



AWI
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ABOUT THE COVER

Twenty-seven years ago, the US Fish and Wildlife Service (USFWS) reintroduced captive-bred red wolves to a portion of their native habitat in eastern North Carolina. A species that had been wiped out in the wild began, slowly, to reclaim a portion of its former habitat.

That progress was suddenly thrown into reverse when the North Carolina Wildlife Resources Commission decided to open up coyote hunting at night throughout the state. Subsequently, an alarming number of the wolves—who resemble coyotes—were shot and killed. AWI and allies went to court to stop the hunts in the red wolf recovery area—and won.

The commission, however, has now set its sights directly on the wolves. It wants USFWS to reevaluate (read: abandon) this so-far successful recovery effort. For more on AWI's defense of red wolves, see the article on page 14.

PHOTO BY MARK NEWMAN/FLPA/MINDEN PICTURES

CITES Standing Committee Meets to Discuss Wildlife Trade

IN JULY, AWI's wildlife biologist, D.J. Schubert, attended the 65th meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Standing Committee in Geneva, Switzerland. Over the course of the week-long meeting, D.J. advised delegates, collaborated with other organizations, and represented AWI on several intersessional working groups, including those on elephants, rhinos, and pangolins.

Among its key decisions: The committee found that seven countries, including Kenya, Uganda, and the Philippines, had made progress in improving their ivory trade enforcement efforts, while Thailand was warned that it faces trade sanctions if its efforts are not improved by August 2015. Several additional countries, including Angola, Mozambique, and Cambodia, were asked to prepare ivory action plans, given their role in the illicit ivory trade. Mozambique was also tasked with preparing a plan to address its role in the cross-border poaching of rhinos in South Africa.

China, Thailand, Vietnam and other Asian countries were tasked with reducing the illegal trade in tigers and other Asian big cats, with related decisions made on regulating captive breeding of tigers. Efforts to remedy the escalating trade in cheetahs and a virtually unregulated trade in pangolins were delegated to working groups for urgent consideration, with India calling for the uplisting of all pangolin species to Appendix I to prohibit all commercial trade.

Unfortunately, prior to the meeting, the secretariat, after consulting with the chair of the Standing Committee, notified Solomon Islands that its bottlenose dolphin (*Tursiops aduncus*) population had been removed from a CITES process used to assess the legality of trade in Appendix II species. This could trigger a resumption in dolphin capture and exports—which have been banned by the country since January 2012—to the detriment of the country's remaining dolphin populations. The United States, Israel, and Mexico joined AWI in expressing concerns about removing this species from the review and called on the secretariat to remind Solomon Islands of its CITES obligations should it resume trade in live dolphins. 🐾



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Above Left: Mary-Jane Deeb, chief of the African and Middle Eastern Division of the Library of Congress, speaks with *A Dangerous Life* author, Sheila Hamanaka (Richard Greenhouse)

Top Right: Dolphins perform at the National Aquarium in Baltimore. (Peter Dutton)

Bottom Right: Wildlife Services purposely killed nearly 4.5 million animals last year, including over 10,000 squirrels. (Fred Thomas)





BRYSON VOIRIN

Pygmy three-toed sloths are found only in the red mangrove forests of Isla Escudo de Veraguas, Panama. Following isolation from the mainland about 9,000 years ago, they evolved as a distinct species.

Pygmy Sloths Slated for Protection Under ESA

PYGMY THREE-TOED SLOTHS (*Bradypus pygmaeus*) may be on track to receive protection under the US Endangered Species Act (ESA). Such a listing would help prevent zoos and other US facilities from going abroad to pluck sloths from the wild in order to place them in captivity here in the United States.

AWI filed an emergency petition to list the sloths as endangered under the ESA on November 15, 2013, two months after Dallas World Aquarium attempted to export six sloths that were captured from Isla Escudo de Veraguas, Panama (see Fall 2013 *AWI Quarterly*). On June 9, 2014, the US Fish and Wildlife Service (USFWS) announced a positive 90-day finding on AWI's petition, stating that it presented substantial scientific or commercial information indicating that the petitioned action may be warranted. Subsequent to this finding, USFWS initiated a status review of the species to determine if it should be listed, and is accepting comments from the public until September 8, 2014. Specifically, USFWS is seeking information on the sloths' biology, range, and population trends, as well as threats facing the sloths and their habitat. AWI is submitting comments and is encouraging others with expertise in the subject matter to submit comments, as well. 🐾

CONVICTED IVORY DEALER SENTENCED TO PRISON

A judge in the West Africa country of Togo threw the book at convicted ivory trafficker Emile N'Bouke on June 18, sentencing him to the maximum penalty permitted by Togo law—two years in prison, and a fine equivalent to US\$10,300. That isn't an especially big book, according to some observers, but it was indeed the most that could be done. And the case established several other precedents that benefit elephants and encourage those who seek to protect them.

It was a high-profile case in which a notorious ivory dealer was finally caught in possession of nearly a ton of ivory. There is suspicion N'Bouke was linked to much of the other 4.5 tons Togo has recently seized, and perhaps also to the 3.8 tons shipped from Togo to Vietnam last year.

Togo government prosecutor Blaise Kanmanpene received technical guidance from the US Embassy, and INTERPOL sent an incident support team to help with evidence collection. Small chips of ivory were taken from the seized tusks and sent to the University of Washington for DNA analysis.

This was the first time that DNA analysis has been admitted as evidence for the prosecution of an ivory case in an African court, and the results proved incriminating. DNA analysis revealed that the ivory in N'Bouke's stockpile came from places like Congo, Cameroon, Guinea, Liberia, Ivory Coast, and Ghana—evidence that the ivory had been smuggled into Togo and that N'Bouke has a supply network with tentacles across much of West Africa.

Two co-defendants, Djifa Doumbouya and Moussa Cherif, were also convicted by the court and issued the same sentence as N'Bouke. Doumbouya is now off to prison, although Cherif has slipped away. An international arrest warrant has been issued for him.

N'Bouke had been known around Togo's capital, Lome, as *Le Patron* (The Boss)—something like a mafia-style godfather. But today he is *gibier de potence*—jailbird. 🐾

CANNED HUNTS CONTINUE, BUT NOT WITHOUT CHALLENGE

Despite strong opposition, the US Fish and Wildlife Service (USFWS) continues to administer the captive-bred wildlife registration program to allow for hunting of exotic and endangered animals on US ranches. Hunters pay large sums to kill otherwise-protected species on enclosed lands. USFWS misinterprets (or ignores) the Endangered Species Act (ESA) to allow for these canned hunts.

USFWS's handling of the matter has now been brought into the spotlight—and into court. One challenge concerns the agency's fast-track permitting process for antelope-hunting ranches. This process provides for very little scrutiny or public input and is inconsistent with the ESA; the application requirements are so minimal that they do not allow USFWS to meet its legal obligation to ensure that endangered African antelope species are not placed in jeopardy.

Legislation has also passed to restrict protections for these species. A provision in the 2014 federal budget eliminates ESA protections for three species of African antelope held captive on US hunting ranches. This provision—an attempt to circumvent court decisions addressing the issue, including the 2009 case concluding that USFWS cannot exempt these ranches from ESA permitting requirements—is being challenged as unconstitutional. 🐾



Scimitar-horned oryx have gone extinct in the wild, yet Texas ranches offer canned hunts of captive-bred animals. The oryx above is being reintroduced into the species' former habitat in Morocco.

Ecuador to Drill in Yasuni NP

IN THE SUMMER 2011 AWI Quarterly, AWI reported on the Yasuni-ITT Initiative—whereby the Ecuadorian government sought US\$3.6 billion in financial contributions from the international community in exchange for a commitment by Ecuador to forego oil drilling in Yasuni National Park. Comparable in size to Yellowstone National Park, Yasuni is one of the most pristine regions of the Amazon rainforest. It was declared a World Biosphere Reserve in 1989.

Alas, in August 2013, President Rafeal Correa announced that the initiative had been abandoned, as only US\$13 million had been raised. In May 2014, Environment Minister Lorena Tapia announced that permits for drilling had been signed. Oil production in the park might begin as soon as 2016. 🐾

Federal Judge Upholds Ban on Elephant Trophies

IN APRIL 2014, the US Fish and Wildlife Service announced that it was suspending imports of sport-hunted African elephant trophies taken in Tanzania and Zimbabwe through the remainder of 2014. The Service noted: “Questionable management practices, a lack of effective law enforcement and weak governance have resulted in uncontrolled poaching and catastrophic population declines of African elephants in Tanzania. ... Anecdotal evidence, such as the widely publicized poisoning last year of 300 elephants in Hwange National Park, suggests that Zimbabwe's elephants are also under siege.”

The moratorium did not sit well with Safari Club International, which sought a preliminary injunction to block it. Safari Club claimed that the inability to import trophies irreparably harmed the vital interests of its members, depriving them of the “full enjoyment of the hunt.” (The irreparable harm to the dead elephant was not directly addressed, although the Club did claim an interest in “sustainable use conservation.”)

In June, US District Judge Amy Berman Jackson ruled against the Safari Club's motion, noting that the import suspension does not prohibit anyone from hunting, and that the inability to “bring home a particularly prized souvenir” of the hunt does not represent “irreparable harm” so as to justify an injunction overturning the ban. 🐾



FOR ELEPHANTS, IT'S A DANGEROUS LIFE: AWI'S NEW BOOK TAKES ON IVORY TRADE

As I speak, it is now evening in Kenya. Kenya Wildlife Service ranger patrols are at this moment probing through that evening darkness to ensure that no poaching gangs kill our wildlife.

