

APA Update - What is the Delay?

In the past few issues of Breeders Digest we have endeavored to keep you up to date on developments in the dispute with the Department's registration office over interpretation of the APA and on progress toward the Sport Horse Canada concept (see sporthorsecanada.com). This month we will focus on why the process is taking so long and provide detailed information about our work with the Minister's office.

Understandably, there is a great deal of concern over the delay in resolving the distinct breed definition. The first thing people need to know is that there is no deliberate attempt by either the Department or by the CWHBA to delay the process. We must remember that we are dealing with government and that there are several layers of authority involved in the process. Nevertheless, we are sure that the Department is working diligently to put forward recommendations, subsequent to the winding up of the work of the Advisory Committee.

For our part, we have continued to deal directly with the Minister's office. Since April 2006, when we first wrote to Minister Strahl, we have met four times with Ministerial staff members, consulted with David Anderson, Parliamentary Secretary for Agriculture and with Rob Merrifield, MP for Yellowhead. We have prepared and provided large numbers of documents in anticipation of a meeting with the Minister. The appointment of a new Minister, the Honorable Gerry Ritz, has of course delayed the planned meeting and engendered more briefing documents from both the CWHBA and his Department.

I want to reiterate, there has been no attempt to delay the process. In fact we have had very positive, courteous and timely treatment from the aforementioned individuals. We believe there is a genuine desire on all sides to come to a positive resolution.

Why have we gone directly to the Minister of Agriculture? There are two reasons why it has become necessary for the Minister to become involved:

1. The central issue of interpretation and administration of the Animal Pedigree Act is ultimately the responsibility of the Minister. Interpretation of the Act by the department has apparently changed since incorporation of the CWHBA in 1991. Either the Minister or the courts must arbitrate the difference of opinion between the department and the CWHBA.
2. The process which was agreed to in September of 2005 "a plan to move forward quickly to clarify the definition of Warmblood horses as a distinct breed in Canada." (*Canadian Warmblood Horse Breeders Association - Agriculture and Agri-Foods Canada JOINT COMMUNICATION RELEASE*), was suspended by the Department in early 2006. The Department appointed an Advisory Committee in October 2006 and invited submissions. However, information (including a video) provided by the CWHBA, for consideration by the committee, was not shared with the Advisory Committee. It therefore became necessary for the CWHBA to take our information directly to the Minister to have it considered. We are pleased to report that the information has been valued and considered at that level.

What information have we provided to the Minister? The following is a brief synopsis of the information which we have brought to the Minister. (These documents are available as pdf files on the CWHBA website).

1. Sport Horse Canada Principles and Process- This was the original concept paper for an umbrella organization, agreed to by repre-

sentatives of the CWHBA, CSHA and Sport Pony with participation of the AAFC. See sporthorsecanada.com. It still provides the basis for a viable plan for unifying Canadian breeders.

2. Considerations in the Definition of Warmblood Horses – This document covers the breed history, APA requirements and economic and practical issues surrounding the distinct breed status for Warmblood horses. It clearly explains how Warmblood horses meet the Department's requirements for distinct breed status: phenotypic distinctiveness and genetic stability. It also draws attention to the concerns regarding fragmentation of the industry, should Canada become home to a number of Warmblood societies, as is the case in the USA.
3. Letter from Jan Pedersen – President of the WBFSH, Jan's letter gives the international perspective on Warmblood breeding and confirms that the CWHBA, a member in good standing of WBFSH, is operating in congruence with European practices.
4. Critique Prins Report – The Prins Report is the inspection report of the CWHBA that was done in February 2002, but not released until September 2005. The report is flawed in fact and in methodology, and simply reflects elements of the Department's previously expressed opinions concerning the breed status of Warmblood horses. The CWHBA provided an extensive rebuttal to the Minister. While the major conclusions of the report were based on errors in fact, it did by implication, confirm several of our contentions. The report clearly shows that:
 - a. The CWHBA has been operating in compliance with its by-laws.
 - b. All horses registered by the CWHBA, trace to foundation Warmblood horses.
 - c. Complaints which had been alluded to were not confirmed.
 - d. It was also complimentary concerning the extensiveness and accuracy of our pedigree records.
5. Legal Opinion re our interpretation of the APA. The CWHBA commissioned an analysis of the APA with respect to determining and maintaining distinct breed status. The document received, confirmed our original interpretation of the APA under which the CWHBA was incorporated. It further outlined options for proceeding should a reference to the courts be required.
6. Considerations in the Definition of Warmblood Horses for Canada by Dr. Jan Philipsson- (see last issue of Breeders Digest)
7. CV Dr. Philipsson – Dr Philipsson is a much published senior geneticist at the University of Upsala in Sweden. This document outlines his credentials and extensive connection with Warmblood horse breeding.
8. Fact Sheet – CWHBA APA – (see spring issue Breeders Digest) This document chronicles the dispute with the department beginning with the original correspondence from 1999.
9. Distinguishing Characteristics of Warmblood Horses - Endorsed by European experts, this document was developed by the CWHBA board as part of the consultation process initiated in September 2005 and suspended in 2006.

