

Sled Dog Task Force

March 25, 2011



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Letter from the Chair of the Task Force

I first learned about the reported killing of a large number of sled dogs in British Columbia while on the other side of the world on a volunteer vacation in Sri Lanka, suffering from sleep deprivation due to the nightly mix of fighting and mating of the many feral dogs in the community. The contrast of the Buddhist reverence for life in Sri Lanka and the apparent callous disregard for life in my home country was jarring. The report of the so-called “culling” of excess sled dogs understandably caused outrage across many parts of Canada, North America and around the world. As a veterinarian and Member of the Legislative Assembly, I knew swift action would be needed to understand how this could happen and that it must not be allowed to happen again.

Upon my return to B.C., Premier Campbell asked me to lead a task force along with a representative from the BC SPCA which is the delegated authority with power to enforce the BC Prevention of Cruelty to Animals Act, and a representative of the Union of BC Municipalities as animal control issues often fall to local government. With a short 45-day mandate, the Sled Dog Task Force was given high priority with access to many government resources. Whenever we asked, people both within government and without, were eager to help with both time and knowledge. People like well known Ontario author Dorris Heffron who penned *City Wolves*, an historical novel about the role of sled dogs in the Yukon gold rush and Frank Turner who runs Muk Tuk Adventures a leading sled dog operation in Whitehorse. Literally thousands of e-mails, letters and phone calls were received outlining concerns and suggestions for the task force, including a well orchestrated campaign to ban entirely the sled dog industry in B.C.

While it is an impossible task to satisfy everyone’s point of view, I believe the Sled Dog Task Force has developed recommendations that will assure British Columbians this industry can be conducted in a socially responsible manner. I want to thank my colleagues on the task force, Mr. Craig Daniell, CEO of the BC SPCA and Councilor Barbara Steele, President of the Union of British Columbia Municipalities along with the provincial government staff team for their dedication and hard work.

As a boy I loved reading Jack London’s *Call of the Wild*, marveling at the immutable bond between man and dog, “These men wanted dogs, and the dogs they wanted were heavy dogs, with strong muscles by which to toil, and furry coats to protect them from the frost.” Now it is surely our turn to protect them from any form of abuse.

Hon. Terry Lake, DVM

Executive Summary

Task Force Mandate

The Sled Dog Task Force comprised representatives from the province, the provincial non-government agency responsible for the enforcement of the prevention of animal cruelty legislation, and local authorities was established by former Premier Gordon Campbell on February 2, 2011, in response to the reported mass killings of approximately 100 sled dogs by an employee of an outdoor adventure tourism operation in the province.

The reported circumstances of the April 2010 killings appear to contravene federal and provincial legislation and the Task Force was mandated to provide a report to the Minister of Agriculture by March 25, 2011 addressing:

- circumstances related to the reported sled dog killings;
- subsequent exchange of information between the involved agencies; and,
- ultimately to provide recommendations to prevent such incidents from occurring again.

To avoid compromising potential criminal investigations, the Task Force phased its approach to initially assess the sled dog industry, its regulation, standards of care and general welfare requirements of the animals.

Future work will include establishment of the specific circumstances associated with the reported mass killings, detailing information exchanges between agencies and exploration of any other associated issues which may further inform future recommendations.

Methodology

The Task Force structured its approach to engage key stakeholders and members of the public to the greatest extent possible within the March 25, 2011 timeline.

Key Stakeholders

In-person meeting and teleconferences were held with representatives from the sled dog industry, College of Veterinarians of British Columbia, Canadian Veterinary Medical Association, animal researchers and behaviouralists, animal cruelty investigators, the Union of British Columbia Municipalities, an individual associated

with the development of National Farm Animal Care Codes and an animal advocacy group. The Task Force also solicited information from specialists from across Canada in the fields of animal veterinary medicine, industry and recreational sled dog practices, and animal protection legislation.

Public Engagement

Members of the public were encouraged to provide their comments to the Task Force through a dedicated website, which resulted in a significant number of submissions, and correspondence.

On-site Visit

The Chair of the Task Force also conducted a scheduled on-site visit of a commercial sled dog operation to assess their practices and issues related to animal health and welfare.

1. Introduction

In late January 2011, reports emerged of a mass killing of approximately 100 sled dogs by an employee of an outdoor adventure tourism operator in the province. The alleged mass killings were reported to have occurred on April 21, 2010 and April 23, 2010 and to have been conducted in a manner that was inconsistent with federal and provincial animal protection legislation – and the expectations of British Columbians.

