

# AWI Quarterly

Spring 2016 Volume 65 Number 1





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## ABOUT THE COVER

A family of African elephants (*Loxodonta africana*) traverses a parched landscape in Botswana.

Across Africa, elephants are being slaughtered for their tusks, and the fight to save them has evolved into a war against a sophisticated criminal syndicate with ties to global terrorism.

Increasingly, the syndicate's foot soldiers—poachers—are armed with advanced tools and weapons, which are aimed not only at elephants, but also at the humans who stand in the way.

On page 6, Bill Clark and John Irwin discuss their efforts to ensure that rangers in Kenya have the best possible training and equipment to defend wildlife... and each other.

PHOTO BY BEN OSBORNE/MINDEN PICTURES

## APHIS Proposes Pitiful Rule for Updating Captive Marine Mammal Standards

FROM 1995–1996, the USDA's Animal and Plant Health Inspection Service (APHIS) conducted a negotiated rulemaking, bringing together stakeholders of varying viewpoints in an attempt to hammer out consensus language to update the regulations governing the care and maintenance of captive marine mammals. The group agreed on language to update several of the regulatory provisions, but key aspects, such as space requirements, indoor and outdoor facilities, and water quality, were left to the agency to update in a traditional rulemaking process.

APHIS issued an advanced notice of proposed rulemaking on the nonconsensus language in 2002. On February 3—14 years later—the agency finally published a proposed rule. It is an understatement to call this long-awaited update to the captive marine mammal standards a grave disappointment.

The proposed rule essentially maintains the status quo for the captive marine mammal industry, despite the increasing realization among the general public and scientists alike that the status quo is unacceptable. The most glaring failure of the proposed rule is the agency's intention to maintain the current space requirements. These space requirements were last updated over 30 years ago, yet the agency claims it is unaware of any science supporting an increase.

For orcas alone, this means the agency believes there is no science supporting an increase from the current requirement to provide a tank merely twice as wide and half as deep as an average orca is long. This amount of space does not even allow an orca to hang vertically in the water or to swim in a straight line for more than one tail stroke.

The proposed rule must be strengthened. AWI intends to offer detailed comments on the proposal and to provide the agency with the large body of recent research supporting changes to the regulations. Please send your own comments by April 4 to APHIS via <http://1.usa.gov/1RqBXV0>; or by mail to Docket No. APHIS-2006-0085, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. For talking points and more information, visit AWI's website at [www.awionline.org/marine-aphis](http://www.awionline.org/marine-aphis). 🐾



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**Above Left:** A pint-sized friend nuzzles Ivan at the Heart and Soul Animal Sanctuary in Sante Fe, NM. Ivan came to the sanctuary after losing a limb to a leghold trap. (ArtRescues/Joe Newman)

**Top Right:** The display of captive cetaceans is on the rise in China. Living conditions for animals at Chinese facilities are extremely poor. (China Cetacean Alliance)

**Bottom Right:** Little brown bat populations are in steep decline. In the Voice for Animals contest, students are invited to address causes of and solutions to species extinctions and human-induced animal suffering. (USFWS/Ann Froschauer)



## USFWS Moving Slow on Sloth Protection

IN DECEMBER, AWI officially notified the US Fish and Wildlife Service (USFWS) of its intent to sue the agency for failing to decide in a timely fashion on whether to list the pygmy three-toed sloth (*Bradypus pygmaeus*) as endangered, pursuant to the emergency listing petition AWI filed in November 2013. In June 2014, the USFWS made a positive 90-day finding with respect to AWI's petition, indicating that protection for the pygmy sloth under the Endangered Species Act (ESA) warrants further review.

The latest data received on these sloths—which inhabit the island of Escudo de Veraguas, off the Caribbean coast of Panama—indicates that there may be as few as 48 left in the wild, down from the last estimate of 79 in 2013. Much is unknown about their decline, as mangrove habitat for the species on the island may have actually improved over time. What is known is that the pygmy sloths closest to human

settlements on the island have experienced the most dramatic declines. AWI submitted this data to the USFWS, hoping that the agency would take urgent action on moving the listing process forward in order to ensure that the sloths are not removed from the wild and imported into the United States for display purposes—as Dallas World Aquarium attempted to do in 2013 (see *AWI Quarterly*, fall 2013).

Under the ESA, if the USFWS determines—as it did here—that a petition warrants further review, the next step is a status review and a 12-month finding. The USFWS has one year from the date the petition was received to complete a status review and make its determination. Contrary to this requirement, the USFWS has indicated that it cannot move forward with next steps until fiscal year 2017 at the earliest, prompting AWI to send the notice of intent to sue. 🐾

## NEW NESTLING FOR OLDEST ALBATROSS

*Wisdom*, a Laysan albatross and the oldest wild bird known to science, has just become a mom again. In February, *Wisdom* and her mate, *Goo* (so named because he was banded with the identification number 6,000), hatched what could be *Wisdom*'s 40<sup>th</sup> chick at their nest within the Midway Atoll National Wildlife Refuge, part of Papāhānaumokuākea Marine National Monument.

*Wisdom* is estimated to be at least 65 years old—but could be older. She was first banded at her nest site in 1956 by biologist Chandler Robbins, who figured she was at least 5 at the time—the youngest age at which these birds usually have chicks. Forty-six years later, Dr. Robbins rediscovered *Wisdom* near the same location, and she has been closely observed since. *Wisdom* is not the only one showing remarkable longevity. Dr. Robbins is now 97 and—despite being no spring seabird, himself—remains active in the field.

During the 1800s, albatrosses were slaughtered indiscriminately for their feathers. A Smithsonian expedition called attention to the wanton killing, which prompted President Theodore Roosevelt to set aside the area as a reserve for seabirds in 1909.

Today, beginning in late November, hundreds of thousands of albatrosses descend to nest on Midway Atoll. Though their nest sites are now protected, the birds



*Wisdom's* new chick—named *Kukini*, a Hawaiian word for messenger—is shown here on the nest with *Wisdom's* mate, *Goo*. Laysan albatrosses mate for life—which in *Wisdom's* case, has been a long one.

still face perils from ingested ocean garbage, fishing nets, and invasive species. Nevertheless, *Wisdom* and her kind persevere. “*Wisdom* is an iconic symbol of inspiration and hope,” notes refuge manager Robert Payton. “From a scientific perspective, albatrosses are a critical indicator species for the world’s oceans that sustain millions of human beings as well.” 🐾





STEVE LAMB

Rays, like this one swimming off the coast of Grand Cayman Island, were among the animals under discussion by the CITES Standing Committee.

## CITES Standing Committee Meets in Geneva

**THE 66<sup>TH</sup> MEETING** of the Standing Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), held in Geneva, Switzerland, in mid-January, covered a wide range of important wildlife trade issues. Of particular note was a meeting involving representatives of the CITES secretariat and a number of animal protection organizations—catalyzed by Secretary-General John Scanlon’s call to increase consideration of animal welfare issues in international wildlife trade. AWI co-hosted this meeting and its wildlife biologist, DJ Schubert, spoke at the event.

Trade in elephants, rhinos, and tigers was subject to ongoing debate. Other less high-profile species—including pangolins, freshwater turtles, saiga antelope, cheetahs, sharks and rays, leopards, snakes, and totoaba—also received attention.

While poaching continues to threaten elephants in Africa and Asia, a proposed “Decision Making Mechanism” to legalize ivory trade will likely be terminated at the upcoming CITES 17<sup>th</sup> meeting of the Conference of the Parties (COP17), as most governments recognize the folly of considering a legal ivory trade while poachers continue to mass-slaughter elephants. Notably, it was reported that more countries are destroying their ivory stockpiles, the latest being Sri Lanka in late January.

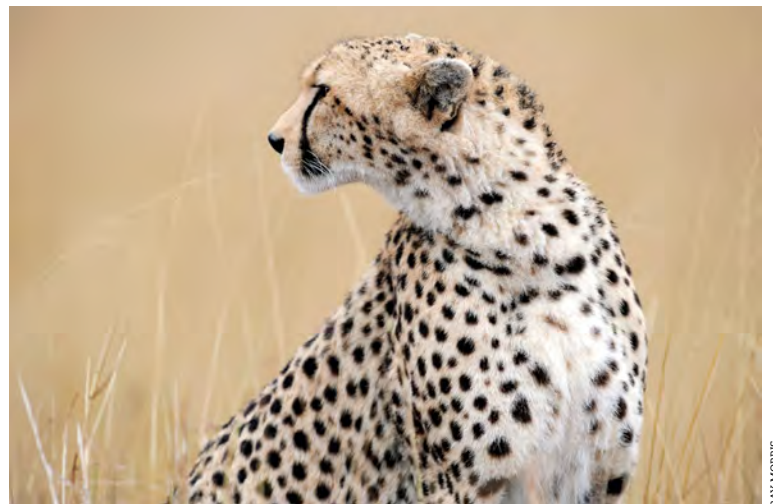
Parties with captive tiger populations were asked to review national management practices and controls to ensure parts and products from captive tigers are not entering trade. Parties were asked to heighten security concerning imported rhino horns (i.e., from museum specimens or sport-hunted trophies) in order to ensure that such horns are not entering the black market trade. Unfortunately, with 1,175 rhinos poached in South Africa

in 2015, much more needs to be done to stop this poaching frenzy. What won’t help is a rumored proposal by South Africa to legalize the trade in rhino horn.

The Standing Committee agreed to a resolution on pangolins—the most heavily trafficked mammal in the world—a first step toward reigning in the unsustainable trade in this species. Ultimately, all eight species of pangolin deserve to be listed on CITES Appendix I (which prohibits commercial trade) and, hopefully, a proposal to provide that protection will be submitted for consideration at COP17. Serious concerns were also expressed about the illegal trade in freshwater turtles and the need for governments, particularly in Asia, to better enforce existing laws to protect these species.

