

September 26, 2022

Canadian Food Inspection Agency
c/o Complaints and Appeals Office
59 Camelot Dr., 59-1W-334
Ottawa, Ontario
K1A 0Y9

Via Email

To Whom It May Concern:

Re: Complaint Concerning Harmful and Unscientific CFIA Dog Import Ban

This regulatory complaint is being filed on behalf of Animal Justice, Soi Dog Canada, and Rescue Dog Advocacy Coalition (“**RDAC**”) regarding the recently announced Canadian Food Inspection Agency (“**CFIA**”) policy to ban the entry of dogs from more than 100 countries into Canada. The ban is set to go into effect on September 28, 2022, and will apply to dogs rescued abroad and brought to Canada for adoption and fostering, making Canada an outlier among Western nations. All other Western countries allow dogs from rabies-infected countries to enter so long as stringent disease prevention requirements are met.

Canada’s new ban will have a devastating impact on groups working to rescue dogs abroad and give them a second chance at life in Canada. It will have dangerous, and even deadly, consequences for countless dogs who will be left to die on the streets, in the dog meat trade, or in overcrowded high-kill shelters in countries subject to the ban.

As set out in greater detail below, Animal Justice, Soi Dog Canada, and RDAC urge the CFIA to rescind its blanket ban on dog imports and to introduce an effective, science-based approach to rabies prevention in Canada as recommended by the World Organisation for Animal Health (“**WOAH**”) and followed throughout the Western world. The CFIA should ensure that rescue dogs can be brought into the country for adoption and/or fostering so long as the groups involved take steps necessary to verify the rabies-free status of the dog being imported.

A. The Complaint

1) Background

On June 28, 2022, the CFIA announced that as of September 28, 2022 it will prohibit the entry of “commercial dogs” into Canada from more than 100 countries that have been deemed “high risk

for dog rabies”.¹ All import permits issued on or after June 28, 2022 will expire on September 27, 2022 and no further import permits will be issued after that time.

As per the CFIA’s bulletin, commercial dogs include dogs intended for resale, adoption, fostering, breeding, show or exhibition, research, or other purposes. There are currently no exceptions to the prohibition. The CFIA’s list of high-risk countries includes many countries in which Canadian dog rescue groups frequently operate, including Columbia, Haiti, Afghanistan, Ukraine, Vietnam, Thailand, and the Philippines.²

2) The Law

Sections 12-17 of the *Health of Animals Regulation*, CRC c 296 (the “**Regulation**”) relate to the import of regulated animals, including mammals, and establish certain requirements, including the issuance of a permit under section 160 of the Regulation. Although sections 14 and 64 of the *Health of Animals Act*, SC 1990 c 21 (the “**Act**”) enable the Minister of Agriculture and Agri-Food (the “**Minister**”) and the Governor in Council to make regulations prohibiting or restricting the importation of any animal into Canada for the purpose of preventing a disease risk, this section is inapplicable in the present instance as the ban at issue was established by way of CFIA policy and not by regulation. Similarly, section 7 of the Regulation grants the Minister authority to designate a country or part of a country as being free of a disease or as posing a negligible risk for a disease. The section does not refer to designating countries as high risk for a disease.

It is unclear what legislative power or authority the CFIA has relied upon in introducing the prohibition on all commercial dogs from over 100 listed countries.³ The CFIA does not have unlimited discretion to establish such a prohibition – it cannot establish policies capriciously or without merit.⁴ CFIA policies must be based on an internally coherent analysis which takes into account the factual situation at hand, reasonable alternatives, and the implications that the decision gives rise to, among other things. Moreover, the Agency has a duty to consult with those parties who will be directly impacted by its policies and regulations, in the interest of fairness. Prior to announcing the prohibition on dog imports, it appears that the CFIA did not consult with any dog rescue groups.