In response to the reported mass killing, former Premier Gordon Campbell announced the creation of a dedicated provincial Sled Dog Task Force on February 2, 2011. The Task Force was directed to provide a report to the Minister of Agriculture by March 25, 2011, identifying the circumstances related to the reported sled dog killings, the subsequent exchange of information between the involved agencies and ultimately to provide recommendations to prevent such incidents from occurring again. Areas of specific focus included:

- A review of responsibilities, regulation and policy governing the dog sledding industry;
- A review of the response by all agencies involved, upon being made aware of the dog killings; and
- Any further issues that arise during the course of the review.

Given the nature of the reported event, the Task Force's activities were phased to avoid compromising potential criminal investigations by provincial law enforcement agencies. Undertaking interviews with the parties or releasing the chronology of events prior to the resolution of any criminal investigations and prosecutions was found to pose an unacceptable risk of compromising the course of justice. Accordingly, this report concludes the initial phase which investigated the context in which the reported event occurred.

Future work includes establishment of the specific circumstances associated with the reported mass killings, detailing information exchanges between agencies and exploration of any other associated issues which may further inform future recommendations.

The Task Force comprised representatives from the province, the provincial non-government agency responsible for the enforcement of animal cruelty legislation and local authorities. These included:

- MLA Dr. Terry Lake, representative for Kamloops-North Thompson and a veterinarian;
- Craig Daniell, Chief Executive Officer, The British Columbia Society for the Prevention of Cruelty to Animals (BC SPCA); and,
- Barbara Steele, President, Union of British Columbia Municipalities (UBCM).

2. Sled Dog Industry Context

2.1 Legislation and Regulations Related to the Sled Dog Sector

The federal government includes provisions under the Criminal Code of Canada for acts that willfully inflict unnecessary pain, suffering or injury to animals and birds. While industry supported voluntary codes of practice are emerging as the national standard for the care and handling of many farm animal species in Canada, they have no legal effect unless incorporated into statutes or regulations.

To date, no provinces or the federal government have opted to regulate the sled dog industry directly in terms of registration, licensing, and formal codes of conduct. However, the federal government and all provinces and territories have legislation specific to animal protection.

Federal Legislation – Criminal Code of Canada

The Criminal Code of Canada (Sections 444 through 447.1) provides criteria for the criminal prosecution of individuals who wilfully inflict unnecessary pain, suffering or injury to an animal or bird. In 2008, changes were made to the animal cruelty provisions of the Code as follows:

- All cruelty to animal offences were made hybrid, meaning that the Crown can choose to prosecute by summary conviction or by indictment.
- Maximum penalties for various offences were changed as follows:
 - the maximum penalty for indictable offences for intentional cruelty and for wilfully inflicting unnecessary pain, suffering or injury by failure to exercise reasonable care (new provisions) was increased to five years imprisonment;
 - maximum summary conviction penalties were increased to 18 months imprisonment and/or a \$10,000 fine at the same time the offences were made hybrid; and
 - the maximum penalty for the indictable offence of negligently causing injury during transport and abandoning or failing to provide adequate care to animals was increased to two years imprisonment (increase from the previous maximum of 6 months jail and/or a \$2,000 fine).

Legislation in Other Provinces and Territories

Jurisdiction for animal protection is principally the responsibility of the provinces and territories. Accordingly, there are significant differences in the approaches the provinces and territories take with regard to animal protection legislation.

Jurisdictions With Legislative Ability to Regulate Animal Welfare Standards		Jurisdictions With Legislative Ability to Regulate Humane Animal Euthanasia	
Alberta	Nova Scotia	Alberta	Saskatchewan
Saskatchewan	Prince Edward Island	Manitoba	Prince Edward Island
Manitoba	Yukon	Ontario	New Brunswick
Ontario	NWT (pending)	NWT (pending)	
Quebec	New Brunswick		
Newfoundland and Labrador			

Legislation in British Columbia

Prevention of Cruelty to Animals Act (PCAA)

The PCAA is the primary legislation related to the prevention of cruelty to animals in British Columbia. Last updated in 2008, the most recent amendments:

- refined the definition of “distress” to include situations where an animal’s health or well-being is affected by inadequate ventilation, space, care or veterinary treatment;
- authorized agents operating in remote areas to obtain warrants by telephone so they could act on potential violations of the Act more quickly;
- clarified the authority of agents to seize evidence of an offence;
- clarified the authority of agents to take abandoned animals into custody;
- clarified the authority of The British Columbia Society for Prevention of Cruelty to Animals (BC SPCA) to hold and dispose of animals and the obligation of animal owners to reimburse the society for its care-related costs;
- provided immunity from legal proceedings for damages to persons performing duties or exercising powers under the Act;
- updated provisions relating to the BC SPCA’s corporate structure and obligations; and,
- strengthened penalties that can be imposed against persons who cause or permit an animal to be in distress.

