

June 27, 2024

RE: ERO 019-8071 Submission

Amendments to Ontario Regulation 667/98 (Trapping) made under Fish and Wildlife Conservation Act, 1997, to update technical specifications of relaxing cable restraints used for trapping.

Established in 1953, The Fur-Bearers is a registered charity working to protect fur-bearing animals through conservation, advocacy, research and education in Canada.

This submission responds to proposed changes to the specifications of relaxing cable restraints. Our organization opposes the proposed changes on the following grounds: 1) The Ministry of Natural Resources and Forestry (MNRF) has failed to provide sufficient information to support these proposed changes, and 2) based on research published by scientists within MNRF, it can be inferred from their study on relaxing cable restraints that the changes will result in negative animal welfare outcomes, particularly in the case of decreasing the minimum cable loop diameter.

Insufficient information and lack of transparency in ERO 019-8071

The ERO consultation webpage lists two reasons for the proposed amendments: to align regulations with research findings, and to address concerns about pelt damage raised by trappers.¹ These research findings were not made available on the ERO webpage for the public and other stakeholders to review before submitting comments on the proposed amendments. MNRF confirmed via email that the research has not been published in a scientific journal, which raises questions about its scientific validity.

Our organization requested a copy of the research findings from the Fish and Wildlife Policy Branch, but they were not provided. Instead, we were directed by the branch to contact the Fur Institute of Canada (FIC) to request a copy. The FIC, a fur industry lobby group, did not respond to our request as of the date of this submission. We requested an extension to the ERO deadline from the Fish and Wildlife Policy Branch in order to obtain and review the research, but the branch has not responded as of the date of this submission. To date, our organization has not been provided with the research findings referenced in the ERO.

The absence of the key information that is informing trapping regulatory changes in Ontario undermines meaningful public participation in this consultation. The public should not have to contact the ministry or industry groups to ask for the research that supports proposed regulatory amendments; all relevant research and information should be made publicly available and easily accessible.

Insufficient information and the lack of transparency in this ERO does not appear to be an isolated case. A 2023 report published by the Office of the Auditor General of Ontario found that several ministries, including MNRF, did not provide sufficient information in past proposals. The report writes,

“In each of our previous reports on the operation of the EBR Act, we found that some prescribed ministries did not give sufficient information in proposal and decision notices to allow for meaningful public participation or transparency and accountability. In 2023, we assessed a sample of proposal and decision notices posted by prescribed ministries and again found cases in which Ontarians were not given sufficient information. In

¹ <https://ero.ontario.ca/notice/019-8071>

particular, the Environment, Natural Resources, Municipal Affairs, Mining, Energy and Transportation Ministries posted notices on the Environmental Registry that were not sufficiently informative.”²

The comments in the Auditor General’s report and the issues raised above indicate that ERO 019-8071 is part of a pattern that precludes the public from participating meaningfully in regulatory proposals.

In addition to the absence of research findings, the regulatory impact analysis for this ERO is also incomplete. There is an omission in the analysis related to the impacts on animal welfare. The analysis briefly considered environmental, social, economic, and administrative impacts of the proposed changes, but failed to include an analysis for the implications to animal welfare. This is a critical omission given the direct impact that relaxing cable restraints have on the health and welfare of trapped wildlife. The potential negative animal welfare outcomes of the proposed amendments are addressed in the following section.

Negative impacts to animal welfare

Decreasing the minimum cable loop diameter from 8.9cm to 6.4cm

The rationale provided for the proposed change to minimum cable loop diameter is, “. . . to address concerns about pelt damage that have been identified by trappers.”³ This proposed amendment is influenced by the interests of commercial trappers who stand to financially benefit from undamaged fur pelts as a result of this regulatory change. This commercial benefit to the fur industry would come at the expense of animal welfare.

Previous research authored by scientists within MNRF indicates that the minimum loop diameter of 8.9cm reflected in the current regulations was selected to prevent excessive constriction. The authors write, “The minimum loop size was designed to prevent both excessive constriction and ungulates from being captured by the leg.”⁴ **From their research, an inference can be made that decreasing the minimum loop diameter from 8.9cm to 6.4cm will result in excessive constriction for wolves and coyotes.** In the absence of publicly available research on animal welfare outcomes in this ERO, the potential for excessive constriction for wolves and coyotes, and the prioritization of the commercial interests of the fur industry over the welfare of wildlife, the proposed change to decrease the minimum loop diameter should be withdrawn.