--- Edwin Wanyonyi, Acting Deputy Director of Strategy and Change, Kenya Wildlife Service

Wanyonyi's evocation of rangers out on patrol, standing (at great risk to their own lives) between poachers and wildlife, could describe any evening in one of Kenya's stunning national parks. As it happens, he spoke these words on June 24, 2014, before a crowd at the Library of Congress's ornate Thomas Jefferson Building, across the street from the US Capitol in Washington—seemingly light years away from Kenya's back country, ranger patrols, and wild denizens. The occasion was the official presentation to the Library of Congress of *A Dangerous Life*, a graphic novel written and illustrated by Sheila Hamanaka and published by AWI and the Kenya Wildlife Service (KWS) that addresses the global ivory trade and the heavy toll it takes on elephants and those on the ground

dedicated to their protection. Both the book and the speakers at the event stressed that poachers in Africa are not so far removed from the venue at hand—trade in ivory to industrialized countries ignites the killing; actions taken in Washington and other capitals affect whether the blood-soaked trade flourishes or founders.

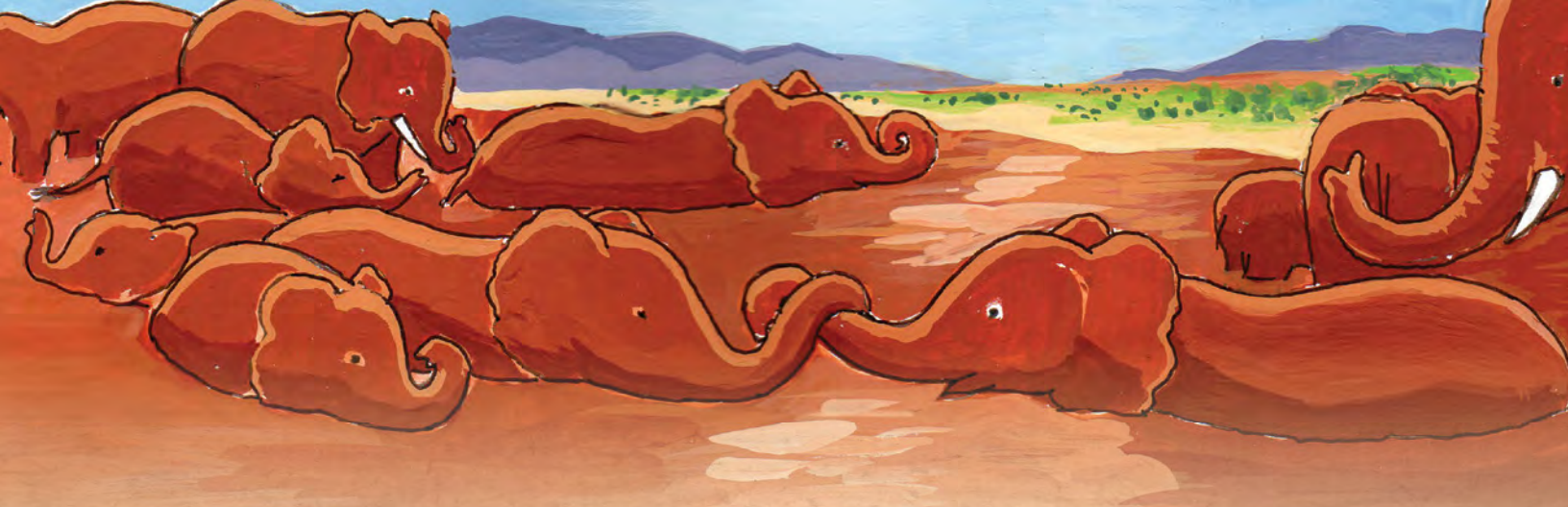
A Dangerous Life tells the story of a teen girl from America whose family made a fortune in the early 20th century from elephant ivory. She takes a trip to Africa, where she encounters wild elephants and witnesses firsthand the terrible price of ivory. She and the Chinese and Kenyan friends she makes on her trip vow to save elephants and educate people about ivory and why they should not purchase it.

Following the Library of Congress event, the book was distributed free at the annual Smithsonian Institute's Folklife Festival, where Kenya was one of two featured countries this year. *A Dangerous Life* will also be distributed throughout Kenya—in particular to

visitors of Kenya's national parks.

Wanyonyi spoke of the difficulties doing battle with an increasingly well-armed and sophisticated foe: "We are fighting international criminal syndicates that are motivated by extremely powerful financial incentives from illegal markets in industrialized economies. These syndicates run an industry that some estimate to have a turnover of over US\$2 billion a year." Despite enormous efforts (and successes, when compared to other African countries), Kenya loses hundreds of elephants each year. Rangers die, too. "To date, KWS has suffered the loss of 61 rangers killed in the line of duty," said Wanyonyi.

Author Sheila Hamanaka, who has won awards for her work and has previously written and illustrated three children's books for AWI, talked about doing her first graphic novel, one that involved over 200 illustrations... all the while coming to grips with becoming legally blind as a result of glaucoma. (She arrived at the event accompanied by her new



guide dog, Phil.) To complete the task, Hamanaka was aided by special equipment to magnify the images she drew, and assisted by three additional illustrators—Lisa Barile, Rosalie Knox, and Julie Lien.

As for the graphic novel (and novel to her) format, Hamanaka said librarians told her that books in the teenage sections too often gather dust ... except for graphic novels, which “fly off the shelves.” She hopes this book will be more accessible to reluctant readers who may not be inclined to read “fat books about the history of elephants.”

A Dangerous Life does not spare its young readers the unpleasant details. In it, a beloved elephant is killed by poachers, and her distraught baby taken to an orphanage, where her human handlers seek to care for and comfort her. Hamanaka told the audience this element of the story was directly inspired by her own experience on a trip to Kenya to research the book: “In Voi, [near Tsavo East National Park]... they had just brought in a tiny elephant... The little elephant was running in circles in the enclosure ... so frightened. ... We knelt down, got really small, and the elephant came up very slowly and put his or her trunk out and allowed us to touch fingers to trunk. I know it’s a cliché, but my heart just melted.

And I began to realize, if I feel this way, the mother, of course, has to feel a thousand times more.”

Unfortunately, in a brutal example of life and art converging, just as the book was set to go to print, one of Kenya’s most renowned elephants, Satao, an older bull famed for his massive tusks, was killed by poachers. AWI’s president, Cathy Liss, made

reference to this terrible tragedy at the event, adding, however, that “it is important that young people all over the world understand the true cost of ivory in innocent elephant lives. ... It is our hope that *A Dangerous Life* will educate and inspire its young readers to become advocates for elephants and do their part to help society turn away from ivory.” 🐾



Above, from left to right: John Boyd, AWI Board Member; Eve Ferguson, Library of Congress; Bill Clark, Kenya Wildlife Service; Mary-Jane Deeb, Library of Congress; Sheila Hamanaka, author and illustrator; Phil, guide dog; Cathy Liss, AWI; Edwin Wanyonyi, Kenya Wildlife Service; William Mugo, Embassy of the Republic of Kenya; Ibrahim Ogle, Kenya Wildlife Service. At left: Edwin Wanyonyi with AWI’s DJ. Schubert. Photos by Richard Greenhouse

Moran Bills Give Animals a Break from Greasepaint and Traveling Show Grind

REP. JIM MORAN (D-VA) has introduced bills to remedy two different animal welfare problems. The first, H.R. 4148, the Humane Cosmetics Act, prohibits testing cosmetics on animals and also the sale of any cosmetics or ingredients that have been tested on animals. Animal-based tests used for these products are not only inhumane but also scientifically unreliable for predicting the effect of a product on humans. Contrary to popular belief, the US Food and Drug Administration does not require animal-based safety testing of cosmetics or their individual components. And as Rep. Moran noted in an essay published in *Scientific American* on May 28, 2014, reliable alternatives to animal testing, such as use of cell lines, artificial skin, and computer models, have been developed. “Many multinational companies have embraced these alternative test methods, reducing and in some cases eliminating their dependence on animal testing. As a result, they cut costs and save time.” California, New Jersey, and New York already prohibit the use of animals for product testing when validated alternatives are available, and the California legislature recently passed a resolution urging Congress to take this step. Such a ban went into effect in the European Union in March 2013.

The second bill, H.R. 4525, the Traveling Exotic Animal Protection Act, would restrict the use of a wild or exotic animal in an act if that animal had been on the road during the 15 days prior to the time it was to be used in the act. By their very nature, traveling exhibits are



Baby elephants in the circus are separated from their mothers, manhandled, and forced to learn grueling tricks as part of their “training.” The person in the foreground is holding a bullhook.

inhumane. They confine complex, social animals on chains in barren, cramped enclosures for hours and days on end. For many animals, these so-called “temporary” traveling structures are their permanent enclosures. Even when the animals are let out, if they are not performing, they are kept chained or their movements are otherwise severely restricted. Moreover, many operations use cruel training methods, and force animals to perform tricks and engage in behaviors that are unnatural and stressful. Internationally, 27 countries have taken steps to end the misery caused by traveling shows, and Mexico City is poised to join six Mexican states in banning the use of animals in circuses. In the United States, a number of localities regulate or prohibit animal displays. The Los Angeles City Council recently banned, via unanimous vote, the “the use of bullhooks ... , baseball bats, axe handles, pitchforks or other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants.” The ban goes into effect in 2017. 🐾

SPORTSMEN'S ACT FOULS OUT

In February, the House of Representatives passed the Sportsmen’s Heritage and Recreational Enhancement Act. A companion bill, the Bipartisan Sportsmen’s Act of 2014, was then introduced in the Senate. AWI rallied opposition to this bill, as it would have substantial and direct adverse impacts on wildlife, public health, and existing conservation efforts. It would weaken protections offered by the Marine Mammal Protection Act and Toxic Substances Control Act, and would interfere with the authority of federal agencies responsible for managing natural resources. Further, it would limit the Environmental Protection Agency’s authority to regulate hazardous substances, expand hunting and fishing on public lands, and permit importation of the carcasses of polar bears that were taken after the threat to this species was well known but before the Endangered Species Act listing of the bears as “threatened” took effect. Fortunately, the Senate version got caught in a crossfire of amendments and was subsequently filibustered. It was pronounced D.O.A. when it failed to garner the 60 votes needed to advance. Unfortunately, this bill has been introduced numerous times, and we expect to see it rise again at some later date. 🐾

USFWS PROPOSES ESA PROTECTION FOR ENDANGERED BAT

As previous *Quarterly* articles have reported, white-nose syndrome (WNS) is having a devastating effect on US and Canadian populations of hibernating bats. Some formerly abundant species are now on the brink of becoming endangered. The first fallout of this can be seen in the US Fish and Wildlife Service's (USFWS) proposal to give endangered species protection to the once-common northern long-eared bat. In proposing the listing, USFWS identified WNS as the "predominant threat" to northern long-eared bats, especially in the Northeast "where the species has declined by up to 99 percent from pre-[WNS] levels at many hibernation sites." Moreover, the dangers posed by some forms of wind energy development, habitat destruction, climate change, and other activities "may now be important factors affecting this bat's ability to persist while experiencing dramatic declines caused" by WNS. Unfortunately, some industry players reject any move that might require them to make even modest changes in their operations in order to ensure the survival of these important mammals. Some members of Congress and state natural resource departments are pressing USFWS to put business before bats and avoid listing the northern long-eared bat as endangered. A final decision from the agency is expected in October. 🐾



USFWS HEADQUARTERS

A northern long-eared bat displaying visible symptoms of white-nose syndrome. Once plentiful, this species is now endangered by a disease that has killed millions of bats.

