

Animal Welfare Task Force Report

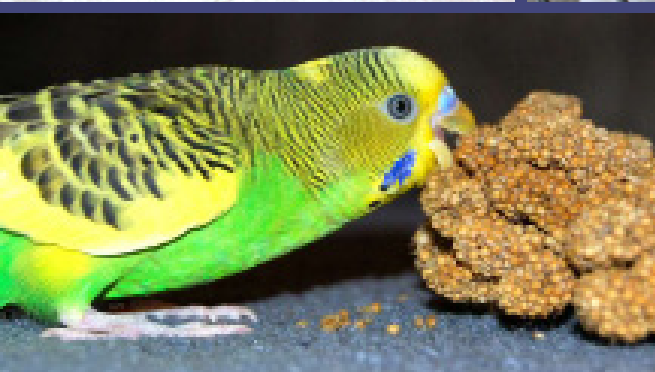


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Executive Summary



On August 9, 2010, the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) announced that Dr. Alan H. Meek and the Honourable Patrick LeSage would conduct an independent external review of a reported March 2010 outbreak of ringworm at its York Region animal shelter.

The final report of the Meek LeSage Review was released on June 3, 2011. In response, the Animal Welfare Task Force (task force) was immediately formed by the provincial government.

The task force consists of provincial ministries and stakeholders with relevant connections to animal sheltering, health and welfare, and related human health issues of public health, and worker health and safety. Membership includes:

Ontario Provincial Ministries

- Ministry of Community Safety and Correctional Services (MCSCS)
- Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
- Ministry of the Attorney General (MAG)
- Ministry of Health and Long-Term Care (MOHLTC)
- Ministry of Labour (MOL)
- Ministry of Municipal Affairs and Housing (MMAH)
- Ministry of Natural Resources (MNR)

Animal Welfare

- The Association of Animal Shelter Administrators of Ontario (AASAO)
- The Ontario Society for the Prevention of Cruelty to Animals (OSPCA)

Municipalities

- The Association of Municipalities of Ontario (AMO)
- The City of Toronto

Veterinary

- The College of Veterinarians of Ontario (CVO)

Additional information pertaining to each member's responsibility in the context of the task force's mandate is attached as Appendix A.

The task force examined the Meek LeSage Review report and produced recommendations to improve the protection of animals in Ontario. The recommendations directed to the provincial government relate to the province's role in the protection of animals in Ontario, and identify opportunities to reform legislation, policy and other relevant instruments. Other recommendations are directed to non-government task force members and relate to their professional expertise and related responsibilities.

Recommendations with estimated high to very high potential positive impacts and relatively low to medium estimated implementation costs were identified as high priorities. A response to the high priority recommendations would require government to develop approaches to required policy and legislative changes, and non-government stakeholders to proceed to implement those recommendations directed to them.

These high priority recommendations are:

- Develop a sector-administered information resource for shelter operators, to promote best practices in shelter operations including animal and public health-related processes, general operations (Recommendation 2), and worker health and safety (Recommendation 12);
- Develop an information resource available to municipalities to assist in formulating effective shelter-related bylaws (Recommendation 3);
- Review and revise as necessary the *Ontario Society for the Prevention of Cruelty to Animals Act (OSPCA Act)* to clarify the ability to inspect shelters (Recommendation 4);
- Facilitate independent inspection of shelters operated by the OSPCA and its affiliated humane societies (Recommendation 5);
- Review and revise as necessary the *OSPCA Act, Veterinarians Act and Animals for Research Act (ARA)* to ensure shelter-related issues are addressed effectively, especially preventive medical care (Recommendations 6-8);
- Review potential opportunities to include shelter medicine in the veterinary curriculum and continuing education options for veterinarians (Recommendation 9);
- Develop a Provincial Rabies Vaccination Strategy to support and better enforce the legal requirement that owners and persons having care and custody of dogs and cats in Ontario must have their animals vaccinated for rabies (Recommendation 10);
- Enhance communications and coordination between the OSPCA and MOHLTC on public health-related issues (Recommendation 11);
- Support more consistent operations of shelters operated by the OSPCA and its affiliated humane societies through formalized authority of the OSPCA's Chief Veterinarian (Recommendation 13);
- Enhance access to low-cost spay/neuter clinics throughout the province (Recommendation 15);
- Continue the task force as an implementation group to facilitate and monitor progress on the recommendations (Recommendation 19).

Priorities could be adjusted if, in the course of developing the subsequent detailed analysis required to proceed with any item, it is determined that the initial assessment of its impact or cost is incorrect.

Overall Conclusions

The term “animal shelter *system*” is a misnomer. Across the province, shelter operations, standards and authorities are not standardized or even generally consistent. However, the task force recognizes that the province’s animal shelter sector, while largely unregulated, does good work and serves the people and animals of Ontario well.

The Meek LeSage Review was contracted to investigate a reported outbreak of ringworm in March 2010 at the OSPCA’s York Region animal shelter. Without trivializing the fact that animals were euthanized as a result of the situation, the review found the incident was not as serious as first understood. Nevertheless, the Meek LeSage Review did identify flaws in the process, which were highlighted in its report.

The Meek LeSage Review is the cornerstone of this task force report. In assessing and responding to the Review, the task force concluded that each of its recommendations should be based on considerations of:

- Animal health and welfare;
- Public health; and
- Worker health and safety.