3) The Ban is Unscientific and Contrary to the Purposes of the Act

¹ See: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/reportable/rabies/notice-to-industry/eng/1656424333818/1656424334393>

² See: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/reportable/rabies/countries-at-high-risk-for-dog-rabies/eng/1656375417730/1656375418777>

³ Note that Animal Justice wrote to the CFIA on August 25, 2022 inquiring into what provisions the CFIA was relying on in order to enact this policy but the group has not received a response.

⁴ See e.g. *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, available online: <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18078/index.do>

The overarching purposes of the Act include not only controlling and preventing the spread of “diseases and toxic substances that may affect animals”, but also “the protection of animals.”⁵ These objectives are reflected throughout the Act, which not only regulates animal disease risks, but also aims to prevent or mitigate unnecessary pain, suffering, and death in animals in a variety of circumstances. In light of these objectives, the CFIA’s proposed outright ban on the importation of dogs from over 100 “high-risk” countries is an unreasonably heavy-handed approach that will cause unnecessary suffering and death to vulnerable dogs. Less harmful and more targeted, science-based alternatives exist which can achieve the goal of protecting animals in Canada while also allowing the import of rescue dogs for adoption and/or fostering.

In addition to causing harm to dogs prohibited from entering Canada in order to find loving homes, we further note that given the significant demand for companion dogs in Canada, reducing the supply of rescue dogs could increase unscrupulous breeding of dogs in Canada. This puts the health and well-being of dogs bred and sold by these operations – which often put profit over the well-being of animals – at risk, and can proliferate the spread of other diseases.

i) Dog rabies is 100% preventable with vaccination

According to the World Health Organization (“WHO”), rabies is a 100% vaccine-preventable disease.⁶ The WOAHA clearly sets out the requirements for preventing the spread of rabies by dogs and other animals internationally. This policy is fully supported by the WHO and The Food and Agriculture Division of The United Nations. The WOAHA recommendations are set out in Article 8.14.6 of the Terrestrial Animal Health Code:

Veterinary Authorities should require the presentation of an *international veterinary certificate* complying with the model of Chapter 5.11, attesting that the animals:

1. showed no clinical sign of rabies the day prior to or on the day of shipment;
2. were permanently identified and their identification number stated in the *certificate*;

AND EITHER:

3. were vaccinated or revaccinated, in accordance with the recommendations of the manufacturer. The vaccine should have been produced and used in accordance with the *Terrestrial Manual*; and
4. were subjected not less than 3 months and not more than 12 months prior to shipment to an antibody titration test as prescribed in the *Terrestrial Manual* with a positive result of at least 0.5IU/ml;

⁵ The Act, preamble.

⁶ See: <https://www.who.int/news-room/fact-sheets/detail/rabies>

OR

5. were kept in a [quarantine station](#) for six months prior to export.⁷

All Western countries excepting Canada follow the WOAHA guidelines, including the UK,⁸ which replaced its previous six month quarantine period, all EU member states,⁹ New Zealand,¹⁰ and the US.¹¹ We urge Canada to adopt a similar approach relying, in part, upon the requirement of a valid and up-to-date rabies vaccination certificate, confirming that a vaccine has been administered in an appropriate manner and time frame, in combination with other measures discussed in further detail below.

The US policy on dog importation from high-risk countries is particularly important to highlight. The US recently amended its policy, eliminating its temporary ban on dog imports from over 100 countries, which was similar to Canada's newly announced ban. The US has introduced a new policy on dog importation from high-risk countries based on WOAHA guidelines, which allows for dogs from "high-risk" countries to enter the US provided those guidelines are followed, although in line with current thinking, the US Centre for Disease Control requires the rabies titer test be carried out at least 45 days prior to importation as opposed to 3 months.

ii) Dogs can be tested for rabies immunity on or before arrival in Canada

The immune response to rabies virus antigens can be tested in both humans and animals.¹² Rabies serology testing (or antibody testing / titer testing) can reliably be used to measure dogs' immunity to the rabies virus by detecting the presence of antibodies which neutralize the rabies virus.¹³ As mentioned above, countries including the UK and New Zealand, as well as all EU countries, already require an antibody test, carried out at an approved international laboratory, in order to import a dog into the country.