Write to USFWS Director Dan Ashe and ask him to list the northern long-eared bat as endangered, and ignore the industries and politicians who want him to reject the science. Send a letter to Honorable Daniel M. Ashe, Director, US Fish and Wildlife Service, 1849 C Street, NW, Room 3331, Washington, DC 20240; or email him at dan_ashe@fws.gov; or visit www.awionline.org/bataction.

House Adopts Amendment to Connect Soldiers and Service Dogs

ON JUNE 18, 2014, the US House of Representatives adopted an amendment to the FY2015 defense appropriations bill to improve the lives of wounded warriors through better access to service dogs. Offered by Rep. Jim McGovern (D-MA), Walter Jones (R-NC), Carol Shea-Porter (D-NH), Niki Tsongas (D-MA), and Gwen Moore (D-WI), the amendment provides that \$3 million is to be allotted to a pilot competitive grants program to assist qualified non-profit organizations that train and place service dogs with members of the military and veterans with certain physical and mental health needs, including post-traumatic stress

disorder. Many of these organizations train shelter and other rescue dogs for this purpose. (See Winter 2014 *AWI Quarterly*.) This pilot program will enhance the ability of qualified organizations to place service dogs with veterans and service members needing them. Rep. McGovern is also the sponsor of a stand-alone bill, H.R. 2847, that would make such a competitive grant program permanent at a higher level of funding. 🐾

Please urge your US representative (www.congressweb.com/awi/legislators) to cosponsor H.R. 2847 (www.congressweb.com/AWI/32), as well as H.R. 4148 and H.R. 4525 (see previous page).

AWI RESPONDS TO INCREASE IN WILDLIFE SERVICES' KILLING

Wildlife Services, a US Department of Agriculture program with a long history of using taxpayer funds to needlessly kill wildlife, increased its already-enormous take of wild animals last year. The program's kill statistics have varied substantially over time—ranging in recent years from 1.5 million to more than 5 million annual deaths. Kills declined in 2011 and 2012, but swung up again in 2013—with more than 1 million additional kills compared to 2012. Among the animals listed as taken in fiscal year 2013 were 75,326 coyotes; 24,390 beavers; 11,698 raccoons; 10,503 squirrels; 321 wolves (including a highly endangered Mexican gray wolf), and millions of birds. This uptick in wildlife take, despite public outcry, further demonstrates the program's failure to make progress with respect to oversight and reform.

Wildlife Services offers no explanation for the dramatic swings in its annual kill statistics. In fact, whistleblower statements suggest significant under-reporting, which means that even the staggering figures that the agency publishes, including the nearly 4.5 million animals intentionally killed in fiscal year 2013, likely underestimate the actual toll on wildlife.

The program spends more money annually in California than in any other state except Texas—not surprising given the size and agricultural activities of these states. What is disconcerting is that spending on (too-often lethal) wildlife management in California increased disproportionately to the overall increase in the program's expenditures in FY13, and predator control is among the program's top activities in the state.

Despite Wildlife Services' troubling presence in California, the state is gradually becoming a leader in rejecting the program's cruel, unnecessary, and ecologically unsound practices. Marin County provides a particularly strong example of the effectiveness and countless other advantages of abandoning Wildlife Services' techniques and adopting humane, non-lethal methods of livestock protection. After

eliminating the County's contract with Wildlife Services in 2000, livestock losses were cut in half, while annual program costs declined by \$50,000. Sonoma County recently followed suit, declining to renew its contract with Wildlife Services based on legal concerns related to approval of the program's activities. The county suspended its engagement of a Wildlife Services trapper and is evaluating options for implementing a non-lethal wildlife management plan.

To maintain this momentum in California, the Animal Legal Defense Fund, AWI, and allied organizations issued letters urging Humboldt and Mendocino Counties to end their partnerships with Wildlife Services and adopt non-lethal livestock protection programs. In addition to the cruelty and financial waste associated with Wildlife Services' activities, we highlighted concerns related to the California Environmental Quality Act (CEQA) and the California public trust doctrine. CEQA requires that the counties review the impacts of actions that affect California's environment, including wildlife management activities, while the public trust doctrine mandates that the counties and the California Department of Fish and Wildlife regulate wildlife resources within the state such that they benefit all citizens. Among our concerns is the counties' failure to adequately evaluate the environmental impacts of Wildlife Services' activities, as well as their failure to manage predators and other species killed by Wildlife Services for the benefit of the public rather than for a small number of agricultural interests.

As this issue goes to press, the Humboldt County Board of Supervisors has announced that it will delay consideration of contract renewal for at least a month in order to reevaluate the issues. We are encouraged by this move, and it is our hope that both Humboldt and Mendocino Counties will recognize the many disadvantages of working with Wildlife Services. These counties have the opportunity to join Marin and Sonoma Counties in leading the state, and ultimately the nation, to more humane and transparent wildlife management practices. 🐾



P22, a mountain lion who famously set up residence in LA's Griffith Park, has thrived in the city against the odds. After exposure to rodenticides, however, he developed mange and is seriously ill.



NATIONAL PARK SERVICE

Protecting Wildlife from Rodenticides

WALK INTO ANY HARDWARE STORE in the United States and chances are good that you can find highly toxic rodent poisons for sale. This includes loose poison pellets in open trays, not contained in any kind of bait station that would prevent non-target animals and people—particularly children—from accidentally consuming the product. A majority of rodent poisons sold in this country are first-generation (multiple dose) or second-generation (single dose) anticoagulants, which interfere with blood clotting and cause a slow death or illness from excessive internal and external bleeding.

Second-generation anticoagulants are more lethal than first-generation, and the risk to non-target animals is higher. Because they kill slowly—over 5 to 7 days—rodents keep eating the bait long after they've consumed a lethal dose. By the time these rodents die they have eaten many times the lethal dose and their carcasses offer a potentially deadly meal to unsuspecting predators and companion animals.

According to the Center for Disease Control and Prevention, it receives about 15,000 calls each year from parents whose children have consumed rodenticides. Due to the risk to children, pets, and non-target wildlife, a few years ago EPA changed its safety requirements for rodenticides. Products designed for sale to the public must either be less-lethal, first-generation anticoagulants or not be anticoagulants. In addition, each product must include a bait station, and loose poison baits such as pellets are prohibited. Consumers can still find these types of rodent poisons for sale, however, because stores have huge inventories of the products, and also because not all rodenticide manufacturers have complied with the new EPA standards.

In 2013, Reckitt Benckiser Inc., maker of the popular D-Con brand of mouse and rat poisons, announced that it did not intend to comply with EPA's notice of intent to cancel 12 of the company's products. All of the products in question are sold without a protective bait station, and 8 of the 12 products contain second-generation anticoagulants. EPA indicated this was the first time in more than 20 years that a manufacturer declined to voluntarily implement EPA safety standards. On May 30, 2014, after more than a year of negotiations, EPA announced an agreement with Reckitt in which the company will cease production of these products by the end of this year.

Few states have looked at how rodenticides affect non-target wild animals. One that has is California, which reports extremely alarming statistics regarding the presence of rodenticides in wildlife. For example, research supported by AWI's Christine Stevens Wildlife Award program has helped demonstrate a connection between an outbreak of severe mange in California bobcats and ingestion of rodenticides, which increases an animal's susceptibility to the disease. In addition to bobcats, the products can cause illness and death among golden eagles, coyotes, foxes, mountain lions, and other predators that consume rodent poisons, either directly through eating the poison bait or secondarily through eating the carcass of a rodent who consumed the bait.

Citing the threat to pets and wildlife, California legislators this year banned the retail sale of anticoagulant poisons, effective July 1, 2014. Unfortunately, anticoagulant poisons, both first- and second-generation, can still be used by commercial animal control operators in the state. And while progress is being made to protect predators and scavenging wildlife from direct and secondary poisoning, nothing is being done to reduce the severe suffering inflicted by slow-acting poisons on the intended target—rats and mice. 🐾

AWI Offers Grants to Improve Welfare of Animals in Research

THE ANIMAL WELFARE INSTITUTE is dedicated to improving the care and handling of animals in research facilities. From our earliest days, we have encouraged laboratory personnel to provide animals with comfortable housing and the opportunity to engage in species-typical behaviors, while sparing them needless suffering. In continuing this long-standing support, AWI will be offering up to five grants, of up to \$7,500, to develop and demonstrate innovative methods of refinement and/or environmental enrichment to improve the lives of animals in research. Further information and links to the online application are available on the AWI website (www.awionline.org/eeaward). Questions should be directed to AWI's laboratory animal advisor, Kenneth Litwak, DVM, PhD, at ken@awionline.org. 🐾



DEBORAH AUSTIN

Appropriate shelters and nesting materials help mice in laboratories express natural behaviors. AWI is offering grants to develop innovations that will further improve the lives of animals in research.