Although CITES is often reluctant to recommend trade sanctions to compel compliance with its rules, at this meeting, trade sanctions were imposed against Liberia, Guinea Bissau, and Venezuela for failing to adequately implement the treaty. Unfortunately, 88 countries don’t yet have adequate laws implementing CITES, thereby undermining its integrity. Angola and Laos are also now subject to sanctions for failing to submit progress reports on their National Ivory Action Plans (plans required to counter the illegal ivory trade). Another 14 countries, including Panama, the Central African Republic, Mongolia, and the Solomon Islands, have failed to submit required annual reports for three consecutive years, but were given another 60 days to comply rather than having trade sanctions imposed.

Decisions made at COP17 will have lasting consequences. AWI will be in South Africa for the meeting, pushing for stronger efforts to combat the menace of poaching and illegal trade in wildlife. 🐾



RAY MORRIS

Though CITES bans most trade in cheetahs, cubs are still taken and sold on the black market as exotic pets.



# BETTER BOOTS ON THE GROUND

*written by Bill Clark and John Irwin · photos by Bill Clark*

**THE HORRIBLE POACHING** of tens of thousands of elephants in Africa each year has motivated people around the world to demand greater efforts to protect the great pachyderms from criminal exploitation. Ultimately, this can be accomplished only by dismantling the primarily Asian markets that provide the enormous financial incentives for ivory poaching. But for the moment, efforts to close those markets have been largely ineffective, and the principal burden for protecting surviving elephants falls heavily on African shoulders.

One of the most common demands is that African wildlife agencies put “more boots on the ground”—more rangers to meet and deflect the poaching challenge. Several African countries have been sensitive to this need and indeed have recruited more rangers to provide increased protection for the elephant herds within their national boundaries. Kenya, for example, has recruited, trained and deployed an additional 1,182 rangers over the past two years. But it is not merely a matter of putting more boots on the ground. Africa also needs better boots on the ground. Africa needs rangers who are better trained, better equipped, and better motivated.

The need for improved quality is very real because the poaching gangs that rangers are confronting have become increasingly sophisticated and dangerous. Prices paid for

contraband elephant ivory have skyrocketed in recent years. A poacher can expect about \$150 per pound for ivory; since a typical elephant carries about 20 pounds of ivory, that means \$3,000 for one evening of dirty work. It also means poachers can invest some of their profits in their business; African wildlife rangers are increasingly encountering gangs equipped with GPS units, night vision goggles, satellite telephones, and other sophisticated technology. M16 rifles are also becoming more common in the poacher’s arsenal. Beyond this, the increased financial incentives have made poachers more aggressive and more prepared to take greater risks in shoot-outs with ranger units.

In sum, African wildlife rangers are confronting more belligerent, competent, dangerous and aggressive adversaries. They have little option other than to improve the quality of their own rank and file if there is to be any success in protecting the vulnerable elephants.

The Kenya Wildlife Service (KWS) is broadly reputed to be among the very best wildlife agencies in Africa. It has a spirited and disciplined ranger force backed by an agency leadership and a national sentiment that is very much sympathetic to the elephants. This is an excellent environment for making progress, and the co-authors of this report traveled to Kenya recently to help the best rangers in Africa become even better.



Our intent is to make a very serious examination of how KWS makes rangers. We are scrutinizing the infrastructure of the KWS recruit training base at Manyani, in Tsavo West National Park. We are looking at the curriculum—what are KWS recruits being taught during the grueling six-month boot camp? We are looking at methodologies—how are these subjects taught, and how well is the subject matter retained by the recruits? And finally, we are looking at the institutional ethos of KWS in general, and the training environment in particular. How does KWS teach its recruits to be persistent, resourceful, courageous, team-oriented, and of impeccable integrity?

Our point of reference is the United States Marine Corps (USMC) recruit training. Although we are not trying to convert KWS rangers into clones of American Marines, we are identifying situations in which the USMC has addressed specific issues of recruit training, and recommending how these might apply to KWS. Although there are many important similarities between KWS and USMC training requirements, surprisingly few of them are of a particularly military nature.

Training infrastructure is very important. This is the bricks and mortar of the training base, and it needs to be very good if the base seeks to graduate very good recruits. Gone are the days when administrators thought that rustic living and training conditions would create tougher rangers. Thatch-roofed barracks with wood-strip walls are things of the past, as are toilets and showers that are only accessible via a 50-yard dash across the outback.

There should be no nostalgia for fire hazards that have poor ventilation and are hard to keep clean. A cost-effective



Opposite page and above: A graduation ceremony at the Manyani Academy in Kenya. Soon, these new rangers will put their knowledge and skills to the test in defense of their nation's wildlife.

modern barracks is airy, well-lit and safe. It is also spacious enough for instructors to conduct impromptu classes, and it provides the proper conditions for recruits to get a good night's sleep. They need it. Their curriculum has them running hard for 26 weeks of very strenuous and demanding training. Tired recruits just can't keep up.

Similarly, staff housing needs to be modern. It needs to provide for the basic necessities of the instructors and their families—a bit of space, some quiet, and plumbing that works. KWS is presently transitioning to improved staff housing and, remarkably, can build an entire block of four two-bedroom apartments, including water and electricity, for the Kenyan equivalent of about \$35,000.

Modern classrooms are needed, as well as a good kitchen and mess hall, a dependable sewer system, reliable electricity and water—even a new swimming pool. This last item might seem an outlandish extravagance—until one







learns that drownings are the second most common cause of fatalities in the line of duty for KWS. At least a dozen rangers have drowned in recent years while engaged in work to protect wildlife. Some were swept away while trying to ford the Galana River. Others drowned when their boat foundered while crossing Lake Turkana. A sergeant drowned in a small pond that was only four feet deep. He didn't know how to swim. He fell in and panicked.

Unlike most Americans, most African children do not learn how to swim. Rather, they are taught that water is dangerous—home to hippopotamuses, crocodiles, malaria-carrying mosquitoes, and blindness-inducing parasites transmitted via black flies. Conversely, no USMC recruit is allowed to graduate from boot camp without learning how to swim and demonstrating serious levels of competency in areas such as jumping off high platforms into the water, staying afloat while encumbered with heavy personal gear, and swimming minimum distances. Given the KWS drowning fatality rates, adoption of this Marine policy might be warranted.

Curriculum is another topic of keen interest; like the infrastructure, it must keep up with the times. Being a wildlife ranger means much more than merely chasing some poachers out in the bush. Rangers must acquire many technical skills during basic training if they are to match wits with poaching gangs backed by international criminal syndicates generating at least \$2.1 billion a year in retail sales. Rangers must be law enforcement officers, skilled

technicians, and diplomats. They must be able to identify and handle evidence, and preserve its admissibility so it can be used in court to prosecute criminals who exploit elephants.

KWS has effectively stopped all elephant and rhinoceros poaching during the daylight hours for the past three years—so poachers are doing much of their dirty work at night. To address this, rangers must know how to maintain and use sophisticated night vision equipment.

They also must know how to use modern digital encrypted radios for communication out in the bush and know how to use GPS to pinpoint locations.

Rangers must be proficient at first aid and be able to treat gunshot wounds and other ailments. Poachers are very dangerous, and most of the 65 KWS fatalities in the line of duty have resulted from gunfights with poaching gangs. Many fatalities have resulted from excessive blood loss due to a lack of elementary first aid training and equipment.

Finally, rangers need to have very good interview skills. A poacher captured in the bush has a lot of important information that the ranger needs to know: How many other poachers are now in the area? What weapons do they have? Where is their rendezvous point? Where would you take the poached ivory? And many other questions. There are important advantages to questioning an arrested poacher in the field, especially when the poacher has critical, time-sensitive information. But the questioning must be done in a legal manner that respects human rights. And this also requires careful training.



While curriculum itself is very important, so is the way particular topics are taught. Training methodology—how the instructor imparts knowledge to the recruit in a manner that facilitates rapid learning and long-term retention—is key. And this is an area where USMC drill instructors excel.

A Marine drill instructor's ability to climb inside a recruit's head and secure his undivided attention is legendary. The methods used to teach a particular subject have a direct impact upon how well it is learned. Each subject requires its own method; techniques used to teach a recruit how to march are not the same as those used to teach that same recruit how to react in a high-pressure environment.

Ethos is perhaps the most important element of training. This is the culture of the organization. It is the spirit that strongly influences how a ranger will behave, and what he or she will do in a particular situation. Cultivating ethos means cultivating virtues such as persistence, dependability, devotion to teamwork, loyalty, and trust. Skillful ethos training can teach both physical and moral courage.

Just like USMC recruits, most KWS ranger recruits are recent graduates from high school without much experience in the "real world." They come from varied ethnic backgrounds (Kenya has 42 distinct ethnic groups) and from varied family circumstances. And just like USMC recruits, most KWS recruits enlist because they want to be part of "the best." KWS has an excellent reputation in Kenya and commonly attracts young people who are prepared to make extra efforts. These good intentions provide instructors with fertile grounds for teaching core values such as honesty, personal integrity, and respect for the dignity of others.

Despite all of the international implications of the criminal exploitation of elephants, the ranger's function in its essence is to enforce the wildlife laws of his or her own country, and only good citizens can do that effectively. That is precisely what the elephants need today. 🐾

The co-authors are both honorably discharged US Marine Corps veterans. John Irwin served as a career Marine and was medically retired after 26 years of service—which included time serving as a drill instructor at Parris Island, South Carolina; teaching at Drill Instructor School; rewriting the Marine Corps' *Standard Operational Procedure for Drill Instructors* manual; and training Marines prior to deployment to Iraq and Afghanistan. Bill Clark also served in the Marine Corps, but only for one enlistment—just enough to teach him the long-term merits and benefits of Marine training. After being discharged, he went back to school, earned a PhD in wildlife biology, and pursued a career in wildlife law enforcement. He has been associated with KWS since the day it was created in 1989, and presently serves as a KWS honorary warden and US liaison.

