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REGULATION ON THE SECURITY AND WELL-BEING OF CATS AND DOGS

Analysis of the proposed regulation (P-42, 55.9.14.1)

The spirit of the regulation is to protect animals!

The draft regulation aimed at the security and well-being of animals is a step forward in the equitable treatment of cats and dogs but barely tackles, if at all, several important aspects of animal suffering. Indeed, in addition to perceptibly increasing fines, which are low and have little deterrent effect in comparison to other states, Québec has much to do to improve the living conditions of animals on its territory, and many issues that were omitted, or barely touched upon, deserve consideration.

I will attempt to show that, often, only minor modifications or additions to certain articles of the regulation are needed to obtain a result and much greater efficiency. Here are 10 crucial issues for the improvement of the security and well-being of animals that I will briefly analyze:

- 1 – Animals suffering physical and psychological abuse
- 2 – The abolition of euthanasia chambers (gas chambers)
- 3 – The abolition of morally unjustifiable and unnecessary euthanasia
- 4 – Animal overpopulation: spaying/neutering, quotas, housing
- 5 – Religion, science, competitions, and entertainment spectacles
- 6 – The abolition of for-profit businesses involving animals
- 7 – Establishments, breeders and distributors
- 8 – Animals attached outdoors in a way that is abusive
- 9 – Animals kept mainly outdoors
- 10 – Animals kept in cages and enclosures

As long as these fundamental problems are not addressed in the law, the problems of mistreatment and cruelty towards animals will not be resolved in a satisfactory and definitive manner.

The present is a short résumé of a broader document that examines the draft regulation by several interesting angles. For more information and to better understand the addressed issues, it is strongly recommended that you consult the complete report of the analysis of the draft *Regulation on the Security and Well-being of Cats and Dogs* at the following link:

www.respect-animal.ca/pdf/analyse-reglement-mapag-chien-chat-fr-v01.pdf

1 – ANIMALS SUFFERING PHYSICAL AND PSYCHOLOGICAL ABUSE

An issue that is conspicuous by its absence is that of *mistreatment* as set out in Article 55.9.2-4° of P-42, the *Animal Health Protection Act*, which deals with the abuse that can be inflicted on an animal. The structure of the draft regulation, more specifically Chapter II, demands that this notion be introduced, and it is almost illogical that it is not. Indeed, there should be a section devoted to *mistreatment* and to Article 55.9.2-4°. Here is what Chapter II should contain:

CHAPTER II

SECTION I – FOOD AND WATER..... (relative to 55.9.2-1°)
SECTION II – SHELTER..... (relative to 55.9.2-2°)
SECTION III – HEALTH..... (relative to 55.9.2-3°)
SECTION IV – MISTREATMENT..... (relative to 55.9.2-4°)
SECTION V – LOG BOOK..... (----)

SECTION IV - MISTREATMENT

Physical and psychological mistreatment
Punishments inflicted on an animal
The notion of cruelty towards an animal
The abandonment or neglect of an animal
Inappropriate training techniques

Here are examples of the articles dealing with mistreatment and cruelty:

CHAPTER II – SECTION IV – MISTREATMENT (*Added*)

An animal suffers mistreatment when:

- 1° he lives mainly in a cage or enclosure;
- 2° he is left on his own a major part of the time;
- 3° he is not being stimulated sufficiently or adequately;
- 4° he is attached during repeated, consecutive, extended periods;
- 5° he is attached outdoors with a restraint limiting his area of mobility to less than 100 square meters;
- 6° he is subjected to inappropriate punishment or training techniques;
- 7° he is trained to be violent.

A person commits an act of cruelty when:

- 1° he or she abandons an animal which is in his or her care;
- 2° he or she carries out the euthanasia of a healthy or not seriously ill animal;
- 3° he or she unnecessarily injures or kills an animal, for pleasure or to experience a thrill, to perform a religious rite, to conduct a scientific experiment, to generate revenue, or for all similar motives.

2 – THE ABOLITION OF EUTHANASIA CABINETS (GAS CHAMBERS)

Euthanasia cabinets, we all know, are unreliable and an incalculable number of animals suffer enormously from this procedure. In addition, these *euthanasia cabinets* contravene Article 47 of the draft regulation which says that the method used must "*reduce the animal's anxiety and pain to a minimum*" and that it must "*result in rapid and irreversible loss of consciousness, followed quickly by death.*"

However, with the *euthanasia cabinets*, it's the opposite that happens: by confining an animal in a box, it is more stressed, loss of consciousness with gas is not necessarily rapid nor irreversible, and it is not followed by a quick death - and this is all confirmed by Article 51 which states that the operation takes "*at least 20 minutes*". This is not what is called a *quick death* as required by Article 47. Also, the method is so unreliable that Article 48 of the draft regulation prohibits resorting to it in several situations, such as in the case "*of animals less than 4 months old, gestating animals and animals that have respiratory difficulties or severe injures, or are non-ambulatory*"

In order for the regulation to be consistent, the best solution is to abolish the *euthanasia cabinets* by revising Article 48 and by repealing Articles 50 to 53:

48. (*Revised*)

Only intravenous injection of a concentrated barbiturate is permitted to euthanize an animal.

