

Alberta
Bovine Spongiform Encephalopathy (BSE) Surveillance Program
Program Conditions (“Revised Conditions”)

SCHEDULE B

1. Purpose:

To help Canada meet its required BSE testing level as set by CFIA to promote the acceptability of beef from Canada in international markets through an increase in submission of eligible Alberta animals for BSE testing.

2. Definitions & Interpretation: In these Program Conditions and in Part B of the *Agreement Form*, the following words have the following meanings unless the context indicates to the contrary:

- 2.1. AAFRD:** Alberta Agriculture Food and Rural Development and its duly authorized representatives.
- 2.2. Applicant:** A Producer, Veterinarian or Licensed Abattoir who has completed **both** the Canada and Alberta *General Information Form* and Part B of the *Agreement Form* and provided or stored an Eligible Animal or submitted an Eligible Sample.
- 2.3. Body Condition Score (BCS):** Body condition scoring is a tool to evaluate an animal’s nutritional status and energy reserves and is based on fat deposits in relation to skeletal features. A 5-point scale (1 extremely thin to 5 very fat) to be used in Alberta.
- 2.4. BSE Suspect:** Cattle of any age showing clinical signs consistent with BSE as defined by the CFIA or those to be tested for rabies must be reported to the nearest CFIA District Office as required by the *Health of Animals Act* (Canada) and Regulations and do not qualify as Eligible Animals.
- 2.5. CFIA:** The Canadian Food Inspection Agency and its duly authorized representatives.
- 2.6. Eligible Animals:** Animals that meet the requirements of 3.2.
- 2.7. Eligible Applicant:** An Applicant who meets the requirements as set out in 3.1 and who has completed **both** the Canada and Alberta *General Information Form* and Part B of the *Agreement Form* to the Minister’s satisfaction.
- 2.8. Eligible Sample:** Eligible samples as set out in section 3.3.
- 2.9. Inspector:** means an inspector or person appointed by the CFIA or the Minister for the purposes of the Program or the National Bovine Spongiform Encephalopathy (BSE) Program.
- 2.10. Licensed Abattoir:** Refers to abattoirs licensed under the *Meat Inspection Act* (Alberta).
- 2.11. Minister:** The Minister of Alberta Agriculture, Food and Rural Development and his duly authorized representative.
- 2.12. Producer:** means the person with lawful possession of the Eligible Animals, who is responsible for the care and control of the animal at the time of submission or sampling, or both.
- 2.13. Program:** Alberta Bovine Spongiform Encephalopathy (BSE) Surveillance Program.
- 2.14. Veterinarian:** A veterinarian licensed to practice veterinary medicine in the province of Alberta pursuant to the *Veterinary Profession Act* or the veterinarian’s registered professional corporation.
- 2.15.** In these Program Conditions and Part B of the *Agreement Form* words in the singular include the plural and words in the plural include the singular.

3. Eligibility:

3.1 Eligible Applicants:

3.1.1 An Eligible Producer is one who:

- a. Is in lawful possession of the animal(s) presented for sampling.
- b. Under the *Income Tax Act* (Canada) or the *Alberta Corporate Tax Act*, would be liable to pay Alberta income tax or corporate tax (or claim losses) on income from the production of livestock.

- c. Where a Producer of Eligible Animals has a lease agreement for feeding, boarding, etc., the Applicant must disclose the name of the other producer involved with the ownership or care of these animals.
- d. Maintains the security of the carcass and all portions, until notified by the CFIA/AAFRD of the BSE status of the carcass, in a manner and condition acceptable to the CFIA/AAFRD and in accordance with federal, provincial and municipal requirements.
- e. Understands and agrees that the Eligible Animal and all portions shall not be sent to human or animal food until the owner is notified of negative test results, and if the Eligible Animal is used for human food, the applicant is not eligible for reimbursement under this program.
- f. Once the BSE status has been determined, disposes of the carcass and all portions in accordance with federal, provincial and municipal laws, directions given by the CFIA or an Inspector and other requirements.

3.1.2 A Veterinarian assesses the eligibility of the animal and if eligible, collects and submits Eligible Samples from Eligible Animals in a manner that preserves the Eligible Samples quality and traceability until such time as the Eligible Sample is in the possession of the CFIA/AAFRD.

3.1.3 An Eligible Licensed Abattoir secures the carcass and offal of an Eligible Animal under the Program pending the BSE test results following the taking of Eligible Samples by an Inspector or Veterinarian. Disposal is as outlined in 3.1.1f.

3.1.4 Any of the following that meet the specifications of 3.1.1, 3.1.2 and 3.1.3 may apply: individuals, proprietorships, corporations, not-for-profit corporations, registered or non-registered partnerships, Hutterite Colonies members of Indian Bands, and Métis settlements.

