

Provincial Animal Welfare Services regulations and enforcement effects on Wildlife Rehabbers in Ontario

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Recent Paws site inspections of three Wildlife Rehabbers (Wildlife Custodians) has created a serious concern. Major changes are happening to regulations, enforcement and “who is even in charge” are negatively affecting Wildlife Rehabbing in Ontario. Wildlife Rehabbers in Ontario were never consulted or even told about Paws authority over them. Not until May 30th did Wildlife Rehabbers realize the extent and power a second group with conflicting standards could affect their future in rehabilitation.

“Wildlife Rehabbers are being regulated out of existence!”

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Why Paws Regulations will not work for Wildlife Rehabbers

A) Section

“STANDARDS OF CARE AND ADMINISTRATIVE REQUIREMENTS PAWS ACT O. Reg. 444/19”. **Should not be applied to Wildlife Rehabbers for the sake of injured and orphaned wild animals in Ontario.**

1) Paws Regulations: these provide the "standards of care" which interestingly enough are vague, generic and in the most general articulation without specifics to mammals, sub elements of mammals, birds, reptiles, etc. This leads me to believe to assessment of "insufficient" or "not to standard" are somewhat arbitrary and open to interpretation but more importantly to appeal." *-Comment from a legal mind who has been involved in having warrants and charges issued.*

2) One size fits all approach: MNRF and Paws regulations come from different perspectives. Paws regulations includes domestic, farms, roadside zoos and exotic animal. Paws regulations (GFAS) are based on animals in permanent captivity and often for profit. MNRF regulations for Wildlife Rehabbers (NWRA) are based on temporary captivity (one month to six months). Most are orphans (during baby season from March to September) who do not need the space of an adult animal that are in permanent captivity. Wildlife Rehabbers are definitely not profitable.

3) MNRF regulations for Wildlife Rehabbers keep evolving because of changes in the wilds. Avian Flu, Covid-19, Distemper, Rabies outbreaks, new wildlife viruses and diseases that are coming to Ontario and are all part of changing MNRF regulations. Paws Regulations are not for wildlife temporarily in captivity. They will not change just for wildlife especially when they are aimed at animals in permanent captivity.

4) MNRF site inspections are not acceptable to Paws (May 30th 2023). Using a double standard Paws has said MNRF site inspections do not qualify for Paws standards. As in the case of Open Sky Raptors who made their caging to MNRF standards (NWRA) but now have to be rebuilt to Paws standards (GFAS). While Paws currently says they are not doing site inspections of

Wildlife Rehabbers they say they have the right to inspect any time and enforce their regulations any time. Two sets of standards and enforcement does not and will not work.

5) Paws can be used to retaliate against a Wildlife Rehabber. Animal Control, unhappy hunters, public that is unhappy because a Wildlife Rehabber did not have room to take in the animal they rescued. Even if a Wildlife Rehabber takes in an animal and it does not survive sometimes the public blames it on the wildlife Rehabber for “not trying hard enough”. The public can be very emotional about wildlife. Both Open Sky Raptor and Mally's have run into this. Paws took a “guilty until proven innocent” approach with Wildlife Rehabbers.

6) Wildlife Rehabbers with permanent care wildlife, for education or surrogates should not be under Paws authority. Who knows the individual animal's needs more? An experienced, hands-on rehabilitator or a Paws Officer. Open Sky Raptor is an example when a Paws Office handled a Red-Tailed Hawk and got injured after he was told by the Wildlife Rehabber “you are endangering the bird and yourself”. No MNRF Enforcement Officer would have ever done that. MNRF officers are trained and have access to needed information through the ministry or rehabbers in the area, to resolve problems much quicker. MNRF Officers have respect for the experience of Wildlife Rehabbers, Paws does not.

7) Paws regulations do not cover: point of capture of an injured or orphaned wild animal, release restrictions, 24-hour rule for public to get a wild animal to a wildlife custodian or poisoning wildlife. Having both MNRF and Paws rules have created confusion and could delay the proper and immediate care most animals require on intake, causing suffering and even death to the animals. Considering how long it takes to discuss whose cage sizes to use, how long would it take to know who to ask a question that needs immediate solving between the two agencies?

8) Paws fines for non-compliance will wipe out most Wildlife Rehabbers. Depending on the category of the Regulation, you are talking from \$25,000 to \$200,000. One category is up to \$500,000. This may be needed for factory farms, roadside zoos or puppy mills. Even the threat of such large fines is a reason for a Wildlife Rehabber to pack it in. Wildlife Rehabbers are volunteers and can't take those chances with their family. As with the case

with Open Sky, they were given an order which they could not comply with which would have caused them to lose their property. It is still not resolved.

9) Wildlife Rehabbers (Volunteers) are being regulated out of existence.

