

# Positive List Q&A:

## For the regulation of domesticated and non-domesticated animals



### What is a Positive List?

- A Positive List (also known as an approved, a permitted, or a white list) is a list of animal species that are allowed to be kept by private citizens in a jurisdiction.

### What is the purpose of a Positive List?

- It is a precautionary approach for regulating the keeping of animals by private citizens, safeguarding 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?

- There are many advantages to using a Positive List, including but not limited to:
  - The list is concise and easy to understand and therefore more manageable and able to facilitate a more efficient and effective regulatory process.
  - It is a preventative/precautionary approach and therefore more safety conscious.
  - The foundation is an evidence-based approach to animal welfare, human safety and environmental protection.
  - The list is developed based on a pre-determined set of criteria which can be catered to individual jurisdictional circumstances.
  - They have a minimal impact on the retail pet sector as the most popular pets are usually allowed and Positive Lists have no effect on sales of related husbandry products.
  - The burden of proof is on the pet industry to demonstrate, in advance, that the keeping, breeding and sale of animals is safe and does not have an unacceptable, negative impact on the public, animals or the environment. This safety-conscious and preventative approach, commonly under-pinned by statutory obligations, applies to most industries.
  - They are growing in popularity. Positive Lists have been adopted by countries in Europe (e.g., Belgium and the Netherlands), in the United States (e.g., the State of Maine), and here in Canada (e.g., New Brunswick, Nova Scotia and multiple municipalities in Ontario and Quebec).

### How exactly do Positive Lists reduce the number of inspections?

- There are several reasons why the number of inspections will reduce after the implementation of a Positive List:
  - There will be fewer exotic animals in pet shops and readily available for sale.
  - People are less likely to want to buy an animal they know is illegal.
  - More public control, since it is easier for the general public to recognize animals who are not listed on the Positive List.

## 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:
  - Animal welfare: Substantial, independent, impartial, scientific, peer-reviewed evidence concluding that the welfare of animals will not be compromised due to their captivity in domestic environments must exist. Evidence must show that:
    - The animals belonging to a specific species are 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 species' nutritional, thermal, environmental, spatial and furnishing requirements are known and can be comprehensively and easily met.
  - Public health and safety: No relevant threats exist to the public by zoonoses, poisoning, envenomation or dangerous injury.
  - Environmental protection: No relevant threats exist to the environment and natural ecosystems through disease introduction and/or to possibility for an animal species to become invasive in the event of release or escape.
  - Protecting wildlife populations elsewhere: The existence of a sustainable captive breeding population, to prevent wild caught members of a species from entering the pet trade.
  - Disposition of animals: Local animal control agencies, humane societies, shelters and rescue organizations should be able to take in and rehome unwanted, abandoned or seized animals.
  - Available knowledge: Qualified veterinary and if necessary additional biological advice must be easily available on all aspects of species' health and welfare needs.
  - Precautionary principle: If there is insufficient data or a conflict between data, the benefit of the doubt goes to the species. The species will not be listed until there is sufficient evidence to meet the above-mentioned criteria.

## 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 tool](#), developed by 18 scientists, vets and technicians, including world leaders in animal science and care, as well as public health and safety. The system allocates a numerical score to each species based on a number of criteria. Many common animals in the pet trade have already been assessed and requests can be sent for animals that have not been assessed yet.

## Can Positive Lists be legally implemented by municipalities?

- It varies from jurisdiction to jurisdiction. In most jurisdictions however, Positive List regulation can be employed.

## How could a Positive List bylaw provision be worded?

- There many ways that bylaw provisions could be worded. Here is one example for Ontario, Canada:
  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 A [these are the animals whose possession is authorized under the Fish and Wildlife Conservation Act or other provincial or federal statute.]*

### **Can officials expect to receive an influx of applications from specialized keepers that want to have animals added to a Positive List?**

- This has not been the case in other jurisdictions, such as Belgium, which has received only a few poor-quality applications.

### **Does the implementation of a Positive List result in an influx of disposed animals?**

- To prevent shelters, rescue centers and enforcement officers from being overwhelmed with species that are not included on the Positive List, it is recommended to include transitional measures (e.g., grandfather clause) in the regulations. Transitional measures can include a provision for animals that are already in the community and/or in gestation at the time the regulations come into force can be kept until the moment of natural death. Breeding of animals that are not included in the Positive List should not be allowed.

### **There does not seem to be an issue with exotic pets in my community, why should we adopt a Positive List?**

- The Positive List is a precautionary/preventative approach for regulating the keeping of animals by private citizens. The exotic pet industry is an ever-evolving market and moves faster than regulatory and enforcement bodies. By the time exotic pet ownership becomes an issue it will be more complicated and costly to solve it.