TWENTY THOUSAND MUTANT MICE

A May 2014 editorial in the journal *Nature* described “a project that aims to mutate every gene in the mouse genome to improve our knowledge of mouse biology,” that “should help avoid irreproducible results and costly failures in drug development.” At a cost of nearly \$1 billion, the International Mouse Phenotyping Consortium wants to find out what changes occur to the mouse, when each of nearly 20,000 genes are removed.

This is the very definition of a fishing expedition. Therapies that successfully treat mutant mice routinely fail on human subjects in the clinic. Results from one lab are often irreproducible due to differences in environment, mouse strain, food, handling, etc. Most importantly, mutant mice often suffer significant health problems. Alteration of a single gene rarely has a single outcome. Instead, there are unintended effects that can cause pain and distress to the mouse. For example, attempts to create mutant mice to study human cleft palate conditions resulted in mice with severe facial or limb defects, delayed lung formation, and poor heart function, or in mice that died shortly after birth. Producing mutant mice, simply to see what happens, flies in the very face of the principles of the 3Rs (Reduction, Refinement, and Replacement) for animals in research. The motives and potential outcomes of this endeavor must be examined carefully before millions of mice suffer needlessly. 🐾

Looking Past the Results

IS THERE SOMETHING about the blood of a young organism that can improve the health of an older one? Three recent publications from Harvard and Stanford suggest there is such a factor. The notion of helping people who suffer the debilitating diseases common to old age has generated enormous public exposure.

It is unfortunate that in the rush to herald these findings, a significant detail was glossed over. These findings were derived from mice who were literally sewn together. In this procedure, called “parabiosis,” two mice are anesthetized, large skin incisions are made in each mouse, and then they are sutured together. Over time, blood vessels will grow across the surgical site, linking the circulations of the animals. As one can imagine, this is a tremendously stressful procedure, forcing two individual animals to act as one. In many cases, animals will try to tear apart from each other for days before finally giving up—an act of “learned helplessness” as it is known in the field of psychology.

How does a study, where mice are surgically conjoined, relate to a human condition? Was the pain and distress caused to the animals worth the potential results? These are difficult questions that must be continuously asked—before, during, and after the study, not just within the grant review or animal protocol approval process. Whether the answers support or refute the need for the study, they should be part of the scientific discussion. 🐾

SWIMMING IN CIRCLES

Determining the role of a drug or gene on our ability to learn is a truly difficult task. We all learn in slightly different ways. Add in disease states (such as Alzheimer's or Parkinson's), or addictions (such as alcohol or drug), or different stages of life, and it becomes apparent that this is a very complicated issue, where "one size" does not fit all.

Yet, many researchers attempt to distill this complex issue down to a few simple components when they test the roles of drugs and genes using an apparatus known as the Morris Water Maze (MWM). The MWM was developed in 1981 as a simple way to assess spatial learning and memory. A mouse or rat placed in a large circular metal tank, filled with opaque water, must swim around the tank to find a hidden platform, using distant visual clues. Many factors are measured, including swim speed, route, visual learning recall, and time until the subject "gives up." It is one of the most prevalent tests used, appearing in over 5,000 publications since 1981.

It is also a very stressful test, and one that is subject to many limitations and operator biases. To name but a few of the limitations: Mice are not strong swimmers and have oils in their coat to keep them buoyant. While rats will typically start swimming as soon as they are placed in the water, mice may float for variable amounts of time, until they decide they absolutely must swim. The MWM is highly reliant on visual ability, particularly distance vision. Yet, in many strains of rats and mice, their vision has been affected by genetic manipulations. Animals who have gone through the test previously may leave distinct scent trails in the water, allowing subsequent test subjects to go through the test more quickly. Mice, in particular, are prone to becoming hypothermic. Even the way the animal is placed in the water can affect the results.

Beyond all of the confounding variables is the simple fact that a mouse or rat is being placed in a very unnatural and stressful situation, with no means of escape. Even after they find the hidden platform, they are often required to repeat the procedure several more times on the same day. Given the existence of less stressful (and potentially more reliable) tests of spatial learning and memory, use of the MWM does not embody the "refinement" component of the 3Rs of animal research—improving scientific procedures to minimize actual or potential pain, suffering, or distress and/or improve animal welfare in situations where use of animals is unavoidable. 🐾

Minnesota Makes History


IN LATE MAY 2014, Minnesota made history by enacting a law that offers greater hope of adoption for dogs and cats in research. The bill was sponsored by the Beagle Freedom Project and authored by State Senator Scott Dibble. It provides that any higher education research facility that receives public money, or a facility that does research in collaboration with that facility, must offer all dogs and cats that are used in research and not being euthanized for research purposes to an animal rescue organization. Instead of dogs and cats being needlessly killed because they are no longer needed for a research project, they now have a chance for adoption and a long life in a loving home.

We will be closely monitoring the effects of the law in Minnesota. The law, as written, expires in July 2015. Continuation of the law beyond 2015 will likely hinge on public support and successful adoptions. AWI enthusiastically supports this effort and similar legislation being pursued in California and New York. While in most cases, research protocols will continue to require euthanasia, these laws ensure that when euthanasia is not deemed necessary to complete the study, adoption will now be routinely considered as the first option at the end of an experiment. 🐾



The Minnesota legislature hopes a new law will help more animals in research rest easy in happy homes once they are no longer under study.

AWO and Allies Win Major Court Victory for Red Wolves



The red wolf (*Canis rufus*) has had a perilous journey on the road to recovery. Once distributed throughout the eastern and southcentral United States, intensive predator control programs and habitat degradation drove them to extinction in the wild by 1980. Seeking to save the species, the US Fish and Wildlife Service (USFWS) rounded up 14 of the last known survivors from Louisiana and Texas and placed them in a captive breeding program.

By 1987, enough red wolves had been bred in captivity to begin reintroducing them into the wild, and USFWS selected the Alligator River National Wildlife Refuge in eastern North Carolina as the reintroduction site (based on the wolves' historic range, the abundance of vegetation and deer, and the notable absence of coyotes and dense human populations).

The reintroduced wolves were classified as a “nonessential experimental population.” Experimental populations are treated as threatened species under the Endangered Species Act (ESA). As such, although red wolves are generally protected by the ESA’s prohibition on unlawful taking, the prohibition is subject to certain exceptions—for example, private landowners can take wolves if the wolves are in the act of killing livestock or pets. These exceptions were established precisely so that the local public would accept the proposed reintroduction of red wolves.

The red wolf recovery area now encompasses approximately 1.7 million acres of land in five eastern North Carolina counties—Dare, Tyrell, Hyde, Beaufort, and Washington. Over time, the wolf population in this area increased to approximately 130 individuals. In the last decade, however, the population has suffered a serious decline, and is currently estimated at 90–110.

The arrival of coyotes to North Carolina during the 1980s brought additional problems for the wolves. Coyotes and red wolves are very similar in outward appearance. This similarity proved a serious threat when—from 1993 through 2012—the North Carolina Wildlife Resources Commission (NCWRC) declared open season, with no bag limits, on coyotes during daylight hours. During this time, wolves were killed at a rate of 7–10 percent of their entire population each year. Hunters sometimes called in their kills—stating that they shot at what looked like a coyote from afar, only to discover (based on the USFWS tracking collar the wolves wear) that they had killed a red wolf.

Although stable wolf territories can prevent coyote infiltration, at least two breeding wolves and their offspring are needed to hold a territory. In unstable situations, red wolves will sometimes hybridize with coyotes, threatening the survival of the red wolf as a distinct species. To prevent this, USFWS implements a “placeholder” strategy, wherein certain coyotes that live near the red wolves are sterilized and returned to their territories until they are replaced or displaced by red wolves. These placeholder coyotes cannot breed with other coyotes or with red wolves, and further serve to exclude other coyotes

or hybrids from the territory.

In the spring of 2012, NCWRC further endangered the wolves by proposing to open up the entire state to coyote hunting at night. Red wolves are active at night—during which time they would be virtually indistinguishable from coyotes to even the most practiced observer.

AWI fought the proposed night hunting rules in state court in late 2012, and succeeded in delaying the rules until July 2013. AWI and its co-plaintiffs then sued NCWRC in federal court, arguing that the commission was causing the unlawful take of red wolves—in violation of the ESA—by authorizing coyote hunting, day and night, within the red wolf recovery area through its rules, licensing, and permitting.

On May 13, 2014, Judge Terrence W. Boyle ruled in our favor, enjoining all coyote hunting, day and night, in the recovery area. Judge Boyle stated in his ruling that “By authorizing coyote hunting in the five-county red wolf recovery area, and in particular by authorizing coyote hunting during all seasons and at any time day or night, the Commission has increased the likelihood that a red wolf will be shot, or that a breeding pair will be dismantled or a placeholder coyote killed.”

This decision is important not only to the red wolves, but to every reintroduced population of endangered species. Judge Boyle pointed out that it was Congress’s clear mandate to protect species nearing extinction, not create a second-class citizenship distinguishing nonessential experimental populations from other species protected by the ESA. He reasoned that “By designating the red wolf as protected

and dedicating funding and efforts for more than twenty-five years in a program to rehabilitate the once-nearly extinct species, Congress has repeatedly demonstrated that it has chosen to preserve the red wolf—not simply to let inaction determine its fate—and it is not for this Court to permit activities that would have an effect counter to this goal.” The judge also indicated that promoting breeding pairs of red wolves would be a better deterrent to the increase in coyote population than would an increase in coyote hunting, noting that increased lethal control of coyotes in other states had not reduced their populations.