This is in keeping with what is increasingly referred to as the “One Health” concept, which recognizes the increasing convergence of animal, human and ecosystem health, and emphasizes that maintaining animal health is integral to maintaining the health of humans. Applying the One Health concept enabled the task force to deliver a set of comprehensive recommendations intended to improve animal shelter operations not only for the benefit of animals, but also the public and workers involved in animal care.

Balanced Approach

The Meek LeSage Review made recommendations with implications for the entire animal shelter sector and animal welfare in general.

Based on the related collective expertise and operational experience of task force members, the group agreed that the animal shelter sector provides useful services but should be improved to ensure better and more consistent operational standards and uncompromised animal and human health.

However, the task force also agreed that shelters should not be weighed down with unnecessary requirements that could result in more animals cared for by fewer people and fewer resources, with the resulting tragic outcome of seeing more animals astray, uncared for and suffering.

Therefore, the task force is committed to a balanced approach by ensuring as much as possible that:

- No shelter operations regardless of size should be allowed to operate in a manner that puts animal health and welfare, public health, or worker health and safety at serious risk; and,
- New requirements that neither support nor improve the above should not be imposed as these could force responsible operators to cease operations.

For example, the Meek LeSage Review recommended that “government consider licensing and regulating minimum standards for shelters”, and that “proper oversight of these facilities is required.”

The intent of the recommendation is laudable. However, the task force concluded it would be both costly and cumbersome to implement. It would also be the least cost-effective approach to dealing with the issues raised about animal shelters, and would likely have an unnecessary negative impact on responsible shelter operators.

The recommendations contained in this report are aimed at improving the overall quality and consistency of shelter operations through less prescriptive means. This is intended to make a licensing approach unnecessary.

The task force is not dismissing the recommendation outright, and suggests it could be revisited once the recommendations highlighted in this report are implemented.

Methodology for Response to the Meek LeSage Review

The task force sought to develop a constructive format that is orderly, specific, measurable, attainable, relevant and timely. In addition to responding to Meek LeSage Review recommendations, consideration was given to responding to issues that were referred to, but not presented as recommendations. In preparing its own set of recommendations, the task force decided to cite specific Meek LeSage Review recommendations or references wherever possible.

The task force supported the OSPCA’s request that Meek LeSage Review recommendations that specifically addressed items solely within the OSPCA’s operational responsibility not be addressed by the task force. It was agreed, however, that those items could still be considered by the task force as potentially applicable to the broader shelter sector and resulting findings and responses.

The task force began by developing baseline criteria and data. This included a working definition of “animal shelter” as set out in Appendix B.

Based on its recommended definition of animal shelter, the task force conducted an environmental scan to determine the approximate number and nature of stakeholders and activities that function as part of the shelter sector and, therefore, would be affected by subsequent recommendations. The result of the environmental scan is set out in Appendix C.

Each recommendation has been directed to a lead ministry, and/or other task force members for action. Follow-up efforts could require adding new members to the task force or consulting other stakeholders.

While AMO and City of Toronto staff participated in the task force, any matter with potential impacts on municipal authority would need to be submitted formally for consideration prior to moving forward, as per the AMO Memorandum of Understanding and the Toronto Ontario Consultation and Cooperation Agreement.

The task force recommends that the provincial government and all stakeholders act on recommendations in this report that have been assessed as high priorities based on having estimated high to very high potential positive impact and relatively low to medium estimated implementation costs.

All items identified, assessed and responded to are the result of analysis, discussion and consensus support of all task force members.

The task force has also recommended that it should continue as an implementation group. This enables the task force to maintain its role of coordinating members' efforts, monitoring progress, and reporting on results.

Recommendations



Concerns regarding animal shelters and related issues pertaining to animal welfare, public health, and worker health and safety can be addressed to the benefit of all.

The task force recommends defining an animal shelter as: *“Premises where animals are kept temporarily for the purpose of placing them under permanent ownership elsewhere.”*

The task force recommends action based on the following key considerations:

- Enhancing self-regulation in the animal shelter sector, by establishing and promoting the use of improved and more consistent standards for shelter operations;
- Applying the One Health concept to ensure the maximum positive outcome for animal health and welfare, public health, and worker health and safety;
- Reviewing legislation and policies to support delivering effective, preventive veterinary care in the shelter environment;
- Supporting potential organizational changes involving the OSPCA and its affiliate humane societies; and
- Continuing the task force as an implementation group with progress reviews at six and 12-month intervals after the release of this report.

In support of these key considerations, task force recommendations have been organized under the following headings:

1) Animal shelter operations

- Operational standards
- Inspection
- Preventive veterinary medicine
- Public health
- Worker health and safety
- OSPCA and affiliate-operated shelter issues

2) Broader related issues

- Spay/neuter services
- Responsible pet ownership
- Dangerous dogs and irresponsible dog owners

3) Follow-up

Section 1: Animal Shelter Operations



Animal shelters are operated by a broad range of entities, resulting in a patchwork of authorities and operational standards that vary across the province. Operators of shelters in Ontario include:

- The OSPCA and its directly-operated branches and affiliated humane societies;
- Animal pounds operated by or on behalf of municipalities; and
- Rescue groups ranging from registered charities with permanent premises to individuals who foster animals in their homes but have no special legal or charitable status.

Operational Standards

Recommendation 1

A consistent set of basic standards of operation for animal shelters should be created by the province.