Under the PCAA, a person responsible for an animal who causes or permits the animal to be in distress commits an offence punishable by a fine, imprisonment and a prohibition on owning or having custody of an animal for a specified time.

The PCAA does not reference specific standards for animal care and well-being. Notably, within British Columbia, like other provinces, activities which are consistent with *‘reasonable and generally accepted practices of animal management’* are not offenses under the PCAA even if they result in distress for the animal. An example of a generally accepted practice that may cause distress is animal tagging for identification purposes.

Enforcement of the PCAA is principally through the BC SPCA, a non-government organization first established in 1895. BC SPCA Authorized Agents may be designated as Special Constables under the Police Act and may then, under the legislation, exercise the powers under the Act or any other law relating to the prevention of cruelty to animals. These powers include the ability to enter premises, conduct inspections and require identification from individuals. In the event that BC SPCA Special Provincial Constables or peace officers identify animals in distress they have authority under the Act to take the animal into custody and arrange for food, water, shelter, care and veterinary treatment as required.

A person convicted under the Act of causing animals to be in distress is liable for a fine and/or imprisonment:

- (a) for a first offence, to a fine of not more than \$5,000 or to imprisonment for not more than 6 months, or to both; and,
- (b) for a second or subsequent offence, to a fine of not more than \$10,000 or to imprisonment for not more than 6 months, or to both.

The PCAA does not provide for a period of time in which the SPCA may prosecute those convicted of an offence. The timing of SPCA investigations and prosecutions is regulated under the *Offence Act*, which states that:

- “proceedings must not be instituted more than 6 months after the time when the subject matter of the proceedings arose”; and,
- “an action or suit must not be brought for a penalty or forfeiture under an Act except within 6 months after the cause of action arises, unless the time is otherwise limited by the Act.”

The PCAA also does not currently contain mechanisms for establishing regulations relating to animal standards of care or euthanasia.

Land Act

Sled dog operators may operate on Crown or private land. Occupation and use of Crown land is allowed through a lease or licence of occupation issued under the authority of the provincial *Land Act*. The intent of the *Land Act* is to ensure that the public receives fair value for the use and occupation of the land and to provide for an orderly allocation of the land with consideration given to social, economic and environmental impacts of each proposal. Because the *Land Act* pertains to the occupation and use of Crown land for specific purposes, there is a link to a business operation.

However, the *Land Act* is not intended to regulate the operational aspects of a business beyond certain basic parameters. Crown land leases or licences of occupation require the holder to use the land for the purpose specified in the lease or licence agreement, and to abide by a management plan that is provided by the business as part of the lease or licence agreement. As long as the business is using the land for the purpose specified, and abiding by the management agreement, the Crown agrees to uphold the lease or licence. The focus is on the use of the land, and meeting any associated conditions, particularly environmental conditions, pertaining to that use.

Regulatory Powers for Local Governments

Sled dog companies may conduct their operations within the jurisdictions of a number of local governments. Regional Districts (primarily for unincorporated areas) and Municipalities have limited powers under the *Local Government Act and the Community Charter* to regulate activities related to animals in general and the businesses which may employ them.

In municipalities, businesses are required to comply with a wide range of bylaws and business licenses do not deal with industry-specific issues, such as sector-specific operating standards.

The ability of regional districts and municipalities to regulate the sled dog sector through planning and land use bylaws such as zoning is also very limited. Zoning bylaws are intended to broadly guide the types of land use that may be conducted on an area-specific basis. Such bylaws are not directed to individual business operations or sector-specific operating standards. The review also identified the potential that any attempts to use local bylaws and zoning powers to control individual business could be challenged in court.

Local regulation is ideal where flexibility is desired; however local regulation intentionally does not provide for consistent application of laws across the province. This is a significant factor when attempting to apply and meet a standard of practice so that individual operations would be regulated relatively consistently—it does not lend itself to a standard for animal care or to a business sector.

Both municipalities and regional districts can make bylaws that can impose some conditions on the keeping of animals with municipal bylaws having greater potential scope. However, most of the regulation of animals at the local level pertains to ensuring that dogs are licensed, kept under control, not left to wander at large or to disturb the public.

It should be noted that many sled dog industry activities may take place within unincorporated areas of the province or on Crown Land where local government regulatory activities are limited.

2.2 Animal Care Codes of Practice and Standards

Over the past several decades, the government, animal welfare organizations and industry have come together to develop a number of Codes of Practice for the care and handling of animals. To date, these codes, have mainly been focused upon major farm animal species. Codes of Practice are intended to promote sound management and welfare practices through recommendations and requirements for housing, management, transportation, processing and other animal husbandry practices. Codes represent a national understanding of animal care requirements and recommended best practices. Some provinces have incorporated these codes into their legislation, giving them legal effect.