Similarly, in the US, which previously prohibited the import of dogs from over 100 high-risk countries, dogs with a foreign rabies vaccination may now enter the country if they have an adequate antibody test along with a valid vaccination certificate.¹⁴ This shift in US policy reflects a marked step forward in understanding the effectiveness of science-based preventative

⁷ See: https://www.woaha.org/fileadmin/Home/eng/Health_standards/tahc/2018/en_chapitre_rabies.htm

⁸ See: <https://www.gov.uk/bring-pet-to-great-britain/rabies-vaccination-boosters-and-blood-tests>

⁹ See: https://food.ec.europa.eu/animals/movement-pets/eu-legislation/entry-union_en

¹⁰ See: <https://www.mpi.govt.nz/dmsdocument/30489-Bringing-your-dog-to-New-Zealand-Support-document-and-checklist-for-pets-coming-from-Category-3-countries>

¹¹ See: <https://www.cdc.gov/importation/bringing-an-animal-into-the-united-states/dog-origin.html>

¹² See: https://www.cdc.gov/rabies/specific_groups/hcp/serology.html

¹³ See: Smith et al., "Negligible risk of rabies importation in dogs thirty days after demonstration of adequate serum antibody titer", *Vaccine* 2021 Apr 28; 39(18). Available online: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8115987/>

¹⁴ See: <https://www.cdc.gov/importation/bringing-an-animal-into-the-united-states/high-risk-dog-ban-frn.html>

measures, as opposed to an outright ban on imports. Implementing a testing requirement on or before arrival in Canada is yet another method that the CFIA could use to ensure dogs entering the country have immunity to the rabies virus.

iii) Canada can adopt a quarantine policy to reduce the risk posed by imported dogs in the event that documentation is pending or not provided

In addition to permitting the importation of dogs with valid medical documentation (i.e. a vaccination certificate, antibody or blood test, etc.), in certain circumstances other countries also permit the importation of dogs that may not meet all entry requirements, subject to the dog being quarantined upon arrival, or subject to a waiting period prior to entry, if they are from (or have recently been to) a higher-risk country. The UK, for example, requires that a dog enter quarantine upon arrival if they have not met the requisite “pet travel rules”.¹⁵ The dog may be released from quarantine into the UK upon meeting the pet travel rules or, alternatively, following four months of quarantine.

A similar model should be established in Canada. Establishing a quarantine procedure or waiting period requirement in the country of origin as a method of last-resort for dogs who do not have all of their required documentation would ensure that animals can still enter the country (potentially escaping from dangerous situations elsewhere) while ensuring that other individuals are not exposed to a potential risk. This model, alongside a testing requirement and the production of a valid rabies vaccination certificate (as preferred requirements for entry) would constitute a robust, preventative policy that addresses the risk of rabies while still allowing for rescue dogs to enter into the country. The burden for taking steps to ensure dogs are subject to waiting period requirements, as necessary, can fall to those sponsoring the importation of the dog into Canada (i.e., the rescue group, shelter, or affiliated body) to the satisfaction of Canadian authorities.

iv) The Minister can place conditions on permits as necessary

Finally, we note that the Minister has discretion under section 160(2) of the Regulation to place conditions on permits and licences under the Act “as are necessary to prevent the introduction of communicable disease into Canada... and the spread of communicable disease within Canada”. The Minister also has the power to cancel or suspend existing permits where the failure to do so could result in the introduction or spread of disease within Canada (s 160(3)). These tools can be used as necessary, and in combination with the requirements proposed above, to prevent the introduction of rabies into Canada.

4) The Dog Import Ban Should be Amended Promptly

¹⁵ See e.g. <https://www.gov.uk/guidance/put-your-pet-in-rabies-quarantine>

Banning the entry of dogs in need of assistance from over 100 countries, with no exceptions, will cause countless animals to suffer and die abroad needlessly. The CFIA's list of high-risk countries notably includes several war-torn countries such as Ukraine and Afghanistan, and several countries where rescuers are actively saving animals from the meat trade, including the Philippines and China. Animals that would have otherwise been saved by Canadian groups from horrific circumstances will suffer as a result of the CFIA's outright prohibition.

