

POSITIVE LISTS FOR THE REGULATION OF DOMESTICATED AND EXOTIC ANIMALS

What is a positive list?

- A positive list (also called an approved/permitted/white list) is a list of animals that are allowed to be kept by private citizens in a jurisdiction.

What is the purpose of a positive list?

- To safeguard human health and safety, animal welfare and wildlife and the environment. Positive lists may also aim to reduce nuisance complaints, make law enforcement more efficient and reduce costs to enforcement authorities.

What are the advantages of positive lists?

- They are more concise and easy to understand.
- They are more safety-conscious.
- They are preventative/precautionary in nature.
- They utilize an evidence-based approach to animal welfare, human safety and environmental protection.
- They are more manageable and facilitate a more efficient and effective regulatory process
- They have a minimal impact on retail pet sector.
- Positive list inclusion criteria can be catered to individual jurisdictional circumstances.
- The burden of proof is on industry to demonstrate, in advance, that its proposed practices and products are safe and do not have an unacceptable, negative impact on the public, animals or the environment. This safety-conscious and problem preventative approach, commonly under-pinned by statutory obligations, applies to most industries.
- They are growing in popularity. Positive lists have been adopted by Belgium and the Netherlands, the State of Maine, New Brunswick, Nova Scotia and more than a dozen Quebec municipalities.

What are the criteria for inclusion on positive lists?

The criteria for including an animal species on a positive list can vary. However, the following criteria are usually recommended.

- Must be substantial, independent, impartial, scientific, peer-reviewed evidence concluding that the welfare of animals will not be compromised due to their captivity in domestic environments. The animal must be able to express a normal range of key natural behaviours. Manifestations of abnormal or captivity-stress related behavioural and negative physical consequences must be absent or rare. The animal's nutritional, thermal, environmental, spatial and furnishing requirements are known and can be comprehensively and easily met.

- Qualified veterinary and if necessary additional biological advice must be easily available on all aspects of each species health and welfare needs.
- No relevant threat to the public by zoonoses, poisoning, envenomation or dangerous injury.
- No relevant threat to the environment and natural ecosystems through disease introduction and/or invasiveness.
- Local animal control agencies, humane societies, shelters and rescue organizations should be able to take in and rehome unwanted, abandoned or seized animals.
- If there is a conflict between data/insufficient data: the benefit of the doubt goes to the animal.

How can animal welfare be assessed when considering animals for positive lists?

- Several assessment protocols have already been developed and are available for use. One example is the EMODE system, developed by the UK-based Emergent Disease Foundation, which allocates a numerical score to each species based on a number of criteria. Many of the commonest animals in the pet trade have already been assessed.

Are positive lists legal in Ontario?

- Yes, Ontario law does not concern itself with how a municipality identifies prohibited species, as long as the effect is that the bylaw does prohibit possession of a species that another law (provincial or federal) expressly, or by implication, authorizes possession of (with or without license).

How could a positive list bylaw provision be worded?

- There many ways that bylaw provisions could be worded. Here is one example:
 1. *Possession of an individual of any species other than those listed in Schedule A [the Positive List] below, in the City of _____, is prohibited.*
 2. *This bylaw does not apply to the individuals of the species listed in Schedule B [these are the animals whose possession is authorized under the Fish and Wildlife Conservation Act or other provincial or federal statute.]*