Sadly, in spite of this giant step forward for red wolf recovery, the battle is not over. Instead of embracing the return of the red wolf and acknowledging its rightful place in the local ecosystem, NCWRC has responded to the injunction by denying sterilization permits for coyotes in the recovery area (in an apparent attempt to sabotage the recovery program), and has urged USFWS to reevaluate the program with a view to removing the wolves. It is up to USFWS to stand up for the red wolf and continue what has been one of the most successful reintroduction programs in the country. 🐾

We need your help to show that the American public supports the red wolf and the efforts of USFWS to protect and recover this critically endangered species, and that we do not want these wolves to be exterminated once again from their native lands. Please contact USFWS and let it know you strongly support efforts to recover red wolves in North Carolina: <https://awionline.org/action-ealerts/speak-red-wolves>



Turkeys in transit. The Transportation Department wants to require electronic logging devices to better monitor driver hours and cut down on unsafe driving conditions and deadly accidents.

Electronic Vehicle Logs Could Make Roads Safer for People and Animals

THE DEPARTMENT OF TRANSPORTATION'S Federal Motor Carrier Safety Administration (FMCSA) has published a proposed change to transportation regulations in order to reduce accidents and paperwork burdens. FMCSA is reviewing options that would require electronic logging devices (ELD) for commercial motor vehicles (CMV), which include livestock carriers. ELDs would improve compliance with hours-of-service standards and thereby help prevent over 1,000 crashes a year—saving between 20–24 human lives and avoiding many more severe injuries to and gruesome deaths of livestock. Thousands of animals are killed each year when shipped by CMV; in fact, in June, hundreds of sheep died when the tractor-trailer carrying them rolled and slipped off a highway in Oregon.

While accidents like these are of constant concern, the poultry industry is not happy with FMCSA's proposed rule—preferring to stick with the paper log system currently in place. However, FMCSA believes ELDs will track on-duty driving hours better than the current system, helping ensure that drivers rest and remain in good physical condition to operate CMVs. 🐾

Inhumane Slaughter Plant Shut Down by USDA

THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) indefinitely pulled its inspectors from Brooksville Meat Fabrication ("Brooksville"), a slaughterhouse in Bracken County, Kentucky, for inhumane handling and slaughtering of animals. Without USDA inspectors, Brooksville cannot legally process meat for sale in interstate commerce. To the best of our knowledge, this is the first time USDA has permanently withdrawn inspectors for inhumane treatment of animals. The order became final on May 3, 2014, after Brooksville repeatedly failed to handle animals humanely.

Brooksville had been suspended four times for egregious violation of the Humane Methods of Slaughter Act in the year leading up to USDA's action. After the slaughter plant's fourth violation, AWI wrote to the Food Safety and Inspection Service district manager for the region, who has authority to withdraw inspection from plants. AWI outlined the severity of Brooksville's inhumane conduct and requested that USDA take this decisive course of action and thereby end Brooksville's reign of misery. 🐾

USDA SUED OVER ANTIBIOTIC-RESISTANT SALMONELLA IN MEAT

The Center for Science in the Public Interest (CSPI) has filed a lawsuit against USDA for its failure to protect the public from antibiotic-resistant strains of *Salmonella*.

In May 2011, CSPI filed a rulemaking petition asking USDA to declare four strains of antibiotic-resistant *Salmonella*, found in meat and poultry, as adulterants under the Federal Meat Inspection Act and the Poultry Products Inspection Act. In addition, the petition asked that a testing regime be developed that would allow these strands to be detected prior to product sale. More than three years have passed since CSPI filed the petition, and USDA has not responded. Now, CSPI wants the courts to force USDA's hand. While USDA has remained silent, multiple *Salmonella* outbreaks have occurred and many strands of the bacteria are now resistant to commonly prescribed drugs—resulting in an increase in hospitalization. 🐾

AWI PUSHES FOR STRONG FIRE SAFETY STANDARDS

The National Fire Protection Association (NFPA) recently took comments on their proposed new edition of *Standards on Fire and Life Safety in Animal Housing Facilities*. Unfortunately, this latest version does not require smoke detectors and sprinkler systems in newly built livestock facilities. Within the first half of 2014, at least 450,000 animals died from fires that could have been prevented with smoke control and sprinkler systems. The agribusiness industries lobbied NFPA to not require such systems, claiming that they would cost too much. Given what is at stake, AWI does not find this argument compelling, and wrote NFPA to emphasize the importance of these safety measures in large farming facilities.

AWI explained that smoke detectors and sprinklers would reduce the risk of death and injury to animals, civilians, and firefighters. Farm facilities often house highly flammable and combustible materials such as fertilizer, hay, and pesticides. In recent years, millions of animals have died excruciating deaths in barn fires, and civilians and firefighters have been injured or killed, as well. The new edition of the standards is set to come out in 2016, and AWI will continue to monitor its progress and push for stronger safety requirements to protect farm animals and people. 🐾



JACK TUMMERS

Chickens lie dead after a catastrophic fire. Firefighters, civilians, and millions of animals are put at risk when fire safety equipment is lacking in animal housing facilities.



FARM SANCTUARY

Two pigs at a slaughterhouse—one dead and one too infirm to walk. AWI has petitioned USDA to require humane euthanization of such animals rather than allowing them to be slaughtered for food.

Animal Welfare Groups Ask USDA to Ban Slaughter of Downer Pigs

AWI, along with several other animal advocacy groups, filed a rulemaking petition with USDA's Food Safety and Inspection Service (FSIS) under the Humane Methods of Slaughter Act and the Federal Meat Inspection Act to prevent the slaughter of non-ambulatory disabled (a.k.a. downer) pigs. The petition asks USDA to amend 9 C.F.R. § 309.3, which relates to dying or disabled livestock, to add a provision that "non-ambulatory disabled pigs that are offered for slaughter must be condemned and humanely euthanized."

Such disabled pigs are more prone to infestation with *Salmonella* and *Yersinia enterocolitica* bacteria, as well as other serious pathogens, as they are kept in holding pens longer and exposed to more fecal matter due to their inability to rise from the ground. In addition, prompt euthanasia of downer pigs would create an incentive for gentler animal handling, which results in significantly fewer such incapacitated pigs than aggressive handling. Additionally, the current system of ante-mortem inspection decreases the efficiency of FSIS inspectors and diverts attention from other inspection activities.

This petition follows a rule promulgated by FSIS in March 2009 that banned the slaughter of downer cattle to "ensure effective implementation of inspection and humane handling requirements." In addition, in March 2013, FSIS granted a petition calling for the prohibition of slaughter of downer veal calves for similar reasons. 🐾

GREENLAND QUOTAS AND JAPAN'S SCIENTIFIC WHALING AT ISSUE AT UPCOMING IWC MEETING



FIN WHALE, ANNE-LINE BRINK

FROM its creation in 1946 until 2012, the International Whaling Commission (IWC) met annually. Having agreed to move to biennial meetings in 2012, it will meet for the 65th time (IWC65) this September in Slovenia. While the decision to meet every two years may save the Commission—and hundreds of participants from around the world—a great deal of money, it has far-reaching implications for cetaceans, and for the work of the IWC.

The IWC Scientific Committee, which continues to meet annually, met this year in May—four months prior to the full IWC plenary session. Previously, the committee met immediately before the IWC meeting, and its long and detailed report was only released publicly at the opening of the IWC's plenary session. That posed a considerable challenge; not only for those producing the report in a few short days, but also for those needing to brief government delegates and the media on its contents and their implications for issues on the IWC's agenda.

The new arrangement was a welcome change in many ways. AWI and other animal protection and conservation groups have had time to fully analyze the report and discuss the issues with their national delegations. Most significantly, it has enabled those conservation-minded

government delegations to consult with each other and strategize well in advance on how best to produce a strong conservation outcome at the IWC meeting.

The downside of the revised meeting schedule, though, is that the IWC is unable to respond to significant issues arising at Scientific Committee meetings that occur in years when the IWC does not meet. Also, in those IWC off years the Scientific Committee is unable to seek direction from the IWC before the Committee meets again the following year.

This poses a particularly difficult challenge this year. In March 2014, the International Court of Justice (ICJ) issued its judgment on Australia and New Zealand's legal challenge of Japan's "special permit" or "scientific whaling" program in Antarctica (see Spring 2014 *AWI Quarterly*). In a historic ruling, the ICJ held that the research permits issued by Japan did not fall within the provision in the IWC's founding treaty that allows whales to be killed for scientific research, and thus violated the IWC's longstanding moratorium on commercial whaling. Although AWI and others hoped that this resounding rejection of Japan's so-called scientific whaling program would seal its fate, Japan has vowed to amend the program to address concerns raised by the ICJ, and return its fleet to the Antarctic in late 2015.



Under the current rules, Japan would need to present a new proposal for a special permit for Antarctic whaling to the Scientific Committee by late 2014. Beyond that, the rules provide little guidance. They do not mandate that the committee must accept or reject the proposal; they just state that a review will be conducted. The rules also make no provision for the IWC to act upon any comments from the Scientific Committee—for example, by recommending that Japan amend certain elements of the proposal. Such action by the IWC would seem particularly important to ensure that any new permit actually conforms to the ICJ's ruling. In any case, the IWC will not meet again until 2016—too late to comment on the proposal and long after the fleet has come and gone.

Conservation-minded governments are considering revisions to these rules to enshrine the ICJ ruling into IWC procedures, hoping to get them adopted at the forthcoming IWC meeting. Although the IWC is supposed to “make every effort” to reach decisions by consensus, it may be impossible to avoid voting at the forthcoming meeting since several deeply contentious issues are on the agenda.

Assuming that the revisions are not adopted by consensus, their success will depend entirely on the make-up of the IWC in Slovenia. A simple majority of voting members will be required to endorse the new rules, but it may not be clear until the opening hours of the meeting what the vote count looks like; some countries will not attend, while others will be unable to vote because their membership fees have lapsed or the credentials of their representatives are not in order.

After Japan's whaling, the most divisive issue for IWC65 is Greenland's proposal for a renewed Aboriginal

Subsistence Whaling (ASW) quota. In 1982, when the IWC banned whaling for commercial purposes on all great whale species, it created a new framework for the management of aboriginal whaling for nutritional and cultural subsistence by indigenous people, including the Inupiat of Alaska, the Chukotka of Russia, the Inuit of Greenland, and the inhabitants of the island of Bequia in St. Vincent and the Grenadines.