These documents combined with numerous telephone conversations and e mail correspondence with the Minister's staff has brought us to a point where we are ready to meet with Minister Ritz. It is our understanding that he has asked the department officials to adjust their recommendations to allow for a negotiated solution. When the opportunity arises we are ready to participate fully by bringing a number of options to the table. The bottom line of course is to maintain the integrity of the Warmblood horse in Canada.

Distinct Breed versus Evolving Breed

The Canadian Animal Pedigree Act (APA) provides for two types of breeds –distinct or evolving.

A **distinct breed** under the APA is a population of animals with a common genetic origin and history, deriving from a common foundation population.

An **evolving breed** under the APA means a group of animals in the process of evolving into a new breed”.

Warmbloods have been a distinct breed under the Act since 1991. Warmbloods qualify as a distinct breed according to the Act and by all the criteria laid out by the department. (See Considerations in the Definition of Warmblood Horses)

The Department wishes to re define Warmblood horses as a new breed.

There are two reasons why Warmbloods cannot be considered a new breed.

1. European Warmbloods are not the result of crossing cold bloods with hot bloods. They are in fact, derived from their own subspecies of Equus and are amongst the oldest horse breeds. The modern Warmblood horse, is the result of centuries of selected breeding in Western Europe, beginning effectively in the 17th century. Breeding was centered around state studs, the oldest of which is Flyinge in Sweden founded in 1661. The Hanoverian State Stud in Celle, Germany was founded in 1735. By comparison Thoroughbred breeding began around 1700 and the first Thoroughbred Stud Book was published in England in 1793. As we can see from the forgoing this is not a new breed.
2. The requirements in the APA concerning the creation of a new breed are that there is the intention of creating a new breed –

APA 6(3) “that the creation, with genetic stability, of the new breed into which the animals of the evolving breed are intended to evolve is possible”. We are well aware that Warmblood breeders have no intention, however possible it may be, of breeding a new Warmblood horse. The focus is clearly on trying to breed the best Warmblood horse.

There are several reasons why Warmblood breeders in Canada would want to maintain the distinct status for Warmblood horses.

1. One of the benefits which the APA confers on Canadian breeders is the avoidance of duplication in that “only one association may be incorporated ...in respect of each distinct breed and each evolving breed” 5(2). Canada, with its large area and small population can ill afford to follow the U.S. example with twenty or more competing Warmblood registries.
2. It makes sense to maintain the same status in Canada as other registries have in Europe. This allows for both importation and exportation of horses on an equivalent level. No one wants to import an expensive Main Stud Book mare from Germany, only to find that she does not have the equivalent status in the Canadian Stud Book because she is designated as an FO in a new breed.
3. The goal of an evolving breed is to become a distinct breed at some foreseeable time in the future. Why not continue now as a distinct breed and avoid all the problems and red tape which will be involved in that process?
4. In going from an evolving breed to a distinct breed there is the possibility that the breeding program cannot be congruous with our European counterparts, thus causing us to slip further behind

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Why is this so important? This is a watershed issue for all Canadian breeders. Animal Pedigree legislation is found in most western countries. It is designed to provide credible standard practices to assure domestic and foreign consumer protection. Export markets are the primary drivers for this type of legislation, so it is important that standard practice be maintained between jurisdictions.

The roles and responsibilities of government and of breeders are defined in legislation. In brief, the Government sets forth procedures for registration and association practices, while the breeders define breeding goals. Each group contributes its expertise. When governments begin to try to define breeds in contravention to international standards, they step beyond their authority and put at risk the integrity of the breeds.

Standards for Clydsdale horses for example (one of the oldest breed registries in the world and in Canada), must be set by breeders to

maintain international reciprocity. In Canada this issue has affected the Connemara pony, the Appaloosa (now defined as a new breed in Canada), the Warmblood and will soon impact the cattle industry, in particular black cattle being produced by various breeds.

The issue is critical for Warmblood breeders because of the international nature of the business. It is vital that Warmbloods continue to be produced in congruence with international standards. We are all aware that marketing horses presents a challenge under the best of conditions. Laden with an additional “identity” burden Canadian breeders will be at a significant disadvantage. In addition, European registries, already active in Canada will assume further control of the direction of Canadian breeding. The CWHBA is standing up for the rights of Canadian breeders and will continue to do so until the Canadian legislation is applied in a fair, consistent and beneficial manner for all breeders.