Animal welfare audit and verification programs for assessing farm animal welfare have been implemented by some farm commodity groups. Development of these programs stems from a commitment of farmers to animal care and the need to satisfy food retailer and consumer concerns that farm animals are raised humanely. The Codes of Practice have been used as foundation documents in developing animal welfare audit and verification programs.

Other recognized organizations have also published standards for animal care which provide general guidance to individuals and organizations. These external veterinary standards are evidence-based and evolve with emerging best practices. The standards can be incorporated by reference into provincial regulations as is the case in Saskatchewan, Manitoba, Alberta, New Brunswick and Prince Edward Island.

These include:

Canadian Council on Animal Care: The CCAC created a number of national resource guides and guidelines detailing the appropriate care of animals used for research, testing and teaching. The organization has also developed a series of policies related to the functioning of institutional animal care committees.

Canadian Veterinary Medical Association: The CVMA has published a series of national codes specific to kennels and catteries as well as guidance on the use of firearms in the euthanasia of animals. In developing their materials, the CVMA draws upon the research and policy direction of their American counterpart the

American Veterinary Medical Association (AVMA). The CVMA Code of Practice for Kennels is regularly used by enforcement agencies to determine generally accepted standards of animal care and has been endorsed by the Canadian Kennel Club.

Within the sled dog sector, the leading source of information and voluntary standards related to the care of the animals have been developed by a voluntary association of recreational and industry sled dog owners and operators from across Canada and the United States:

Mush with P.R.I.D.E.- (Providing Responsible Information on a Dog's Environment):

The organization has published its own Sled Dog Care Guidelines which detail voluntary standards specific to dog yards and housing, feeding and watering, training and conditioning, basic health care, kennel sizes, whelping and kennel-raising, care of geriatric dogs and end of life.

Members of Mush with P.R.I.D.E. may also participate in a Voluntary Kennel Inspection Program which defines 11 mandatory health and welfare standards addressing a range of issues including food, water, shelter, confinement, socialization and quality of life. In order for a kennel to receive a rating of 'Certification Plus' the operator must meet the majority of eight additional criteria which assesses issues including: kenneling, breeding, whelping, and emergency evacuation plans. Certification of an operation requires the independent inspection of the facility by a:

- Licensed veterinarian;
- Veterinary technician, as designated by a licensed veterinarian;
- Animal enforcement officer; or,
- Bylaw officer.

Policies are also provided to members including direction regarding the appropriate use of tethering and caring for dogs during a crisis and recommend re-homing or relinquishment of animals if an owner is unable to adequately provide for their sled dogs.

While Mush with P.R.I.D.E. represents the leading standard for sled dog activities, it should be noted that the standards are voluntary in nature and were found to provide insufficient guidance in several critical areas of animal welfare including end of life planning and euthanasia practices.

2.3 Provincial Sled Dog Industry

Sled dog activities within the province include a wide range of recreational and commercial operations which may engage in adventure tours, racing, breeding, training and the care of retired animals. Recreational racers actively breed, care for and race dogs however, their numbers are uncertain as there is not a requirement to register the activity provincially, nor is there a formal association overseeing their activities.

The sled dog industry itself is active in most of the provinces and territories across Canada as well as a number of states including Alaska. Within the province of British Columbia, the industry remains largely a small niche tourism market specializing in outdoor sport and guided tours. Located in seven rural communities across the province, the industry comprises ten operators - eight of which have fewer than five employees.

Due in part to the limited size of the companies, competitive nature of the industry and geographic disbursement of the operations the industry has not developed an effective provincial industry association. Accordingly, new firms entering the industry simply require only a business license specific to their local municipality – if applicable.

Practices and animal care standards within the provincial sled dog industry vary among the operators. Investigations of individual firms by the BC SPCA have identified both best practices in animal care and instances of neglect or poor conditions for the animals.

3. Task Force Review Methodology

The Task Force sought to engage key stakeholders and members of the general public to the greatest extent possible consistent with its mandate to report to the Minister of Agriculture by March 25, 2011. Activities included:

- Holding key stakeholder meetings and conference calls involving: participants representing the sled dog industry, College of Veterinarians of British Columbia, CVMA, animal researchers and behaviouralists, animal cruelty investigators, the Union of British Columbia Municipalities, and an individual associated with the development of National Farm Animal Care Codes and an animal advocacy group. Representatives from the ministries of Agriculture, Community, Sport and Cultural Development and Tourism, Trade and Investment also participated to provide advice and assistance to the sessions' participants.