A provincial floor could be established by using the task force’s recommended definition of an animal shelter and requiring anyone operating a shelter to obtain a license. To qualify for a license, the holder might have to comply with one or more of:

- *OSPCA Act* Standards of Care and OSPCA inspection (for which the OSPCA could establish a fee);
- Recognized operational standards; and
- Inspection by another authority such as a bylaw enforcement officer.

These basic, minimum operational requirements for shelters could be implemented through existing authorities. The model for this would be the *Dog Owners’ Liability Act (DOLA)*, which places province-wide restrictions on owning pit bull-type dogs and does not prevent municipalities from passing bylaws that prohibit owning other breeds, thereby creating a “floor” upon which municipalities could add additional restrictions.

DOLA can be enforced by the municipality, police or the OSPCA.

Implications

- Could require a change to the *Municipal Act*, or new legislation
- Ensures a reasonable degree of consistency province wide
- Would generally raise standards and eliminate inappropriate operations
- Supports the Meek LeSage Review recommendation for “minimum standards of care” by ensuring a reasonable degree of consistency province wide
- Still enables a municipality to set its own standards (i.e. above the “floor”)
- Would still need to determine which level of government or organization would be responsible for enforcement

Risks

- Could infringe on municipal authority and will likely be resisted by local governments
- Cost impacts would have to be assessed and addressed

Directed to:

- MMAH in consultation with AMO and the City of Toronto to develop an approach

Priority: Medium

Potential Impact: High

Timeframe: Medium-term

Potential Cost: Medium-high

Recommendation 2

The shelter sector should be given easy access to an information resource on all aspects of operating shelters effectively and responsibly, including public health-related best practices. The availability of this resource should be widely promoted.

The Meek LeSage Review recommended “minimum standards of care should be established for animal shelters in the province.” Both the *OSPCA Act* and *ARA* include standards of care for animals.

The task force concluded that rather than establishing new standards, it would be more effective to reinforce existing standards by establishing an accessible inventory of shelter-related information including best practices, and promoting this resource among shelter operators.

Implications

- No legislative changes would be required
- Acknowledges workability of existing self-regulation in the shelter sector
- Would result in costs to maintain and promote the information resource

Risks

- Does not fully meet the Meek LeSage Review recommendation and some public expectation to regulate the shelter sector

Directed to:

- AASAO with support from all task force members

Priority: High

Timeframe: Short-term

Potential Impact: High

Potential Cost: Low-medium

Recommendation 3

An information resource should be made available to municipalities to assist in formulating effective bylaws pertaining to animal shelters and related activities such as animals sold in pet stores.

A municipality may enact bylaws pertaining to animals and animal control, such as setting limits on numbers and/or types of animals that can be owned.

A recent trend has seen municipalities requiring pet stores to obtain their stock (especially dogs and cats) from certain shelter-related sources including *OSPCA* branches and affiliates, and shelters acting as animal pounds. This approach reduces the ability of so-called puppy and kitten “mills” to get their animals to the retail market, thereby further combating this abhorrent activity.

There are flaws in the current approach including the lack, in some cases, of definitions of key terms. For example, in at least one recent municipal bylaw, “rescue groups” is deemed an acceptable source for dogs and cats without defining what qualifies as a “rescue group”.

The task force contends that more effective bylaws pertaining to shelters, pet stores and other related activities could be enacted by municipalities if they were provided access to information, including models for bylaws and definitions of key terms.

The resource would be developed in consultation with AMO, the City of Toronto and other appropriate stakeholders.

Implications

- Could result in more consistent and more effective bylaws
- Provides a resource rather than a requirement for municipalities when considering new bylaws
- Recognizes a trend to address related issues
- Promotion required to ensure that those who would benefit from such information are aware of its availability
- Added costs could be at least partially recovered through inspection and/or licensing fees

Risks

- All new bylaws based on this information resource would need to be enforced by already heavily burdened enforcement entities
- The fact that bylaws are specific to each municipality would still result in a lack of consistency province wide
- Potential vulnerability for the provincial government if any bylaw based on a provincial model is challenged

Directed to:

- AMO and the City of Toronto in consultation with OSPCA and other stakeholders as required

Priority: High

Potential Impact: Medium-high

Timeframe: Short-term

Potential Cost: Low-medium

Inspection

Recommendation 4

Existing OSPCA inspection authority should be reinforced to ensure compliance with *OSPCA Act Standards of Care in shelters* and that, in shelters, the requirement to provide “adequate and appropriate medical attention” includes preventive medicine.

The Meek LeSage Review recommended that “including inspection powers in legislative changes would help ensure minimum standards are being met in all shelter facilities.”

While there are no legislated general operational standards for animal shelters, and therefore no related inspection regime, the task force concluded that most existing inspection authorities are effective in ensuring compliance with related legislated requirements.

There are existing inspection authorities in the province to ensure compliance with various standards pertaining to shelter-related animal and human health. These include the OSPCA for standards of care, OMAFRA for the operation of animal pounds, the CVO for veterinarians and the operation of veterinary facilities, and the MOL for worker health and safety. At the local level, municipal bylaws and licensing enforcement also ensure compliance with local standards.

The *OSPCA Act* authorizes OSPCA investigators to inspect premises where animals are kept for “exhibit, entertainment, boarding, hire or sale.” However, the Act does not give the OSPCA authority over operating procedures such as shelter intake processes and adoptions.

