



Analysis: CAZA as a self-regulatory accreditation organization for Canada's Zoos and Aquariums

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Executive Summary

Founded in 1975, Canada's Accredited Zoos and Aquariums ("CAZA") is a private charitable organization representing approximately 23 of the country's zoos and aquariums of varying size and quality. CAZA's stated mandate is to promote "the highest standards of operation in Canadian zoos and aquariums through a process of self-evaluation, on-site inspections and peer review."

This report analyzes how CAZA, as a self-regulatory accreditation organization, does or does not achieve its mandate of prescribing and upholding adequate animal welfare and public safety standards. CAZA has demonstrated an inability to comprehensively monitor its own accredited member facilities. The CAZA self-regulation and decision-making processes reveal several weaknesses that commonly arise in self-regulating industries when external safeguards are not considered or applied. For example, CAZA lacks public transparency and accountability, and conflicts of interest can arise when those in a position of power within CAZA also have ties to the facilities that the organization purports to regulate.

Given that most CAZA accredited facilities are profit motivated, and all are presumably budget conscious, animal welfare standards often become a secondary consideration when financial costs are at stake. A lack of transparency within CAZA's governance and decision-making processes, vague and unenforceable standards of animal care, and a failure to carry out enforcement measures or take disciplinary action when incidents arise are especially concerning. Multiple serious and preventable incidents have occurred at accredited facilities, with animals suffering and dying as a result of dangerous living conditions, captive animals attacking humans, and venomous or otherwise dangerous animals escaping from their enclosures. In these cases, CAZA frequently failed to effectively intervene, and thereby undermined its stated mandate.

The following are some prominent examples of serious and preventable incidents that have occurred at CAZA accredited facilities:

- In 2005, an Ontario court awarded \$2.5 million to David Balac and Jennifer-Anne Cowles after they were mauled by Bengal tigers at African Lion Safari.
- In 2019, an elephant at African Lion Safari attacked her trainer with her trunk following an elephant ride, causing serious but non-life-threatening injuries.
- In 2007, multiple giraffes at the Mountainview Conservation Centre in British Columbia died from freezing due to lack of heated accommodations, yet there is no record of CAZA taking any action in response.
- In December 2015, Bowmanville Zoo owner Michael Hackenberger was filmed whipping a tiger, leading to CAZA revoking his personal membership, but not the zoo's accreditation, after Ontario SPCA laid charges in 2016.
- Since 2007, complaints have been made about Lucy the elephant being housed alone at the Edmonton Valley Zoo, contravening CAZA's Elephant Care Manual. As of 2024 Lucy is still confined alone at the Edmonton Valley Zoo despite health issues.
- In 1997, 80 Canada geese died from heat prostration at the Toronto Zoo, resulting in charges under the *Migratory Birds Convention Act*, but no public intervention by CAZA.
- Marineland faced multiple allegations of animal welfare misconduct, with CAZA failing to investigate until a 2012 Toronto Star report. Marineland maintained accreditation with CAZA despite being charged by the Ontario SPCA in 2016 and again in 2017.

Despite these incidents, CAZA works hard to foster a public perception of credibility in the community, leading the public and government to believe that it maintains the highest animal welfare standards. Consequently, CAZA-accredited institutions receive recognition as a “benchmark” in various provincial and municipal laws. In some cases, CAZA accredited institutions may even receive special dispensation, including exemptions from complying with otherwise applicable provincial and municipal animal welfare and public safety legislation.

This report makes clear that self-regulation via CAZA is failing to protect animals kept in captivity in accredited member institutions. As such, CAZA facilities should not be granted special status under any government legislation, regulation or policy.

CAZA History and Structure

CAZA is a trade association for the zoo and aquarium industry in Canada. It was founded in 1975 by zoo industry members and, in 2008, it was registered as a private charitable organization. CAZA was created in an effort to set standards for the zoo and aquarium industry. As noted, the organization’s mandate is to promote “the highest standards of operation in Canadian zoos and aquariums through a process of self-evaluation, on-site inspections and peer review.”

CAZA offers membership status to zoos and aquariums that meet its accreditation standards and pay an annual fee. As of 2023, CAZA’s zoo and aquarium membership stood at 23 accredited facilities. CAZA zoos and aquariums house over 100,000 animals and receive more than 12 million visitors per year.

Claiming to represent the highest industry standards, CAZA encourages facilities to join the organization. As CAZA explains, every accredited member enjoys eligibility for grants and funding from foundations and corporations, is exempt from certain legislation, and can participate in “animal exchange” activities with other facilities.

Board of Directors

CAZA’s Board of Directors consists of nine members. Historically the Board has been comprised of individuals either holding positions at Canadian zoos, or who have close ties to a Canadian zoo or aquarium. For example, the Board Director for the 2021-2022 term, Paul Gosselin, is also the Chief Executive Officer of the CAZA-accredited Société Zoologique de Granby. Mr. Gosselin has served on the Board since 2016.