This project enjoys the cooperative support of AWI and the Greenbaum Foundation.

*Rangers on patrol at Tsavo West National Park. The authors are working to ensure that these and their fellow rangers have the necessary tools and training to face down a sophisticated and dangerous network of poachers.*





# ECOLOGICAL IMPACTS OF RED WOLVES IN NORTH CAROLINA

*Dr. Ron Sutherland, Conservation Scientist, Wildlands Network*

In 1987, eight years before gray wolves were released into Yellowstone National Park, the US Fish and Wildlife Service performed their first successful attempt at reintroducing a top carnivore into the wild. This took place not in the remote backcountry of the Rocky Mountains, but in the flat and swampy terrain of eastern North Carolina, where the Service decided to release red wolves into the Alligator River National Wildlife Refuge.

Unlike the situation in Yellowstone, when the red wolves were returned to North Carolina, no one apparently thought to do detailed before-and-after ecological surveys to assess the impacts the wolves might have on the local flora and fauna. Yellowstone, of course, had a long history of ecological research, whereas the dense “pocosin” swamp forests in eastern North Carolina were not nearly as well studied.

Now almost 30 years later, we still don’t know much about the red wolves and how they influence other species of wildlife and plants in North Carolina. This lack of knowledge is more than just academic, as the red wolf is now facing a serious political crisis. A few wealthy anti-wolf crusaders, along with political appointees on the North Carolina Wildlife Resources Commission, have spent the last few years aggressively pushing the Service to abandon the red wolf recovery field program. In 2014, a vocal wolf opponent decried the program as “the greatest wildlife disaster in the history of North Carolina” and claimed the wolves (and coyotes) have eaten all of the deer, leaving an empty forest that is no good for hunting.

Consequently, Wildlands Network was eager to start a field project in eastern North Carolina to investigate impacts

of red wolves on the landscape. With support from AWI, we launched a pilot effort in the summer of 2015.

To date, we have established 22 motion-sensitive wildlife cameras at various points around the federal wildlife refuges (and a large tract of private land) in the red wolf recovery area. The captured images (available at [www.flickr.com/photos/redwolfreality/albums](http://www.flickr.com/photos/redwolfreality/albums)) reveal an astounding density of large wildlife species: red wolves, deer, black bears, bobcats, coyotes, and even the occasional wild turkey. In 2016, we plan to continue the camera project and conduct more detailed assessments of other aspects of the region’s ecology, including bird and plant surveys. We also intend to examine a similarly sized control region outside the red wolf recovery area, where there are coyotes and bears but no red wolves. Thus, we hope to determine whether red wolves (typically 50–80 pounds) and coyotes (20–40 pounds) are having different impacts on deer and raccoon populations—impacts that might have cascading and contrasting effects on the plant and songbird communities.

This effort is urgent, as the Service estimates there are only 50-75 red wolves left in the wild (with approximately 200 wolves in captivity in zoos scattered around the country). If the North Carolina red wolf population is allowed to die off due to political pressure (and more directly, due to gunshot mortality that the state and the Service have done little to prevent), it is far from clear whether another attempt at recovering the red wolf in the wild will ever be made. 🐾





## Inspector General Finds Fault with USDA's Process Verified Program

THE AGRICULTURE MARKETING SERVICE (AMS), an agency within the US Department of Agriculture (USDA), maintains a voluntary marketing program that allows companies to use a “USDA Process Verified” shield on their packaging when AMS has verified that the company adheres to a set of self-determined standards of operation. This Process Verified Program (PVP) aims to provide reassurances to consumers that companies are being truthful about the labels they put on packages. Yet, the USDA's Office of Inspector General (OIG) recently evaluated the PVP program and found several weaknesses.

AWI warned the USDA of these problems years before the OIG's evaluation. In 2012, AWI investigated the PVP's use of animal welfare claims and found that the AMS was putting its stamp of approval on “humanely raised” claims even when producers did not exceed industry standards—a requirement of the PVP at the time. After its investigation,

AWI asked the OIG to evaluate the PVP as an initial step toward reform (see *AWI Quarterly*, summer 2012).

Three years after AWI's request, the OIG conducted its evaluation, and confirmed the existence of major problems with the program. Unfortunately, following the evaluation, the AMS removed its requirement that producers exceed industry standards in order to use the PVP shield on packaging labels. Now, producers who wish to use claims such as “humanely raised” must merely show that they have a set of internal standards in place. It matters not whether those standards represent any actual improvement in animal welfare—merely that standards exist and are followed. This means that producers can make dubious animal welfare claims and imply to consumers (falsely) that the USDA, through the PVP, has verified the trustworthiness of the claims. 🐾

## FDA CLEARS THE WAY FOR GENETICALLY ENGINEERED SALMON

The Food and Drug Administration (FDA) announced in November 2015 that it had approved genetically engineered (GE) salmon for human consumption—the first such approval for a GE animal. Further, the FDA stated that it had no plans to require that GE salmon be labeled as such, even though consumers don't particularly want to eat it and definitely want to know if it's at the supermarket: In a survey conducted by Thomas Reuters, only 35 percent of participants stated that they would eat GE fish; 93 percent stated that GE foods should be labeled.

However, in late 2015, Congress overrode the FDA's decision to not require notification of GE content on salmon product labels. As part of the 2016 consolidated spending law, the FDA is now required to write final labeling guidelines to help inform consumers about GE salmon. The law states that the FDA must develop and implement a program with the goal of disclosing whether salmon offered for sale is GE.

While GE salmon are the first such animals to be cleared for consumption, they likely will not be the last. Already, GE cows are being studied at UC Davis, and scientists in China have engineered goats with increased muscle tissue. 🐾

## AWI Report Sheds Light on Free Range Claim

AWI RECENTLY PUBLISHED a report on the USDA's label approval process for “free range” (and equivalent) claims. The report shows that the USDA inadequately defines and evaluates the claim. As a result, consumers are misled and farmers who actually do meet consumer expectations for what “free range” means—by giving their animals ample opportunity to roam outdoors—are placed at a distinct disadvantage.

To learn more about the free range claim, please read the report: *USDA Gives Producers Free Reign Over “Free Range” Product Labels*, available at [www.awionline.org/free-range-report](http://www.awionline.org/free-range-report). 🐾



DAVID DURAN



# Will Custom-Exempt Slaughter Expand at Expense of Animal Welfare?

THIS IS A STORY of the little known practice of custom-exempt slaughter, how it could expand in size and impact throughout the United States, and why that is almost certainly not a good thing.

The “exempt” in custom-exempt signifies that this type of slaughter is excused from continuous inspection, unlike federal- and state-inspected slaughter, where government officials must be on the premises of the establishment whenever slaughter is being conducted. With custom-exempt slaughter, inspectors need not be present, and, in fact, inspection typically occurs only once or twice per year.

Custom slaughter operations are commonly thought of as the places hunters take “game” animal carcasses to be processed into meat, but they also slaughter cattle, pigs, sheep and goats for anyone who wants meat for themselves, their household, or nonpaying guests. Because the meat is intended for personal use only, packages of custom slaughtered and/or processed beef, pork, lamb or goat must be labeled “NOT FOR SALE,” and the meat cannot be sold, traded, or given away. The rationale behind giving minimal oversight to the custom slaughter industry is that consumers of the meat are generally aware of its origins, and the food safety risk to the general public is low.

But what of the animals being slaughtered at these establishments—where is the assurance that they are being handled and killed humanely? While custom-exempt operations are expected to comply with the federal humane slaughter law, no inspectors are present to ensure that they do so. Members of the public may assume that very small slaughter operations, including those conducting custom slaughter, take better care of animals than large, highly-mechanized slaughter facilities, but this is not the picture portrayed by state and federal slaughter inspection records.

Case in point: Brooksville Meat Fabrication, a custom-exempt operation in Brooksville, Kentucky, that was formerly under federal inspection by the US Department of Agriculture (USDA). During a six-month period in 2013,

the USDA cited Brooksville at least 10 times for serious violations of humane handling and slaughter regulations. (Almost all concerned the plant’s failure to accurately stun animals in order to render them insensible to pain before slaughter.) Aware of Brooksville’s record, AWI, which monitors federal and state humane slaughter enforcement, urged the USDA to withdraw federal inspection from the plant. Such inspection is necessary if the meat is to be sold across state lines.

In November 2013, the USDA’s Enforcement and Litigation Division prepared a complaint to indefinitely suspend and permanently withdraw the grant of federal inspection from Brooksville Meat Fabrication, finding that the establishment was “unfit to engage in a business requiring Federal inspection under the FMIA [Federal Meat Inspection Act].” In March 2014, after the owner of Brooksville failed to file an answer to the complaint, a USDA administrative law judge signed the withdrawal order. Withdrawal of federal inspection solely due to humane slaughter infractions is extremely rare; in fact, this is the first time the USDA is known to have taken this step.

Brooksville Meat Fabrication continues to kill animals, however, as a licensed custom-exempt slaughter house. It seems illogical that an establishment deemed incompetent to slaughter animals under direct and continuous inspection would be allowed to slaughter animals under almost no supervision at all, but that is the law at present. Instead of taking action to close this obvious loophole, members of Congress are pushing legislation to expand the exemption for custom inspection to all meat sold within a state.