While the Standards of Care in regulation under the *OSPCA Act* are not to be confused with operational standards for shelters, they are an existing instrument to ensure animal health issues are addressed in the shelter environment. However, a gap has been identified by the task force. The absence of a definition of the term “animal shelter” and provisions specific to shelters in the Standards of Care regulation under the *OSPCA Act* prevent the OSPCA from effectively addressing key shelter-specific concerns. By defining “animal shelter” and adding it to the list of types of premises the OSPCA can inspect without a warrant, the Act could more clearly indicate that the OSPCA can inspect all premises (except dwellings and accredited veterinary facilities) engaged in sheltering.

The task force has concluded that while this authority already exists, it could be made stronger through this amendment. By further amending the regulation to establish that in shelters, the standard of care for “adequate and appropriate medical attention” must include preventive medicine, crucial issues relating to animal health and welfare, public health and worker health and safety concerns could also be addressed (see Recommendation 6).

Implications

- Would clarify and reinforce OSPCA authority to inspect shelters
- Legislative amendments would be required
- Supports concept of enforcing a provincial “floor” on standards for shelter operations

Risks

- Inspection authority would still be restricted to premises that are “not a dwelling”, although some smaller shelter operations (e.g. many rescue groups) operate from dwellings, and activities such as fostering, which are engaged in by shelters, take place primarily in dwellings
- Cost impacts would need to be assessed

Directed to:

- MCSCS in consultation with OMAFRA, AASAO and OSPCA

Priority: High
Timeframe: Short-term

Potential Impact: High
Potential Cost: Low-medium

Recommendation 5

The *OSPCA Act* should be amended to ensure independent inspection of OSPCA and affiliate-operated shelters.

The Meek LeSage Review mentions concerns over the OSPCA “policing” itself in one of its recommendations.

A legislative change to the *OSPCA Act* could allow for the independent inspection of all OSPCA/affiliate-run shelters. The most appropriate independent inspection authority would have to be identified, legally authorized, properly trained and adequately resourced.

Under the *ARA*, OMAFRA can inspect the shelter of any OSPCA and affiliate if the shelter also operates as an animal pound under contract to a municipality. This represents approximately two-thirds of OSPCA and affiliate-operated animal shelters. OMAFRA inspections are restricted to animals that have been impounded, pursuant to a municipal bylaw. OMAFRA has no jurisdiction in shelters where pound services are not provided.

The task force recommends this issue be pursued as a priority item by MCSCS, the OSPCA and all stakeholders with potential involvement.

Implications

- Would require legislative changes to designate appropriate independent inspection authority and required training and resources

Risks

- Increased independent inspection of OSPCA facilities would require additional training and resources. The resource issue could be addressed by establishing a reasonable fee-for-service to be paid by the OSPCA, with potential reimbursement by the government and/or an in-kind arrangement to compensate the designated inspection authority
- Cost impacts would need to be assessed

Directed to:

- MCSCS in consultation with OMAFRA and OSPCA

Priority: High
Timeframe: Short-term

Potential Impact: High
Potential Cost: Medium

Preventive Veterinary Medicine

Recommendation 6

The Standard of Care provision under the *OSPCA Act* pertaining to medical care should be reviewed and revised where necessary to clarify that preventive medicine is a component of “adequate and appropriate” medical care in shelter situations.

Currently, the relevant Standard of Care section under the *OSPCA Act* states that the owner/custodian of an animal must provide “adequate and appropriate medical attention”. The task force determined this should be clarified to specify that, in a shelter environment this must include preventive medical care, and should be delivered:

- From the moment an animal is in the custody of a shelter; and
- In a manner appropriate to the shelter environment, with regard for the health of animals that are incoming or outgoing and impacts on animals already in the shelter.

The Meek LeSage Review recommended that “legislative amendments be considered to give shelters accepting lost, seized or surrendered animals temporary guardianship of the animals so that non-emergency veterinary care, including preventive measures, can be provided during the redemption period.”

The task force has determined that the intent of the Meek LeSage Review recommendation can be more effectively achieved by making supportive changes to the *OSPCA Act* to clarify obligations and authorities for providing effective preventive medical care in shelter situations.

Implications

- Addresses the Meek LeSage Review’s most prominent concern about shelter operations by integrating that concern into the existing provisions of the *OSPCA Act*
- Objections and/or non-compliance would be difficult to defend because of potential impacts on animal and human health, including worker health and safety
- Could most fairly and effectively eliminate operators who may put an animal or public health at risk

Risks

- Cost impacts would need to be assessed

Directed to:

- MCSCS in consultation with OSPCA, AASAO and CVO

Priority: High

Potential Impact: High

Timeframe: Short-term

Potential Cost: Low-medium

Recommendation 7

The CVO should consider a review of existing policies to clarify issues around the provision of preventive veterinary medical care in an animal shelter. In addition, the *Veterinarians Act* should be reviewed and revised as necessary to allow for the obligation and authority of veterinarians, shelter operators and custodians to take preventive medical-related actions.

Currently, it can be unclear as to the precise ownership status of and obligations regarding an animal at certain key points in routine shelter situations. At issue is establishing who has the obligation and authority to ensure an animal's health immediately upon entering the shelter's custody.

The task force has determined it is crucial to establish that there are clear and formal obligations and authorities to provide preventive medical care at any point. This protects animal and human health, including worker health and safety, and addresses concerns particular to the shelter environment.

The *Veterinarians Act* and relevant CVO policy publications (including those on the Veterinarian-Client-Patient-Relationship [VCPR], accreditation, and working with shelters as clients) should be reviewed in this context, in conjunction with other recommended shelter-related legislation/policy reviews, to identify potential changes or approaches to their administration.