With Provincial Animal Welfare Services adding a whole new second layer of regulations and enforcement, Wildlife Rehabbers in Ontario are becoming one of the most excessively regulated group of Volunteers in the province. MNRF requirements include exams, site inspections, vets of record, log books, permission requirements and yearend reports. The MNRF has been tightening regulations on Rehabbers in the last 5 to 7 years (despite no known event or circumstance that would cause this). The number of Wildlife Rehabbers has gone from over 200 in the province to 49 at mid of 2023. With the double layer of regulations and enforcement by Paws that number will continue to go down and effectively block new Rehabbers.

Since the beginning Wildlife Rehabbing in Ontario has been volunteer based. Most Centers in the Province are run by volunteers. Only a few centers have some paid staff (from fundraising and donations) and even those Centers still rely heavily on volunteers. While authorized or licensed by the MNRF Wildlife rehabbers get no support from any level of government. The fact that Wildlife Rehabbing is run by volunteers has been missed.

There is no group of volunteers that has put up with so much and got so little thanks as Wildlife Rehabbers. Volunteer Rehabbers put in a lot of time (24/7 days a week during baby season) and also put in money from their own pocket. If you regulated Wildlife Rehabbers out of existence than you are pushing injured and orphaned wildlife into the hands of the public.

Audrey Tournay, the grandmother of wildlife rehabbing said "it is all about the animals, that is what drives us".

Consequences of Paws regulations on Wildlife Rehabbers

- A) MNRF site inspections are not acceptable to Paws.** A double regulation standard makes it even more challenging for Wildlife Rehabbers to operate.
- B) Paws Regulations and enforcement on Wildlife Rehabbers will not help any injured or orphaned wild animal in Ontario.** There is no upside but plenty of down sides to Paws regulations on Wildlife Rehabbers.
- C) Paws non-compliance fines will wipe out most Wildlife Rehabbers.** The size of fine alone is a strong deterrent to current and any new potential

Wildlife Rehabber. Full disclosure of all aspects of rehabilitation including the double rule standards and excessive fines, must explained, in all consciousness be told those who might be interested becoming a Rehabber.

Why Paws enforcement will not work for Wildlife Rehabbers

B) Section

10). Everything has changed for Wildlife Rehabbers because of Paws. The comment that “nothing has changed “is just wrong. When the Ontario Human Society was administering the “Cruelty to Animal Act” they did not deal with Wildlife Rehabbers. They said that Wildlife Rehabbers were the job of MNRF. They did not enforce any regulations or standards on Wildlife Rehabbers. No investigation of any Wildlife Rehabber could be found in the last 10 years. Wildlife rehabbers have been dealing solely with the MNRF for over 20 years (FWCA 1998). Authorization (licensing), site inspections and reporting for Wildlife Rehabbers have all been done with the MNRF in the past. Wildlife Rehabbers are already very heavily regulated by the MNRF (note #9).

11)Capacity: The MNRF has Enforcement Officers in all three Regions and 25 Districts in the province with 209 officers in 48 offices. PAWS has 150 Officers. The MNRF only has to deal with wildlife. PAWS has to deal with domestic, farm, exotics and zoo animals which when it comes to animals in distress far outnumber what the MNRF has to deal with. When it comes to complaints from the public about wildlife in distress, the MNRF Enforcement handles them quickly in a professional manner. We have never got a complaint from the public about the response time from the MNRF Enforcement. For PAWS this not the case, we have gotten repeated complaints about how long they take to respond.

12)Knowledge about Wildlife: Wildlife Rehabbers are the experts when it comes to caring for injured and orphaned wild animals. When you raise 100's of animals a year, when you bring them back from the edge you gain first-hand knowledge. The next is the MNRF Enforcement Officers who know substantially more about Wildlife than PAWS Officers. The MNRF is constantly working with Wildlife Rehabbers on rescuing wildlife (Bearwise program, OPP calls, calls from the public, Veterinarians). MNRF has a Sciences & Monitoring section that tracks wildlife in Ontario. Everything from wildlife diseases, behavior, population changes and new diseases which they feedback to the other Divisions.

13)Communication: Paws has no access to information about rehabbing or Wildlife Rehabbers. The MNRF and Wildlife Rehabbers are constantly communicating. Through their District Rep who is assigned to each Wildlife Rehabber. MNRF staff attend Wildlife Rehabbers events including our Annual Meeting (half the meeting was a discussion with MNRF Staff including the Minister). MNRF has had Zoom meetings with Wildlife Rehabbers on various topics (Avian Flu, Covid-19, wild boars and regulations). Both Wildlife Rehabbers and the MNRF have been improving communications. There is NO COMMUNICATION between Wildlife Rehabbers and PAWS. Wildlife Rehabbers were not consulted or even told about Paws until Mally's found out in 2021. PAWS has pounced in two incidents with Wildlife Rehabbers and treated the Wildlife Rehabbers as if they knew nothing. In the case of Open Sky Raptor this led to the PAWS Officers going from one cage to the next not taking proper precautions for Avian Flu.