Accreditation and Membership

Zoos and aquariums can apply to CAZA for both accreditation and membership. CAZA accreditation may be granted if the facility undergoes a CAZA accreditation review and inspection that demonstrates that it meets or exceeds CAZA’s current standards. Accreditation status lasts for five years. Membership allows the facility to access CAZA’s resources and information, as well as exchange animals with other accredited facilities.

Code of Ethics

The CAZA Code of Professional Ethics¹ has two sections. The first section sets out the obligations of professional ethics to which members should adhere. Member facilities are required to take a “pledge” to adhere to the Code, which guides members’ conduct.

The second section of the Code sets out certain standards, any deviation from which is supposed to result in disciplinary action as determined by the CAZA Ethics Committee. The Committee, which investigates potential violations of the Code, is “not a permanent committee of the Board but is empanelled on a case-by-case basis to deal with potential ethics violations.”²

The pledge that members take articulates principles and standards related to animal care, transparency, legality, conservation efforts, and acquisition of animals from the wild. The standards set out in the CAZA Code require that members observe all applicable laws, make an effort to ensure animals are acquired and disposed of in accordance with CAZA’s policy, and receive appropriate levels of care.

Accreditation Process

The accreditation process begins with a written application and questionnaire. Approximately six months following the completion of the application, a team of designates (typically including two or three individuals who may be a part of the Accreditation Commission or may be active/retired members of CAZA facilities) perform a scheduled inspection where they assess the following aspects of a facility: 1) operations, 2) animal management, and 3) veterinary care. The Commission has six members, one of whom is the chair (who may also be a member of CAZA’s Board), and one of whom is a Canadian Veterinary Medical Association representative (as a non-voting member).

With the exception of the veterinarian, Commission members are invariably zoo affiliates. A key criteria for service as an accreditation inspector includes individual membership in CAZA, current employment at an accredited institution, and having a minimum of five years’ experience in the profession.

The accreditation process is entirely confidential. Neither the application, inspection report, or reasons for accreditation decision are publicly available.³

Accreditation Visit

The Commission sets up a “Visiting Committee” to assess whether an applicant satisfies the requirements for accreditation. The Visiting Committee includes “zoo professionals” with experience in one or more of three primary categories: 1) operations, 2) animal management, or 3) veterinary medicine. Over the two to four day visit, Committee members conduct interviews with staff as well as with the zoo or aquarium’s director. The Committee evaluates a number of factors during the assessment, including animal acquisition and disposition policies, appropriate staffing, veterinary care,

¹ Caza Code of Professional Ethics, CAZA, online: <http://caza.ca/wp-content/uploads/2016/06/CAZA-Code-of-Professional-Ethics.pdf>

² At a Glance: CAZA Code of Professional Ethics, CAZA, online: https://caza.ca/wp-content/uploads/2016/08/CAZA_bkgdr_2016_ethics_en.pdf

³ After five years, an institution must go through the process once again to be re-accredited.

safety and security, the scope of conservation and education programs, physical aspects of the facility, and record keeping.

The Visiting Committee prepares a report for the Accreditation Commission, which then shares it with the facility director with a list of concerns, if any, about the facility. The facility's director must provide a written response prior to a hearing before the Accreditation Commission.

Accreditation Standards

The CAZA Accreditation Standards⁴ set out the standards which the Accreditation Commission and the Visiting Committee use to complete their assessment. The CAZA Accreditation Standards allow for a degree of subjectivity, given that they do not set out exact criteria or measurements to be attained. Many criteria throughout the Accreditation Standards lack mandatory language, and in turn, are difficult to enforce.

Below are examples of the types of standards set out in each accreditation category:

Animal Welfare - Health Care and Management

This category includes the parameters for veterinary involvement at a member facility (such as the frequency of visits, the presence of a care program for disease prevention, etc.). Notably, veterinarians must be members of CAZA. This category also sets out food requirements (e.g., appropriate quality/quantity of food, food storage requirements, and sanitation/cleanliness requirements).

Animal Welfare - Housing & Environment

This category is focused on ensuring that each animal's environment provides adequate space (or the appropriate volume of water for aquatic species), allows for natural behaviour, has essential equipment and enrichment, and offers access to visual barriers to allow the animals to escape the public.

Veterinary & Collection Management Programs

This category seeks to ensure that facilities have the means to isolate and quarantine sick, injured, and newly-arrived animals. It also promotes the use of vaccinations when appropriate for the care of species and requires necropsies to be performed following the death of an animal.

Marine Mammal Standards

This category prescribes specific standards unique to the care of marine mammals. It requires institutions to have access to a veterinarian with marine mammal medicine expertise. It also requires specific conditions to be met for outdoor enclosures and that enclosures be kept in good repair. Moreover, it acknowledges specific dietary and health requirements for marine mammals, including the administration of vitamins and minerals, etc.