Implications

- Addresses the Meek LeSage Review's most prominent concern about shelter operations by integrating that concern into the existing provisions of the *Veterinarians Act*
- Objections and/or non-compliance would be difficult to defend because of potential impacts on animal and human health, including worker health and safety
- Could most fairly and effectively eliminate operators who may put an animal or public health at risk

Risks

- Cost impacts would need to be assessed

Directed to:

- CVO in consultation with MOHLTC, OMAFRA, AASAO and OSPCA

Priority: High

Potential Impact: High

Timeframe: Short-term

Potential Cost: Medium

Recommendation 8

Review and revise as necessary the regulation on animal pounds under the ARA pertaining to pound operations and preventive medical care.

The *ARA* stipulates that the minimum redemption period for cats and dogs in animal pounds is 72 hours, in order to give owners sufficient time to claim a lost animal before it is considered abandoned or stray. At issue is the clarification of the obligation and authority to ensure an animal's health immediately upon entering the pound system to protect the health of other animals and humans already present.

The task force concluded that a review and necessary changes to the *ARA* will ensure that preventive medical care in animal pounds is consistent with current best practices recognized in shelter operations and consistent with language developed by the CVO in reinforcing the VCPR under the *Veterinarians Act*.

Implications

- Could address animal and human health issues, including worker health and safety, regarding initial contact with animals before they are physically brought to the pound

Risks

- Cost impacts would need to be assessed

Directed to:

- OMAFRA in consultation with AASAO and OSPCA

Priority: High

Potential Impact: High

Timeframe: Short-term

Potential Cost: Low-medium

Recommendation 9

A review should be undertaken of potential opportunities to include shelter medicine in the veterinary curriculum or via guidelines and/or continuing education options for veterinarians.

The task force concluded that including shelter medicine in the veterinary curriculum and other educational channels will enhance expertise among the veterinary medical profession for shelter-related veterinary care.

Implications

- Would expand the pool of veterinarians with shelter-related experience and expertise
- Incentives to attract participation in shelter medicine could be developed

Risks

- No identifiable risks

Directed to:

- CVO with the likely need for task force decisions to be made regarding the involvement of the Ontario Veterinary College, the Ontario Veterinary Medical Association (OVMA) and, potentially, the Ontario Association of Veterinary Technicians

Priority: High
Timeframe: Short-term

Potential Impact: High
Potential Cost: Low-medium

Public Health

Recommendation 10

A Provincial Rabies Vaccination Strategy should be developed to support and strengthen the enforcement of the legal requirement that owners and persons having care and custody of dogs and cats in Ontario must have their animals vaccinated for rabies.

- **An exception would apply to individuals living in the five northern health units exempted under Regulation 567 of the *Health Protection and Promotion Act*.**

Rabies immunization of dogs and cats is a public health measure aimed at reducing the risk of human exposures to rabies, and is required by provincial public health legislation.

Enforcement of Regulation 567 of the *Health Protection and Promotion Act* is at present generally limited to follow-up resulting from Public Health Unit investigations of biting incidents. Data collected from Public Health Units indicates that rabies vaccination rates of dogs and cats across the province are, overall, both inadequate and decreasing.

Broader, proactive enforcement of Regulation 567 in addition to that currently conducted by Public Health Units could result in increased compliance with the vaccination requirement.

Cost is a significant obstacle to obtaining rabies vaccinations for both shelter operators and animal owners who do not have a veterinarian and who do not have the financial resources to obtain vaccinations at regular veterinary facilities. While many shelters provide vaccinations for animals, rabies vaccinations are usually not included largely due to cost and related logistics (i.e. the vaccination must be administered by a veterinarian).

The task force concluded that a Provincial Rabies Vaccination Strategy would enhance human and animal health province wide.

Implications

- Regulations under both the *Health Protection and Promotion Act* and the *Veterinarians Act* would have to be reviewed and revised as necessary to support this recommendation
- Could potentially result in reduced rabies vaccination costs through changes to veterinary processes and economies of scale
- Other enforcement entities could obtain a designation under the *Provincial Offences Act* to be able to enforce Regulation 567, if they do not already possess such a designation
- Could result in better access to this public health measure, thus improving vaccination rates across the province, including those of animals who come through shelters

Risks

- Cost impacts for institutions, shelters and individual animal owners

Directed to:

- MOHLTC in consultation with CVO (with the likely need to involve the OVMA and Public Health Units), AASAO and OSPCA

Priority: High	Potential Impact: High
Timeframe: Short-term	Potential Cost: Medium

Recommendation 11

The OSPCA’s Chief Veterinarian and the MOHLTC Veterinary Consultant should establish a working relationship to enhance communication and coordination on public health issues including the development of protocols for notification of transmissible diseases between animals and humans.

The task force recognizes that the creation of a new Chief Veterinarian position at the OSPCA will facilitate the building of new and strategic relationships with key government departments. This recommendation was suggested jointly by the OSPCA and MOHLTC.

Implications

- Enhance public health by formalizing protocols between the OSPCA and public health officials
- Could be used as a model to enhance relations between the MOHLTC, local public health authorities, and other shelter operators (via the AASAO)

Risks

- No identifiable risks

Directed to:

- OSPCA and MOHLTC in consultation with CVO

Priority: High	Potential Impact: High
Timeframe: Short-term	Potential Cost: Low

Worker Health & Safety

Recommendation 12

A central resource for worker health and safety should be created to improve consistency and knowledge of shelter operators by providing information on best practices, tools for compliance and other resources. This resource should be hosted by the AASAO.