50. to 53. (*Repealed*)

3 – THE ABOLITION OF MORALLY UNJUSTIFIABLE AND UNNECESSARY EUTHANASIA

Cats and dogs are living creatures and not objects that we can dispose of arbitrarily. The unjustifiable motives for putting an animal to death are innumerable, whereas the justifiable ones are few. Therefore it would be best to draft an article to address the reasons for which an animal *may* be euthanized rather than those for which it *may not*. In rewriting Article 49, we can limit euthanasia to a few valid reasons, and by adding another article, we could more particularly hold establishments, breeders and distributors accountable:

49. (Revised)

The owner or guardian of an animal may not euthanize it unless, in the opinion of a veterinarian:

- 1° it cannot be relieved of its suffering;
- 2° it needs expensive treatment of which the result is not guaranteed;
- 3° it has lost all quality of life;
- 4° it has reached the end of its natural life.

62.1.2 (Added)

The establishment, breeder or distributor must insure that an animal who is healthy or not seriously ill not be euthanized, neither inside the premises for which the person is responsible, nor in another place where the animal would be transferred to suffer the same fate. Resorting to euthanasia is not authorized except as per the terms set out in Article 49 (Revised).

4 – ANIMAL OVERPOPULATION: SPAYING/NEUTERING, QUOTAS, HOUSING

In Article 2 of the draft regulation, a vague and unclear mention is made of this role of *controlling the animal population by establishments*, and which should be applied to *breeders*, as well. The serious problem of animal overpopulation in Québec can be solved by adopting 3 important measures in Chapter III: mandatory spay/neuter except in particular cases, the establishment of quotas which favour the relieving of overcrowding in refuges, and the banning of discriminatory measures in the housing sector as regards possession of companion animals.

62.1.3 (Added)

All animals received by an establishment or produced by a breeder must be spayed or neutered, unless:

- 1° such a procedure puts the animal's life or health in danger;
- 2° the animal belongs to a protected race, or to a race of which there are few members, or is in danger of extinction, and for which the animal can be used as a reproducer.

62.1.4 (Added)

MAPAQ has full power to fix production, sale and adoption quotas. These quotas must:

- 1° encourage the depopulation of premises held by an establishment;
- 2° prohibit breeders from overproducing;
- 3° limit the supply of the distributors;
- 4° see to arresting the problem of animal overpopulation.

63.1 (Added)

Any owner or guardian of companion animals may house them in his/her domicile, whether he/she is the owner or tenant of the premises, under condition that:

- 1° by doing so, he/she does not infringe any law or regulation in effect in Québec;
- 2° he/she is responsible for any eventual damage that could be caused by the animals;
- 3° the animals are not a menace to humans or neighbouring animals;
- 4° the animals do not cause hygiene problems;
- 5° the animals do not disturb the peace.

5 – RELIGION, SCIENCE, COMPETITIONS AND ENTERTAINMENT SPECTACLES

Article 55.9.15 of law P-42 allows certain organisations to be exempted from Section IV.1.1 of said law and therefore, if this article is not modified, the new draft regulation would not apply to them, allowing them to continue to mistreat (read: torture) animals. This is a highly unreasonable compromise. Let us look at what said Article 55.9.15 states:

Law P-42 (*Animal Health Protection Act*)

55.9.15

Permitted practices and activities

Notwithstanding the provisions of this division, the following activities and practices continue to be permitted:

- 1° agricultural, teaching or scientific research activities involving animals, provided they are practiced in accordance with generally recognized rules;
- 2° ritual practices involving animals prescribed by the laws of a religion.

To truly protect animals, Article 55.9.15 of Law P-42 should rather read as follows:

55.9.15 (*Revised*)

Practices and activities involving animals

All practices or activities involving animals, most notably those in agriculture, teaching, scientific research, entertainment spectacles, competitions, as well as ritual practices prescribed by the laws of a religion, must not contravene the present section. The security and well-being of animals must be assured throughout the said practice or activity.