⁴ CAZA Accreditation Standards: 2022 Edition, online: <https://caza.ca/wp-content/uploads/2022/04/2022-CAZA-Accreditation-Standards-Normes-d%e2%80%99accreditation-de-l%e2%80%99AZAC.pdf>

Governance

This section establishes that an institution's governing authority must abide by the CAZA Standards, the CAZA Code, and all relevant provincial, federal, and municipal laws and bylaws. It sets out governance structure requirements in an effort to ensure a clear chain of command and employee competency.

Physical Facilities

This category sets out requirements related to the cleanliness and working order of facilities, it requires consistent cleaning and housekeeping, adequate barriers and perimeter fencing for animals, lighting requirements, and facilities which are required for visitors (i.e., restroom cleanliness, licenses for rides, parks, and playgrounds, etc.).

Safety and Security

This section sets out the need for security at member facilities. It provides that certain incidents must be documented and corrective measures implemented, such as an injury to staff or visitors, or an escaped animal.

Hearings

The Accreditation Commission holds a private hearing to determine whether accreditation should be granted. The director of the applicant zoo or aquarium is invited to attend. Accreditation can be granted immediately, tabled for further consideration, or denied.

All aspects of the accreditation hearing are confidential. While the terminology of "hearing" is used, implying public accessibility, the public has no right to participate in the process, to provide information to the Accreditation Committee, or to access information relied upon by the Committee. The process is devoid of transparency.

Progressive Discipline Policy

The Ethics and Compliance Committee ("ECC") is responsible for administering CAZA's discipline policy. The disciplinary policy comes into effect when a complaint is received from a member of the public or through self-reporting by a facility.⁵ If an incident occurs that involves serious injury or serious impact on the welfare of a visitor, staff member, or animal, the accredited institution must contact CAZA within 24 hours, and then submit a written report within 30 days.

If the ECC determines that the CAZA Standards have been violated, they may either: 1) send a letter of reprimand, 2) suspend a facility's membership, or 3) terminate a facility's membership. A letter of reprimand is used if the violation is deemed minor and the issue can be resolved within six months. Depending on the severity of the concern, the ECC can bypass either the letter of reprimand or the suspension period and move directly to termination. In either case, the ECC must unanimously agree to the decision to bypass. CAZA does not provide guidance on what factors the ECC should consider in

⁵ CAZA Progressive Discipline Policy, online: https://caza.ca/wp-content/uploads/2016/06/CAZA-Progressive-Discipline-Policy-approved-sept-2016_Final.pdf

deciding whether a violation is significant, nor does it provide examples of what may constitute a significant violation.

There is no public record of CAZA ever having suspended or revoked a facility's accreditation, despite several serious incidents at CAZA zoos, as discussed in more detail below.

CAZA Disciplinary Appeal Process

CAZA's appeal process is set up to review decisions made to terminate an existing member's accreditation status. To access the appeal process, a disciplined member must request leave to appeal the ECC's decision from CAZA's Board of Directors. If leave is granted, a hearing and review of the decision will take place.⁶

All aspects of the disciplinary policy and the appeals process are confidential. Public complainants have no right of appeal if a complaint is denied by CAZA.

Shortcomings of CAZA Self-Regulation

When a professional organization is granted a degree of regulatory authority over a particular industry or profession, it is considered to be a self-regulating organization ("SRO"). SROs can be an appropriate method of regulation—particularly when the SRO ensures public and stakeholder participation, diverse perspectives at the executive level, transparency, and effective implementation.

However, if not structured properly, SROs can present several problems. Because an industry organization is creating and imposing its own standards within an SRO structure, the following shortcomings can arise:

- prioritizing revenue or profits over the public interest;
- lack of transparency;
- inadequate enforcement, oversight, and discipline; and
- creation of a false perception of credibility.

These shortcomings often overlap and compound one another. The shortcomings are further exacerbated in the case of an organization like CAZA because of the inherent vulnerability of CAZA's key stakeholders, captive animals. It is questionable whether an SRO governance structure is ever appropriate when a profit oriented industry has a highly vulnerable clientele (e.g. children, seniors or animals). Recent reports of neglect in Canada's long-term care home industry during the pandemic are a key example of this problem.

CAZA is the SRO of a segment of the zoo and aquarium industry. The zoo and aquarium industry established this entity in an attempt to monitor consistency and quality and to discipline misconduct at the zoos and aquariums it oversees. CAZA was also established in an effort to foster a public perception of credibility at these zoos.

⁶ CAZA Disciplinary Appeal Process, CAZA, online: https://caza.ca/wp-content/uploads/2016/06/CAZA-Disciplinary-Appeal-Process-approved-Sept-2016_final.pdf

Unfortunately, CAZA exhibits many of the shortcomings of a poorly structured SRO.

Prioritization of Revenue and Profits

As a non-profit organization, CAZA is funded through membership fees, donations and grants. Consequently, the more effective CAZA is at projecting an aura of success, the more likely it is that it will receive funds to continue its operations. CAZA also has an interest in maintaining and growing its membership. As more facilities subscribe to CAZA's standards the organization's credibility presumably increases and these facilities may become donors themselves. CAZA has a financial incentive to accredit facilities, and a disincentive to discipline them.

