REGULATING EXO
A guide to Positive List Legislation

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Federal Animal laws

• Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA)
• Species at Risk Act (SARA)
• Criminal Code of Canada

Provincial Animal laws

• Often contain standards of care
• Occasionally regulates prohibited/permitted pets
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Municipal Animal laws

• Usually responsible for regulating pet species

• Tend to be vary between municipalities

• Typically prohibitive/negative lists are adopted
  - Lists class, order, family, genus, (sub)species
  - Other requirements (e.g. captive bred, exemptions)
Prohibitive List Concerns

• Generally poorly constructed
  - Frequent occurrence of technical inaccuracies
  - Lengthy, confusing, ambiguous

• Animal Welfare Implications:
  - Little consideration for the welfare of animals
  - Evolved to protect humans from potential harm
  - Concentrated around mammals

• Often not rigorous; astronomical number of animals can legally be kept as pet

*Example: Toronto Prohibited List, Schedule A*
Toronto Bylaw - Prohibited List

- 16 Mammal Orders/Families
- 6 Bird Orders/Families
- Crocodylia
- Snakes ≥ 3 meters
- Lizards ≥ 2 meters
- All Venomous & Poisonous Animals
Legislation in Numbers

• 3,709 Snake Species  
  (Reptile-database, March 2019)

• ±600 Venomous/Poisonous

• ±10 Species ≥ 3 meters

±3,099 Legal Snakes Species

340 breeds
Prohibitive List Concerns

• Fails to address habitat threats
  - Does not address potential invasiveness of species
  - Does not consider destructiveness of exotic pet trade

• Enforcement feasibility
  - Burden of proof with municipalities/authorities
  - High threshold for amendment of legislation

• Reactive rather than preventative
  - Trailing behind pet industry trends
  - Only substantial problems will result in change
Alternatives for local/regional regulation

1. Make negative list more concise ✗
2. Establish husbandry and safety standards ✗
3. Ban the keeping, sale and breeding of exotic pets
   With or without grandfathering of animals
4. Regulate according to Positive List procedure ✓
What is the Positive List?

- Lists animals that can be kept as pets by general public
- Animal list is based on predetermined criteria
- Founded on peer-reviewed scientific data
- Precautionary principle is applied when necessary
Animals must be suited for a life as pet

"Appropriate pets can be taken care of by anyone, regardless of species - specific knowledge and/or care - taking expertise and without diminishing the welfare of the animal."

(Tilburgh, 2017)
Exotic Pet Assessment

5 FREEDOMS

(Farm Animal Welfare Advisory Committee, 1979)

5 DOMAIN MODEL

(Mellor, 2017)

EMODE

(Warwick et al, 2013)

PET STORE INSPECTION GUIDELINES

(Warwick et al, 2018)
Positive List Criteria

Physical harm:

The potential of an animal to inflict physical harm
Zoonoses:

Ability/likelihood that an animal can transfer diseases from to humans
Positive List Criteria

Environment:

Potential of a species to establish in native habitat and/or introduce novel diseases

Photo: Ontario Invading Species Awareness Program, 2017
Positive List Criteria

Eliminate capture of wild animals:

Species can reproduce in captivity to maintain self-sustaining captive population
Positive List Criteria

Available expertise:

The availability of specialized vets and rehoming options for unwanted animals
Positive List Implementation

I. Mammal Positive List

II. Analyze presence of exotic pets in community

III. Animal review panel

IV. Expert sub-committees

V. Report back to government
Positive List Case Study- Belgium

Criteria

• Easy to keep

• No threat to local flora & fauna

• No danger to humans

• Species-specific information

• Precautionary principle
Animal Review Committee:

- Government representatives
- Zoo representatives
- Scientists (biologists, university professors)
- Veterinarians
- Animal protection organizations
- Pet industry representatives
- Hobbyists
Positive List Case Study - Belgium

Events leading to Positive List implementation

1995 - Positive List principle was accepted as law

2001 - Analyses led to a PL of 42 species

Court cases in Belgium and European Union

2016 - After revisions PL becomes law in Belgium

Illegal animals are not encountered in day-to-day life

2017 - Reptile positive list of 232 species proposed in Wallonia (French region in Belgium)

2018 - Start development reptile positive list in Flanders

TIP: BE PRAGMATIC
Positive Lists in Progress in Canada and Beyond

Australia

Canada

New Brunswick
Québec Municipalities
Kitchener, Ontario

Europe

Netherlands
Malta
Luxembourg
Norway

United States

Photo: AAP, 2019
LET'S BE POS

Thank you for your

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