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January 29, 2023

Community Safety and Protective Services Committee (CPSC)
City of London
300 Dufferin Street
London, Ontario
N6A 4L9

Dear CPSC Members:

RE: Staff Report and attachments - Exotic Animal Establishments, January 31, 2023

Zoocheck is a national wildlife protection charity that has been active in captive wildlife issues in the City of London for more than two decades, including a cooperative effort with City staff regarding the dispersal of the live animal collection from Storybook Gardens when the zoo portion of the children's park was decommissioned.

I have reviewed the Staff Report (including attachments) dated January 31, 2023 (hereinafter referred to as the "Report") regarding exotic animal establishments that resulted from a December 13, 2022 London City Council motion regarding "a potential amendment to By-Law PH-3, the Animal Control By-Law, to permit the keeping of Class 7 animals within the City of London."

The Report describes draft amendments to London's Business Licensing By-Law and Animal Control By-Law PH-3. Should a Council decision eventually be made to allow Class 7 animals, several of the proposed operational regulations suggested for the Business Licensing By-Law identify legitimate concerns associated with Class 7 animals, including public health and safety, animal containment, transport and animal welfare.

Please note that **the exotic animal business problems and issues the proposed operational regulations are intended to address could more effectively, comprehensively and immediately be addressed, at no cost to the City of London, by not amending Animal Control By-Law PH-3** to allow the keeping of Class 7 animals in the City.

It is also worth pointing out that **Reptilia does not require Class 7 animals to operate their business. Reptilia is free to populate their exhibits with any of the thousands of exotic reptile species that are already allowed in the City**, as well as native wildlife species regulated by the Ontario government.



The Provincial Animal Welfare Services (PAWS) Act

Repeated claims have been made that Provincial Animal Welfare Services (PAWS) officials will address all local animal welfare concerns. These claims are misinformed. The PAWS Act does not regulate exotic wildlife in captivity and provides only a limited ability for provincial officials to address certain kinds exotic wildlife in captivity issues. The PAWS Act is primarily structured to retroactively deal with individual complaints that are focused on the limited set of husbandry conditions outlined in the Act's standards of care.

The PAWS Act acknowledges its own limitations by stating that when municipal laws provide greater protection to animals, the municipal law will supersede the PAWS Act. In recent years, the Solicitor General of Ontario has also encouraged municipalities dealing with exotic animal issues to proceed with their own bylaws and not to wait for the province to act. The scope and limitations of the Act can be clarified by the PAWS Regional Director responsible for the region that includes the City of London.

The PAWS Act does NOT address exotic animal acquisition, importation, possession, breeding, disposal, sale, transfer, most safety issues, animal escapes and retrieval, public health concerns (e.g., zoonoses), disease introductions and other environmental risks, local nuisance issues (e.g., noise, odour) and many aspects of animal welfare. These and other concerns fall within the scope of municipal responsibilities.

Proposed Operational Regulations: The operational regulations proposed in the Report, if they are to be meaningful and mitigate, to the extent possible, the various concerns they identify, will require an ongoing commitment of staff time, energy and municipal resources (including taxpayer funds) to implement, maintain, provide oversight and ensure compliance with the regulations.

If sufficient resources are not committed, the regulatory program will be diminished, rendered less effective and the public health and safety, animal containment, housing, welfare and other concerns may not be meaningfully addressed.

Since the biology, behaviour, husbandry, welfare and safety needs of Class 7 animals and exotic wildlife in captivity lie outside the expertise and experience of City licensing and animal control staff, as well as local humane societies and animal service providers, delivery of a regulatory program may be challenging. It should be noted that Toronto Animal Services identified this as a concern when they recommended against allowing a Reptilia location in Toronto. Niagara Region Animal Services also expressed concern about the difficulties inherent in maintaining a meaningful regulatory program and also recommended that an exemption for Reptilia in the City of St. Catharines not be provided.

Additional concerns associated with a municipal regulatory program are that other exotic animal businesses (including Mobile Live Animal Programs – MLAPs) may see an opportunity to access the

London market by also seeking an exemption that will allow them to house Class 7 animals in the City. Each new business coming into the City would increase the regulatory burden on City staff and municipal resources.

BUSINESS LICENSING BY-LAW - As stated in the current January 31, 2023 Report, City staff have proposed an exotic animal business category, similar to the 2018 proposal that London City Council did not adopt. The Report describes several general operational regulations, to be developed through the License Manager, should Council choose to allow the keeping of Class 7 exotic animals in Exotic Animal Establishments. The regulations include:

Accreditation: The requirement for accreditation by a recognized zoological body has considerable merit. Accreditation can be a useful tool in determining whether a facility is operating at a minimally acceptable, professional standard. The Association of Zoos and Aquariums (AZA) and Canada's Accredited Zoos and Aquariums (CAZA), both cited in the Report, are the two most recognized zoo accrediting bodies in North America.

Other accrediting bodies also exist but have a lesser reputation, weak standards and include in their membership private menageries, traveling zoos and animal breeders that would not be able to achieve accreditation status by the other two zoo associations.

Animal Inventory Record, Animal Accommodation Plan and Transportation Plan: The requirement for animal inventory records, animal accommodation and transportation plans should be viewed as very basic, mandatory regulatory requirements for any exotic animal business.