- Establishing a dedicated website site hosted on the Ministry of Agriculture's Internet which provided members of the public with a means to provide their comments, suggestions and submissions directly to the Task Force. Submissions to the site totaled 113.
- Receiving petitions involving 42,087 participants and 1,082 pieces of correspondence from individuals offering direction to the Task Force on a number of issues related to the sled dog industry and animal welfare and protection overall.
- Outreach to provincial and national specialists in animal veterinary medicine, industry and recreational sled dog practices and animal protection legislation.
- The Task Force chair conducting a scheduled onsite visit of a commercial sled dog company evaluating their business model and animal health and welfare practices. Areas of investigation included housing, exercise programs, health and dental veterinary care, socialization and plans for the care of elderly or injured animals that were no longer involved in dog sledding activities.

A number of the 113 submissions to the Task Force were notable for the specialized expertise provided; their unique perspective or the involvement of a large number of individuals expressing support including:

Dr. David Fraser, Animal Welfare Program, University of British Columbia:

The submission provided an assessment of national and international practices with regard to animal protection legislation and care standards. A number of potential solutions were proposed including the establishment of provincial regulatory standards of care applicable to sled dog activities and animals more broadly.

Howling Dog Tours Whistler Inc.: The company allegedly involved in the April 2010 event provided an unsolicited submission providing an overview of the organization and a number of initiatives undertaken to improve the well-being of their animals. The material included both a commitment to re-homing and adopting dogs no longer required for their operations and an assessment by a licensed veterinarian that substantive improvements have been made and that "overall, this is a healthy and well cared for group of dogs".

Peter Hamilton, Lifeforce: The Lifeforce report "The Case Against Dog Sled Industries" detailed a range of issues associated with sled dog use in the racing and tourism industries. This included examples of alleged abuse and neglect in BC,

Canada and the US. The physical and mental health impacts on the dogs as well as existing regulatory and voluntary standards of care were also discussed. The philosophy of animal rights and laws was presented to consider moral principles which are not addressed by animal welfare positions. The report recommended that provincial legislation, such as stopping the 24/7 chaining of all dogs, would help reduce the suffering of a multitude of dogs. However, it is the Liferforce position that a ban on sled dog businesses for profit is necessary based in part on the probable lack of compliance and enforcement of any guidelines or legislation.

Save the Sled Dog: Reform British Columbia's Anti-Cruelty to Animals

Law: The Ian Somerhalder Foundation, based in the United States, provided a petition supported by 37,464 individuals advocating changes to the province's animal protection legislation and capacity. Recommended amendments include increased penalty provisions, new requirements for the inspection of commercial operations and the establishment of a Standard of Care.

To avoid compromising any ongoing criminal investigations all interviews, discussions and documents were structured to preclude engagement with the parties on matters directly pertaining to the reported April 2010 events.

4. Observations and Findings

4.1 Role of Sled Dogs

Dogs have a special relationship with Canadians as companion and acting as working animals tasked with policing communities, assisting persons with disabilities and providing Search and Rescue Services. Such a close relationship is difficult to align with the reality that animals within Canada and British Columbia are considered chattel or property of their owners. The difficulty that arises for society is that animals are living creatures capable of experiencing pain, and when an individual fails to adequately care for his or her animals, it triggers a social responsibility to ensure that standards are in place to protect animals, regardless of their ownership. The legislative challenge is how to best address those minimum standards, recognizing that dogs are used for a variety of accepted purposes and their care, housing and training can vary accordingly.

The consensus opinion observed by the Task Force is that the public expects a minimum standard for the treatment and living conditions of sled dogs that is appropriate and humane. Based on the scientific evidence available, the task force concluded that dogs can enjoy a meaningful and positive quality of life as part of

a sled dog team. Research indicates that sled dogs have been bred to run as part of a herd however, not all dogs are well suited to the task and should be assessed as such. Accordingly, an animal's participation on a sled team is not inherently inhumane provided that adequate standards of care related to the physical and mental well-being of the animal is provided.

Considerable discussion among sled dog operators and veterinarians resulted in a consensus that sled dogs deserved the same consideration as companion dogs. Such considerations include, but are not limited to regular veterinary care; proper nutrition; exercise and an appropriate long term plan for the dogs after they have been retired. The Task Force agrees with the consensus stakeholder sentiment that there is no acceptable reason to end the life of a healthy, socially amenable dog simply because it may no longer be suitable for use in the industry. When euthanasia is the best choice in any situation, including ones of distress due to critical illness, chronic illness or injury, it was agreed that chemical barbiturate euthanasia (barbiturate) by a veterinarian was the preferred method.