Lack of Transparency

CAZA accreditation processes are highly secretive. The details of the written applications, the inspection process and corresponding reports, and the hearings (for both accreditation and disciplinary assessment) are not available to the public. The confidential nature of these processes results in a lack of transparency, whereby third-parties like members of the public, animal protection organizations, and even law enforcement cannot assess if procedures are being followed. While terms like "hearing" tend to connote public openness, CAZA's internal policies prevent public scrutiny.

Lack of Enforcement

CAZA claims that it is committed to the advancement of accredited zoos and aquariums as humane agencies of animal welfare, conservation, science and education. In order to achieve these goals, it must have strict, measurable, standards which are vigorously enforced. But that is not the reality.

CAZA accreditation status is granted for a five year period. At the end of five years, facilities must complete the application process again to avoid a lapse in status. However, five years is a substantial amount of time during which many changes may take place. CAZA does not conduct regular unannounced inspections, meaning that compliance between accreditation inspections is rarely scrutinized. These facilities could fail to comply with CAZA standards, unchecked, over a long period of time due to lack of regular oversight.

Moreover, CAZA does not always investigate facilities even when a serious incident takes place. Rather, CAZA determines if such an investigation is necessary based on the nature of the complaint. This complaint-based system is problematic because zoos are disincentivized from reporting issues themselves, given the potential for damaged credibility. Meanwhile, the public has no access to the inner workings of zoos, and thus is typically unaware of anything other than the most egregious breaches of animal welfare that take place in publicly visible locations. No zoo visitor has access to records, non-public areas, after-hours occurrences, or other times where welfare concerns may exist.

Concerns surrounding the effectiveness of CAZA's organizational structure and enforcement system were raised during a sitting of the Senate Standing Committee on Fisheries and Oceans when legislation to phase out whale and dolphin captivity was under consideration. It was revealed that, until 2016, CAZA

had only 1.5 staff and the organization played more of a coordinating role than carrying out any meaningful evaluation or enforcement.⁷

Failure to suspend or revoke accreditation

CAZA has repeatedly failed to suspend or revoke accreditation of member facilities when an incident that breaches the organization's standards occurs. Examples of serious incidents that took place at CAZA accredited facilities are set out below, and in every instance there is no record of accreditation status being suspended or revoked.

Strict enforcement measures are all the more necessary in the animal welfare context, given that animals are incapable of reporting abuse themselves. As set out in detail below, it appears that CAZA does not sanction institutions that fail to comply (in some cases repeatedly) with accreditation standards.

Self-Reporting and Internal Disciplinary Process

Reliance on self-reporting is yet another factor which undermines the effectiveness of CAZA. There is no incentive for an accredited facility to report an incident to CAZA. The facilities benefit from their accreditation status financially and, in some instances, from legislative exemptions, and deemed regulatory compliance. Consequently, there is a disincentive to report any incidents which may undermine that status. Similarly, the internal, and confidential, disciplinary processes that CAZA follows raises concerns given that disciplinary action is left largely in the hands of CAZA itself. CAZA benefits from maintaining its list of accredited institutions, especially when the facility in question is operated by an individual who holds a senior position within CAZA itself.

CAZA's Poor Track Record

An analysis of CAZA's past conduct reveals a pattern of prioritizing the needs of the zoo and aquarium industry over public safety and animal welfare. The following section sets out a series of examples of CAZA's conduct which demonstrate the organization's failure to acknowledge and address:

- scientific research of animal welfare, and
- adequate responses to serious incidents at CAZA-accredited facilities.

CAZA Position Statements

CAZA Position on Captive Cetaceans

CAZA previously supported capturing cetaceans from the wild to display in captivity.⁸ The captivity of cetaceans has been proven to cause immense distress to these animals resulting in frequent illnesses

⁷ Exchange in March, 2017 between Senator Daniel Christmas and Susan Shafer, then Executive Director of CAZA, online: <https://sencanada.ca/en/Content/Sen/Committee/421/POFO/12EV-53181-E>

⁸ Rob Laidlaw, "Commentary on the Canadian Association of Zoos and Aquariums (CAZA) accreditation process: Marineland of Canada Niagara Falls" (January 2002), 5-6.

and much shorter life spans than those in the wild.⁹ In 2015, Ontario provincial animal welfare laws were updated to include a ban on captive orca whales, reflecting current scientific opinion and prevailing world-wide trends and sentiments. Even Orlando-based SeaWorld announced that it was discontinuing its orca whale program in 2016, in response to scientific evidence and immense public pressure.¹⁰

By contrast, CAZA maintained its pro-captivity position, disregarding the prevailing perspective of the scientific community, and stating:

With regard to the keeping of cetaceans, CAZA recognizes there are emotional and philosophical arguments about housing dolphins, porpoises and whales in zoological parks and aquariums. CAZA firmly believes that with all animals, including cetaceans, the value that seeing the living animal brings to the process of engagement, awareness, learning, and motivation far outweighs the negative arguments.¹¹ (April 2016)

Taking cetaceans from the wild is detrimental to the overall wild population of cetaceans as well as to the individual captured cetaceans. Moreover, capturing wild cetaceans in Canadian waters had already ceased at the time CAZA held such a position.¹² The position statement never recognized scientific facts, calling the arguments “emotional and philosophical” in an attempt to downplay their scientific credibility. That is, rather than rebutting these arguments with scientific data, CAZA argued that the supposed value to humans outweighs any other argument—sidestepping altogether the question of animal welfare.

