



REGULATING DANGEROUS, WILD ANIMALS WORKGROUP

MEETING NOTES – OCTOBER 24, 2011

ODNR Assembly Center 9:30 a.m. – 2:00 p.m.

Phone: Tom Stalf (Columbus Zoo) and Craig Butler (Governor's Office)

Present: Jack Advent (Ohio Veterinary Medical Association), Mike Bailey (Ohio Department of Agriculture), Ann Baker (Toledo Zoo), Troy Balderson (20th Senate District), Polly Britton (Ohio Association of Animal Owners), Mike Bumgarner (Ohio Farm Bureau Federation), Harry Dates (Federated Humane Societies), McKenzie Davis (Buckeye State Sheriff's Association), Joshua Eck (Ohio Senate), Tony Forshey (Ohio Department of Agriculture), Dave Hall (97th District Ohio House of Representatives), Kim Hambel (Muskingum County Sheriff's Office), Jack Hanna (Columbus Zoo), Henry Heffner (Ohio Association of Animal Owners), Brian Hill (94th District Ohio House of Representatives), Michelle Holdgreve (Ohio Veterinary Medical Association), Ben Kanzeg (Deputy Policy Director-Governor's Office), Debbie Leahy (Human Society US), Matt Lutz (Muskingum County Sheriff), Chip McConville (Knox County Prosecutor's Office), Carolyn McKinnie (USDA-APHIS), Andy Montoney (USDA-WS), Debbie Phillips (92nd District Ohio House of Representatives), Dezaray Reed (OSU Student), Jeremy Rine (US Sportsmen's Alliance), Dale Schmidt (Columbus Zoo), Jimmy Sheppard (Deputy Legislative Liaison-Governor's Office), Alan Sironen (Zoo Association of America).

ODNR: Susan Banks, Kim Berridge, Glen Cobb, Bill Damschroder, Dee Hammel, Laura Jones, Paul Kurfis, David Lane, Jim Lehman, Gary Obermiller, Ron Ollis, Ben Pendery, Tom Rowan, Dave Yourkvitch and Scott Zody.

Handouts: Fact Sheet-Governor Kasich's Communication Department, Executive Order 2011-24K, Press Release-Columbus Zoo, "Columbus Zoo and Aquarium Supports Governor Kasich's Plan to Protect Exotic Animals and Citizens of Ohio", ZAA article- "Support for Executive Order of Dangerous Wild Animals", New York Times Article, "Ohio Governor Signs Order Seeking to Curb Animal Cruelty", Article from Henry Heffner, "The Most Dangerous Wild Animal in Ohio is Not Exotic".

Introductions & Discussion: Scott welcomed everyone. Because there were so many new people in attendance, everyone introduced themselves. Scott asked Sheriff Matt Lutz and Jack Hanna to describe the event that occurred in Zanesville on October 19.

Zanesville Event (Sheriff Matt Lutz): It was an intense situation. Zanesville City limits has a population of 25,000-30,000, which covers an area of 680 square miles. It is primarily a rural area and popular for deer hunting. The Sheriff's Office was very familiar with Terry Thompson as they had paid him numerous visits. The time of day the event occurred (approximately 5:00 p.m.) made the situation more difficult as it gets dark very early. The first 911 call came in around 5:00 p.m. from a neighbor. Sheriff Lutz provided maps of the areas affected and went over those areas with the workgroup. Mr. Thompson only had a 4 foot perimeter fence around his property. There were many people who assisted: Zanesville policy chief with Auxiliary Officers, 5 surrounding Sheriff's Offices, Morgan County, Ohio State Patrol, Jack Hanna, ODNR, Doug Davis-County Engineer's Office, Ray Daily – Supervisor at ODOT, Local Red Cross, 3 volunteer fire departments and many local resources. He has asked himself if he would have done things differently – if this had occurred in the morning when visibility was better, perhaps it could have been handled differently. However, with it happening so late in the day, visibility was limited and knew the health/safety of the people living in the area was paramount. Sheriff Lutz' financial advisor estimates a cost of \$8,500 to his department for the event.

