

March 5, 2025

DELIVERED VIA EMAIL:

Ministry of the Solicitor General – Public
Safety Division – Animal Welfare Services

To Whom it May Concern:

**RE: Proposal 25-SOLGEN002 – Shelter Standards for Service Providers Housing
Animals in the care of Animal Welfare Services**

Please accept this submission on behalf of Animal Environmental Legal Advocacy (“AEL Advocacy”) in response to proposal 25-SOLGEN002 on the development of Shelter Standards for Service Providers Housing Animals in the care of Animal Welfare Services under the *Provincial Animal Welfare Services Act, 2019* (the “**Standards**”), released in January 2025.¹

AEL Advocacy is a public interest law practice and not-for-profit organization based in Ontario. Our lawyers understand the important interconnection between humans, animals, and the environment. We combine our in-depth knowledge of the legal and political landscape with a commitment to supporting individuals and organizations working to protect animals and the environments where they live.

In this submission, AEL Advocacy provides feedback and makes recommendations on each of the three proposed Standards. (Companion Animal and Zoological Companion Animal, Equine and Farm Animal, and Zoo Animal and Captive Wildlife) The feedback is provided in the form provided, attached as Schedule “A”.

AEL Advocacy is grateful for the opportunity to contribute on this important matter. We welcome the opportunity to further discuss the below feedback and recommendations.

Sincerely,

ANIMAL ENVIRONMENTAL LEGAL ADVOCACY



Kira Berkeley
Co-Director & Counsel



Ryan Boros
Student-at-Law

¹ <https://www.ontariocanada.com/registry/view.do?postingId=49934&language=en>

Schedule A - AEL Advocacy’s Comments on Proposal 25-SOLGEN002

Shelter Standards for Service Providers Housing Animals in the Care of Animal Welfare Services

| Topic | Feedback |
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| <p>Companion Animal & Zoological Companion Animal</p> | <ul style="list-style-type: none"> • The document establishes that all minimum standards are imposed as a contractual obligation on a Shelter that does business with the Ministry. However, apart from referencing the mandatory provision of some documents to the Ministry, there is no discussion of how the standards will be enforced. Given that the standards are tied to the <i>Provincial Animal Welfare Services Act, 2019</i>, the document should include information about explicit compliance mechanisms that ensure Shelters are maintaining the minimum standards and giving effect to their purpose. Examples of such compliance mechanisms may include establishing routine inspections of Shelters by Animal Welfare Inspectors, setting deadlines and timelines for the provision of documents by Shelters, and including information on and strengthening reporting procedures for Shelters such as setting out a point of contact at Animal Welfare Services or the Ministry, or creating a dedicated reporting phone line or email if one does not already exist. This suggestion serves to increase the transparency and efficacy of the standards, helping to ensure that all animals in the care of AWS and their affiliated Shelters receive consistent and high-quality care. • The document should outline consequences for non-compliance (are there meaningful penalties for failing to meet standards?). • The document’s definition of “Dangerous Animal” or “Dangerous Species” is vague. Most animals have the capacity to seriously injure or harm humans or other animals. There should be a clearer definition that establishes set criteria to decide if an animal is dangerous and warrants differential treatment. That criteria should include |

considerations of a species' natural characteristics including predator status, size, and their natural offensive and defensive capabilities. The criteria should also include a consideration of the individual animal, including their mental state, noted experience with trauma and behavioural patterns, and most importantly a history of any violent incidents with humans or other animals. To treat an animal with the respect it deserves and give it the best care possible, classification as a dangerous animal should only come after clear criteria have been met.

- The document focuses on the mental states of animals and directly references fear, anxiety, or stress. However, there is no direct mention of trauma. All animals have the capacity to experience trauma, particularly animals that have been seized due to their distress. The document should acknowledge the realities of trauma and the sentience of animals.
- Most of the recommended practices included within the document should be explicitly included within the standards. For example, the recommended practice under 6.5 Records Management dealing with record backup is not an impractical or onerous requirement and should already be implemented by Shelters. To that end, it is recommended that the standards be reconfigured to include all recommended practices within them. For those few that may not be met by some Shelters, an exemption procedure should be implemented. Each standard should therefore classify its components as either key requirements or those where an exemption can be made available. Exemptions should only be granted where Shelters can demonstrate pressing reasons why they cannot abide certain requirements. An exemption should only be granted to Shelters whose benefit and necessity to the animals they care for far outweighs the potential risk of non-compliance with certain standards. Ideally, the Ministry will only contract with Shelters that can uphold all standards inclusive of recommended practices.