CAZA’s Position on Elephant Captivity

CAZA has consistently supported the keeping and confinement of elephants at zoos. CAZA’s position and acceptance of the keeping of elephants in captivity is not in line with the prevailing scientific opinion that elephants cannot be humanely kept in confinement.¹³

CAZA’s acceptance of elephant captivity is compounded by its failure to enforce its own standards. When an accredited member violated CAZA’s standards for the care of captive elephants, CAZA demonstrated a willingness to change its policies to accommodate the offending zoo. This was the case when CAZA amended its standards in 2016 to allow for the keeping of elephants alone in captivity,

⁹ Ontario Ministry of Community Safety and Correctional Services, *Developing Standards of Care for Marine Mammals in Captivity and Recommendations Regarding How Best to Ensure the Most Humane Treatment of Captive Cetaceans*, (May 2014), 61-67.

¹⁰ “Breaking News: The Last Generation of Orcas at SeaWorld” (2016), SeaWorld Cares, online: <<https://seaworldcares.com/2016/03/Breaking-News-The-Last-Generation-of-Orcas-at-SeaWorld/>>.

¹¹ CAZA Position on: Maintenance and Display of Cetaceans in Human Care (posted at least until April 2016) https://web.archive.org/web/20140826120827/http://www.caza.ca/documents/position_Cetaceans.pdf

¹² <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/274675.pdf>, p.5

¹³ See e.g., Born Free, “Elephants in Zoos: A Legacy of Shame”, (Born Free 2022), online: <https://www.bornfree.org.uk/publications/elephants-in-zoos-report>; Ian Sample, “Stress and lack of exercise are killing elephants, zoos warned” (The Guardian, 2008), online: <https://www.theguardian.com/science/2008/dec/12/elephants-animal-welfare>; Faunalytics, summary prepared by N. Kalantari (Study conducted by Jacobs B., Rally H., et al. (2022)) “Captivity Harms Brain Function in Elephants and Cetaceans” (Faunalytics, 2022), online: <https://faunalytics.org/captivity-harms-brain-function-in-elephants-and-cetaceans/>

seemingly in an effort to justify the confinement of Lucy, the lone elephant at the Edmonton Valley Zoo. Critics of this decision noted that “CAZA ‘standards’ are malleable to the point of absurdity... [as] they will change ‘standards’ to accommodate zoos.”¹⁴

CAZA’s Position on the Use of Animals in Entertainment

CAZA has consistently failed to oppose the use of animals in shows or exhibitions for entertainment. While the organization has belatedly taken small steps to ban particularly objectionable practices such as elephant rides (in 2021),¹⁵ beyond these incremental changes, it has not adopted a broader policy against the use of animals in entertainment performances.¹⁶ Rather, CAZA supports what it calls ‘educational’ public programming, stating that it can serve as a powerful tool to inform the public.¹⁷ CAZA’s failure to recognize the harm associated with using animals in entertainment performances lags behind federal law. Indeed, since 2019 it is a criminal offence to promote, arrange, or conduct any competition, exhibition, or display for money in which captive cetaceans are used for performance for entertainment purposes.

Incidents at CAZA-Accredited Facilities

The following section describes publicly known incidents at CAZA accredited facilities which breached CAZA’s code of conduct, mandatory standards and/or requirements for continuing accreditation. It is noteworthy that in each of the situations that follow, there is no public record of CAZA revoking accreditation.

Couple Mauled by Bengal Tigers at African Lion Safari

In 2005, an Ontario court awarded David Balac and Jennifer-Anne Cowles \$2.5 million for damages they sustained after being mauled by Bengal tigers at African Lion Safari.¹⁸ In April of 1996 the young couple was driving through the park when a tiger bumped their vehicle, causing Balac to fall on the vehicle’s automatic window switch. As the window opened, one of the tigers reached in and attacked the two individuals, while another two tigers attempted to enter the vehicle. The tigers latched onto each of the individuals, attempting to pull them out of the vehicle. The couple eventually escaped the tigers’ grasp by accelerating their car forward. The couple brought the matter before the Ontario provincial court, ultimately winning their case in 2005, with the court determining that the Safari should be held strictly liable for the damages. Collectively, the couple was awarded \$2.5 million for the damages they suffered (including bites resulting in muscle, tendon and nerve damage).

While CAZA claims to uphold rigid safety standards, African Lion Safari is still a CAZA-accredited facility and still allows visitors to drive through enclosures holding dangerous animals.