In July 2015, US Representative Thomas Massie (R-KY)—a producer of grass-fed beef himself—introduced the Processing Revival and Intrastate Meat Exemption (PRIME) Act, which would expand the custom slaughter exemption from federal inspection so that it covers sale of the meat, as well. Specifically, the bill would allow meat that is prepared at a custom-exempt establishment to be sold to



unsuspecting consumers at “restaurants, hotels, boarding houses, grocery stores or other establishments in the state that are involved in the preparation of meals served directly to consumers or offer meat and meat food products for sale directly to consumers in the state.”

That Massie represents the same Kentucky district that is home to Brooksville Meat Fabrication is probably no coincidence. In October 2013, after the Brooksville slaughter plant had been suspended for the fourth time for inhumane slaughter of animals, its owner complained to Rep. Massie about his treatment by the USDA. In response, Massie requested that the USDA extend every consideration to his constituent. Although Brooksville eventually lost its grant of federal inspection, Massie introduced legislation that, if passed, would allow Brooksville to operate more or less as before (providing the meat produced is sold in-state).

The PRIME Act was conceived as a solution to the loss of thousands of slaughter facilities throughout the United States over the past 20 years—the result of consolidation within the meat industry that left many small farmers with few options for having their animals slaughtered locally. The lack of local slaughter capacity can create a financial hardship for small farmers and subjects the animals they raise to the stress of long-distance journeys.

While there is a demonstrated need for additional slaughtering and processing alternatives for small farmers, there is also a need—aptly illustrated by the case of Brooksville Meat Fabrication—for continuous inspection of both the food safety and humane animal handling functions of meat production. About half of the states offer the option of state-inspected slaughter, which could provide a solution for some individual farmers or cooperatives. Another option that is receiving increased attention is USDA-inspected mobile slaughter, which can service dozens of small farmers in a particular geographic region.

The public’s desire for alternative food choices presents a challenge: how to promote sustainable and higher-welfare farming, while ensuring the safety and wholesomeness of meat, as well as the humane treatment of animals. Unfortunately the problem is unlikely to be resolved soon. In the meantime, Rep. Massie has said that if the PRIME Act does not pass in this congressional session, he plans to introduce the measure as an amendment to the next farm bill. 🐾

A version of this article by Dena Jones, AWI’s farm animal program director, previously appeared in *Food Safety News*.

## Humane Slaughter Violations at Brooksville Meat Fabrication

### **APRIL 30, 2013**

Failed to adequately stun a heifer with one shot of firearm

### **JUNE 19, 2013**

Failed to adequately stun a pig with one shot of captive bolt gun

### **JULY 30, 2013**

Failed to adequately stun a steer with one shot of firearm

### **AUGUST 7, 2013**

Failed to adequately stun a pig with one shot of captive bolt gun

### **AUGUST 9, 2013**

Failed to adequately stun a steer with one shot of firearm

### **AUGUST 9, 2013**

Failed to adequately stun a steer with two shots of firearm

### **AUGUST 23, 2013**

Failed to adequately stun a pig with one shot of captive bolt gun

### **SEPTEMBER 13, 2013**

Failed to prevent a steer from slipping numerous times and falling before being stunned

### **OCTOBER 2, 2013**

Failed to adequately stun a heifer with one shot of firearm

### **OCTOBER 9, 2013**

Failed to adequately stun a pig with one shot of captive bolt gun and one shot of firearm



# CAUGHT BY MISTAKE:

## PETS SUFFER SERIOUS STEEL-JAW LEGHOLD TRAP INJURIES



**Unimaginable. Traumatic.** That's how the veterinarians who treated Cub (pictured above left) described his injuries. He was discovered hobbling along a road in New Mexico; his body riddled with shotgun pellets as he tried to move on the exposed ends of bones where his hind legs once were. He had been caught in a steel-jaw leghold trap, and after being discovered by the trapper, he was shot. Still, somehow, he survived.

### **WILD FURBEARERS ARE THE TARGET, BUT ANY ANIMAL IN THE AREA IS AT RISK**

Each year in the United States, more than 6 million animals are trapped on both public and private land, and most are trapped for their fur. The majority are caught in steel-jaw leghold traps. The traps are often set along lengthy traplines in remote regions, but are also placed in populated areas, and the traps are hidden from ready view. Once the device is set, whoever triggers the pan of the trap will be caught in its vicelike grip. Steel-jaw leghold traps are popular with trappers because of their propensity to readily catch any animal. However, this means the traps are also capable of catching raptors, deer, songbirds, endangered and

threatened species, and domestic dogs and cats. Lures and/or baits may be used, and these aren't enticing to furbearers alone—companion animals respond too. Some pets have been caught as family members were nearby on public trails—at times even when the pets were on a leash. When nontarget animals are trapped, the trapper may seek to avoid detection and the accompanying reproach by either quietly releasing the animal—even though he or she may have suffered a debilitating injury—or killing and burying the animal to hide evidence of the mistaken capture and subsequent harm.

#### **CUB • LAS VEGAS, NM (ABOVE LEFT)**

*Cub's injuries were truly horrific. Here, he tests out a pair of temporary prosthetic limbs. (credit: NMDOG)*

#### **LUCKY • SOUTHPORT, NC (ABOVE MIDDLE)**

*A trap set for coyotes in a residential area caught this cat instead—resulting in amputation of his front leg. (credit: Terry Reilly)*

#### **MONTE • FLORENCE, MT (ABOVE RIGHT)**

*As she played at a popular recreation site, a trap slammed shut on Monte's leg. She screamed and writhed in agony while her owner desperately sought to free her. (credit: Pete Romberg)*

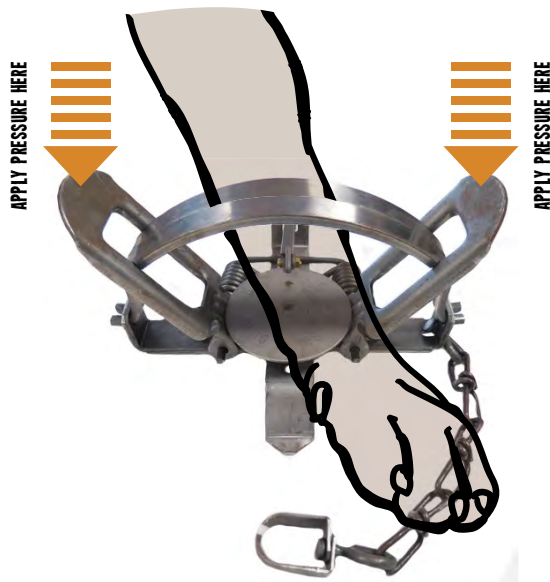


## STEEL-JAW LEHOLD TRAPS INFLICT EXCRUCIATING PAIN AND EXTENSIVE TRAUMA

The traps close with bone-crushing force on their victims, who struggle violently to be free. Injuries include severe swelling due to restricted blood flow, severed and lacerated tendons and ligaments, joint luxation, and bone fractures. Teeth may be broken, sometimes right down to the jawbone, as the animal bites at the trap holding his or her limb. In their desperation to escape the device, some animals will chew off their own limb to escape. The restriction of blood flow can result in gangrene, which is why many pets rescued from steel-jaw leghold traps require amputation of a limb.

## BEWARE OF TRAPS, AND IF YOU NEED TO RESCUE AN ANIMAL, HERE'S HOW

It can be challenging to release an animal from a steel-jaw leghold trap, but it can be done. The powerful springs ensure that the jaws of the trap are clamped tightly on the victim's limb, and require much strength to open. This task is often tougher because the trapped animal is panicked and in pain, struggling to get out. Because of the animal's frenzy, you can be bitten by your own pet when trying to release him or her, so be very careful. Apply as much pressure as you can to the levers on either side of the trap's jaws (see diagram) until the jaws open enough for the animal to get out. If you are unable to open the jaws of the trap, you will need to take your pet in the trap to the nearest veterinarian. Most traps are staked to the ground to prevent a trapped animal from escaping while still caught in the device; therefore you will have to dig up the stake or you may be able to unhook the trap from the stake. If neither of these works you will need to seek help to get your pet out of the trap.



### HONEY • VALENCIA COUNTY, NM (TOP)

Since her leg—mangled in a trap—was removed, Honey has developed severe arthritis and requires daily medication. (credit: Charles Fox)

### DARBY • HUSON, MT (BOTTOM LEFT)

Darby spent five days in a trap set for wolves near her rural home. Her injured lower leg (pictured middle right, above) could not be saved. (credit: Humane Society of Western Montana)

### LEPRECHAUN • LOUISVILLE, KY (BOTTOM RIGHT)

Leprechaun wandered into a trap set inside city limits. He underwent surgery, but the trauma proved fatal. (credit: No Kill Louisville)

## CONCLUSION

Steel-jaw leghold traps should be banned from use in the United States because of their cruelty. As long as these devices continue to be used, they pose a threat to all animals—including companion animals. Currently, there is legislation pending in Congress—the Refuge from Cruel Trapping Act—that would prohibit use of steel-jaw leghold traps in all of the national wildlife refuges. Passage of this bill would be a huge step forward and reduce much needless suffering. 🐾



## USFWS SEEKS TO REDUCE MANATEE PROTECTIONS

In January, the US Fish and Wildlife Service proposed a reclassification of the West Indian manatee from endangered to threatened under the Endangered Species Act. AWI strongly opposes this proposal. The species in Florida numbers around 6,000 individuals, up from around 1,000 almost three decades ago, but they continue to face myriad and increasing threats and an uncertain future, even with current protections in place. Threats include collisions with a growing number of watercraft, cold stress, and pollution—particularly that which exacerbates harmful red tide algal blooms. In addition, for reasons still largely undetermined, there have been mass die-offs in recent years (close to 800 manatees in 2013 alone).