Workers and employers must share the responsibility for health and safety in the workplace. The Meek LeSage Review expressed general concern over worker health and safety in animal shelters.

Such a resource would promote an improved health and safety culture and strengthen an organization's Internal Responsibility System¹ by providing current information and shared best practices on a series of issues, including:

- Shelter-specific hazards and risks
- How to identify and manage the risk of animal bites and scratches
- Links to the Health and Safety Ontario website that includes a range of information and resources to help any shelter enhance its health and safety program and maintain legal compliance

Implications

- Enhanced worker health and safety in animal shelters by improving knowledge of pertinent best practices in shelter operations
- Would also serve as a valuable 'one-stop' resource for information on other aspects of shelter operations, including animal intake, adoption and animal health record-keeping

Risks

- No identifiable risks

Directed to:

- AASAO in consultation with MOL

Priority: High

Timeframe: Short-term

Potential Impact: High

Potential Cost: Low

¹ A concept based on the principle that workplace parties are in the best position to identify health and safety problems and take proactive measures to ensure a safe and healthy workplace and compliance with the *Occupational Health and Safety Act*.

OSPCA and Affiliate-Operated Shelter Issues

Recommendation 13

The OSPCA and its affiliates should consider formalizing an appropriate level of authority for the OSPCA’s Chief Veterinarian in all affiliate-operated shelters, and revise the OSPCA-affiliate agreement to include a commitment on the part of affiliates to operate shelters in accordance with basic standards established by the OSPCA.

The OSPCA has no operational authority over its affiliates or their shelter operations.

A level of authority for the OSPCA Chief Veterinarian in all affiliate-operated shelters, and a revised OSPCA-affiliate agreement would help to ensure consistency and the highest possible standards throughout the OSPCA network of branches and affiliates.

Implications

- OSPCA has no organizational or legislated authority to impose this item.

Risks

- Affiliates might reject this proposed authority
- Where accepted, affiliates might require additional resources from the OSPCA in order to comply

Directed to:

- OSPCA and affiliates in consultation with CVO

Priority: High

Potential Impact: High

Timeframe: Short-term

Potential Cost: Low

Recommendation 14

Stronger protection of the names “Humane Society”, “society for the prevention of cruelty to animals” and “SPCA” is needed by enforcing the provision of the *OSPCA Act* that restricts the use of these names, and repealing the ‘grandfathering’ component of the current provision.

The *OSPCA Act* states that no corporation or entity, other than the OSPCA or affiliate has the authority to use the name “humane society”, “society for the prevention of cruelty to animals” or “spca”. There is, however, no offence attached to violating this provision and no clear mechanism to enforce compliance.

In addition, the current ‘grandfathering’ provision in the *OSPCA Act* allows affiliates that end their relationship with the OSPCA to continue operating under the name “humane society”, “society for the prevention of cruelty to animals” or “SPCA”. This reduces the effectiveness of any recommendation that enables the OSPCA to oversee standards of shelter operations in their affiliates’ facilities.

There are currently less than ten known groups in Ontario unaffiliated with the OSPCA operating under names that could be considered contrary to the provisions of the Act. Some of these groups generate significant income. All cause confusion to some degree and impede the OSPCA from establishing a local presence, providing services and conducting fundraising.

The primary intent of this provision in the Act is to help the public and police immediately identify by name which local organization has authority under the *OSPCA Act*.

In applying the context of the Meek LeSage Review, the task force concluded that the veterinary community and public health officials should also be able to identify with confidence the local group acting with *OSPCA Act* authority and that this should be reinforced by strengthening this part of the Act.

If not enforced by the OSPCA, the task force concluded that an enforcement mechanism to prosecute those in violation of the Act would have to be identified. Consideration should be given to creating an offence for non-compliance with this section of the Act.

Implications

- Will assist the OSPCA to raise operational standards throughout its network of branch and affiliate-run shelters;
- The OSPCA's local presence and fundraising ability would be reinforced; and
- Removing the 'grandfathering' provision would give the OSPCA a tool to compel affiliates to meet operational standards or jeopardize losing affiliate status.

Risks

- Changing the 'grandfathering' provision will likely be resisted by affiliates
- Could be perceived as the OSPCA trying to limit competition in fundraising

Directed to:

- MCSCS

Priority: Medium

Potential Impact: Medium

Timeframe: Medium-term

Potential Cost: Medium

Section 2: Broader Related Issues



The task force identified additional issues and ideas that will have positive impacts on the animal shelter system and related animal and human health concerns.

Spay/Neuter

Recommendation 15

The *Veterinarians Act* should be reviewed and revised where necessary to enhance access to low-cost spay/neuter clinics throughout the province.

The Meek LeSage Review cites dog and cat overpopulation as the root cause of pressures on the shelter sector. Access to low-cost spay/neuter services is vital to dealing with this challenge over the long term.

The Act currently does not permit fees for services to be advertised, nor does it allow for the operation of mobile spay/neuter clinics, which would bring low-cost spay/neuter services directly to communities with limited access to veterinary care and animal care education.

Implications

- Directly deals with a root cause of dog and cat overpopulation
- The longstanding issue as to whether a means test should be required could become a factor

Risks

- Veterinarians could resist as spay/neuter surgeries are core services in veterinary medical practices, which would be competing against low-cost spay/neuter facilities supported by some form of subsidized fee structure

Directed to:

- CVO in consultation with OMAFRA

Priority: High
Timeframe: Short-term

Potential Impact: High
Potential Cost: Medium

Responsible Pet Ownership

Recommendation 16

The government should conduct a long-term study on the potential for and implementation of a responsible pet ownership awareness strategy, including spay/neuter, visible pet identification and bylaw compliance throughout Ontario.