¹⁴ Barry Kent MacKay, “CAZA Accreditation Critique” (Sacramento: Born Free USA, 2012), p 17, cited in Tyler Totten, “Should Elephants Have Standing?” (Western Journal of Legal Studies 6:1, 2015), online: <https://www.canlii.org/w/canlii/2015CanLIIDocs367.pdf>, p.3

¹⁵ Dan Taekema, “Canadian zoo accreditation body bans elephant rides. Advocate says change is overdue” (16 December 2021), online: <<https://www.cbc.ca/news/canada/hamilton/caza-elephant-ride-ban-african-lion-safari-attack-1.6283562#:~:text=The%20AZA%20hasn't%20allowed,an%20elephant%20in%20specific%20circumstances>

¹⁶ https://web.archive.org/web/20140826120822/http://www.caza.ca/documents/position_AnimalShows.pdf

¹⁷ CAZA Standards, *supra* note 4, p.43

¹⁸ *Cowles v Balac*, 2005 CanLII 2038 (ON SC) at para 11

CAZA standard breached: Animals generally considered as dangerous to humans, must be held in facilities that prevent physical contact with staff and visitors, unless a full risk assessment has been conducted and the results used to develop procedures that minimize the possibility of attacks on handlers and visitors where they are permitted to come into contact.¹⁹

If the African Lion Safari was required to undergo a risk assessment by CAZA, the details of such assessment are protected by the organization's confidentiality policy and are not publicly available.

Elephant Attack following Elephant Ride

In 2019, an elephant at African Lion Safari lunged at her trainer just as a visitor was dismounting her following an elephant ride. The elephant then began to beat the trainer with her trunk. The trainer sustained serious but non-life threatening injuries. African Lion Safari ceased offering elephant rides following this incident. However, CAZA did not ban elephant rides for another two years.²⁰

This attack demonstrates CAZA's failure to proactively update its policies and standards. The U.S.-based Association of Zoos and Aquariums (AZA) banned elephant rides due to their unsafe nature in 2011. Rather than adapting to address emerging issues, CAZA waited until well after an incident occurred before taking steps to ban the practice.

CAZA standard breached: Assessing whether exhibits are safe for the animals, the staff, and the public.²¹

Multiple Giraffes Freeze to Death

Between 2007 and 2009 staff at the Mountainview Conservation Centre in BC reported multiple incidents involving animal cruelty, including two giraffes who froze to death because Mountainview's owner had refused to provide heated accommodations for the animals.²²

There is no record of CAZA taking any action in response, so in 2010 zoo staff took their complaints to the British Columbia Society for the Prevention of Cruelty to Animals ("BC SPCA"). The BC SPCA recommended laying cruelty charges, but the Crown entered into an agreement with the owner to dispose of the animals in exchange for avoiding charges.

CAZA standard breached: Assessing whether the collection is protected from excessive heat and cold.²³

¹⁹ CAZA Standards, supra note 4, p.100

²⁰ <https://www.cbc.ca/news/canada/hamilton/caza-elephant-ride-ban-african-lion-safari-attack-1.6283562>

²¹ 2021 Accreditation Process Guide, online: https://caza.ca/wp-content/uploads/2021/04/2021-Accreditation_Process_Guide_As-Approved-November-2020.pdf p.28

²² http://www.rabbitadvocacy.com/charges_planned_against_mountain.htm

²³ CAZA APG, supra note 21, p.28

80 Geese Die from Excessive Heat

In 1997, 80 Canada geese died from heat prostration when Toronto Zoo staff put approximately 300 wild geese into a non-air-conditioned truck on a hot summer day.²⁴ The Zoo was charged and convicted under the federal *Migratory Birds Convention Act*.

CAZA did not publicly reprimand the Toronto Zoo following this incident, despite the conviction under federal law as well as a clear violation of its standard to protect animals against excessive heat.

CAZA standard breached: Assessing whether the collection is protected from excessive heat and cold.²⁵

Lucy the Elephant Housed Alone

In 2007 CAZA began receiving complaints from members of the public and from animal welfare organizations about Lucy the elephant who is housed alone at the Edmonton Valley Zoo. The organizations maintained that Lucy's captivity had led to numerous health problems including dental disease, arthritis, foot pain, obesity, and respiratory issues.

Lucy's housing is a clear contravention of the requirements of the CAZA Elephant Care Manual that requires that female elephants not be housed alone.²⁶ Specifically, the manual states:

Elephant management facilities should make every effort to maintain elephants in social groupings. It is inappropriate to keep highly social female elephants singly long-term. It is recognized that some socially aberrant adult females currently exist and these elephants can be managed singly if the institution has made every effort to introduce them to a social group and CAZA agrees that the anti-social behavior is not correctable.

In 2016, CAZA amended its existing standard for elephants, creating a variance that would permit elephants to be confined alone in certain circumstances, seemingly in an attempt to justify allowing Lucy to remain alone at the Edmonton Valley Zoo.²⁷ Lucy was assessed by a veterinarian, who stated that she would undoubtedly benefit from the company of fellow elephants, but that Lucy's medical problems were so serious that she should not be moved from the Zoo.