Although the risk posed by rabies is significant and steps should be taken to prevent its emergence and spread, a ban on all dog imports from more than 100 countries is heavy-handed and unnecessary. In 2021, the CFIA only reported six cases of dog rabies in Canada over the course of the entire year.¹⁶ Of these cases, the Agency disclosed that only one such case stemmed from a "recently imported" dog.¹⁷ In only one other case, in 2020, was a dog with rabies apparently imported into the country. In both of these cases the infected dogs were imported from Iran. As of June 28, 2022, Canada "does not currently have any active cases of dog rabies."¹⁸ A blanket ban on dog importation from "high-risk" countries is not the targeted response that is needed in Canada at this time.

We urge the CFIA to instead introduce an effective, science-based approach to rabies prevention in Canada which allows adoptable animals to be brought into the country if the rescue group seeking to import the animal meets clear, science-based criteria such as those outlined above.

A letter written by Dr. Jonas Watson, Winnipeg-based veterinarian with extensive experience working with dog rescue groups, is appended to this complaint for further context and to provide further detail concerning the alternatives which should be explored as opposed to the CFIA's outright ban.

B. Actions Taken by the Signatories

The signatories to this regulatory complaint have contacted the CFIA and other officials on numerous occasions to express concerns about the ban and to ask that it be amended to allow the safe import of rescue dogs.

One of the signatories, Animal Justice, has launched a "take action" campaign and a petition to organize support for rescinding or amending the CFIA's measures. As of September 26, 2022, 33,747 individuals have signed Animal Justice's petition calling on the CFIA to allow adoptable animals into Canada via exemptions for animal rescues or humanitarian efforts. Over 5,400

¹⁶ See: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/reportable/rabies/rabies-cases-in-canada-2021/eng/1613407237949/1613407238418>

¹⁷ *Ibid.*

¹⁸ *Supra*, note 1.

Canadians have written to their Members of Parliament, the CFIA, and the Minister of Health using Animal Justice's online action as well.

C. Conclusion

In light of the above, Animal Justice, Soi Dog Canada, and RDAC urge the CFIA to alter the proposed blanket ban on dog importation and to introduce a targeted, science-based policy in its place. At a minimum, the CFIA should introduce exemptions for qualified dog-rescue organizations that can provide reliable rabies vaccination documents and serology testing, and can comply with waiting period timeframes, if required. Even a small carve-out like this could save countless lives while posing virtually no risk to the Canadian public. It would be consistent with all other Western countries, which allow dogs from rabies infected countries to enter so long as the above-noted requirements are met.

Representatives from the signatory groups would be pleased to meet with the CFIA to discuss possible ways forward which address the threat of dog rabies while still protecting animals who are in dangerous situations abroad. Please do not hesitate to contact us at stinney@animaljustice.ca to make arrangements to discuss this matter further.

Sincerely,

Animal Justice

Soi Dog Canada

Rescue Dog Advocacy Coalition

CC: Hon. Jean-Yves Duclos – Minister of Health
MP Don Davies – NDP Health Critic
MP Michael Barrett – Conservative Shadow Minister for Health

Hon. Marie-Claude Bibeau – Minister of Agriculture and Agri-Food
MP Alistair MacGregor – NDP Agriculture and Agri-Food Critic
MP John Barlow – Conservative Shadow Minister for Agriculture and Agri-Food

Encl.

September 25, 2022

To Whom It May Concern;

My name is Jonas Watson. I am a Canadian veterinarian working in Winnipeg, Manitoba. A sizable part of my caseload consists of dogs and cats in the care of various local rescue organizations. I am deeply concerned about the well-being of dogs living in underserved communities in Canada, and travel often to the most remote parts of our country to provide critical veterinary services to animals in need. I have also had the privilege to work extensively for a variety of nonprofit organizations around the globe, including ones based in developing countries. I'm proud of the work we've done to bring medical and surgical services to animals in far flung areas with little to no access to any sort of veterinary care, nor even the most fundamental elements of animal welfare.