The Meek LeSage Review does not reference this issue specifically, but the task force recognizes that socially irresponsible pet ownership is one of the root causes of inadequate animal care and pet overpopulation.

Implications

- Public education vehicles that promote responsible pet ownership should have a positive impact on animal shelters

Risks

- Awareness strategy would have inherent development and distribution costs, although there is potential for private sector partnerships and sponsorships

Directed to:

- MCSCS in consultation with OSPCA

Priority: Medium
Timeframe: Medium-term

Potential Impact: Medium
Potential Cost: Medium-high

Recommendation 17

The government should conduct a long-term study on the potential for the implementation of a fee-based provincial pet licensing program that would comprehensively address animal welfare, animal control and public health.

While it is within existing municipal authority to create local pet licensing programs, a province-wide program would provide consistency and efficiencies through economies of scale. In municipalities that have licensing programs, there are often few benefits to licensing and fewer repercussions to not licensing an animal.

Although licensing is traditionally an animal control tool, a province-wide program could also help support animal protection if additional revenues are generated.

To date, no Canadian province operates such a program, although models are known to be operated in other jurisdictions including Switzerland and California.

Implications

- Could have a positive impact on pet-owner responsibility and lead to better enforcement of, and compliance with, rabies immunization for animals if the requirement was a condition for licensing

Risks

- Could infringe on municipal authority and will likely be resisted
- Very high start-up costs, but with potential to self-fund and even help pay for related services
- Ontarians could object to any new provincial licensing program and view fees as a tax

Directed to:

- MCSCS and MMAH in consultation with AMO and City of Toronto

Priority: Low

Potential Impact: Very high

Timeframe: Long-term

Potential Cost: Very high

Dangerous Dogs and Irresponsible Owners

Recommendation 18

Information should be made available and circulated regarding dangerous dogs and their owners, and the development of a Dog Bite Registry should be considered.

Information about convictions and orders under the *DOLA* are not communicated between Ontario jurisdictions, resulting in irresponsible dog owners avoiding their obligations by leaving a jurisdiction and re-offending.

Many *DOLA* charges are the result of a dog biting a person or another domestic animal. In most instances the biting dog cannot be identified with complete certainty. A central database or reference system and mandatory micro-chipping for all animals involved in convictions would allow enforcement officials to identify the animals involved and hold owners accountable.

Enforcement officials could identify a potentially dangerous dog in the community and ensure the owner is complying with orders put in place by the courts, including muzzling or restricting a dog to a fenced area. This will assist in reducing incidents involving second and third bites resulting in enhanced health and safety for humans and animals.

A Dog Bite Registry could further support information sharing between jurisdictions and is a logical extension to Public Health Units' current role in following up on biting incidents (as per O. Reg. 557 under the *Health Protection and Promotion Act*).

Implications:

- Improved access to information on dangerous dogs and irresponsible owners

Risks:

- Establishment of a Dog Bite Registry would need to address cross-jurisdictional information-sharing issues
- Protection of privacy issues would have to be addressed and include ensuring secure access by appropriate authorities
- Cost impacts would have to be assessed

Directed to:

- To be determined

Priority: Low

Timeframe: Long-term

Potential Impact: Medium

Potential Cost: Medium-high

Section 3: Follow-Up



Recommendation 19

Task force responses and recommendations should be monitored after six and 12 months from the release of its Report.

Consideration should be given to the continued involvement of the task force in monitoring the implementation of the recommendations.

Implications:

- The commitment of members to participating in the task force would have to be maintained

Risks:

- The government would have to consider committing to action on recommendations that result in changes to legislation or new legislation

Directed to:

- Task force members (for their continued participation) and senior ministry and government officials (for their continued support)

Priority: High

Timeframe: Short-term

Potential Impact: High

Potential Cost: Low

Appendix A: Animal Welfare Task Force Members and Responsibilities

The Animal Welfare Task Force consists of provincial ministries and key stakeholders with relevant connections to animal sheltering, health and welfare, and related human health issues such as public health, and worker health and safety.

Ontario Provincial Ministries

Ministry of Community Safety and Correctional Services (MCSCS)

- Administers the *Ontario Society for the Prevention of Cruelty to Animals Act (OSPCA Act)*, the primary provincial animal protection legislation.
- MCSCS is the lead ministry and coordinator of the Animal Welfare Task Force.

Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

- Administers the *Animals for Research Act (ARA)* that governs the operation of animal pounds, and the *Veterinarians Act*, which is operated by the College of Veterinarians.

Ministry of the Attorney General (MAG)

- Administers the *Dog Owners' Liability Act (DOLA)* that addresses the issue of dangerous dogs.

Ministry of Health and Long-Term Care (MOHLTC)

- Administers the *Health Protection and Promotion Act (HPPA)*, Ontario's primary provincial public health protection and promotion legislation.

Ministry of Labour (MOL)

- Administers the *Occupational Health and Safety Act*, the primary provincial workplace health and safety legislation.

Ministry of Municipal Affairs and Housing (MMAH)

- Administers the *Municipal Act* that sets out how municipal governments operate in Ontario.