In 2022 the Zoo requested approximately \$61 million in funding from the City of Edmonton, claiming that the facility urgently required funds because "a number of animal enclosures" did not comply with CAZA animal care standards—including enclosures for Lucy the elephant. Representatives of the Zoo noted that it "run[s] the risk of being shut down if these deficiencies are not addressed." And that "many animals in the Zoo's evolving collection are in enclosures that were not designed and constructed

²⁴ Tom Godfrey, "Zoo Guilty in Killing of 80 Canada Geese", The Toronto Sun (21 November 1997)

²⁵ CAZA APG, supra note 21, p.28

²⁶ CAZA APG, supra note 21 at 29

²⁷ Dr J Cracknell, "Elephant Welfare Assessment: Independent Review of Edmonton Valley Zoo's Elephant Program Accreditation Variance", (June 2016), online: <https://www.yumpu.com/en/document/read/55800760/elephant-welfare-assessment>, p.5

specifically for their species and, in many cases, the enclosures have not kept pace with current standards.”²⁸

In 2022/23 CAZA conducted an investigation, and after visiting the Zoo, reviewing documentation, and interviewing staff, advised that its investigation was closed and no action would be taken, stating:

*“The budget report pertaining to the Edmonton Valley Zoo’s alleged deficiencies contains statements we were unable to substantiate. The funding request to Council seems to have been written to look to future investments. The investigation team understands it can be a challenge to present a case for future investments yet let the reader know they meet CAZA accreditation standards.”*²⁹

CAZA’s statement suggests either that the Zoo misrepresented conditions in order to secure City funding, or else CAZA has not properly identified deficiencies at the Zoo. Both possibilities are troubling, and highlight a lack of transparency and proper oversight at the Zoo.

CAZA standard breached: In this case, rather than addressing deficiencies at the Edmonton Zoo, CAZA opted to vary its elephant welfare standards to accommodate one of its accredited institutions. Adapting to the conduct of facilities rather than facilities adapting their conduct to meet requirements is contrary to the purpose of an SRO.

Also, the Director of the Edmonton Valley Zoo’s position as President of CAZA (2012-2014) demonstrates the potential for a conflict of interest, undermining CAZA’s ability to appropriately and objectively enforce its standards.

Bowmanville Zoo Owner Charged with Animal Cruelty

In December 2015, an undercover video was released depicting Bowmanville Zoo owner and Director, Michael Hackenberger, whipping a tiger at his facility and describing the pain this act causes to the tiger. On December 22, 2015 CAZA released the following statement:

*“The welfare of the animals in the care of our accredited member institutions is our paramount concern. CAZA’s values, policies and standards are clear: animals must be treated with respect and dignity and in a manner that does not jeopardize their welfare. After viewing the edited video, we have decided to bring the matter before our Ethics Committee for investigation. The Committee is being empaneled today and we expect that it will convene quickly to consider the matter. The issues raised by the video are serious and require a thorough and fair review. As the matter is now before an adjudicatory body. We will not provide further comment until the investigation and adjudication are completed.”*³⁰

The facility remained open to the public while the investigation took place.

²⁸ See: <https://www.edmonton.ca/sites/default/files/public-files/Proposed2023-2026CapitalBudget.pdf?cb=1667241622>, p.162

²⁹ <https://animaljustice.ca/wp-content/uploads/2023/05/2023-05-11-Animal-Justice-Letter-to-Edmonton-City-Council-re-EVZ-CAZA-Investigation.pdf>

³⁰ <https://www.newswire.ca/news-releases/statement-from-canadas-accredited-zoos-and-aquariums-563280261.html>

On April 13, 2016 the Ontario SPCA charged Michael Hackenberger with animal cruelty after investigating the incident. Two days after the charges were laid CAZA made the following statement:

“Canada’s Accredited Zoos and Aquariums announced today that it had revoked the professional membership of Mr. Michael Hackenberger, former Director of the Bowmanville Zoo, for violations of the CAZA code of ethics. The finding follows an investigation by the CAZA Ethics Committee into allegations of animal abuse stemming from a third-party hidden-camera video recording released last December.”³¹

Notably, CAZA never revoked the accreditation of the Bowmanville Zoo itself. (On June 23, 2016 the Bowmanville Zoo announced it would be closing following one final season.)

Following the release of the December 2015 video, CAZA did not take steps to address the conduct of Director Hackenberger. CAZA only revoked Hackenberger’s professional membership following additional publicity stemming from charges laid by the Ontario SPCA.

An issue of this magnitude should have been addressed expeditiously by CAZA to ensure other animals would not suffer any harm. Additionally, this is the only known instance where CAZA revoked the professional membership of a zoo owner or operator. It is troubling that the facility itself remained accredited, even though Hackenberger was the owner of the zoo.