The ASW quotas issued by the IWC are renewed every six years. Although the other ASW quotas were re-authorized until 2018 at the last IWC meeting, the IWC rejected Greenland's proposal amid concerns that it was too commercial in nature to comply with the IWC's rules for ASW, that Greenland had failed—not for the first time—to adequately document its claimed needs, and that its request was for a quota increase. Unlike the other hunts, which seek quotas for a specific number of whales, Greenland seeks a tonnage of whale meat first, and then converts this into a number of whales from four species—minke, bowhead, fin and humpback. In 2012, Greenland claimed that its previous ASW tonnage quota of whale meat was inadequate, and sought an additional humpback whale and more fin whales.

AWI and other NGOs counter Greenland's arguments by pointing out significant problems with its methodology for calculating need. AWI has identified several recent academic studies (ignored in Greenland's need statement) that document large declines in whale meat consumption in Greenland over recent decades, along with significant demographic changes—including migration from remote settlements into towns where alternative food, including other species hunted in Greenland, are available. Our

key concern remains that, while whale meat may still be needed for nutritional subsistence by up to 10,000 people living in Greenland's most remote coastal settlements, the government is using the entire Greenlandic population of more than 56,000 people (including almost 7,000 who were born outside Greenland) to calculate a per capita need that, when added together, amounts to 796 tons of whale meat a year for the entire populace.

While the residents of the capital, Nuuk, and other towns may have a cultural tradition of eating whale meat, and might welcome the opportunity to buy it shrink-wrapped in a local supermarket, they cannot reasonably claim to have a nutritional subsistence need. Nor can such a claim be made by the numerous tourists who visit Greenland every year and find whale meat on sale in 77 percent of its restaurants and hotels—as AWI and Whale and Dolphin Conservation determined during surveys conducted in 2011 and 2012. Such commercial sales to tourists and other non-native people of whale meat intended for subsistence use strongly suggests that Greenland has a surplus, not a deficit, of whale meat and does not need an increased quota of whales.

Having hunted—many believe illegally—without an IWC quota in 2013 and 2014, Greenland (via IWC member Denmark, of which Greenland is a self-rule territory) is seeking approval at IWC65 for quotas from 2014 to 2018. The Danish proposal will need a three-fourths majority to pass if consensus cannot be reached. Denmark's

predicament—it is accountable for Greenland's illegal whaling on the international stage but has no authority to regulate it at the domestic level—led to its threat to leave the IWC (taking Greenland with it) in 2013 if an agreeable solution could not be found.

It remains to be seen whether such a solution exists; Greenland does not appear willing to address the commercial aspects of its hunt and asserts that selling whale meat to tourists does not conflict with the IWC's definition of subsistence use. AWI and others maintain that the hunt, as conducted, is too commercial to qualify for an ASW quota.

Another proposal that may not attract consensus, and thus would require a three-fourths majority vote to amend the treaty's law-making schedule, is a longstanding proposal by Latin American nations and South Africa to establish a South Atlantic whale sanctuary. The proposal has failed to secure enough votes at past meetings because Japan and its allies consistently reject any attempts to impose additional layers of protection from whaling, even in areas where whaling is absent. Sadly, early tallies of dues-paying, pro-whaling countries seem to indicate that this proposal will be blocked again.

We are also encouraging governments to publicly condemn Iceland's ongoing whale hunts and its vast exports of whale products to Japan. Since Iceland resumed the commercial hunting of minke and endangered fin whales in defiance of the moratorium in 2006, the IWC has

A common minke whale (Balaenoptera acutorostrata). Among the smallest of the baleen whales, this species is heavily targeted by whalers from Greenland, Iceland, Japan and Norway.



TOM BENSON



Two bowhead whales swim in Fram Strait between Greenland and Svalbard. This species is included in Denmark's request for an Aboriginal Subsistence Whaling quota on behalf of Greenland, but is primarily targeted by Inupiat whalers in Alaska.

never formally criticized the hunt. Nor has it commented on Iceland's massive exports of more than 5,400 tons of whale meat in defiance of the Convention on International Trade in Endangered Species of Wild Fauna and Flora's (CITES) ban on international trade in whale products. Although the United States has imposed two different sets of diplomatic sanctions on Iceland for its whaling and trade (see Fall 2011 and Spring 2014 AWI Quarterly), the directives issued by President Obama have not had an impact; earlier this year the Icelandic government approved a quota of up to 770 fin whales over the next five years, and the 2014 hunting season for fins and the smaller minke is currently underway in Iceland.

Another issue the Commission has yet to address adequately is the escalation in Norwegian whaling. Since resuming whaling in 1993 under an objection to the moratorium, whalers in Norway have killed more than 10,000 minke whales. The 2014 whaling season in Norway is the most active in years, as government-subsidized marketing programs seem to have increased domestic demand for whale meat, and exports of whale meat and blubber to Japan have resumed. Also of concern is the apparent collusion among the three commercial whaling countries, as evidenced by the fact that a Norwegian company shipped both its own whale products and Icelandic whale blubber to Kyodo Senpaku, the company behind Japan's scientific whaling program.

Troublingly, a resolution proposed by Ghana, Cote d'Ivoire, Guinea, and Mali calls for IWC65 recognition of the role of whaling in addressing food security issues and poverty alleviation. This resulted from a meeting between Japan and several West African countries. Japan has also proposed a schedule amendment for a resumption of "community" whaling along its coasts. Similar resolutions submitted by Japan in the past have, to date, been rejected by the IWC.

For small cetaceans like dolphins, porpoises and pilot whales, the pro-whaling countries argue that the IWC lacks legal competence to address their conservation, or to consider animal welfare, since neither is explicitly

referenced in the treaty. However, conservation-oriented governments and NGOs contend that there are adequate provisions in the treaty, in addition to a long history of decisions made by the IWC, to indicate that a clear legal mandate has evolved. This is particularly evident in the case of animal welfare issues. The United Kingdom is attempting to create a new framework to consolidate decades of work by the IWC to make whaling more humane, as well as the IWC's more recent efforts to study and mitigate several non-whaling threats to cetaceans, such as vessel strikes and entanglement in fishing gear.

Come September, none of these issues will stand in isolation; governments will make decisions according to individual and regional geo-political affiliations and based on their own priorities. This will impact whether consensus is reached, how IWC members will vote, and whether deals are made. For example, the pro-conservation European Union (EU) countries that belong to the IWC, including key players Germany and the United Kingdom, are increasingly weakened by demands from the European Commission for internal consensus on EU decisions. This is next to impossible to achieve when a major issue on the IWC agenda—a proposal to increase ASW quotas in Greenland—comes from Denmark, one of the EU member states.

Another regional block from Latin America, known as the Buenos Aires Group, has become a powerful force within the IWC in recent years, championing and supporting many cetacean protection and conservation initiatives. Unfortunately, the Buenos Aires Group's level of engagement on behalf of conservation at the IWC is the exception, not the rule.

As the IWC moves into a biennial meeting cycle, AWI worries that non-whaling governments will pay less attention to whaling-related issues between meetings and be less likely to attend or keep membership fees up to date. If this happens, the IWC risks becoming the whalers' club that it was in the past, undoing decades of conservation success stories for whales, including the critical commercial whaling moratorium. 🐾

NATIONAL AQUARIUM MAY CLOSE DOLPHIN EXHIBIT

The National Aquarium in Baltimore may be the first facility in the United States to close its dolphin exhibit as part of proactive and forward-thinking strategic planning, rather than external pressures. Other facilities have eliminated their dolphin exhibits over the years—including the Steinhart Aquarium in San Francisco, the Minnesota Zoo, and the New England Aquarium in Boston—but these closures were due to attrition (having only one or two dolphins left out of a once larger group) and/or prohibitive costs to upgrade aging infrastructure.

The announcement by the National Aquarium, which still has eight dolphins on display, comes about two years after it ended scheduled dolphin performances in favor of continuous and unstructured interactions between trainers and dolphins. The Aquarium is considering several options for the dolphins' future, including retirement to an ocean-

based enclosure, similar to wildlife sanctuaries that care for retired circus and zoo animals.

This progressive move by a key attraction on Baltimore's Inner Harbor is a sign of the times. People are slowly but surely coming to an awareness that cetaceans—such as bottlenose dolphins, belugas, and orcas—do not thrive in captivity. The high-energy dolphin and whale shows that are still far too often the mainstay of an aquarium or oceanarium, and their increasingly obvious similarity to circus performances, make a growing proportion of the general public uncomfortable. What was once a happy spectacle now seems too loud, too silly, and just too much.

We need to support moves like those proposed by the National Aquarium and continue to push more circuses and aquariums to follow suit. 🐾

Beluga Captures Rise in 2013

FOR THE PAST DECADE and more, a single capture team in the remote east of Russia, on the southern shores of the Sea of Okhotsk, has been removing an average of 20 live beluga whales a year from the summer feeding population in Sakhalinsky Bay. These whales are sold to aquariums and oceanariums in Russia and abroad (mostly in China). Belugas tend to follow their mothers to the same feeding areas as they mature, meaning these captures have been negatively affecting maternally related groups.

Up through 2012, the removal rate had been steady and it was generally believed that incidental mortality during captures was low. Nevertheless, there were concerns expressed, by bodies such as the International Union for Conservation of Nature and the International Whaling Commission Scientific Committee, that the removals were not sustainable at the local level (there was risk that maternal groups could be reduced in number, although the overall Sea of Okhotsk population might not be affected). In addition, AWI and other animal protection groups expressed concern about the welfare of the animals during capture and transport.

In 2012, Georgia Aquarium applied for an import permit under the Marine Mammal Protection Act for 18 wild-caught Russian belugas. This permit was eventually denied, but AWI and others warned that even the possibility that the United States might open as a market for these

whales could cause captures to explode. To our dismay, that has come to pass.