Ministry of Natural Resources (MNR)

- Administers the *Fish and Wildlife Conservation Act* that manages and protects native species in Ontario.

Stakeholders

Animal Welfare

The Association of Animal Shelter Administrators of Ontario (AASAO)

- The AASAO is the professional organization whose members are involved in various aspects of animal welfare, control and sheltering.

The Ontario Society for the Prevention of Cruelty to Animals (OSPCA)

- The OSPCA was created and is authorized by the *OSPCA Act* to enforce animal welfare-related laws in Ontario.

Municipal

The Association of Municipalities of Ontario (AMO)

- A non-profit group representing Ontario municipalities.

The City of Toronto

- **Not a member of AMO**
- Toronto Animal Services' purview includes animal care centres where pets can be adopted, pet licensing, spay/neuter clinics, processing of lost animal reports and dealing with city wildlife.

Veterinary

The College of Veterinarians of Ontario (CVO)

- Administers the *Veterinarians Act* on behalf of OMAFRA, and regulates and licenses veterinarians in Ontario.

Appendix B: Recommended Definition of “Animal Shelter”

The Animal Welfare Task Force recommends that the following definition be adopted, and used as the foundation for its own follow-up actions including impact assessments and potential legislative changes: *Premises where animals are kept temporarily for the purpose of placing them under permanent ownership elsewhere.*

- **This definition includes any premises where animals are kept for the purpose set out in the definition and includes but is not limited to:**
 - Animal pounds;
 - OSPCA and affiliate-operated facilities;
 - Rescue groups that might or might not involve fostering in private homes ;
 - Retired racehorse adoption societies and other equine rescue groups;
 - Pet stores or any place where animals are sold; and
 - Breeders.

- **This definition excludes:**
 - Wildlife facilities regulated under the *Fish and Wildlife Conservation Act*; and
 - Agriculture sector facilities already regulated or operated under recognized Codes of Practice, including farming operations which are regulated and operated under recognized best practices and/or guidelines.

Inclusions are specified primarily for clarity, and exclusions are specified primarily to minimize duplication or conflict in authority. The considerations applied to developing the list of inclusions and exclusions include:

- No situation where animals are accommodated should be presumed as “too large” or “too small” to be considered for the definition, its inclusions or its exclusions. Any premises dealing with animals can face issues regarding animal health and potential impacts on human health. Larger operations must address the challenges of dealing with significant numbers of animals and staff issues while smaller operations have to deal with the impacts of having limited resources.

- The key issue to be addressed when determining what should be considered a “shelter” is whether animals are brought into or taken out of a place where other animals are already present. Those premises should be considered shelters as there is a need for absolute clarity around obligations and authorities to ensure the health of the incoming and outgoing animals, the animals already present as well as the health of any humans involved or potentially affected.

- Whether or not a facility or activity operates for profit is not relevant to its status as a shelter as this does not, on its own, indicate that it is already adequately regulated or monitored by any other means. Nor does its commercial or non-commercial nature make it particularly likely or unlikely to present risks to animal and human health. Any individuals, businesses or organizations involved with sheltering animals can benefit from enhanced operational standards.

Appendix C: Task Force Environmental Scan

Entities that would be captured under the task force definition of “animal shelter”

Organizations Source	# of Shelters
Canada Revenue Agency (CRA) Charities Directorate Listing of “Registered Protection of Animal Charities”.	274
OSPCA Branch and Affiliate Directory Total of 51, 30 of which are OSPCA Affiliates. Some are also included on the CRA list.	51
Speaking of Dogs Rescue Directory Out of the 178 listings on the Speaking of Dogs Rescue directory, 30 are registered charities, and 29 of the 178 are CRA registered charities (one of them is a US 501c - 3 registered charitable organization).	178
November 2010 Pound Directory as compiled by OMAFRA Of the 170 entities contained within this directory, an undetermined number also appear on the CRA Charities Directorate listing and/or on the Ontario SPCA Branch and Affiliate Directory.	170
Miscellaneous organizations that have been supplied by AASAO Of these 20, nine are CRA Registered animal protection charities.	20
Pet Industry Joint Advisory Council (PIJAC Canada) - Pet Stores PIJAC estimates that there are 388 retailers of animals in Ontario. 153 are PIJAC members and 235 are non-members.	388
Petfinder.com – Online List of ‘Animal Shelters in Ontario’ This directory includes various breeds of pets, including dogs, cats, horses, rodents, etc.	239
Creature Comfort (acreaturecomfort.com) This directory includes shelters, rescues and adoption facilities and encompasses dogs, cats, birds, rodents, etc. in Ontario.	32

Pawswithheart.com

Online list of about 430 “animal pounds, shelters and municipal animal control facilities” in Ontario.

433

Adoptananimal.ca

Online directory that includes rescues, shelters, animal pounds and sanctuaries in Ontario. It covers a wide range of species, including dogs, cats, rabbits, pigs, reptiles, horses and primates.

416

Animalshelter.org

Online directory that includes rescues, shelters, animal pounds, farmed animal/wildlife sanctuaries and advocacy groups. The list encompasses a diverse range of species from cats and dogs to donkeys, horses, rodents, birds, reptiles and exotic animals.

151

Care2.com

A US-based searchable online directory that includes rescues, shelters, and animal pounds in Ontario. The list encompasses a wide range of species from cats and dogs to rodents, birds and reptiles.

201

Note:

Although these numbers add up to 2,553, this is not a true net total, since some of these organizations appear on more than one of the source lists.