However, it is important to note that City staff, local humane societies and animal service providers may, understandably, lack the necessary expertise and capacity to verify information contained in animal inventory reports (including the identification of listed animal species) or to properly evaluate accommodation and transportation plans. This is particularly problematic when reptiles are involved as the identification of specific species can be challenging and properly evaluating accommodation conditions and transportation plans may require expert input and advice from qualified, independent biologists and animal welfare/reptile welfare scientists. Very few independent experts with requisite knowledge of reptilian biology, behaviour, husbandry and welfare needs are present in Canada. The animal inventory records and accommodation and safety plans should also be verified through onsite reviews by qualified personnel.

Emergency Management and Public Safety Plan: Every responsible, professional zoological operation housing medium to high risk exotic animal species (such as the Class 7 animal species kept by Reptilia) places human safety (i.e., staff, volunteers, spectators, community members, first responders) as one of its highest priorities, if not the highest. A safety-first principle is embedded in reputable professional guidelines and standards and is a standard operating principle in responsible zoological operations. Evidence of attention to safety may be manifested in facility planning, enclosure design, daily animal

husbandry routines, safety and security reviews, staff training/professional development, formulation of emergency plans, etc. Safety must be a top priority when dangerous animal species are kept to prevent incidents in which irreversible physical damage or death of a person results.

Even professional facilities that have never had an incident maintain the highest standard of preparedness they can with carefully crafted, regularly rehearsed plans for every kind of incident, including but not limited to, attacks on keepers/spectators, animal escapes, animal injuries, visitor ingress of staff areas or animal enclosures, vandalism and facility/enclosure damage by natural disaster (e.g., flood, precipitation, wind), as well as ensuring proper equipment is available and accessible to appropriately qualified and/or trained staff members.

Determining whether emergency management and public safety plans are appropriate may be challenging for City staff to evaluate. The risks posed by exotic animals, and particularly reptiles, are diverse and complex and may require consultation with outside experts with requisite knowledge of the particular species being considered. For example, due to the complexities associated with the treatment of venomous snakebite, considerable research and relevant professional medical input would be required to determine the efficacy of plans for dealing with snakebite emergencies.

City Liability: The Report recognizes risk as an operational issue and proposes a requirement for Commercial General Liability insurance and indemnification of the City. This should be a requirement for any business but particularly for businesses housing Class 7 animals, especially those that house some of the most lethal species in the world. However, it is important to note that in the event of an incident resulting in irreversible damage, catastrophic injury or death to a person, the City would most likely be the target of a legal action and considerable liability issues.

ANIMAL CONTROL BY-LAW -The proposed amendment to the Animal Control By-Law is a straightforward site-specific exemption that would allow the keeping and display of Class 7 animals at licensed Exotic Animal Establishments listed in the By-Law. Should Reptilia be listed, their location at 785 Wonderland Road South would be included.

However, listing that address would presumably encompass the entire Westmount Shopping Mall complex and could allow the movement of Class 7 animals to other areas of Mall for offsite activities. The actual geographic scope of the exemption should be more specific.

Providing an exemption to By-Law PH-3 that would allow the keeping of Class 7 animals provides an opportunity for Reptilia or other businesses that may in future establish in the City to expand their live collections to include animal species not originally envisioned as a part of their operations. For example, should Reptilia find it advantageous to their business to acquire bobcats, Siberian lynx, monkeys, kangaroos, birds of prey or members of any of the other thousands of Class 7 animal species, they would be able to do so. This escalation in species diversity and individual animal numbers has been witnessed in exotic animal facilities and businesses throughout Ontario in the past.

Conclusion

Based on our 40 years of experience in initiatives regarding the husbandry, health, welfare, safety, regulation and conservation of wildlife in captivity, we suggest that enacting a meaningful, effective, municipal, exotic animal regulatory program in the City of London would be challenging, time consuming and costly, particularly if new exotic animal businesses were also to acquire access to the City in future.

For previously stated reasons and given that:

- London City Councils in 2018 and 2022 chose not to amend Animal Control By-Law PH-3 or London's Business Licensing By-Law.
- There is no new, compelling reason why this latest request for amendments should be approved.
- Reptilia does not require an amendment to operate their zoo and populate their exhibits with exotic wildlife already permitted in the City of London and/or native wildlife species regulated by the Province of Ontario,
- An amendment to keep additional problematic or dangerous Class 7 animals in the City may generate a suite of new issues and problems, including enhanced risks to human safety, and increased costs for the City,
- An amendment may encourage other exotic animal businesses to also seek access to the City of London, and,
- Changing a by-law to provide exotic animal businesses with animals they feel are more attention grabbing is not in the public interest.

We recommend:

1. That CPSC/ London City Council NOT support amendments to Animal Control By-Law PH-3 to allow the keeping and display of Class 7 animals.
2. That CPSC/ London City Council NOT support amendments to the Business Licensing By-Law that would create a business licensing category for exotic animal establishments and associated regulations.
3. That additional information and clarification be obtained regarding human health and safety and other issues identified in this document should London City Council choose to move forward to allow Class 7 animals in the City.
4. That CPSC/London City Council approve public participation meetings being held if amendments to Animal Control By-Law PH-3 and London's Business Licensing By-Law are being considered.

Thank you for considering this correspondence.

Sincerely,

Rob Laidlaw
Executive Director
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Zoocheck Inc.