14)Conflicting Regulations: In both incidents with Wildlife Rehabbers PAWS has brought up regulations (GFAS) that we have never heard of. These regulations appear to have been designed for roadside zoos, factory farms and puppy mills (for profit). MNRF regulations (NWRA) were created for Wildlife that are temporally in captivity. Two to six months are what most animals stay and then go back into the wilds. The MNRF regulations have evolved over time with changing conditions in wildlife rehabbing. Rabies, distemper, wild pigs, Covid-19, Avian Flu and new viruses entering Ontario.

The Fish and Wildlife Conservation Act and the Provincial Animal Welfare Services Act are conflicting a double standard. If Wildlife Rehabbers have to comply with both two layers of regulations they will need a lawyer on call to try to operate. On one minor issue a Paws representative responded that Rehabbers should check with their lawyer. The cost of lawyers taken away from the care of the animals. Wildlife Rehabbers are being regulated out of existence. As Wildlife Rehabbers are forced to shut down more and more wild animals will be looked after by the public.

15)Paws does not handle complaints about cruelty to wildlife. When the public call the Animal welfare number 1-833-9-ANIMAL (264625) about abuse of wildlife they are referred to the MNRF. On multiple occasions Paws have referred calls to Ontario Wildlife Rescue (OWR) and then we pass on to the MNRF tip line. OWR has been told by MNRF Enforcement that all calls about abuse to wildlife are to be forwarded them. Any calls for anything else

(domestic, farm, zoos and exotics) are to be referred to Paws. All of this makes perfect sense. Then why have Paws regulations and enforcement on Wildlife Rehabbers?

The MNRF is better equipped to work with Wildlife Rehabbers than PAWS. This is in the best interest of injured or orphaned wildlife in Ontario.

Recommended revision to: (marked in red) on page 7
C)Section

Provincial Animals Welfare Services Act, 2019, S.O. 2019, c. 13

Distress, Animal Fights and Harm

Causing distress

15 (1) No person shall cause an animal to be in distress.

Permitting distress

(2) No owner or custodian of an animal shall permit the animal to be in distress.

Exposure to undue risk of distress

(3) No person shall knowingly or recklessly cause an animal to be exposed to an undue risk of distress.

Exception

(4) Subsections (1), (2) and (3) do not apply in respect of,

(a) an activity permitted under the *Fish and Wildlife Conservation Act, 1997* in relation to wildlife in the wild;

(b) an activity permitted under the *Fish and Wildlife Conservation Act, 1997* or the *Fisheries Act (Canada)* in relation to fish;

(c) an activity regarding agricultural animal care, management or husbandry carried on in accordance with,

- (i) any standards of care or administrative requirements that expressly provide that they apply to that activity, or
- (ii) if no standards of care or administrative requirements expressly provide that they apply to that activity, the reasonable and generally accepted practices of agricultural animal care, management or husbandry;
 - (d) a prescribed class of animals or animals living in prescribed circumstances or conditions; and
 - (e) prescribed activities.
 - (f) *wildlife custodians permitted under the *Fish and Wildlife Conservation Act, 1997* as described in section 44.*
 - (i) *foster care person acting under a wildlife custodian as per Wildlife in Captivity Policy WiPo.2.3, 2.3 Foster Caregivers*

Exception, veterinarians

- (5) Subsections (1), (2) and (3) do not apply to,
 - (a) a veterinarian providing veterinary care, or boarding an animal as part of its care, in accordance with the standards of practice established under the *Veterinarians Act*;
 - (b) a person acting under the supervision of a veterinarian described in clause (a); and
 - (c) a person acting under the orders of a veterinarian described in clause (a), but only in respect of what the person does or does not do in following those orders.

Definitions

Wildlife Custodians, Wildlife Rescue Centers, Wildlife Rehabbers are all the same.

MNRF means Ministry of Natural Resources & Forest.

Paws means Provincial Animals Welfare Services

FWCA means Fish and Wildlife Conservation Act.

MNRF Officer means MNRF Enforcement Officer

OWR – Ontario Wildlife Rescue

Who is Ontario Wildlife Rescue?

Ontario Wildlife Rescue works with over 50 wildlife centers across Ontario who take in injured and orphaned wild animals, rehabilitate and release them back into the wilds. Ontario Wildlife Rescue connects the public who have found injured and orphaned wild animals with Wildlife Rescue Centers those who can look after them. Wildlife Rescue Centers (wildlife rehabbers) are authorized by the Ministry of Natural Resources but get no financial support by any level of government. Most are run by volunteers and are completely dependent on the public for support. Ontario Wildlife Rescue is run by volunteers and has no paid staff. Ontario Wildlife Rescue has three mandates 1) connect the public with wildlife rehabbers (website, phone and emails), 2) finding for Wildlife Rescue Centers resources for new and existing centers (volunteers, food, vets and donations) and 3) work with the Ministry of Natural Resources on behalf of Wildlife Rescue stake holders in Ontario (regulations and conflict). Ontario Wildlife Rescue does not represent all Wildlife Rehabbers (no one does or could) in the province,. Ontario Wildlife Rescue is a registered Federal Charity started in 2011.