The Task Force agrees with the views of the veterinary community that any euthanasia, that is considered justifiable, should be carried out by a veterinarian using approved humane methods. It is only if waiting for that method to be available, through transportation or a temporal delay means that the animal would suffer unduly, that alternate methods, such as using a firearm, become acceptable. Occasionally the method available for disposal of the animal following euthanasia requires abstaining from the use of barbiturates because of risk of exposure to wildlife scavengers as well. The group did agree that when this method was not feasible due to isolation and the lack of availability of a veterinarian, that prescribed euthanasia by gunshot was acceptable if performed by a competent person who is knowledgeable about appropriate techniques as outlined by the Canadian Veterinary Medical Association. The use of firearms to euthanize dogs should not occur in close proximity to other dogs.

Finally, the Task Force took note of the views expressed by stakeholders who indicated that any operation or facility that housed large numbers of dogs required significant financial and/or human resources to adequately care for the animals in question and that without these resources, animal care standards decline as the number of animals increases.

4.2 Enforcement of Existing Legislation

While provincial animal protection legislation was found to be effective in ensuring that instances of animal cruelty and abuse are identified, and prosecuted appropriately, the Task Force noted concerns expressed by the BC SPCA that it does not have the financial resources required to ensure consistent enforcement of the PCAA across the province. An area of strength within the enforcement system expressed by animal cruelty investigators is their ability to access specialized animal prosecution expertise within the Ministry of Attorney General. Accordingly, opportunities to expand training and awareness among criminal prosecutors specific to the PCAA was a common theme identified by the animal cruelty investigators.

The BC SPCA investigated 7,147 complaints of animal cruelty and removed 1,249 animals from neglectful or distressful situations in 2010. During this period, 117 search warrants were executed and 78 charges of animal cruelty were submitted to Crown Counsel.

These investigations were undertaken by BC SPCA Special Provincial Constables, appointed under the Police Act, and authorized to exercise the powers contained in the PCAA as well as any other law relating to the prevention of cruelty to animals. Currently, 25 full time Special Provincial Constables stationed across the province respond to complaints made by members of the public about animals potentially in distress. Under the PCAA, whenever a Special Provincial Constable finds an animal in distress, they are authorized to arrange food, water, shelter, care and veterinary care for the animal and in certain situations, to take custody of the animal to provide it with the necessary care mentioned above.

4.3 Standards of Care

Assessments from a number of key stakeholders and members of the public indicate that the provisions related to animal cruelty in the Criminal Code of Canada fail to provide an appropriate level of deterrence and that further review of the legislation by the federal government is warranted.

The Task Force took note of the voluntary Mush with P.R.I.D.E. standard, but believes that the unique circumstances of the sled dog industry would benefit from the development of mandatory standards regarding a number of the reported issues raised in the April 2010 event including but not limited to:

- Prescribed methods of euthanasia, including the role of firearms to provide for humane euthanasia under certain circumstances;

- Shelter and housing;
- Tethering, exercise and water drainage requirements;
- Veterinary care;
- Nutrition;
- Socialization requirements; and,
- Full life cycle planning for every animal (e.g. care plan for the animal following the conclusion of its time as a sled dog).

Provincial ministries also have the opportunity to positively influence the operations of the sled dog industry through their existing regulatory powers such as requiring consideration of animals' well-being when they are part of a business occupying Crown Lands.

4.4 Dog Sled Industry

The reported mass killings in April 2010 were found to be uncharacteristic of the industry in terms of the number of animals killed and the means allegedly used. While there remains a range of practices within the industry, several representatives identified current best practices that recognize the importance of the animals and their overall well-being. These include:

- Providing for the health and well-being of the dogs over the full course of their entire life (e.g. veterinary care, exercise, nutrition and retirement);
- Prioritizing early socialization of young animals; and,
- Population management practices that preclude the killing of healthy animals that may be unsuited to the task of sledding or surplus to the operation's requirements.

Unfortunately, the lack of an effective provincial industry association restricts the consistent voluntary adoption of comprehensive best practices, the sharing of expertise and resources as well as the identification of inappropriate activities by individual operators. As a result, public confidence in the industry is more likely to be eroded by instances of poor performance.

Members of the dog sled industry acknowledge inconsistent practices among the operations and a number of operators have indicated that they would support the introduction of common standards of care. Industry members have requested both involvement in the potential development of the standards and time to transition.

Over the past five years, the BC SPCA has seized more than 200 “sled dogs” that have been in distress. During this same period, five individuals associated with the keeping of sled dogs were charged and/or convicted.

4.5 Public Dialogue on the Sled Dog Industry and Broader Animal Welfare Issues

The Task Force received a significant number of submissions, correspondence and petitions due to the extensive media coverage generated by the reported April 2010 event and the Task Force’s efforts to maximize opportunities for public input. The materials provided by the public reflected a wide variety of opinions and suggestions for addressing the specific event, the sled dog industry and animal protection.