Forbidden practices and activities

All practices or activities involving violence or combat between animals, or having as its goal the unnecessary death of an animal, like in corridas, religious sacrifices, dog and cock fights, rodeos and horse races, are forbidden.

6 – THE ABOLITION OF FOR-PROFIT BUSINESSES INVOLVING ANIMALS

Animal for-profit business is a major problem in Québec. It is obvious that the security and well-being of an animal is not assured (read: compromised) when it is under the care of an entity whose motive is profit. This constitutes the heart of the problem, as well as the solution. All entities carrying out an activity involving the sale, adoption, importation or transfer of an animal must be non-profit. For a truly concerted action, we must define in Article 2 the three entities that will be authorized to carry out activities mentioned which involve animals, not only the *establishments* – and add an article which accords them exclusivity regardless of location, be it physical (such as pet stores) or virtual (such as the internet):

2. (...) (*Revised*)

An establishment is any non-profit entity, regardless of juridical form, whose purpose is to collect animals that are given up, captured or abandoned, with a view to protecting them and controlling their population, and to act as an intermediary through which they may be transferred to a new custodial location.

A breeder is any non-profit entity, regardless of juridical form, whose purpose is to produce animals by mating or artificial insemination, with the notable goal of preserving protected races or races which have few members, or those in danger of extinction, or to meet a legitimate market demand that establishments cannot fulfill.

A distributor is any non-profit entity, regardless of juridical form, whose purpose is to obtain animals from establishments or breeders, or by importation, with the notable goal of protecting said animals and transferring them to a new custodial location.

2.1 (*Added*)

All activities dealing with the production, adoption, importation, sale, transfer or transport of animals, or any other similar activity, in all physical and virtual locations, are exclusively reserved for establishments, breeders and distributors, as defined in Article 2 (*Revised*).

7 – ESTABLISHMENTS, BREEDERS AND DISTRIBUTORS

These 3 entities constitute the trinity in which all activities of the sale, adoption and transfer of guardianship of animals take place, and each of these entities must be well defined in nature and in their role. Here are a few articles that could serve as a base for a legislative framework:

COMMON PROVISIONS APPLICABLE TO ESTABLISHMENTS, BREEDERS AND DISTRIBUTORS

58. (Revised)

In addition to fulfilling the obligations in Chapter II, the guardian of an animal kept in a location held by an establishment, breeder or distributor must fulfill the obligations of the present chapter.

59. (Revised)

For implementation of Article 39, a building held by an establishment, breeder or distributor must contain an isolation room and a quarantine room.

60.

Cages and enclosures used in isolation and quarantine rooms must be designed and set up so as to reduce the risk of contamination and direct contact between animals to a minimum.

61.

Cages and enclosures located in isolation and quarantine rooms, as well as all equipment and accessories, must be disinfected prior to housing a new animal and must be disinfected daily during disease outbreaks.

62.

Traffic between isolation and quarantine rooms and the other sections of the building must be limited, and all other reasonable means to prevent the spread of disease must be implemented.

62.1.1 (Added)

In addition to the rooms required under Article 59, all premises held by an establishment, breeder or distributor must, in proportion to the number of animals it may contain, provide the following facilities:

- 1° one or more veterinary clinics for medical care;
- 2° one or more grooming salons for grooming care;
- 3° one or more kitchens for preparing, storing and conserving food destined for the animals;
- 4° one or more rest areas for animals to sleep in a calm and peaceful environment;
- 5° one or more pens for the daily exercise required for the animals;
- 6° one or more premises for meetings between humans and animals for adoption purposes.

62.1.2 (Added)

The establishment, breeder or distributor must insure that a healthy or slightly sick animal not be euthanized, neither within the premises under his responsibility, nor in another location to which the animal could be transferred to suffer the same fate. Resorting to euthanasia is not authorized except under the provisions outlined in Article 49 *(Modified)*.

PROVISIONS APPLICABLE TO ESTABLISHMENTS (Added)

An establishment is authorized to receive animals only to:

- 1° protect, care for or train them;
- 2° transfer them to a new custodial location;
- 3° control their population and curb their overpopulation.

When an establishment receives an animal, the establishment must:

- 1° insure that the animal is examined and, if need be, treated by a veterinarian – immediately if it is urgent, or otherwise within 24 hours;
- 2° check without delay for the presence of any form of identification, and do everything necessary to find the owner or guardian of the animal;
- 3° make available to the animal all the facilities required as per Article 62.1.1 *(Added)*;
- 4° register the animal in a log book in accordance with Articles 54 to 57.