AWI is making its concerns known to the Service and encourages you to do the same. Comments can be submitted online through April 8, 2016, via [www.regulations.gov](http://www.regulations.gov) (Docket No. FWS-R4-ES-2015-0178) or by US mail to:

Public Comments Processing  
Attn: Docket No. FWS-R4-ES-2015-0178  
US Fish and Wildlife Service Headquarters, MS: BPHC  
5275 Leesburg Pike  
Falls Church, VA 22041-3803



REBECCA REGINERY

## AWI Hosts CITES Event on Endangered Vaquita, Totoaba

AWI CO-HOSTED an event to highlight the plight of the vaquita porpoise and the totoaba fish during the January meeting of the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) Standing Committee. Both species are critically endangered and found only in the upper Gulf of California, Mexico. Nets set to capture totoaba—prized for its swim bladder, which is believed by some to have curative powers—also catch vaquita, who number less than 100. A two-year ban on gill nets imposed by the Mexican government in 2015 will help, but as AWI made clear at the CITES event, without help from CITES parties, including those representing demand states (such as China), as well as those states through which totoaba are smuggled (such as the United States), both species face extinction in the near future. 🐾

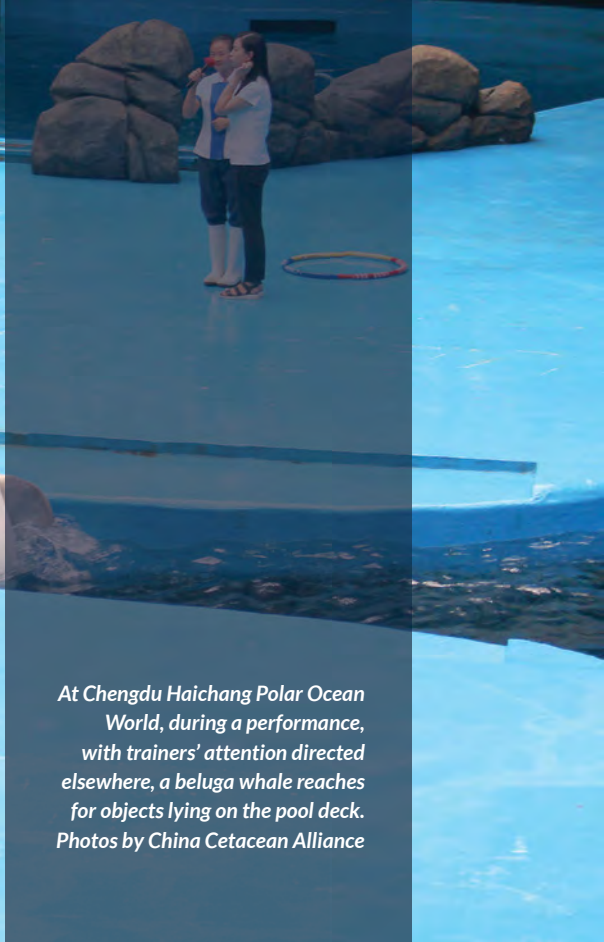
## SEA PEN SANCTUARIES ASSESSED AT MARINE MAMMAL CONFERENCE

On December 13, AWI's Dr. Naomi Rose and her colleague Dr. Lori Marino of the Kimmela Center for Animal Advocacy conducted a workshop on sea pen sanctuaries for cetaceans, in conjunction with the 21<sup>st</sup> Biennial Conference on the Biology of Marine Mammals in San Francisco. The workshop addressed how and where to establish a coastal sanctuary for cetaceans who one day will be retired from captive display.

Several invited experts considered and reviewed a number of logistical issues, including veterinary care, training and husbandry concerns, engineering aspects, and the laws governing such a project, including the Marine Mammal Protection Act and the Coastal Zone Management Act. The audience was diverse: concerned citizens, marine mammal researchers, and several operators and trainers from captive cetacean facilities

were among those who sat through a full day of presentations and discussion. Exchanges were at times lively, given the spectrum of opinions present regarding captive cetacean display, but for the most part the conversation remained civil and constructive.

The primary purpose of the workshop was to raise the profile within the marine mammal science community of efforts to establish sea pen sanctuaries for retired cetaceans. Sanctuary projects have been frequently misrepresented by proponents of captive display as ill-advised or quixotic, so the workshop emphasized and addressed the many practical elements that are essential to consider when the goal is to provide lifetime care for cetaceans. Establishing a cetacean sanctuary will be complex and challenging, but the workshop made clear it can and will be done. 🐾



At Chengdu Haichang Polar Ocean World, during a performance, with trainers' attention directed elsewhere, a beluga whale reaches for objects lying on the pool deck. Photos by China Cetacean Alliance

# GRIM CONDITIONS for China's CAPTIVE CETACEANS

**ON** December 4, 2015, the China Cetacean Alliance (CCA) launched a major campaign to raise public awareness of the suffering faced by the cetaceans held captive in China. AWI is a founding member of the CCA, along with Whale and Dolphin Conservation, Marine Connection, and the Hong Kong Dolphin Conservation Society, as well as animal and environmental groups in Taiwan and mainland China.

The campaign launch occurred via a media event in Beijing, during which the CCA introduced a report, available in both Chinese and English, entitled *Ocean Theme Parks: A Look Inside China's Growing Captive Cetacean Industry* (available on AWI's website at [www.awionline.org/cca](http://www.awionline.org/cca)). The report is based on an investigation conducted during 2015 and includes detailed information on all known captive cetacean facilities in China.





China is one of the few countries where the display of captive cetaceans is on the rise. China has 39 operational cetacean display facilities, with at least 16 more under construction. These facilities hold bottlenose dolphins, beluga whales, finless porpoises, and white-sided dolphins, as well as seven other cetacean species. Most disturbingly, one facility, Chimelong Ocean Kingdom in Guangdong Province, is holding nine orcas, although to date none have been put on public display. The orca stadium is apparently still under construction, but the government has confirmed that the orcas were imported by Chimelong. The whales were captured in the Sea of Okhotsk in Russia and imported between 2013 and early 2015. Where they are being held and under what conditions is unknown; it is not even clear if all are still alive.

In China, little if any successful breeding is occurring, due almost certainly to poor holding conditions

and a lack of staff expertise. Virtually all of the almost 500 cetaceans the CCA was able to inventory—via on-site facility visits, web searches, and research of media accounts and trade databases—have been captured from the wild. The primary sources are Taiji, Japan, from the hunts made infamous in the Oscar-winning documentary *The Cove*, and Russia, where all of China's belugas and orcas originated.

The official regulations governing the care and maintenance of captive cetaceans in China are minimal. On paper, they are on a par with those of some other under-regulated jurisdictions; in practice, the conditions of China's captive cetacean enclosures are exceptionally poor and outdated. The CCA's investigator visited 14 facilities and found, among other problems, incompatible species being held together (for example, Arctic belugas in the same tank as temperate/tropical bottlenose dolphins); very small tanks holding multiple cetaceans;

extremely loud music; dolphins forced to hold "photo-op" poses with visitors on pool decks for protracted periods; and plenty of rust and decaying infrastructure. Many of the facilities in China are essentially brand new, built within the past 5–10 years, but the infrastructure and even the shows have the look and feel of whale and dolphin parks from the 1950s and 1960s in the West. Construction standards appear poor.

The situation is very different in Taiwan (see box), where—through advocacy and activism over the past two or so decades—the industry has been successfully confronted. There, a constructive dialog between NGOs and the industry may achieve a captive cetacean-free future sooner than later. In China, the debate has barely started, so the CCA must raise public awareness first, before dialog with the industry and the government can begin. 🐾



*A child is towed in an inflatable dinghy by a dolphin during a performance at Chengdu Haichang Polar Ocean World in China.*

*In Chengdu Haichang Polar Ocean World, a beluga whale bangs its head on a gate.*



## CAPTIVE CETACEAN FACILITIES IN TAIWAN

Currently, Taiwan has three captive cetacean facilities. The municipality of Yehliu, just north of Taipei, has been the home of Ocean World for over 30 years. The town of Hualien, in the middle of the island's eastern coast, has Farglory Ocean Park, which was built in the early 2000s. Pingtung, in the far south, hosts the National Museum of Marine Biology and Aquarium (NMMBA), which has displayed cetaceans for about 15 years.

Ocean World is the oldest (and smallest) of the three facilities in Taiwan. Its design is correspondingly old-fashioned and outdated. The main tank is relatively small and there are several very small, roughly circular holding tanks behind the stage. There is no shade over any of them. One holding tank, with four dolphins, is not connected to the rest of the enclosure complex at all, and these dolphins can enter the rest of the complex only by being removed from the water entirely. The show is also outdated—a circus act complete with acrobatic clowns. The 11 bottlenose dolphins at Ocean World

were captured locally or are captive-born. It is possible this facility could transition to one focusing on cetacean rescue and rehabilitation and aquarium exhibits that feature the natural history of the region, rather than circus-like entertainment.

Farglory Ocean Park is a theme park, with rides, an arcade, and numerous animal exhibits, including a fairly educational aquarium and museum area. The dolphin show has extraordinarily loud music and sound effects, with a bank of amplifiers overhead that make it uncomfortable for the audience, let alone the animals. However, it was built to fairly modern specifications and does have shade protecting the animals from the relentless tropical sun. The eight cetaceans at Farglory came from the Japanese drive hunt and, probably not coincidentally, as the drive hunts in Japan are violent and traumatizing affairs, the facility has had no breeding success to date. Taiwanese NGOs recently succeeded in preventing an import of additional dolphins from

Japan. This facility too has the potential to transition to cetacean rescue and rehabilitation, and given its other attractions, could still retain its identity as a theme park.