CAZA standard breached: Should an accident occur at an accredited institution causing serious injury or seriously impacting the welfare of a visitor, staff, or institution animal, the National Office must be contacted by telephone or email within 24 hours. A written report must be submitted to the Accreditation Commission within thirty (30) days explaining what happened and noting what actions are being taken by the institution as a result. The Commission will determine if a special inspection or other action is necessary and will notify the institution in writing once a decision has been made.³²

Marineland Repeatedly Cited for Animal Welfare Misconduct

For many years former employees, animal welfare organizations, and members of the public have brought problems at Marineland to CAZA’s attention. However, CAZA failed to investigate this facility until the Toronto Star conducted a full investigation of conditions at Marineland in 2012.³³ The Star reported that animals were living in unacceptable conditions, highlighting issues such as poor water quality, extreme health issues such as peeling skin and blindness which were left untreated, debris falling into animal enclosures, and inappropriate shelters and housing for many of the animals.

CAZA inspectors, following their initial visit a week after the Star report was released, noted paradoxically that “water quality in all the pools was very good” but also that “water quality issues appeared in some instances to impact on the wellbeing of the animals in the pools

³¹ <https://www.newswire.ca/news-releases/former-bowmanville-zoo-director-found-in-violation-of-caza-code-of-ethics-professional-membership-revoked-575884901.html>

³² CAZA APG, supra note 21, p.10

³³ https://www.thestar.com/news/canada/marineland-animals-suffering-former-staffers-say/article_3a527a21-191c-5ce0-aa9b-bab31284bbea.html

in question.”³⁴ Finally, in March 2013 the Ontario SPCA stepped in and issued seven corrective orders to Marineland to ensure the facility complied with animal cruelty legislation.³⁵ The orders included:

- Installing a new water filtration system and maintaining consistently good water quality;
- Bringing in an independent marine mammal ophthalmologist to examine the eyes of all the sea lions, walruses and seals;
- Repairing a degraded ceiling to stop debris falling into a building that houses sea lions, seals, walruses and dolphins;
- Constructing separate habitats to protect bear cubs from being mauled and devoured by males;
- Implementing an environmental enrichment program for the lone killer whale Kiska (who has since died at the facility); and
- Building improved shelters for deer and elk.

Additionally, following an investigation by Ontario’s Environment Ministry, it was revealed that Marineland had been burying animals on its property, in violation of provincial environmental laws. These mass graves held the bodies of more than 1,000 animals.

There was a lack of public transparency from CAZA in relation to the above noted charges and orders. Marineland maintained accreditation with CAZA despite being charged by the Ontario SPCA in 2016 and again in 2017. Ultimately, Marineland voluntarily withdrew from CAZA, one month before its five-year accreditation status was set to expire.

The multiple incidents that occurred while Marineland was a CAZA-accredited facility show CAZA’s inability to enforce its animal welfare standards. External agencies, including the Ontario SPCA and Environment Ministry, had to step in to investigate and rectify the serious animal welfare shortcomings at Marineland. Even after government action, CAZA failed to act.

CAZA standard breached: A member shall not knowingly engage in activities contrary to local, provincial, federal or international laws, as such laws relate to our profession; and a member will, to the best of his or her ability, cooperate with governmental agencies regulating animal welfare and animal transactions. A member shall ensure that all animals in their collections shall receive appropriate levels of care.³⁶

Conclusions

As Canadians become increasingly concerned about the status of animals in zoos and aquariums, this report sheds light on the shortcomings of CAZA as a self-regulatory accreditation organization in fulfilling its mandate of ensuring adequate animal welfare and public safety standards. Through a comprehensive analysis, it is evident that CAZA struggles to effectively monitor its accredited member facilities, primarily due to inherent weaknesses in its self-regulation and decision-making processes.

One of the critical issues highlighted is the conflict of interest that arises within CAZA, when individuals in positions of power may also have affiliations with the facilities they are supposed to regulate. This

³⁴ http://storage.stcatharinesstandard.ca/v1/suns-prod-images/file/1297320812696_CAZA_ACCREDITATION_COMMISSION_DECISION.pdf

³⁵ https://www.thestar.com/news/canada/ospca-chair-details-7-orders-issued-against-marineland/article_9ef7ce29-7004-564a-b387-d0d8a76a5b4c.html

³⁶ CAZA Code of Professional Ethics, p.4

conflict undermines the organization's ability to impartially enforce standards, particularly when financial interests overshadow animal welfare considerations.

Furthermore, the lack of transparency and accountability within CAZA's governance structure exacerbates the problem, leading to a failure to intervene effectively in cases of animal mistreatment or neglect. Despite repeated incidents of animals suffering or dying in accredited facilities, CAZA has consistently fallen short in its duty to uphold its stated mandate.

CAZA has worked diligently to cultivate a perception of credibility in the public eye, sometimes leading to special recognition and exemptions for its accredited institutions in provincial and municipal laws. However, this report emphasizes that such privileges should not be granted given that CAZA fails to fulfill its core responsibility of safeguarding animal welfare and public safety.

It is evident that CAZA is not adequately protecting animals kept in captivity within its accredited member institutions. Therefore, it is imperative that CAZA facilities not be granted any special status under government legislation, regulation, or policy.