- Under Animal Population Management and Facility Statistics, the concept of an incident report is vague. There should be clear examples or criteria for what constitutes an incident that allow for standardized reporting. Ex: Animal or staff injuries, animal escapes, chemical spills. The clearer the concept of an incident, the greater the level of transparency can be achieved by Shelters and these Standards overall.
- The minimum standard for individual animal tracking should explicitly state that identification measures should balance effectiveness with the most non-invasive tool available.
- Guidance for or the location of information on appropriate mechanical or hybrid ventilation systems that should be implemented to ensure proper air quality in Shelters should be included within the standards.
- 10.2 Physical Restraint refers to appropriate equipment to restrain animals. The document should include an appendix that includes information on ethical and effective equipment categorized by species and reviewed by veterinarians.
- 11.5 Animal Intake refers to an initial health and behaviour assessment conducted upon the arrival of an animal at a Shelter or within 24 hours of that event. The document should include the basis for that timeline to ensure it is not arbitrary and that it is not inconsistent with the needs and best interests of animals brought for care. If the source of that standard is the Association of Shelter Veterinarians' Guidelines, it should be appropriately referenced.
- The document should include standards pertaining to the transport of animal bodies after death to off-site laboratories for necropsies. The interests of animals and the need to treat them with respect do not cease at death.

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| | <ul style="list-style-type: none"> • 15 Fostering refers to ensuring that animals receive continued good care from their new placements but is silent on the matter of how Shelters are to do that. The document should recommend various check-in procedures that the Shelter may use to enforce accountability to the standards and the best interests of animals both on a general and individualized basis. This may involve using AWS inspectors, accompanied by Shelter staff, to conduct check-in visits for a specified short-term period after adoption. |
| <p>Equine & Farm Animal</p> | <ul style="list-style-type: none"> • The document establishes that all minimum standards are imposed as a contractual obligation on a Shelter that does business with the Ministry. However, apart from referencing the mandatory provision of some documents to the Ministry, there is no discussion of how the standards will be enforced. Given that the standards are tied to the <i>Provincial Animal Welfare Services Act, 2019</i>, the document should include information about explicit compliance mechanisms that ensure Shelters are maintaining the minimum standards and giving effect to their purpose. Examples of such compliance mechanisms may include establishing routine inspections of Shelters by Animal Welfare Inspectors, setting deadlines and timelines for the provision of documents by Shelters, and including information on and strengthening reporting procedures for Shelters such as setting out a point of contact at Animal Welfare Services or the Ministry, or creating a dedicated reporting phone line or email if one does not already exist. This suggestion serves to increase the transparency and efficacy of the standards, helping to ensure that all animals in the care of AWS and their affiliated Shelters receive consistent and high-quality care. • The document should outline consequences for non-compliance (are there meaningful penalties for failing to meet standards?). • The document's definition of "Dangerous Animal" or "Dangerous Species" is vague. Most animals have the capacity to seriously injure or harm humans or other animals. There should be a clearer definition that establishes set criteria to decide if an animal is |

dangerous and warrants differential treatment. That criteria should include considerations of a species' natural characteristics including predator status, size and their natural offensive and defensive capabilities. The criteria should also include a consideration of the individual animal, including their mental state, noted experience with trauma and behavioural patterns, and most importantly a history of any violent incidents with humans or other animals. To treat an animal with the respect it deserves and give it the best care possible, classification as a dangerous animal should only come after clear criteria have been met.

- The document focuses on the mental states of animals and directly references fear, anxiety, or stress. However, there is no direct mention of trauma. All animals have the capacity to experience trauma and many animals in the care of AWS will have personally done so. The document should acknowledge the realities of trauma and the sentience of animals if it seeks to promote the effective treatment and care.
- Most of the recommended practices included within the document should be explicitly included within the standards. For example, the recommended practice under 7.4 Animal Population Management & Facility Statistics dealing with statistic tracking software is not an impractical or onerous requirement and should already be implemented by Shelters. To that end, it is recommended that the standards be reconfigured to include all recommended practices within them. For those few that may not be met by some Shelters, an exemption procedure should be implemented. Each standard should therefore classify its components as either key requirements or those where an exemption can be made available. Exemptions should only be granted where Shelters can demonstrate pressing reasons why they cannot abide by certain requirements. The exemption should only be granted to Shelters whose benefit and necessity to the animals they care for far outweighs the potential risk of non-compliance with certain standards. Ideally, the Ministry will only contract with Shelters that can uphold all standards inclusive of recommended practices.