The NMMBA is a large campus with several buildings, including state-of-the-art museum and aquarium exhibits, research facilities, and dormitories for students and researchers. The three belugas it houses are the last of 10 imported from Russia in the early and mid-2000s and the facility does not intend to breed or replace them. It no longer has a show—visitors simply view the whales in an underwater gallery and observe feeding times. Within the next few years, presumably, the NMMBA will no longer have any cetaceans. 🐾

*Above right: Beluga whales and bottlenose dolphins in the same enclosure complex at Chengdu Haichang Polar Ocean World. These two species occupy very different habitats (one polar, one tropical to temperate) in the wild.*



## BAD SPORTSMEN'S ACT ADVANCES

The second session of the 114<sup>th</sup> Congress opened in January. On the 20<sup>th</sup> of the month, despite strong minority opposition and contentious debate, the Senate's Committee on Environment and Public Works approved the "Bipartisan Sportsmen's Act" (S 659). This is the second half of a bill to dismantle wildlife protections. The Committee on Energy and Natural Resources approved the other half, dubbed merely the "Sportsmen's Act" (S 556), last November, after a provision to expand trapping on public land was removed. S 659 was made worse by language inserted by Sen. John Barrasso (R-WY) that would remove Endangered Species Act (ESA) protections from gray wolves in Wyoming and the western Great Lakes states.

At the mark-up for S 659, Sen. Cory Booker (D-NJ) again described the inherent cruelty of body-gripping traps, outlining the urgent need to restrict the use of such cruel and indiscriminate traps within the National Wildlife Refuge System (NWRS). He had earlier met with the committee's chairman, James Inhofe (R-OK), to discuss the issue, and Chairman Inhofe even filed an amendment addressing the need for more oversight and transparency concerning the use of body-gripping traps within the NWRS (with particular concern for nontarget injuries). However, as partisan bickering over the bill escalated, the amendment was withdrawn. 🐾

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## Energy Bill Loses Steam

SEN. RON JOHNSON (R-WI) filed anti-wildlife amendments to the energy bill that reached the Senate floor in early February. He, too, proposed removing gray wolves in Wyoming and the Great Lakes states from ESA protection, and prohibiting the US Fish and Wildlife Service from listing the northern long-eared bat as endangered under the ESA. This latter amendment was (in a rather literal sense) overkill, since the Service had already bowed to political pressure by listing the bat as threatened rather than endangered—despite the science outlining exceedingly grim prospects for the species' survival. AWI immediately notified senators of our objections and our intention to include any roll call votes on these amendments on our Compassion Index, which scores legislators' voting records on animal welfare issues. In the end, what was intended as a show of the Senate's ability to get things done dissolved into bitter rancor over efforts to deal with the water crisis in Flint, Michigan, and the energy bill was pulled from the floor. 🐾



GREGORY SZADLAREK

*Funding for USDA inspection of horse slaughter plants was stripped from the federal budget—meaning that no such plants can open for business in the United States through September 2016.*

## Animal Welfare Measures Included in Funding Bill

AS THE FIRST SESSION of the 114<sup>th</sup> Congress wound down at the end of 2015, a massive \$1.1 trillion bill funding government operations through September 30, 2016, passed and was signed by the president. AWI worked to protect key animal protection measures in the bill, including \$80 million to combat wildlife poaching and trafficking; language defunding horse slaughter plant inspections by the United States Department of Agriculture (USDA)—without which, such plants cannot operate in interstate commerce; a prohibition on sending federally protected wild horses to slaughter; a prohibition on funding the issuing or renewal of licenses to Class B dealers who sell random source dogs and cats for experimentation; and a restriction on funding to the USDA's Agricultural Research Service until it improves policies and procedures at its facilities conducting animal research.

On the downside, the bill included a detrimental rider aimed at undermining wildlife protections for sage grouse. However, an attempt to severely impede the US Fish and Wildlife Service's ability to crack down on the illegal ivory trade failed, as did an attempt to remove gray wolves from the ESA and allow more wolf populations to be hunted and trapped for sport. 🐾

## Dr. Jay Kirkpatrick (1940-2015)

WITH THE DEATH of Dr. Jay Kirkpatrick, we lost one of the leading advocates for humane wildlife population control. His research, development, production, and long-term use of immunocontraceptives in the field and in zoos to control reproduction benefited a wide range of animals, from horses on Assateague Island to elephants in South Africa. He demonstrated that one type of immunocontraceptive vaccine—porcine zona pellucida (PZP)—was highly effective, reversible, and safe for pregnant and nursing animals, while causing no serious side effects.

His dedication to the study of immunocontraceptives was triggered by a 1971 meeting with officials from the Bureau of Land Management (BLM), who asked if he could prevent wild horses from reproducing. Over time, particularly after witnessing the brutality of wild horse roundups, Jay became an outspoken critic of the BLM's wild horse and burro management and continued to advocate for the use of PZP in wild horses throughout his career.

AWI began working with Jay in the early 1980s, with a shared perspective on the utility of humanely curbing population growth in certain wildlife populations. Some time ago, I spent one of the most pleasurable days of my career on Assateague Island with Jay and his colleague, Dr. John Turner, seeking horses to inoculate. Jay was passionate about what he did, and defended it fiercely on both scientific and ethical grounds. One of his most exciting findings was that immunocontraceptives not only prevented population growth, but also caused the population to decline over time.

In 1998, Jay founded the Science and Conservation Center (SCC) at ZooMontana in Billings. The SCC became a key facility in developing PZP and continues Jay's work to promote and improve this vaccine to benefit captive and wild animals around the world.

Early in our friendship, I told Jay I thought he would be an ideal candidate to serve on what was then known as the National Animal Damage Control Advisory Committee. He was willing, was nominated by AWI, and was appointed. Thus, he found himself on this advisory body to the Secretary of Agriculture regarding the USDA's notorious animal damage control program (now known as Wildlife Services), heavily outnumbered by individuals with little or no concern for wildlife. There was no reasoning with this biased group, and he spent a good bit of time out of the meeting room, letting his blood pressure settle. I'm not sure

he ever forgave me for this, and he certainly liked to remind me of it from time to time.

Just as it had been on the advisory committee, Jay recognized that the biggest hurdle to implementing practical, humane management practices was addressing the politics of wildlife management. As long as I knew him, he was grumbling about the latest political nightmare, which often came from those who preferred lethal methods, but occasionally came from some who consider themselves animal protectionists. Opponents to humane wildlife control, particularly state wildlife agencies, developed an assortment of arguments, many entirely without merit, in an effort to thwart the development of PZP. Even when they agreed to permit the use of PZP, agencies would often delay implementation of the trials—causing the target populations to expand even further and undermining the efficacy of the vaccine. Although frequently flabbergasted by such arguments and tactics, Jay—the consummate scientist—would counter each absurd claim with data and, often, a bit of wry humor.

Coming to terms with his death is hard, but his legacy lives on. For example, the horses on Assateague—minus the burden of pregnancy and raising young—are enjoying much longer, healthier lives without being subject to roundups and removal. Jay will be sorely missed by his friends, as well as those who embraced his work and shared his goal of humane wildlife management. But the science of immunocontraception will continue to develop, techniques will be refined, and countless animals will benefit because of the foundation laid by Jay. 🐾

—by Cathy Liss



Dr. Jay Kirkpatrick holds a dart used to deliver PZP. Jay championed immunocontraception as an effective means of nonlethal wildlife population management.



# Researchers Recoil from Santa Cruz Biotech as Company Jettisons Its Goats and Rabbits

A FIRESTORM has rained down on Santa Cruz Biotechnology, Inc. (SCBT)—long one of the world’s largest antibody producers—following a February 19, 2016, *Nature* article entitled “Thousands of goats and rabbits vanish from major biotech lab.” In the article, which has received extraordinary attention, Sara Reardon describes the disappearance of 2,471 rabbits and 3,202 goats identified by the US Department of Agriculture (USDA) that were on the company’s premises in July 2015. There were no animals when the USDA inspected the facility six months later.

Could it be that SCBT’s owners, John and Brenda Stephenson, are planning to get their company out of the business of extracting antibodies from rabbits and goats? Of the over 70,000 SCBT antibodies listed by host species on [www.Biocompare.com](http://www.Biocompare.com), which calls itself “The Buyer’s Guide for Life Scientists,” over 70 percent are derived from goats or rabbits.

Regardless of SCBT’s plans, a growing body of researchers are encouraging their cohorts to shop elsewhere for antibodies. Many of those calling for a boycott linked to the *Nature* article. The headline of a February 25 article on [www.BuzzFeed.com](http://www.BuzzFeed.com) states: “Scientists Are Boycotting This Company for Alleged Goat Abuse, Bad Tweets.” The article explains that in the midst of the furor, instead of posting a serious response to the litany of allegations, a tone-deaf SCBT tweeted a series of seemingly random images involving cute animals and cartoons—including a dog and goat as friends—further

offending scientists who are seeking to better understand the situation. According to reports, SCBT also temporarily blocked the author of the *Nature* article (as well as scientists who were critical of the company) from its Twitter account.

The dramatic exodus of the facility’s goats and rabbits coincides with an unprecedented series of enforcement actions by the USDA against SCBT. These actions are tied to numerous citations against the company by USDA veterinary inspectors, alleging serious violations of the Animal Welfare Act (AWA). SCBT has been on the USDA’s radar for more than a decade, as it has been routinely cited for its apparent failure to comply with the AWA’s minimum requirements. (See *AWI Quarterly*, winter 2013 and fall 2014.) In 2012, a complaint was filed by the USDA against SCBT, and in 2014, a second complaint was filed. On August 7, 2015, a third complaint was filed. All three are currently pending against the facility.

