into Canada by air from any country other than the United States may be admitted only at Gander, Halifax, Montreal, Toronto, Winnipeg, Calgary, Edmonton, Vancouver, or other place approved by the Minister. What this means is that horses may only enter Canada permanently at a port of entry

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that offers animal inspections. If you have a question about whether your intended port of entry can be used to import horses, you should call the Canada Border Services Agency (the CBSA) or the CFIA to inquire. You may wish to phone ahead to confirm when veterinarians are on duty at the port as after hours inspections may be subject to an additional service charge.

The tax issues associated with importing a horse should also be considered. If a horse is purchased and imported to Canada, the CBSA will assess GST on the value of the horse in Canadian dollars. Assessment of the GST is based on the bill of sale.

Exportation

Under the *Health of Animals Act* and its regulations, a horse cannot be exported from Canada unless the animal has been subject to a veterinarian inspection and has a valid health certificate. The certificate should show that the importation requirements of the country to which the horse is being exported have been complied with. That country may have additional requirements which must be met before the horse can be exported. The United States generally requires a negative Coggins test, a valid health certificate, a copy of the bill of sale, a veterinarian inspection, and payment of a head import fee. Certain Canadian provinces may also have further requirements for horses leaving the province. For instance, according to information published by Alberta Agriculture, Food and Rural Development, all horses leaving the province of Alberta must have a brand inspection and be accompanied by a Horse Permit or an A Form.

Temporary Border Crossings

Border crossings to the United States fall within two categories depending upon

the length of stay outside of Canada: less than 30 days and more than 30 days.

For border crossings of less than 30 days, a negative Coggins certificate is required, along with a valid, signed health certificate. No veterinarian inspection is required provided the horse is returning to Canada within 30 days. Horses may enter and re-enter at any port of entry. A duty or sales tax will not be assessed if a horse is entering Canada or the United States temporarily.

For border crossings of more than 30 days, a negative Coggins certificate is required, along with a valid, signed health certificate. The horse must be presented to the veterinarian for inspection when entering the United States. The American border veterinarian will inspect the horse and verify the horse's identification. The health certificate will be stamped and returned to you. Upon returning to Canada after an absence of 30 days or more, a new health certificate issued by an American veterinarian is required.

Transportation of Animals

Part XII of the regulations to the *Health of Animals Act* governs the manner in which animals are transported within, into, and out of Canada. It applies to all animal species and any mode of transportation. Loading and unloading are part of the transportation process. The CFIA enforces these regulations. Some of the requirements for the transportation of horses include the following:

- animals of different species, of substantially different weights and ages, or if incompatible by nature must be segregated;
- animals must be allowed to stand in a natural position;
- there must be provision made for drainage and absorption of urine;
- in addition to straw, wood shavings, or other bedding material, the floor must be strewn with sand or fitted with safe and secure footholds for livestock;
- a sick or injured animal may not be transported where undue suffering will result or when the animal is likely to give birth during the journey; however, a non-ambulatory animal may be transported for veterinary treatment or diagnosis on the advice of a veterinarian;
- no person shall beat an animal being loaded or unloaded in a way likely to



ABOVE: The movement of horses across international borders is governed by regulations which can change at any time, without notice, due to international events or disease outbreaks.

cause injury or undue suffering to it;

- every mature stallion shall be segregated from all other animals during transport; and
- horses shall not be confined for longer than 36 hours, unless they are fed, watered, and rested for not less than five hours.

Other Issues

If you have purchased a horse internationally, you may wish to include additional terms in the contract of purchase and sale, such as who pays for the Coggins test, health certificate, and what happens if the horse does not pass the Coggins test or veterinary inspection at the border (if required). It is recommended that you obtain shipping insurance to provide coverage during transportation of the horse. If your horse is to remain in quarantine for a period of time, quarantine insurance is also recommended.

There are professional shippers that can handle the importation and exportation of horses for you. These companies are generally experienced in the paperwork required to get horses across borders in an efficient and cost-effective manner. If you are handling the paperwork aspect yourself, ensure that you allow adequate time to obtain the necessary tests and certificates.

The *Health of Animals Act* and its regulations prescribes additional, specific requirements for the importation and exportation of animal embryos and semen, which are not discussed in this article.

Specific breed organizations may have additional requirements with respect to the importation and exportation of a particular breed of horse. For instance, the Standardbred Canada website lists requirements in this regard (www.standardbredcanada.ca). However, these kinds of regulations do not have the force of law and cannot prevent the importation or exportation of horses into and out of Canada. They could, however, affect the validity of your horse's registration with that breed organization.

International travel with horses, and the importation and exportation of horses, may not raise specific legal issues. The

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issues horse owners face in these situations are generally more bureaucratic in nature. However, you will find that if you are prepared, and have all your documents in order, you should be able to successfully navigate the "red tape" associated with importation, exportation, and temporary border crossings. Of course, individuals with specific concerns or questions may require the assistance of an individual specializing in these issues. 🐾

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Prior to practicing law, Karen was a certified Level 1 Equine Canada coach and a regular competitor in horse shows, particularly the jumper divisions. For further advice or information about the issues discussed in this article, Karen can be reached at 604-643-1290 or kweslowski@millerthomson.com.

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