Common concerns raised by the public specific to the reported event included:

- Concern for the current well being of the remaining dogs;
- Killing of sled dogs as a business practice based on economic factors;
- Number of animals killed and the manner in which they were killed;
- Concern that the level of care provided to the animals involved in the sled dog industry was insufficient and failed to meet their physical and mental needs;
- Maximum penalties under existing provincial and federal animal protection legislation to address instances of severe cruelty are not strong enough;
- Failure to access other options for the placement of the animals (e.g. adoption and referral to rescue organizations); and,
- Appropriateness of engaging animals in recreational or commercial sled dog activities without common standards as a basis for effective oversight and enforcement.

Common concerns raised by the public specific to the need to prevent future reoccurrence included:

- Amending the PCAA to incorporate clear standards of care;
- Strengthening penalty provisions under the PCAA for serious cases of animal abuse; and,
- Providing funding to the BC SPCA to support the organization's animal cruelty investigation and enforcement activities.

Some of the submissions requested prohibition of all recreational and commercial sled dog activities in the province. Reported cases of animal abuse, primarily in other jurisdictions, were cited as evidence of systemic failures to adequately provide for the health and welfare of sled dogs. Other concerns expressed in these submissions included:

- Speciesist 'human animal' practices which exploit other animals as a commodity are fundamentally unacceptable (e.g. sled dogs and puppy petting attractions);
- Any regulation of the industry would be inappropriate as it would only 'legitimize' the activity; and,
- Compliance and enforcement of the sled dog industry is impossible.

Each of these and other issues identified in the public submissions was incorporated into the Task Force's analysis and was investigated with the involvement of key stakeholders including animal health and welfare researchers, the College of Veterinarians of British Columbia, representatives of the industry, animal cruelty investigators and an individual associated with development of National Farm Animal Care Codes.

4.6 Duty to Report Animal Abuse

4.6.1 Groups and Members of the Public

The Task Force determined that there is currently no legal requirement to report inhumane treatment of an animal. However, the public at large is strongly encouraged to make such reports to the BC SPCA so that complaints may be investigated and action taken as necessary.

In Canadian provinces and territories, there typically exists legislative protection for those acting in good faith in the performance of enforcement-related activities under the Act that is extended to inspectors, animal care-givers and veterinarians acting on behalf of enforcement officials or agencies. Less common are provisions protecting the public who in good faith report abuse (Alberta and pending legislation in the Northwest Territories).

4.6.2 Licensed Veterinarians

Some jurisdictions have established a regulatory requirement that veterinarians are required to report animal abuse. For example, in some US states, a licensed veterinarian who in good faith reports a suspected incident of animal abuse is protected by statute from liability in any civil or criminal action brought against the veterinarian for reporting the incident.

Only four provinces have a mandatory duty for veterinarians at large to report suspected abuse of an animal including legislative protection for such individuals: Manitoba, Ontario, Nova Scotia and Newfoundland and Labrador (pending legislation).

4.6.3 WorkSafeBC

The detailed information regarding the killing of sled dogs came to the attention of WorkSafeBC as a result of a request for a review of a compensation claim under the *Workers Compensation Act (WCA)*. WorkSafeBC and its officers are subject to a duty of confidentiality with respect to information obtained during the performance of their duties and this obligation of confidentiality is imposed by both the *Workers Compensation Act* and the *Freedom of Information and Protection of Privacy Act (FIPPA)*. Generally, the sharing of information beyond these restrictions is predicated on serving a greater public interest.

WorkSafeBC conducted its own internal review in order to clarify what action it may take in the future when matters relating to the inhumane treatment of animals is brought to its attention, with particular attention to the claims and compensation route, and has provided recommendations to the Task Force. The Task Force is of the view that these are valuable recommendations and asks WorkSafeBC to implement them.

4.6.4 Provincial Public Service

It was determined that while members of the British Columbia public service may have a moral responsibility to ensure that the appropriate authorities are made aware of any circumstances of animal abuse, there is no legal responsibility to report suspected animal abuse.

4.7 A vision for animal welfare

The Task Force would like to see the province of British Columbia become a world leader in animal welfare. The deep passion that the public has expressed to the Task Force underlines both the need and support for such a vision. The representatives of so many distinguished organizations that spoke to the Task Force and provided submissions proved that there is no lack of commitment and knowledge that could be used to build the individual components of that vision:

Regulation

To be a world leader, B.C., must develop a stronger legislative and regulatory framework that will clearly delineate how the welfare of animals will be defined and enforced. Although sled dogs are the focus of the Task Force, it was clear from the submissions received that the welfare of all animals is a matter of concern to the public. Regulation can advance this public interest objective by establishing minimum evidence-based standards to protect vulnerable animals from abuse and neglect.