For the first time, three teams were competing to acquire whales during the 2013 capture season. Collectively, they captured 81 belugas and transported them to holding facilities or customers. An additional 30 or more whales, many mere juveniles, are believed by researchers to have been killed during capture operations, due to the efforts of multiple boats scrambling to secure animals with nets and lines. This total number of removals was certainly unsustainable, and the increased number of deaths was a welfare nightmare.

AWI will continue to work with colleagues in Russia to end this brutal trade in belugas. 🐾



Freedom lost: a wild beluga is ensnared in the Sea of Okhotsk, Russia. 2013 saw a dramatic upswing in such captures.

To Keep or Not to Keep: Cetacean Captivity Conversation Catches Fire

AS RECENTLY AS FIVE YEARS AGO, big corporations doing business with dolphinariums (such as soft drink companies, tourism agencies, or airlines) would never have agreed to openly address the controversy surrounding captive cetacean welfare. That controversy was taking place on the fringes of society and there was no need to acknowledge it. Even more improbable would have been any engagement in the discussion by SeaWorld, the primary facility holding these charismatic marine mammals. SeaWorld would have ignored—not declined, but simply ignored—any request to debate the issue in public.

Fast forward to today and both of these once unlikely events have occurred, four-and-a-half years after the horrific death of veteran orca trainer Dawn Brancheau at SeaWorld Orlando. Brancheau was killed by Tilikum, a 12,000-pound captive orca who had killed humans twice before. Her death triggered a chain of events—including the release of the documentary *Blackfish*—that ushered in a world where the debate on captive orcas at least is now solidly mainstream.

From June 3–4, three entities within Richard Branson’s Virgin Group—Virgin Holidays, Virgin Management, and Virgin Unite (the Group’s charitable arm)—held a stakeholder meeting in Miami to discuss the future of tourism as it relates to facilities displaying captive cetaceans, and Virgin’s role as a leader in responsible business. Earlier this year, Virgin Holidays announced it would ask its suppliers to take a pledge: to no longer capture cetaceans or acquire any wild-captured cetaceans. The meeting in Miami was part of Virgin’s effort to implement this pledge by September 2014.

A SeaWorld representative was at the table, as were representatives of several other dolphinariums. Representatives of five animal protection non-profits were also present. Virgin was not trying to facilitate any kind of agreement among the parties, but rather was seeking input from a range of views to inform its own decisions. AWI is hopeful that this forward-thinking effort by a large, prominent corporate player in the tourism sector will lead to advances in the fight to protect these intelligent, social species currently held in dolphinariums.

One day after this historic meeting in Miami, another historic event took place in San Diego. SeaWorld agreed to a public debate on captive orca welfare. The event was organized by the Voice of San Diego (VOSD), an online



STEWART BAIRD

In contrast to the impoverished tanks of their captive kin, the vast ocean stretches out before these wild orcas. The forced confinement of these naturally social, wide-roaming animals is increasingly under fire.

non-profit news organization. Dr. Todd Robeck, one of SeaWorld’s veterinarians, and Kristi Burtis, one of its senior trainers, engaged in a two-hour discussion with Dr. Susan G. Davis, author of *Spectacular Nature: Corporate Culture and the SeaWorld Experience*; Dr. Naomi Rose of AWI; and two VOSD moderators. There were perhaps 350 people in the audience, along with several hundred more watching live online.

During the debate, SeaWorld’s representatives tried to use science to justify what happens to captive orcas. As an example, they referred to two recently published papers on wild orcas with worn teeth, to suggest that the worn and broken teeth of captive orcas are a “natural” phenomenon. Dr. Rose, however, clarified that orcas who eat sharks (whose skin is sandpaper rough) or suction-feed on fish are not comparable to captive orcas, who are hand-fed dead fish without the scales or skin ever coming into contact with the animals’ teeth. Dental health in captive orcas is poor because they neurotically and stereotypically chew on concrete walls and metal gates, not because of the characteristics of their food or feeding habits.

Despite SeaWorld’s standard claim that the majority of Americans still support orca display (a claim countered by national poll results (see awionline.org/orcapoll), the company must recognize the world is different post-*Blackfish*—it would not have agreed to participate in the VOSD event otherwise. Change is coming. 🐾



KEITH SZAFRANSKI

BAN STANDS:

Canada, Norway Lose Effort to Force EU to Accept Seal Products

AS REPORTED in the Winter 2014 *AWI Quarterly*, a dispute resolution panel of the World Trade Organization (WTO) reached a landmark decision this past November in a case brought by Canada and Norway against the European Union (EU) because of the EU's ban on imports of commercial seal products.

The EU's 2009 Seal Regulation established two major exemptions to the ban. It allowed the import of seal products from hunts that were (1) conducted by indigenous people for subsistence purposes or (2) non-commercial in nature—for example, to protect fisheries from predation by seals. As a result, most seal products entering the EU come from Inuit hunts in Greenland and non-commercial culls in Sweden and Finland.

Canada and Norway, whose commercial hunts were shut out of the market by the ban, brought an anti-discrimination case to the WTO, based on the fact that Greenland's seal hunts have strong commercial elements and

also use inhumane methods. They lost in early 2013, when the WTO panel ruled that—while the exceptions to the ban do violate anti-discrimination rules—the ban on the importation of seal products was nonetheless valid because it fulfilled the objective of addressing the European public's moral concerns about seal welfare. Canada (whose commercial sealing industry kills tens of thousands of seals annually for their fur, oil and meat) and Norway appealed the ruling, hoping to force the EU to open its valuable market to their products.

Their hopes were dashed in May of this year when the WTO's appellate body reached a final decision in favor of the EU. The appellate body also found the EU's indigenous exemption to be discriminatory—although its legal reasoning was slightly different from that of the panel. However, it affirmed that the import ban was nevertheless justified under the public morals exception.

Animal protection groups hail the decision as a significant victory—firmly establishing that it is legally defensible for a country to restrict international trade to protect animal welfare for moral reasons. However, for the seals (and for the future of the indigenous exception), the decision still leaves several questions up in the air. For example, what will the EU do to make its import ban WTO-compliant, and ensure that seal products derived from hunts that could be properly characterized as commercial (including those in Greenland) do not enter the EU under the indigenous exception?

One option to address the discrimination inherent in the indigenous exemption is to actively facilitate greater access to its market for seal products from Canadian Inuit hunters. Alternatively, the EU could eliminate the indigenous exemption altogether, closing the door on products from tens of thousands of seals hunted annually in Greenland.

The EU could also expand its existing certification scheme, or develop a new one, to ensure that seal products from subsistence hunts are easily recognizable by consumers, while also ensuring that hunting methods address animal welfare and conservation concerns—including the high proportion of seals that are shot but sink before they can be recovered. However, in considering this option in the original ruling, the panel acknowledged the challenges of monitoring compliance with the standards established by certification schemes and was skeptical that such a system, even if it were to adopt the most stringent animal welfare requirements, would effectively address EU public moral concerns regarding seal welfare.

The EU has promised to study the appellate body's findings carefully as it decides how to proceed. We will provide updates in future editions of the *Quarterly*. 🐾

NEW HAMPSHIRE INCLUDES PETS IN PROTECTION ORDERS

Governor Maggie Hassan is poised as we go to press to sign HB 1410, making New Hampshire the 27th state to allow courts to include pets in protection orders. What sets the New Hampshire bill apart from most other laws is that it covers livestock. The pending law adds cruelty to animals to the definition of “abuse” under New Hampshire’s domestic violence relief statute. The court can then grant the person seeking the order exclusive care, custody and control of any companion animal or livestock in the family.

According to the *New Hampshire Union Leader*, Amanda Grady Sexton, public policy director for the New Hampshire Coalition Against Domestic and Sexual Violence, contacted the state’s 14 crisis centers to hear their accounts of clients whose abusers were also targeting their pets. She said the stories poured in and described them as horrifying. It was actually a police chief, David Goldstein of Franklin, who asked Rep. Leigh Webb (D-Franklin) to sponsor the bill. As reported by the *Union Leader*, Chief Goldstein has directed that threatening or harming animals are to be included in a checklist police use to assess the potential for lethality when they respond to domestic disputes. He referred to the new law as “another arrow in the quiver” for police to combat domestic violence. 🐾

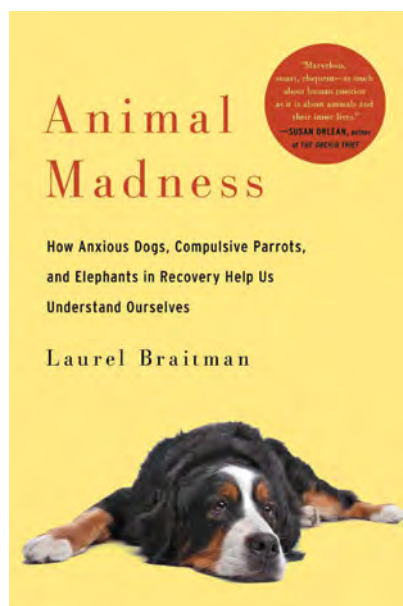
Milwaukee Ad Campaign Takes Aim at Animal/Domestic Abuse

THE MILWAUKEE COUNTY District Attorney’s office has launched an innovative and provocative radio, television, and billboard campaign to encourage the public to call 911 to report animal abuse. The goal is to expose more instances not only of animal cruelty but also of domestic violence. One poster juxtaposes the photo of a badly injured dog with that of a wary looking young girl, with the text “she’s next” and the tagline “Report animal abuse. Stop domestic abuse. Call 911.” As explained on the campaign’s website, www.spotabuse.org: “The premise is that if more people can be convinced to dial 911 when they suspect animal abuse (an act generally considered to be easier than reporting domestic abuse), that the police will then have the opportunity to uncover a higher number of domestic violence cases.” Milwaukee County District Attorney (and chairman of the board for the Association of Prosecuting Attorneys) John Chisholm told the *Shepherd Express* that the new campaign is a “major law enforcement initiative ... [with] a broader importance that addresses issues that lead to these problems that are all so deeply connected. We want to address the issue as soon as we see it and now we have law enforcement that is getting extensive training.” Other partners in the campaign include the Milwaukee Police Department, Wisconsin Humane Society, Sojourner Family Peace Center, Milwaukee Area Domestic Animal Control Commission, and Serve Marketing, an all-volunteer non-profit advertising group. 🐾



A new ad campaign by the Milwaukee District Attorney seeks to bring home the fact that animal abuse is a warning sign that people in the home are also in danger.