As such, I'm writing to share my concerns regarding the Canadian Food Inspection Agency's imminent prohibition on the importation of dogs from more than 100 countries around the globe. A blanket ban on dog importation is not the answer, and I urge officials to consider the animal welfare ramifications of this decision.

Dogs living among vulnerable communities are frequently barely scraping by. Shelter and food are scarce resources to come by, and almost none of these animals are sterilized, which invariably contributes to an endless cycle of overpopulation and suffering.

Most heartbreaking of all are the dogs who live in countries with an active dog meat trade. These animals represent either stolen house pets, strays from the street, or dogs farmed for the purpose of human consumption. Prior to their deaths, such dogs are often beaten and tortured for the purpose of releasing adrenaline into their bodies, a heinous practice believed by some to enhance the flavour of the meat. The treatment of these animals is barbaric to put it mildly, and beyond anything most Canadian pet stewards could ever conceive.

Fortunately, a contingent of non-profit organizations have worked tirelessly with Canadian rescues for years to help save a small percentage of these vulnerable animals. Rescues such as the Soi Dog Foundation in Thailand, have, since their founding in 2003, responsibly imported hundreds of dogs to loving Canadian families. Soi Dog provides hope to dogs that have no opportunity to be adopted locally, and are often at very high risk of being brutally killed if not exported out of the country.

The Canadian Food Inspection Agency's impending restriction on dog importation will callously unravel all of the important work done by rescues like the Soi Dog Foundation. It would be terribly misguided and quite frankly, a death sentence for the dogs, to deny experienced and established rescue groups the opportunity to continue providing Canadians with healthy, responsibly-rehomed, loving family members.

There are countless precautionary measures that can and should be taken to prevent the importation of problematic contagious diseases like rabies. The United States is a perfect example of a country that recently took a more nuanced and much more reasonable approach to foreign dog importation. For instance, import permits that continue to require proof of vaccination by a veterinarian, quarantine requirements, age restrictions, designated ports of entry, proof of rabies serological titers and other sound measures can be implemented successfully to ensure that no imported dog enters Canada infected with the rabies virus. Policy such as this represents a more reasonable approach given the fact that a total of two dogs only, out of thousands, have been positively identified as carrying rabies contracted in their country of origin prior to importation into Canada.

Despite this significant statistic, too often decision makers, especially those from the veterinary community, will view these matters primarily through the lens of population medicine or "herd health," leaving little to no room for the welfare implications of such a myopic perspective.

It is argued by some that we have no shortage of dogs in need here at home, and I am grateful to the Canadian rescues that work tirelessly alongside veterinarians like myself to reduce the numbers of roaming, unsterilized dogs in our country. However, I would suggest that most dogs in a Western country like Canada in need of rescue, do not experience anywhere near the level of hardship compared to dogs abroad that are crammed into tiny, metal cages, or bundled into burlap sacks, while awaiting a sometimes brutal and nightmarish end.

I see things differently because I've known so many healthy, sociable dogs rescued from foreign countries, whose lives did a 180 after arriving into adoptive homes here in North America. My own home is a good example. I live with a small, mixed breed dog, rescued from the dog meat trade and adopted through the good people at Soi Dog. Had the CFIA's archaic restriction been in place in 2016, my family would never have known the gratitude of a dog who understands she's been saved. And who knows what grisly fate would have befallen our sweet Karma.

There is absolutely no need for Canada to make itself the most restrictive country in the world when it comes to foreign dog importation. There is a way to keep our

animal population safe without putting up overarching barriers for some of the most desperate dogs in this world. Strengthening dog importation regulations already in place can achieve the desired outcome of preventing imported dogs from bringing significant infectious disease into Canada.

As a veterinary professional with a professional and moral obligation to advocate for all species, it is my hope that the CFIA will reconsider their unfortunate position on this issue.

Thank you for your attention to this pressing matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonas Watson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dr. Jonas Watson BA, DVM