## THIRD COMPLAINT

The third complaint describes an inspection that took place a month earlier, in which a goat diagnosed with urinary stones was found by the USDA veterinary inspector “in a depressed posture, unwilling to walk, and breathing heavily.” The on-site veterinarian was on vacation and no veterinarian could be located to help the animal. Five hours later, the goat was “agonal, suffering and in distress.” Ultimately, in violation of the facility’s own standard operating procedures (calling for veterinary approval of euthanasia), the animal was killed by a non-veterinarian using a captive bolt gun. No sedative or secondary euthanasia injection was used, another violation of standard procedure. The facility was also cited for mishandling rabbits.

The complaint lists other circumstances that would demonstrate an ongoing pattern by SCBT of failing to provide adequate veterinary care to animals in dire condition. Animals suffered from extreme weight loss, severe lameness, and respiratory issues. One goat sustained a snake bite and “developed a visibly swollen jaw and chest and draining lesion, and experienced a 23% weight loss” within a two week long period. A few weeks later, a USDA inspection notes that the goat “was unable or unwilling to close its mouth, which in conjunction with the goat’s other visible conditions, indicated that the goat was unable to eat normally.” A month later, and a day after SCBT was cited again by the USDA, the goat was finally euthanized.



USDA

*According to an inspection report, this goat was observed dripping fluid from a baseball-sized neck tumor down the animal's neck and onto a shared animal feeder. The attending veterinarian "stated that he was waiting for permission to euthanize from the facility owner because the animal may have valuable antibodies to harvest prior to euthanasia."*

The complaint further states that SCBT "has demonstrated bad faith by misleading [USDA Animal and Plant Health Inspection Service] personnel about the existence of an undisclosed location where [SCBT] housed regulated animals," and that this nondisclosure "precluded inspection of that location and those animals." The site in question—known as Barn H7—housed more than 800 goats used in antibody production.

### ADMINISTRATIVE HEARING AGAINST SCBT

A week and a half after SCBT was slapped with its third complaint, a hearing against the company regarding the first two complaints commenced, with administrative law judge Janice Bullard presiding. (See [www.awionline.org/scbthearing](http://www.awionline.org/scbthearing).) The USDA stated that a 2005 stipulation agreement under which the company was fined \$4,600 for alleged AWA violations from October 10, 2002, through December 9, 2004, is the "starting point" for the case, noting that in the 33 inspections conducted afterwards, the USDA continued to document serious deficiencies. The USDA then called a number of its veterinarians to testify about what they observed at the facility. In a startling development, the department also subpoenaed a former SCBT veterinarian, Dr. Robin Parker, to testify. Her bombshell testimony corroborated the USDA's findings.

The USDA veterinarians described goats in poor health, including those who were debilitated, lame, extremely

thin, and "in distress or pain or suffering." One goat had a "nasty, fairly fresh wound on its hind leg" believed to be from a coyote attack. Another had a broken leg and had not received veterinary care for days; the bottom part of the broken leg was flopping around while the goat ran around the paddock. One goat died right in front of the inspectors. The veterinarian who conducted routine compliance inspections was asked about the company's ability to comply with the AWA requirements. She replied, "I don't see a will to," and later added, "We're seeing the same problems over and over and over again."

On the third day of the hearing, the USDA rested its case and SCBT began calling its witnesses, who floundered in their feeble attempts to explain away the company's actions. The next morning, SCBT requested to rest its case and establish a briefing schedule, or suspend the hearing, to pursue settlement. After the USDA agreed, based on SCBT representations, Judge Bullard suspended the hearing and requested status reports by September 30, 2015.

On September 24, the USDA reported that no settlement had been reached and the likelihood of such a settlement was "remote." SCBT's lawyers, on the other hand, claimed that "the parties have reached substantial common ground on many aspects of a potential resolution." The USDA proceeded to file a motion requesting resumption of the hearing at the earliest possible date. The hearing is set to recommence on April 5, 2016, and a hearing on the third complaint is scheduled to follow immediately thereafter. No



USDA

*A photo from a July 13, 2010, inspection. At the hearing, a USDA veterinarian testified that this animal had a large bite wound, was "physically exhibiting signs of distress," and that "nothing was being done to address that."*



other registered research facility has faced a hearing of this magnitude since the AWA became law nearly 50 years ago.

### BARN H7, THE UNDISCLOSED SITE

In its answer to the second complaint, SCBT stated that it “categorically denies that its staff intentionally misled or deceived the inspector about the existence of the H7 barn,” chalking it up to a “series of misunderstandings.” However, at the hearing Dr. Parker testified that it was the decision of SCBT’s founder and owner, Dr. John Stephenson, to intentionally deceive the USDA about the existence of the barn because of the possibility of USDA citations. According to Dr. Parker, Dr. Stephenson viewed the USDA as being “nitpicky.” When SCBT’s lawyer asked Dr. Parker on cross-examination if she agreed with this assessment, she responded, “No sir, I don’t. I would be hard-pressed to say that’s true.”

Ultimately, the USDA learned of the site after Dr. Parker blew the whistle. As noted above, SCBT claimed there was no attempt to mislead the USDA about the existence of Barn H7; rather, they claimed that their newly hired veterinarian (who followed Dr. Parker) had “never worked in the H7 barn and was not aware of it.” Yet, it was this employee who accompanied the inspectors, one of whom testified that it was “striking” that this newly hired veterinarian “drove [to

Barn H7] without any hesitation,” and “by the time we got there, she seemed kind of sheepish and uncomfortable. It seemed quite apparent that she knew that we knew that, you know, they had been not forthcoming about the whole thing, and frankly dishonest.” Another inspector testified that this veterinarian ignored the office manager’s directions and instead drove directly to the barn. Judge Bullard sought to clarify this testimony, asking the inspector to confirm that this veterinarian had indeed been instructed to drive in one direction, but drove in the opposite direction. The inspector confirmed this.

Hiding this site from the USDA appears not to have been the only deception, as testimony revealed that SCBT, without approval of its Institutional Animal Care and Use Committee and despite repeated denials to its USDA inspector, engaged in one or more terminal bleeds (exsanguination) of rabbits without the sedation mandated by American Veterinary Medical Association guidelines. Only when the inspector discovered a dead rabbit covered in blood in a freezer, and asked why this rabbit was so bloody, did SCBT admit that this rabbit endured a terminal bleed. One of the USDA veterinary inspectors testified to what “seems to be an ongoing problem with misinformation and misrepresentation by the facility.”

Research facilities are responsible for reporting animal use to the USDA on an annual basis, including pain or distress experienced by animals where relief is not provided. Clearly animals have suffered at SCBT, and yet the company has not reported a single incident of it in its annual reports to the USDA from 1999 through 2015.

### WHAT NOW?

AWI commends the USDA for taking solid enforcement actions against SCBT. Although it took years, the department has finally given this case the attention it so gravely needs. AWI also applauds those in the research community who have elected to obtain their antibodies from other sources. AWI urges the USDA to continue to prosecute SCBT to the fullest extent of the law, and specifically to seek revocation of the company’s dealer license and a significant fine on a par with the alleged violations. 🐾

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Further information on SCBT can be found at [www.awionline.org/scbt](http://www.awionline.org/scbt).



*A USDA inspector reports she was told by SCBT staff that this goat either had pink eye or had been poked in the eye. Yet, the inspector states, “There was no description of the condition in the record and there was no communication with the attending veterinarian [concerning] this condition.”*



STEPH HILLIER

## A Square Solution to Handling Mice

Mice are the most common animal used in research. Many routine procedures (including blood pressure measurement, injections, and blood collection) require the mouse to be restrained. As manual restraint can be stressful and traumatic, mice are most commonly held in a restrainer—typically a hard, smooth cylinder or cone. While the mice can be trained to enter these restrainers, they are inherently uncomfortable and the round sides do not provide any grip, leaving the mouse with a continuous loss of balance. Thus, many mice will refuse to enter a restrainer. At best, this discomfort can lead to aberrant results, as the mice constantly move. Often, mice will need to be additionally restrained, resulting in even more stress. At worst, mice have been known to panic in the restrainer, resulting in trauma, as they try to wriggle out.



Laboratory Animal Cube

These observations led Janet Wolforth, a veterinary technician at the University of Michigan, to look for better solutions. When she could not find an existing one, she invented the Laboratory Animal Cube (LACube). The LACube's square interior, with a textured floor, was designed to be more comfortable and safer for the mice, while providing

versatility for different procedures, potentially leading to better results for the scientists. In 2015, she received an AWI Refinement Grant to test the LACube.

Her proposal compared the LACube to the most commonly used cylinder to determine if it would improve

restraint by 1) reducing stress of mice within the restrainer, indicated by ease of entry into the restrainer and less struggling while restrained; 2) improving ease of use by the animal handler; and 3) reducing variability of a noninvasive blood pressure measurement.

The results of this pilot study were encouraging. Within one day, most mice readily walked into the LACube (compared with an average of three days of training for the cylinder). Similarly, with the cylinder, acclimation takes at least three days before measurements can be done. With the LACube, the acclimation period was decreased to two days, since the mice more readily entered the device and were able to grip the textured surface, providing them with extra security. Once in the LACube, the mice remained calm during blood pressure measurement, moving much less and requiring no additional restraint. Blood pressure results were 15 percent lower for male mice and 4 percent lower for female mice in the LACube when compared with the cylinder.