Increasing the breakaway device rating from 122.5kg or less to 158.8kg or less

The current rating of 122.5kg was outlined in the aforementioned research from MNRF scientists. In their study, there is no explanation why 122.5kg was selected, other than stating that the scientists designed the cable restraints to meet the specifications used in Wisconsin, USA.⁵ In the absence of publicly available research to support increasing the breakaway device rating to 158.8kg or less in this ERO or in the previous research authored by MNRF scientists, we are led to believe that the proposed changes lack an evidentiary basis and should therefore be withdrawn.

Additional comments

There are inherent animal welfare concerns involving the use of relaxing cable restraints in terms of incidental bycatch and injuries to trapped animals. In their article on the use of cable restraints in Ontario, MNRF scientists observed non-target captures and negative animal welfare outcomes using these devices. Even in their low sample size of twenty animals, cable restraints set for coyotes were responsible for trapping three non-target species: a domestic dog, a deer, and a raccoon. They also observed injuries to target coyotes, “. . . we observed one Coyote with severe hemorrhage of the mucosal lining of the stomach which was likely due to the stress of the capture event . . . Another Coyote appeared to have suffered from self-

² https://auditor.on.ca/en/content/annualreports/arreports/en23/AR_EBR_en23.pdf

³ <https://ero.ontario.ca/notice/019-8071>

⁴ Garvey, Mary E., and Brent R. Patterson. "Evaluation of cable restraints to live-capture coyotes (Canis latrans) in southern Ontario, Canada." *Canadian Wildlife Biology and Management* 3 (2014): 22-29. <https://cwbm.ca/wp-content/uploads/2016/04/3-Vol-3-Issue-1-Garvey-and-Patterson.pdf>

⁵ Ibid.

mutilation as evidenced by a laceration to the footpad and an amputated digit.” Additionally, of the 17 coyotes that the scientists captured, four were yearlings and eight were pups.⁶

Rather than implement changes to a trapping framework that perpetuates animal suffering, the province should support a shift towards humane solutions that benefit people, wildlife, and ecosystems. There are evidence-based, non-lethal approaches to protecting farm animals from predation. The Rancher’s Guide is a resource for farmers that outlines various methods to coexist with wildlife and protect their property.⁷ These methods include Livestock Guardian Animals, electric fences, fladry, and improving husbandry practices like managing attractants and deadstock. Non-lethal methods should be promoted by the province as the default approach for farmers.

Regarding the commercial trapping of wolves and coyotes for their fur pelts, this is a practice that is opposed by a large majority of Ontarians. A 2023 public opinion survey found that 79% of Ontarians oppose killing animals for their fur, with 60% of those strongly opposed.⁸ The proposed change to decrease the minimum loop size at the request of trappers fails to account for the views of the majority of Ontarians who oppose the practice altogether.

Finally, relaxing cable restraints are not certified traps under the Agreement on International Humane Trapping Standards (AIHTS), of which Canada is a party to, and therefore should not be permitted for any use in Ontario.⁹ The Ontario trapping webpage writes, “To trap in Ontario, you must only use humane, certified traps.”¹⁰ Relaxing cable restraints are not humane, certified traps under the AIHTS.

Recommendations

In light of the above, we recommend that the province withdraw the proposed amendments to change the specifications of relaxing cable restraints and prohibit the use of relaxing cable restraints in the province.

⁶ Ibid.

⁷ <https://www.coyotewatchcanada.com/files/WolfAwarenessRanchersGuide2ndEd..pdf>

⁸ <https://researchco.ca/2023/09/01/animals-canada-2023/>

⁹ https://fur.ca/wp-content/uploads/2024/05/CertifiedTrapsList_FIC_MAY-1-2024_EN_newlogo-2.pdf

¹⁰ <https://www.ontario.ca/page/trapping-ontario>