- Under Animal Population Management and Facility Statistics, the concept of an incident report is vague. There should be clear examples or criteria for what constitutes an incident that allow for standardized reporting. Ex: Animal or staff injuries, animal escapes, chemical spills. The clearer the concept of an incident, the greater the level of transparency can be achieved by Shelters and these Standards overall.
- The minimum standard for individual animal identification should explicitly state that identification measures should balance effectiveness with the most non-invasive tool available.
- 11.1 Animal Handling and Physical Restraint refers to appropriate equipment to restrain animals. The document should include an appendix that includes information on ethical and effective equipment categorized by species and reviewed by veterinarians.
- 12.4 Animal Intake refers to an initial health and behaviour assessment conducted upon the arrival of an animal at a Shelter or within 24 hours of that event. The document should include the basis for that timeline to ensure it is not arbitrary and that it is not inconsistent with the needs and best interests of animals brought for care. If the source of that standard is the Association of Shelter Veterinarians' Guidelines, it should be appropriately referenced.
- The document should include standards pertaining to the transport of animal bodies after death to off-site laboratories for necropsies. The interests of animals and the need to treat them with respect do not cease at death.
- 15 Equine Fostering refers to ensuring that animals receive continued good care from their new placements but is silent on the matter of how Shelters are to do that. The document should recommend various check-in procedures that the Shelter may use to enforce accountability to the standards and the best interests of animals both on a general and individualized basis. This may involve using AWS inspectors accompanied

by Shelter staff to conduct check-in visits for a specified short-term period after adoption.

- The document's reliance on the NFACC Codes is inconsistent with the stated purpose of the Standards. The Codes are industry-driven, voluntary guidelines that were imposed to prevent more onerous and presumably more humane legislative standards from coming into force. As such, the Codes are inherently self-serving and do not represent true best practices that align with the best interests of animals. This is because industry will prioritize following scientific perspectives and the advice of experts that promote their interests over more holistic approaches that better account for animal welfare. This is a risk even though scientific advice is foundationally incorporated into the NFACC.² The proposed standards are not beholden to the Codes, and neither is AWS involved in the animal industry. Indeed, many farm and equine animals may be removed from places that purport to follow the Codes and placed in Shelter care. Given the Codes inherent limitations, the Ministry should take this opportunity to consult with veterinary experts, other scientists, those with shelter experience and animal advocates to craft standards that are fully supported by impartial science and consistent with the best interests of all impacted animal species.
- Similar concerns can be addressed in relation to the transporting of animals. The document emphasizes compliance with existing legislation and regulations. However, there are several notable deficiencies with that regulatory scheme. Chief among them is the reality that the regulations do not reflect scientific literature about animal transportation. For example, after recent revisions to the animal transport regulations, the amount of time spent hens could be transported without food, rest, or water was only reduced to 24 hours from 36. This change was enacted despite the science suggesting that 12 hours was the ideal target. This disregard of animals' best interest is

² Andrea Bradley and Rod Macrae, "Legitimacy & Canadian Farm Animal Welfare Standards Development: The Case of the National Farm Animal Care Council", *Journal of Agricultural and Environmental Ethics* 24:1, 2011 at 23-24,30.
DOI:10.1007/s10806-010-9240-z.