Zanesville Event (Jack Hanna): Jack said, this has been a very difficult situation. He thanked everyone. Jack described how he has previously owned a pet shop, been a breeder and curator/keeper since 1974. He has assisted in building human societies. He told about a difficult occurrence that happened on his property in 1973 that resulted in a small boy losing his arm. Jack lost everything and moved back to Georgia and then to Tennessee. He ended up in Ohio when his daughter had cancer and was attending Children’s Hospital. He applied for and became Director of the Columbus Zoo. He mentioned his background so people would understand his credentials and experiences. When he received word about what was happening in Zanesville he couldn’t understand it, so he immediately went there. He got there about 3:30 a.m. He said things could not have been done differently. There was the potential for loss of human lives. The pictures of dead animals on the Internet have developed into worldwide attention. This is not going away and the world is not going away. We have to move forward in the next couple of weeks, not months. Something has to be done. Another accident will happen. We need to make sure animals are given humane treatment, proper perimeter fencing and inspections. This is not a federal issue – it is a state issue. People need to have proof of animal acquisitions and where they get their funding sources. The people that own these animals feel they are “loving” the animals. Permitting fees have to be substantial in order to deter owners. Inspections need to occur on a yearly basis. The world is watching us. Ohio is setting precedents for the entire country.

Scott Zody: Scott thanked Sheriff Lutz and Jack Hanna for their insights. We need to differentiate between individual owners and breeders. Jack agreed and said that individual ownership (pets) is a “no-no.” There needs to be species survival plans for true breeders. Jack said that most people won’t be able to afford standards once they are in place which will deter individual ownership. Scott asked Tom Stalf (Columbus Zoo/The Wilds) to describe the scene in Zanesville.

Tom Stalf: The condition of the animals in Zanesville was horrific. The primates were in bird cages filled with feces and garbage was everywhere. The outside pens were muddy, small boxes and lined with feces. On the right side of the driveway pens were 5-6’ tall by 8’ wide, approximately 15’ deep for full size cats/Bengals, which were not adequate for housing. Left side was a little larger. The back yard had a drained pool with a large bird cage; the bear was in the cage, aggressively chewing on the cage. This bear is being housed at the Columbus Zoo.

Debbie Leahy: The Humane Society does not fault law enforcement for what they did. The widow does want her animals back. The widow still owns the animals although they are being taken care of by the Columbus Zoo.

Suggested Ohio Revised Code: Ron Ollis, ODNR Div. of Wildlife, led the workgroup through a discussion on the draft language of the proposal. Comments are as follows:

- DNR and Agriculture could share responsibility of enforcement and inspection.
- The draft language was written as a partial ban – need to address 4th amendment issues.
- Grandfather clause is included, but needs to address standards.
- Property rights issues need to be addressed and a fund set up to compensate owners for the animals being taken from them or make it clear in the law that such animals can be forfeited as contraband.
- Ron discussed that anytime a wolf is bred with a dog, the offspring are not wolves, but hybrids. They are difficult to deal with because of the variables in breeding. Very few purebred wolves exist in captivity.
- It is important that the rules allow for future flexibility.
- We need to look into 955.0 – Dog Warden Laws for dog/wolf hybrids.
- Only zoos/zoo-like organizations have pure breeds.