Certification

Certification provides enhanced animal health and welfare requirements that go beyond any minimum standards set through regulation. The sled dog industry and all those who participate in owning, breeding, raising, and selling dogs used in sled dog operations, and most particularly those engaged in racing sled dogs, have a duty to themselves and their dogs to establish and promote leading-edge management practices compared to the rest of the world. This requires a significant commitment from all those affected, but there's much at stake. The Task Force heard from individuals from around the world expressing their concern regarding the reported April 2010 event, the industry and sled dog activities more generally. Certification can address many of these concerns by assuring all participants that the highest standards of care have been provided, strengthening the industry and ultimately ensuring the well-being of the animals involved.

Communication

Animals cannot speak for themselves. It is imperative that the public at large, and most importantly, veterinary professionals who encounter animals suffering abuse communicate their concerns to the enforcement authorities so that steps can be taken to protect those animals that need it. Within government, it is essential that additional efforts are undertaken to ensure that all cases of animal abuse and neglect that come to the attention of staff are actioned appropriately, consistent with the legislative privacy rights of individuals.

5. Recommendations

The following is a summary of the Task Force's first phase review recommendations. Included in the review was an assessment of the sled dog industry, its regulation, standards of care and general welfare requirements of the animals.

5.1 Regulation of Standards of Care for Sled Dogs in B.C.

RECOMMENDATION 1: Amend the Prevention of Cruelty to Animals Act (PCAA) to:

- create a regulatory authority to define Standards of Care for animals.
- extend the current six month limitations for bringing forward proceedings related to contraventions of the PCAA

RECOMMENDATION 2: Consider increased penalties for offences committed under the PCAA

RECOMMENDATION 3: Establish a working group to develop a Sled Dog 'Standard of Care' based upon current knowledge, best practices, science, and expertise with extensive input from key stakeholders including veterinarians, enforcement agencies, animal welfare organizations, and the sled dog industry.

This explicit and mandatory standard will define an acceptable standard of care and provide clarity to both animal owners and law enforcement officials. The standard should provide minimum requirements of care in addition to recommended best practices—including, but not limited to food, water, housing, socialization, tethering, euthanasia and other animal husbandry responsibilities.

Consideration should be given to referencing external authoritative standards, including the CVMA, to ensure the standard continues to reflect emerging best practices.

- RECOMMENDATION 4:** Require that all sled dog companies receiving tenures on Crown Land under the *Land Act* include in their management plans annual inspections by either the BC SPCA or a licensed veterinarian.
- RECOMMENDATION 5:** Recommend to the Government of Canada that consideration be given to strengthen the Criminal Code provisions related to animal cruelty.
- RECOMMENDATION 6:** Consult with the College of Veterinarians of British Columbia on the creation of a mandatory reporting requirement under the PCAA that requires veterinarians to report suspected cases of animal abuse to the BC SPCA and provides statutory immunity for veterinarians making such reports.
- RECOMMENDATION 7:** Enhance the capacity of the BC SPCA to undertake animal cruelty investigations.
- RECOMMENDATION 8:** Build upon the existing prosecutorial expertise within the Ministry of Attorney General to successfully pursue cases of animal abuse through ongoing training and related efforts.

5.2 Certification of Sled Dog Operators in B.C.

- RECOMMENDATION 9:** Encourage the development of a self-sustaining sled dog industry association which incorporates a certification and auditing program. Encourage agencies and organizations that have the ability to market or license sled dog sporting events (e.g. tourism associations, business advocacy and consumer organizations, race organizers), to require membership in this association as a condition for B.C.-related activities and marketing.

5.3 Communication of Animal Abuse

RECOMMENDATION 10: Enhance the provincial public sector's ability to recognize and report instances of animal abuse by:

- Developing and delivering information awareness materials regarding animal abuse to front-line staff as appropriate;
- Developing policies to ensure the expectations and mechanisms to report animal abuse are in place; and,
- Establishing Information Sharing Agreements between the BC SPCA and the numerous provincial Ministries, Crown Corporations and non-government agencies with statutory obligations.

6. Conclusion

The Task Force encourages the Minister of Agriculture to adopt the above recommendations and remains available to provide additional advice as requested. Further, the Task Force remains committed to resume the second phase of its mandate following the conclusion of all criminal proceedings resulting from the reported events in April 2010.

Future work includes establishment of the specific circumstances associated with the reported mass killings, detailing information exchanges between agencies and exploration of any other associated issues which may further inform future recommendations.

It is the Task Force's intent that this report provides a clear and actionable foundation for enhancing the health, welfare and protection of sled dogs within the province. Critically, these recommendations also have the potential to strengthen animal protection practices for other working animals and advance public conversation on these important issues.

Sled Dog Task Force

March 2011