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| | <p>due to industry pressure. Similar issues have been identified with the transport of horses. Overall, the regulations are largely outcome-based and do not set prescriptive and measurable standards for compliance. They also do not comply with the guiding principles of the World Organization for Animal Health’s Terrestrial Animal Health Code.³ This trend of outcome-based and non-prescriptive guidance can be seen generally in all three proposed standards. Ideally, the standards can be more comprehensive and more effectively serve their stated purpose.</p> |
| <p>Zoo Animal & Captive Wildlife</p> | <ul style="list-style-type: none"> ● The document establishes that all minimum standards are imposed as a contractual obligation on a Shelter that does business with the Ministry. However, apart from referencing the mandatory provision of some documents to the Ministry, there is no discussion of how the standards will be enforced. Given that the standards are tied to the <i>Provincial Animal Welfare Services Act, 2019</i>, the document should include information about explicit compliance mechanisms that ensure Shelters are maintaining the minimum standards and giving effect to their purpose. Examples of such compliance mechanisms may include establishing routine inspections of Shelters by Animal Welfare Inspectors, setting deadlines and timelines for the provision of documents by Shelters, and including information on and strengthening reporting procedures for Shelters such as setting out a point of contact at Animal Welfare Services or the Ministry, or creating a dedicated reporting phone line or email if one does not already exist. This suggestion serves to increase the transparency and efficacy of the standards, helping to ensure that all animals in the care of AWS and their affiliated Shelters receive consistent and high-quality care. ● The document should outline consequences for non-compliance (are there meaningful penalties for failing to meet standards?). |

³ Maureen Harper, “Concerns with the new animal transport regulations”, *Canadian Veterinary Journal* 2020 May 61:5. <<https://pmc.ncbi.nlm.nih.gov/articles/PMC7156128/>>.

- The document's definition of "Dangerous Animal" or "Dangerous Species" is vague. Most animals have the capacity to seriously injure or harm humans or other animals. There should be a clearer definition that establishes set criteria to decide if an animal is dangerous and warrants differential treatment. That criteria should include considerations of a species' natural characteristics including predator status, size and their natural offensive and defensive capabilities. The criteria should also include a consideration of the individual animal, including their mental state, noted experience with trauma and behavioural patterns, and most importantly a history of any violent incidents with humans or other animals. To treat an animal with the respect it deserves and give it the best care possible, classification as a dangerous animal should only come after clear criteria have been met.
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- Most of the recommended practices included within the document should be explicitly included within the standards. For example, the recommended practice under 6.5 Records Management dealing with record backups is not an impractical or onerous requirement and should already be implemented by Shelters. To that end, it is recommended that the standards be reconfigured to include all recommended practices within them. For those few that may not be met by some Shelters, an exemption procedure should be implemented. Each standard should therefore classify its components as either key requirements or those where an exemption can be made available. Exemptions should only be granted where Shelters can demonstrate pressing reasons why they cannot abide by certain requirements. The exemption should only be granted to Shelters whose benefit and necessity to the animals they care for far outweighs the potential risk of non-compliance with certain standards. Ideally, the

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- 10.2 Physical Restraint refers to appropriate equipment to restrain animals. The document should include an appendix that contains information on ethical and effective equipment categorized by species and reviewed by veterinarians
- 11.5 Animal Intake refers to an initial health and behaviour assessment conducted upon the arrival of an animal at a Shelter or within 24 hours of that event. The document should include the basis for that timeline to ensure it is not arbitrary and that it is not inconsistent with the needs and best interests of animals brought for care. Similar concerns exist with the 14-day timeline for a thorough intake assessment. If the source of that standard is the Association of Shelter Veterinarians' Guidelines, it should be appropriately referenced.

- The document should include standards pertaining to the transport of animal bodies after death to off-site laboratories for necropsies. The interests of animals and the need to treat them with respect do not cease at death.
- As with the concerns with the Farm and Equine Animal Standards and the NFACC Codes, this document should not rely on Canada's Accredited Zoos and Aquariums accreditation standards. CAZA is a self-regulatory organization that also exists to prevent the imposition of government regulation. CAZA lacks the ability to comprehensively monitor its members, lacks public transparency and conflicts of interest exist when those in the organization who occupy positions of power also have ties to facilities regulated by the organization. Like the NFACC Codes, accreditation is largely motivated by profit. As a result, CAZA standards are not effectively enforced.⁴ This is another area where the Ministry, un beholden to industry practices, can establish a higher and more comprehensive quality of care through consultation with scientists and animal advocates.

⁴ Animal Justice, "Analysis: CAZA as a self-regulatory accreditation organization for Canada's Zoos and Aquariums". April 2024, at 2. <https://sencanada.ca/Content/Sen/Committee/441/LCJC/briefs/Brief_AnimalJustice_e.pdf>.