3.2 Eligible Animals:

3.2.1 Beef and Dairy cows and bulls that are over 30 months of age as determined by dentition, located in Alberta at the time of sampling, except BSE Suspects and:

- a. Neurological
 - i. Cattle of any BCS exhibiting abnormalities in locomotion, sensation OR mentation that a veterinarian could DIRECTLY attribute to a CNS abnormality, or
- b. Diseased
 - i. Cattle with a BCS of '2' or less that exhibit and/or have a history of a chronic and progressive disturbance in locomotion, sensation OR mentation, and is not likely to respond to treatment AND HAS NOT BEEN DIRECTLY ATTRIBUTED TO A CNS ABNORMALITY BY A VETERINARIAN, or
- c. Distressed
 - i. Acutely ill or injured cattle presented for emergency slaughter. MUST be examined by a veterinarian, CFIA technician or licensed meat inspector before slaughter, or
- d. Down or disabled and unable to get up and/or walk without assistance, or
- e. Found dead from undetermined causes

3.2.2 An Eligible Animal must be confirmed as such by an Inspector or a Veterinarian.

3.3 Eligible Sample:

3.3.1 "Eligible Sample" shall mean the appropriate portion of the brain stem which:

- a. comes from the carcass of an Eligible Animal; and
- b. is testable as determined by an Inspector or a Veterinarian and that meets the requirements of the National Bovine Spongiform Encephalopathy (BSE) Surveillance Program and the Program both of which may be amended from time to time.

4. Applications and Administration:

- 4.1** Only Eligible Applicants may make an application.
- 4.2** Eligible Applicants must comply with Program Conditions. Only Inspectors or Veterinarians may use the sample collection kit provided by the Minister to submit Eligible Samples. An Inspector or Veterinarian must affix the animal identification tags included in the sample collection kit.

5. Signatures:

- 5.1** Designates are not permitted to sign the forms unless they have duly authorized powers of attorney, proof of which must be submitted with the application.
- 5.2** Applications must be signed by, or on behalf of, a properly authorized person. The Minister may require evidence of authorization.
- 5.3** If two or more individuals are listed as producers or veterinarians on the same form, only one of each is required to sign.
- 5.4** The Application forms are not deemed complete unless **both** the Canada and Alberta *General Information Form* and Part B of the *Agreement Form* are signed and all relevant fields are completed.

6. Verification:

- 6.1** The Applicant consents to the Minister releasing any information contained in the forms or related to them and obtained by the Minister in the course of verifying or auditing the forms to any other government department, agency or other body for the purposes of verifying the forms, determining the registrant'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 their forms.
- 6.2** Applicants agree to give representatives of 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 their forms.
- 6.3** The Minister may require an Applicant to provide copies of all records, books of account, and income tax returns of persons who are involved in non-arm's length and partners and shareholders or members who actively farm on behalf of the Applicant, necessary at the Minister's discretion to verify or audit the forms. If the Applicant fails to provide the records within a reasonable time on reasonable notice, the Applicant may be ineligible for future programs.
- 6.4** The Applicant agrees to provide further information related to the Eligible Animals or any other matters contemplated by the Program Conditions that the Minister may reasonably 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 under the Program or other provincial or federal programs.

7. Program Payments:

- 7.1** Producers are eligible for payments up to \$150 for an Eligible Sample.
- 7.2** Payment to Veterinarians will be made based on the costs associated with traveling to the farm to verify the eligibility of the animal, conduct a simple post-mortem, obtain the brain sample, identify the carcass and package and ship the sample to the BSE testing lab. Travel and examination expenses are based on the suggested fee guide of the Alberta Veterinary Medical Association. Veterinarians must submit invoices for professional services and costs incurred under the Program to receive payment.
- 7.3** The Minister will pay to Licensed Abattoirs up to \$75 for an Eligible Animal to offset the cost associated with storage of the carcass and its offal pending the test results. Payment will be made upon submission of an invoice for costs incurred under the Program.
- 7.4** Applicants cannot assign or defer any payment under the Program.

8. Termination of the Program:

The Minister may terminate the Program any time without notice to potential Applicants if the Minister determines that the Program shall not continue. Eligible Applicants whose applications had been received as of the date of termination will be eligible for payment.

9. 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.

10. Ministerial Discretion:

The Minister has the absolute discretion to determine the acceptability of any application for the purposes of the Program notwithstanding the Program Conditions.

11. 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 Province of Alberta or agents of the Province of Alberta.

12. Refunds:

In the event the Applicant is in breach of the Program Conditions, on receipt of notice from the Minister, the Applicants agree to refund to the Minister of Finance (Alberta) any payment received under the Program, within 30 days of notice being provided to them by the Minister. Failure to make repayment 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.

13. Representations and Warranties

- a. The Applicant represents and warrants that the person signing is duly authorized to make this form, bind the Applicant, and, in the case of a partnership, bind the partners to this agreement on the basis of joint and several liability.
- b. The Applicant represents that no application has been made for the same Eligible Animals 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.

14. Changes to the Program Conditions

The Minister may make changes to these Program Conditions from time to time. Changes to Program Conditions ("Revised Conditions") will be effective when posted on the Minister's website at www1.agric.gov.ab.ca Applications received after the Revised Conditions are posted will be administered according to the Revised Conditions applicable as of the date the forms are received.