The results suggest that the LACube is more comfortable to the mice (based on a greater willingness to enter the restrainer) and less stressful (based on the lower blood pressure readings). The results were promising enough that other researchers at the University of Michigan are inquiring about using the square restrainer. Ms. Wolforth will be submitting the results for presentation at national conferences and is planning to market the device. 🐾

## TRIMMING TOENAILS SAVES MICE

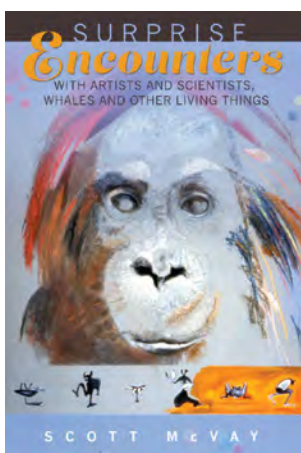
For mice in laboratories, ulcerative dermatitis is a common condition affecting their health and welfare. It is also often a death sentence, as the most common treatments are rarely effective. Some reports have suggested that trimming the rear toenails can aid recovery, but these have been anecdotal. However, a recent study by Adams et al. (PLOS One, 2016) carefully examined the effectiveness of that procedure. The authors compared the standard treatment regimen of long-term topical therapy versus trimming the rear toenails plus a single dose of a topical therapeutic. The results showed 93 percent of the toenail trim group being cured versus only 25 percent for the standard therapy. Not only were they able to relieve the pain and itchiness of the dermatitis, but they were able to minimize the use of other drugs that would potentially affect study outcomes. 🐾



## Surprise Encounters with Artists and Scientists, Whales and Other Living Things

Scott McVay  
Wild River Books  
ISBN: 978-1941948026  
592 pages; \$42.50

AWI PRESENTED the Schweitzer Medal to Scott McVay in 1973 to honor his work on behalf of the endangered great whales. McVay has long been in the thick of the battles to save whales and dolphins, as well as countless other conservation efforts worldwide. A man of remarkable intellectual curiosity, he has spearheaded campaigns to save tropical forests, other ecosystems, and endangered species.



His decades of research in the farthest corners of the world, as detailed in this autobiography, make fascinating reading.

In the early 1960s, after graduating from Princeton and serving as an army intelligence officer in Berlin, McVay worked at the Florida research lab of Dr. John Lilly, who had published the ground-breaking book on dolphin intelligence, *Man and Dolphin*. The dolphin research led McVay—

together with Roger Payne—to investigate the songs of the humpback whales, the haunting six-octave melodies that have captivated another species, *homo sapiens*.

McVay’s “The Last of the Great Whales”—an exposé of the whaling industry—appeared in the August 1966 issue of *Scientific American*. In that seminal article, he documented the history of commercial whaling, particularly in the 20<sup>th</sup> century when huge factory ships, high-speed catcher boats, and grenade-tipped harpoons unleashed a ghastly, inhumane slaughter on these animals. McVay detailed how the International Whaling Commission (IWC), established in 1946 to sustainably regulate the global whaling industry,

was utterly failing to stop the ruthless slaughter on the high seas by more than two dozen nations led by Japan, Norway, and the Soviet Union.

McVay’s report helped rally the emerging environmental movement. In 1971, Prof. George Small published an equally scathing indictment of the whaling industry with his award-winning book on the history of modern whaling, *The Blue Whale*. The Save the Whales campaign was launched in 1972, the same year that Congress adopted the Marine Mammal Protection Act, which called for a moratorium on commercial whaling. At the United Nations Conference on the Human Environment in Stockholm later that year, the plight of the great whales became the symbol of the growing environmental crisis facing our planet.

AWI further catalyzed the anti-whaling effort by launching a worldwide “call to arms” advertising campaign with full-page newspaper and magazine ads declaring “Save the Whales” that lambasted the cut-throat whaling nations. For more than 20 years the ads reached every corner of the world in major publications, arousing public outrage.

Dozens of nascent environmental and animal welfare groups responded. The whalers and the IWC were under siege, and in 1983 the whaling commission adopted a blanket cessation on all commercial whaling. The whale killing fell from a high of more than 60,000 annually in the mid-1970s to fewer than 2,000 annually today, by just three recalcitrant nations: Japan, Norway and Iceland.

McVay’s autobiography recounts all this history, roaming the higher echelons of politics and society in the United States and abroad. He fills the pages with personal anecdotes and photos regarding presidents and prime ministers, scientists, environmentalists, and poets. His own poetry flows seamlessly through the chapters. It is one man’s witty treatise on man and nature. 🐾

—by Craig Van Note  
Executive Vice President, Monitor Consortium

### 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, DC, 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.



## Tyke Elephant Outlaw

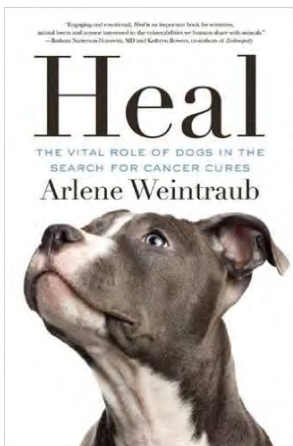
2015, 78 minutes  
Available on Netflix

**THIS RIVETING DOCUMENTARY** tells the tragic story of Tyke, a wild elephant forced to live within the confines of circus life and perform tricks. In 1973, a very young Tyke was wrested

from her family in Mozambique and brought to the United States, where she was subjected to training by the Hawthorn Corporation and rented out to circuses. Her tale is recounted through historical footage and interviews with people who knew her, including those who worked around her and those who sought to protect her and her fellow pachyderms.

Tyke's story is similar to that of other elephants forced to perform inane acts for human entertainment and commercial gain. She was hauled around the country, chained for up to 22 hours a day and repeatedly beaten in what was ultimately a futile effort to make her submit. There were warning signs that it was not safe for her to continue performing: At a circus in Pennsylvania, she ran off through a parking lot. Three months later, in North Dakota, she attacked a circus employee. Still, she was forced to perform. Then, on August 20, 1994, while performing at an arena in Honolulu, Hawaii, Tyke reached her breaking point. She went on a rampage, injuring a groom and killing her trainer before an arena filled with horrified spectators. She escaped and made her way to the busy city streets, where she ultimately was gunned down in a hail of bullets.

The film is a heartbreaking reminder of what circus elephants endure, despite what the industry portrays to its audiences. For more on the film, visit [www.tykeelephantoutlaw.com/](http://www.tykeelephantoutlaw.com/). 🐾



## HEAL

Arlene Weintraub  
ECW Press  
ISBN: 978-1770412705  
240 pages; \$16.95

**Dogs are afflicted** with many of the same cancers as people. As with people, the causes are little understood and therapy can be frustratingly ineffective. Yet, there is hope. Lessons learned

from veterinarians treating dogs with cancer are giving physicians new insights into treating cancer in people, and vice versa. This concept, termed comparative oncology, is explored in Arlene Weintraub's thoughtful and well-researched book, *Heal: The Vital Role of Dogs in the Search for Cancer Cures*. Through her emotional accounts of dogs with cancer, interwoven with the equally poignant story of her own sister's death from cancer, the reader learns of the many advances that are being brought about by physicians and veterinarians working together on a common goal: more effective cancer therapies.

As Weintraub explains, cancer is not a monolithic entity, rather it is incredibly diverse and must be treated in many different ways. Also, cancer that naturally occurs in a dog in an ever-changing environment is vastly different

from cancer artificially induced in a rodent (the most common animals used for cancer research) living in a highly controlled laboratory.

Each dog's story is told with clarity and charm, so that we understand at least some of their perspective as they go from a state of frolicking health to debilitating disease and sometimes back again. Yet, Weintraub doesn't just give us the dog's eye view. The people in *Heal* are as compelling as the dogs, as they go to such great lengths to treat beloved canine family members. Their caring and dedication are what makes the cancer advances possible. They notice and report details that initially seem so minor, but later become significant findings. They are aware of the smallest changes in the health and well-being of their dogs and will do whatever they can to help them, until they can no longer help. Their experiences are so different, yet they all share a common thread: they want to help their dogs and they want to help people.

It isn't just about pioneering therapies, though. Weintraub introduces us to dogs like McBaine and Foster, who are learning to sniff out the presence of cancer, with success rates equivalent to chemical sensors. As scientists learn how the dogs detect cancer, they are building devices that attempt to mimic the dogs' abilities.

*Heal* is a short and powerful book. Each dog's story can stand alone, yet when they are woven together, they form a compelling narrative. When we learn how to detect and treat cancer as it develops in our companion animals, we come one step closer to a cure in people, as well. 🐾





# Animal Welfare Institute

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## CHRISTINE STEVENS WILDLIFE AWARDS

*Apply now for research grants to support humane wildlife management*

As human settlements grow and wildlife habitat shrinks, conflicts between humans and wildlife become more widespread. Government officials and property managers employ various wildlife management strategies to alleviate such conflicts. Too often, however, “wildlife management” means wild animals are simply erased from the picture—often via unduly draconian methods.

To address this issue, AWI created the Christine Stevens Wildlife Awards. Through this grant program, AWI offers \$10,000 toward research studies that help spur innovative strategies for humane, nonlethal wildlife management that works for both humans and animals. The grant program, which began in 2006, is named in honor of the organization’s late founder and president for more than 50 years.

Wildlife researchers across North America are encouraged to apply. The deadline for applications is May 1, 2016, and grant recipients will be announced in June. Details on how to apply are at [www.awionline.org/csaward](http://www.awionline.org/csaward). 

## “A Voice for Animals” Contest

AWI AND THE HUMANE EDUCATION NETWORK are pleased to announce the 26<sup>th</sup> annual “A Voice for Animals” contest. The contest affords youth (ages 14-18) an opportunity to investigate the causes of animal suffering and explore potential solutions.

Entrants age 14-15 are invited to write an essay that addresses either the mistreatment of one animal species or one cause of animal suffering, or the preservation of one species threatened with extinction, and potential solutions to alleviate animal suffering. Entrants age 16-18 must become personally involved in a project that addresses either the mistreatment of one animal species or one cause of animal suffering, or the preservation of one species threatened with extinction. Students in the 16-18 year old category may submit either 1) a written essay with accompanying photos or 2) an original video about their project.

Submissions will be accepted through April 30, and the winners will be announced no later than June 1, 2016. Please visit [www.hennet.org](http://www.hennet.org) for more information. 