PROVISIONS APPLICABLE TO BREEDERS *(Added)*

A breeder is authorized to produce animals strictly for:

- 1° maintaining a protected race, or a race which has few members, or is in danger of extinction;
- 2° satisfy a demand that the premises held by an establishment cannot fulfill;
- 3° maintain a balance between the animal population and the demands for adoption.

A breeder who wishes to exercise breeding activities must respect the following provisions:

- 1° the maximum number of pregnant females or females who have given birth that the breeder may possess at one location is 25;
- 2° the number of pregnancies per female per year must not exceed that of the natural cycle of the breed;
- 3° a female may be used for reproduction up to the age of 6 years;
- 4° when a female can no longer be used for reproduction, she must be transferred to premises held by an establishment;
- 5° the premises used for breeding must contain all the facilities set out in Article 62.1.1 *(Added)*;
- 6° As per Articles 54 to 57, the breeder must register in the log book all animals born or used for reproduction

PROVISIONS APPLICABLE TO DISTRIBUTORS *(Added)*

A distributor is authorized to engage in the animal trade strictly to:

- 1° facilitate the animals' transport to a new custodial location;
- 2° allow compliance with the quotas invoked in Article 62.1.4 *(Added)*
- 3° maintain branch locations in proximity to human populations that are situated far from the premises held by an establishment or breeder.

A duly recognized distributor who carries out activities must:

- 1° provide for the needs of the animals in his/her care and keep them in good physical and psychological health;
- 2° notify the supplier without delay of any suspicious symptom the animal may display;
- 3° obtain his/her supply from duly recognized establishments, breeders and suppliers, as per the quotas established by MAPAQ;
- 4° possess all the facilities set for in Article 62.1.1 *(Added)*;
- 5° register in the log book all animals which are procured, in conformance with Articles 54 to 57.

8 - ANIMALS ATTACHED OUTDOORS IN AN ABUSIVE FASHION

Many animals, especially dogs, are attached outdoors often and for long periods of time and frequently, even permanently. These animals, left alone most of the time and restricted to an extremely reduced living space, demonstrate the carelessness, even contemptuousness, that certain people have in regards to these little, defenceless sentient beings. The draft regulation must: reduce the number of daily hours of restraint, specify the minimum length of the restraining device, and impose a surveillance minimum. In order to do this, a few Articles should be slightly revised:

27. *(Revised)*

No animal should be attached outdoors for more than 6 hours on any given day;

28. *(Revised)*

Any restraint, such as a chain or rope, which is used to attach an animal outdoors, must conform to the following requirements: (...)

- 5° it must be of sufficient length to allow the animal to move about in an area of no less than approximately 100 square meters.

30. *(Revised)*

A cat or dog who is attached or muzzled must not be left without supervision.

9 - ANIMALS KEPT MOSTLY OUTDOORS

The draft regulation speaks of physical characteristics that allow an animal to withstand weather conditions, but does not address the psychological characteristics which are just as important. Even if the animal's physical anatomy permits him to stay mainly outdoors, it does not mean that he will be happy, and the regulations should take this into account. Also, to prevent an animal from being often left alone and to establish a minimum of facilities required to meet his basic needs, Articles 23 and 24 of the draft regulation could, by drawing inspiration from Article 19, be revised to become the following:

23. *(Revised)*

The animal whose morphology, coat, age and health affords him appropriate protection from weather conditions to which he is exposed may be kept mainly outdoors, under the condition that:

- 1° his psychological state permits it;
- 2° he is frequently and for a good part of the time accompanied by a human or by an animal with which he has an affinity;
- 3° he can go inside the domicile of his owner or guardian with reasonably balanced frequency to satisfy his emotional needs.

24. *(Revised)*

All dogs kept mainly outdoors must have access to:

- a doghouse which conforms to the following norms: (.....)
- a sufficiently large area, other than the dog house, meant to protect him from bad weather and the harmful effects of the sun.
- a space of at least 100 square meters in which he can move and romp freely and not be constantly confined to the immediate surroundings of his doghouse by a restraint that is unreasonably short.

10 – ANIMALS KEPT IN CAGES AND ENCLOSURES

Cages and enclosures are temporary isolation tools and should stop being used as tools of mistreatment. Indeed, a long-time widespread practice in Québec consists of permanently housing hundreds of thousands of cats and dogs in tiny grilled boxes which, in the end, become their homes and their coffins. To forbid this odious practice, Article 13 need only be revised, as follows:

13. *(Revised)*

A cage or enclosure must:

- 1° be sufficiently large for an animal to stand up and sit normally, turn around easily, stretch out full-length, and lie on its side with its legs fully extended;
- 2° be a temporary isolation tool, such as for transport or quarantine, and must not be used to house an animal.

Name

Address

City

Postal code

Province