- Any peace officer should be able to act based upon the authority of wildlife.
- If there is an issue involving health/safety – veterinarians need to inspect.
- If a licensing agency – penalties and permits should go into a dedicated fund. We may have to think about more than one fund if multiple agencies are involved.
- Ron will look into cooperation between ODNR and ODA.
- We need to look at standards of care.
- Tracking is a problem as owners can move to other states.
- Many states have double regulations (breed and sell).
- There are minimum standards and states can have stricter rules than federal rules. Laws need to include inventory, fees, and inspections. We could “plagiarize” USDA language.
- Should our proposed recommendations make people abide by a private organization’s rules (AZA or ZAA)?
- Scott asked Dr. Forshey to discuss the standards. Should they be similar to the Livestock Care Board Standards? Dr. Forshey said they had the opportunity to pull scientific data together. They put together a committee and they came up with standards for livestock care standards.
- Are we going beyond our scope? As written now, the language falls to ODNR.
- We suggest a rule rather than legislation. A set of standards for each class should be contained in legislation.
- Do we know if Mr. Thompson was breeding as there are standards for breeding? In order to breed you have to have USDA permits.
- Pull “A”, item 33 – pull “AZA/ZAA” and insert the language contained for those organizations rather than listing the organizations names. The legislation should define what you are looking at.
- Clarification on grandfathering was asked for Class I. Would breeders have to get a propagating license – would they have to come up to standards?
- We should ask breeders – who are you selling them to and “why?” We need to propagate for legitimate purposes. The private pool is not very big.
- Dr. Forshey said we need to make sure import laws include calling the Division of Animal Health in order to get permits to come to Ohio. They have granted 4,300 permits this year for Exotics to Ohio. Do we want to “legislate” these people out of Ohio as they are a business??
- Page 4 refers to 15 animal limitations – if an animal dies they cannot replace it.
- We still need to look at fees – Originally had \$250,000 insurance requirement, but backed it out to \$100,000 as that is what other states are doing. Perhaps it should be a tiered system based on how many animals you have rather than a flat fee. Ron will explore tiered fees.
- Question on insurance arose – can people get insurance? Polly has previously researched and was told if we could tell Department of Insurance how many animals are out there than they could come up with a dollar/insurance amount.
- We will add “track” changes on the next word document, which is revision #7.
- Item #D, Page 5 – are there enough exotic animal vets that can install microchips? How long until the microchip comes out? Alan said the chips do come out sometimes while Ron said other than with snakes, they have had very few problems with chips coming out.
- Wildlife would develop a database of permit holders.
- Some states have disaster plans/escape plans with the agency administering the rule. However, this was not included in our proposed language anywhere.
- Will we give the public the permit number or how/what are being kept?

- Permanent markings allow for people to not be able to swap out the animals. ODNR currently tracks the chips its sells and the company knows how many chips have been sold. ODNR is going to have a database which leaves the onus on us with owners/propagators. The database will include the permit number.
- Item #E, page 5 – Are caging requirements achievable? Do we want the Chief of Wildlife to propose standards or do we want to have a committee help the Chief come up with proposed standards? We need to make sure to include veterinarians on the committee.
- Item #E, page 5 – 14 day time period seems short to put up a perimeter fence. Clarification was given that they have 90 days to get a permit, then 14 days to put up a perimeter fence, so in essence they end up with 104 days.
- Item #E, page 5 – we need to look at seizure process and when would the owners get the animals back. We will review 955.0 language (dog wardens) to see how this is handled.
- The question came up about the length of snakes and whether constrictors/venomous should be moved up a class? The group discussed and their recommendation was to regulate/permit, not ban. From a community safety standard, children cannot identify a snake in the backyard and could easily mistake a venomous snake. Harry Dates said, they removed a 120 pound, reticulated python that was 14-feet long from a home this past August.
- Michelle asked, “What is physical contact?” Ron indicated it is actually physically touching the animal.
- Item #O, page 7 shows who is exempted from prohibitions. There was a discussion on the size of an animal from 25 to 15 pounds. Dale said, with some animals it is based on age rather than size, but the zoo is very restrictive.
- Scott suggested removing the rescue/sanctuary language and add to a new permit.
- Debbie would add language for care that should comply with AZA standards. They would have a USDA permit. Debbie suggested removing language on mascots and letting legislators deal with it. The group recommended keeping the mascot language as presented.
- If you are a propagator (held to a higher standard) and want to exhibit animals, would they be allowed to participate? We will continue discussing this at our next meeting.

Next Meeting Dates: The next meeting date will be October 31 at the Columbus Zoo offices.

Tasks/Action Items:

- Zoo – please make sure taxonomy is correct in the draft language.
- Research 955.0 – Dog Warden Laws (look at seizing animals and euthanasia).
- Ron –will look into cooperation between ODNR and ODA.
- Ron – develop suggested tiered fee structure.
- DOW – database of permitted animals
- Discuss possibility of a committee proposing caging standards.
- Add snakes into Class 1 (reaching a potential size of).
- Ron – will revise draft language to include our changes.

Adjournment (Scott): Scott thanked everyone for their participation. We are going to meet next week so we can continue to get the draft language ready for submission.