AWI continues its outreach to domestic violence groups to increase awareness both of the relationship between animal abuse and domestic violence and of the resources that AWI makes available to address this problem. In addition to providing important background information on this relationship, AWI actively publicizes its Safe Havens Mapping project, through which individuals seeking to escape abusive situations can find safe keeping for their companion animals. AWI is also providing its children’s books to domestic violence advocates and family shelters. The books provide stimulation for the children and also open up opportunities for them to discuss what might be happening to their own pets.



Animal Madness

Laurel Braitman
 Simon & Schuster
 ISBN 978-1-4516-2700-8
 373 pages, \$28.00

AS SOON AS PEOPLE FIND OUT I'm a veterinarian they start telling me about their companion animals. Mostly, the stories are fun anecdotes about the cute things the dog or cat did. However, a surprising number of the stories involve behavioral issues. Why does a dog howl inconsolably when left alone? Why does the cat pee in the suitcase whenever it gets brought out? I am always struck by the lengths to which we will go to diagnose and treat unwanted behaviors, using many of the same techniques and medications that psychologists and psychiatrists use to treat their human patients. It would seem that the line between human and animal is becoming increasingly blurred.

In *Animal Madness: How Anxious Dogs, Compulsive Parrots, and Elephants in Recovery Help Us Understand Ourselves*, author

Laurel Braitman use her own experiences, interwoven with stories of animals from around the globe, to show us how the emotional needs and well-being of animals are not so different from our own. From the heart-wrenching story of her dog, Oliver, to the heart-warming recovery of Noon Nying, the elephant, I found myself emotionally invested in each story, giving me insight into the minds and emotions of animals.

Animal Madness is a fascinating book, which I would recommend to anyone who has ever looked at an animal and wondered what they were thinking. Do the dog's mournful eyes represent guilt or sadness, emotions that we thought were reserved only for humans? Does the bear, pacing figure eights in a pit, tell us something about mental illness in people? Throughout the book, Braitman tells us it's acceptable to ascribe human emotions to the animals around us. Each of her stories reinforces a need to look at animals as more than instinctive beings, to instead consider them as adaptive and emotional parts of the environment and of animals around them.

The common thread in all of her stories is that when we put animals into unnatural situations, where they are unable to escape or have any control, some will become "insane." This thread is most eloquently described in the epilogue, where Braitman pragmatically confronts the causes of animal insanity and offers many solutions. Most of us truly care for the animals around us and want what's best for them, sometimes trying harder than we thought possible to fix the problems. Yet, if we truly do want to reduce animal insanity, then we must begin to question the sanity of keeping animals in situations that fit our lifestyle, but not theirs; whether it's keeping elephants confined in traveling circuses, orcas in aquariums, laboratory mice in shoebox cages, or a dog in a crate all day while we're at work. Some of the solutions are certainly not popular or easy, but after reading *Animal Madness*, you will have the insight to reconsider how we view and interact with the animals around us. 🐾

By Kenneth Litwak, DVM, PhD.

BEQUESTS

If you would like to help assure AWI's future through a provision in your will, this general form of bequest is suggested:

I give, devise and bequeath to the Animal Welfare Institute, located in Washington, D.C., the sum of \$ _____ and/or (specifically described property).

Donations to AWI, a not-for-profit corporation exempt under Internal Revenue Code Section 501(c)(3), are tax-deductible. We welcome any inquiries you may have. In cases in which you have specific wishes about the disposition of your bequest, we suggest you discuss such provisions with your attorney.

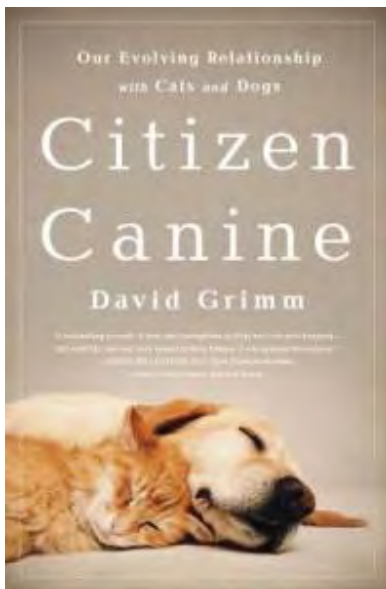
CITIZEN CANINE

David Grimm
PublicAffairs
ISBN-13: 978-1610391337
352 pages, \$26.99

Given that more than 90 percent of Americans believe that their dog or cat is a family member, is it time for the law to recognize companion animals as people under the law? In this provocative and meticulously well-researched book, author David Grimm, a deputy news editor at *Science* and a journalism instructor at Johns Hopkins University, explores that question as he delves into our long history with domestic dogs and cats.

Until recently legal protections for companion animals have been sparse. Even today, the law's treatment of the intrinsic value of an animal's life is unclear: "As the law now stands in Texas," Grimm notes, "you can recover more money if someone destroys a picture of your dog than if they destroy your dog itself."

In one of the book's most poignant chapters, Grimm visits New Orleans in the aftermath of Hurricane Katrina,



a disaster that killed more than 1,800 people and 150,000 pets. Katrina was a catalyst for enormous change, including enactment of the Pets Evacuation and Transportation Safety (PETS) Act, which incorporates pets into federal disaster plans and treats them as people when it comes to such things as evacuation and sheltering.

While many see the granting of personhood to animals as a natural evolution of social justice

that began with race and gender equality, the legal issues are complex. In any case, *Canine Citizen* is a fascinating read that will make you think about our evolving relationship with dogs and cats like no other book. 🐾

By Caroline Griffin, Esq.

A Hippo Love Story

Karen Paolillo
SA Penguin
ISBN: 978-0-14-353905-6
247 pages

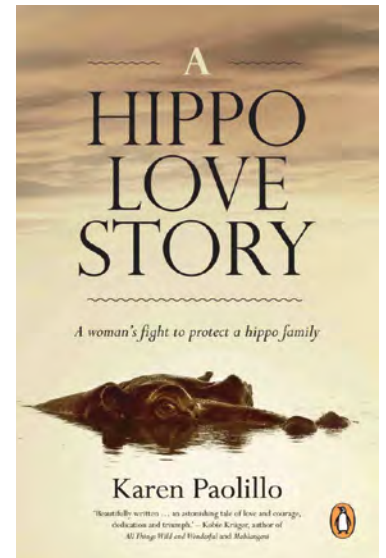
KAREN PAOLILLO'S new book focuses on the lives of a small group of wild hippos, but she also provides a broader look at the lives of wildlife and people in southeastern Zimbabwe. The former is captivating and much of the latter is deeply disturbing.

In 1990, the author and her husband were stationed along the banks of the Turgwe River. Readers are introduced to the individual hippos who reside in the area. The first and dearest of them is Bob, a massive, dominant bull who initially charges after the author, bent on killing her and sending her scrambling up a tree. However, over time, they develop a relationship as he learns she is not a threat, and routinely responds to Paolillo's voice and greetings by coming in her direction, giving a loud hippo roar. Bob is described as having saved Paolillo's life twice when, unbeknownst to her, crocodiles were moving in to prey on her.

The book describes the political upheavals following Zimbabwe independence and how snaring of wildlife for bushmeat becomes rampant, with thousands of animals dying gruesome deaths. The snaring, and sometimes shooting, of any animal that moved continues until there are barely any animals left. The author seeks to protect not only the hippos, but also other individual wild animals she has come to know, making daily treks to collect as many snares as possible.

After helping the hippos survive a severe draught, Paolillo establishes a hippo trust in an effort to secure the animals' long-term survival. Her devotion to the hippos is laudable and her detailed descriptions of the animals and their behaviors are fascinating (some of which, interestingly enough, contradict published literature). While I found a number of the personal details a bit distracting, the book provides an enlightening view into the lives of Zimbabwe's hippos. 🐾

By Cathy Liss





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Fifth Circuit, FBI Boost Efforts to Prosecute Animal Cruelty

THERE IS GOOD NEWS in the fight against a particularly egregious form of animal cruelty. On June 13, the US Court of Appeals for the Fifth Circuit overturned a lower court ruling that the Animal Crush Video Prohibition Act of 2010 is unconstitutional. The appeals court found that the law “is limited to unprotected obscenity” and is therefore constitutional. It also recognized the difficulty of enforcing cruelty laws against the makers of crush videos because of their “clandestine nature,” and that “Congress has a significant interest in preventing” the violence and criminal activity associated with crush videos. The appeals court sent the case on which its ruling was based back to the lower court. In that case, the first one brought under the new law passed after the Supreme Court struck down the original 1999 crush video law, the US Attorney in Southern Texas charged Ashley Nicole Richards and Brent Justice with “creating and distributing ‘animal crush videos.’” The pair were originally arrested for felony animal cruelty.

The Supreme Court had called the 1999 law “substantially overbroad and therefore invalid under the First Amendment” for potentially affecting materials pertaining to legal activities, such as hunting. However, the Court also said it was not deciding whether a more limited statute would be constitutional. So Congress precisely crafted the new law to prohibit interstate and foreign commerce only in “crush videos” as obscene depictions of illegal acts. In the Richards and Justice case, the district court judge nevertheless dismissed the crush video counts, stating that the new law remained overly broad.

All the federal charges against the pair were then dropped but the cruelty charges were reinstated. With the appeals court reversal, the federal case can be resumed. 🐾

PENDING APPROVAL by Director James Comey and the necessary process changes, the FBI will begin collecting data on animal cruelty crimes for inclusion in its Uniform Crime Report. This is the culmination of a 12-year effort by AWI staff that recently received crucial assistance from the National Sheriffs Association. Look for further details on our website and in the Fall 2014 AWI *Quarterly*. 🐾

