

A large flock of grey cockatoos with red wing patches is captured in flight over a green field. The birds are in various stages of flight, with some wings spread wide, creating a sense of movement and energy. The background is a soft-focus green field, and the overall scene is vibrant and dynamic.

# AWI Quarterly

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## A Letter from the President of AWI

After perhaps the most disheartening, divisive campaign in modern memory, the votes have been tabulated. Next year, a new administration will plant its flag in Washington, DC. A new Congress will convene. A new era will begin for the citizens of America and, by extension, the citizens of the world affected by American policy.

The same can be said for the world's animals. What happens in Washington has ramifications for wild and domestic animals across the country and throughout the world. Ideally, therefore, an incoming administration would recognize the need to protect biodiversity, take a moral stand against senseless cruelty in animal agriculture and other commercial sectors, and consider climate change a real and present danger.

The reality we face is far different. Thus far, there is no indication that animal welfare is a priority—or even a

concern—for the Trump administration. Prominent transition figures and names floated for key cabinet posts portend a disastrous direction for conservation in America. President-elect Trump says he will “cancel” the Paris climate accord and approve the Keystone XL oil pipeline. And though the sins of the sons perhaps cannot be imputed to the father, it is gravely unsettling to see photos of Eric and Donald Jr. posing proudly with lifeless “trophies”—a leopard and an elephant among them—that were gunned down on safari. Meanwhile, we anticipate another Congress in which many of the most powerful remain fixated on eroding or erasing hard-won legal protections for animals.

And so, we must redouble our efforts. The Animal Welfare Institute will work on the ground, in court, and with humanitarians in Congress and the executive branch to see that animal suffering is addressed and alleviated, that what has been gained will not be lost.

It will be difficult. We need your help now more than ever. We must stay united. We must be loud. Whatever unfolds in coming years, we must continue to do all that we can to defend the defenseless. 🐾

—Cathy Liss, December 5, 2016

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#### ABOUT THE COVER

African grey parrots take flight in Lobéké National Park, Cameroon. The international pet trade, along with habitat loss, has taken a heavy toll on wild populations of this species. One hopeful note: At this year's 17th meeting of the Conference of the Parties (CoP17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), African grey parrots were moved to CITES Appendix I —giving them the highest level of protection under the treaty, essentially banning trade in wild specimens. See page 10 for more on how other species fared at CoP17. Photograph by Cyril Ruoso/Minden Pictures.



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## HISTORIC ORCA CAPTIVITY BILL BECOMES LAW IN CALIFORNIA

In March 2014, California Assemblymember Richard Bloom (D-Santa Monica) introduced into the California Assembly AB 2140—a bill to prohibit the breeding of captive orcas and their use in theatrical shows in the state and require their retirement to a sanctuary. AWI, a cosponsor of the legislation, testified in favor of the bill at the hearing in the Committee on Water, Parks, and Wildlife, where it received strong support.

The political climate was not yet ripe for passage, however, and the bill was tabled for “interim study.” AWI, other NGOs and activists, and Asm. Bloom’s office worked hard in 2015 to gather additional support and determined that removing the sanctuary provision—given that no orca sanctuaries yet exist—would improve the bill’s chances.

In March 2016, the modified bill was reintroduced as AB 2305, on the same day SeaWorld announced the end of its captive orca breeding program. SeaWorld San Diego’s president, John Reilly, stood by Asm. Bloom and confirmed SeaWorld would not oppose the bill this time around. After sailing

through the committee with 12 ayes and only 1 nay, AB 2305 passed the Assembly with a 48–28 floor vote. It then passed the Senate 26–13 on August 26. Governor Jerry Brown signed the bill into law on September 13. AWI hopes this ground-breaking state law becomes a legislative tipping point, with Florida and Texas—the other states currently with captive orcas—to follow.

## FREED DOLPHINS FORM FAMILIES

In 2013, the Korean Animal Welfare Association (KAWA), local scientists, and government officials planned the release of five captive bottlenose dolphins—named Je-dol, Sampal, Chunsam, Taesan, and Boksoon—who had been illegally captured from a population living in the waters surrounding Jeju Island, South Korea. AWI’s Dr. Naomi Rose advised this effort, visiting South Korea twice at KAWA’s invitation to discuss the release plans.

The dolphins had been held in two different facilities, Pacific Land on Jeju and the Seoul Grand Zoo, from four to six years in concrete tanks and trained to perform silly circus tricks. Je-dol (a male), Sampal, and Chunsam were

relocated to a sea pen on Jeju in April 2013 and, after careful rehabilitation, released in July. The remaining two were released exactly two years later from the same location.

All five have been seen swimming and socializing with wild dolphins in the ensuing months and years. Sampal was seen with a calf in April 2014; this past summer, Chunsam was seen with a newborn calf. Not only did these captive dolphins go home again, but they have successfully reproduced. AWI offers its hearty congratulations to the new moms and wishes them every success!

## DOLPHINS CONFINED UNDER ARIZONA SUN

For the first time in a decade, a new captive dolphin attraction has been built in the United States from the ground up, this time in Arizona. Dolphinaris, where customers pay to swim with dolphins, opened its doors on October 15. The concrete tank is a mere 10 feet deep, with little shade to protect eight captive-born dolphins from the intense desert sun. Protests began before the grand opening. Because the facility is on Salt River Pima-Maricopa Indian Community tribal land, however, the public essentially had no say in the permitting process, and the enclosure meets only the (very) minimum federal standards.

AWI and its allies conducted a public opinion poll and found that 49 percent of Arizona residents don’t support this attraction, compared to 32 percent who do. (The rest were undecided.) Hopefully, market forces alone will make it clear that dolphins don’t belong in the desert.

*Trailed by other dolphins, formerly captive Chunsam swims the open sea alongside her newborn calf.*



SOOJIN JANG

## GEORGIA AQUARIUM ENDS WILD WHALE ACQUISITION EFFORTS

On June 22, 2016, Georgia Aquarium announced it would no longer seek to acquire dolphins or beluga whales from the wild for its exhibits. While an important step forward, the announcement came only after the aquarium had lost a two-year court battle to acquire a permit to import 18 wild-caught belugas from Russia. Only a few days before the announcement, a documentary entitled *Born to Be Free* premiered at a film festival in the United Kingdom. The documentary, directed and filmed by two Russian journalists, is about the international trade in live Russian belugas and focuses strongly and critically on the import request by Georgia Aquarium.

To accompany its announcement, the aquarium prepared a media kit, which amounted to a 50-page apology for its decade-long effort to acquire these wild whales and strongly suggests that it felt the need to proactively defend itself against the film, which is not yet in wide distribution. In particular, Georgia Aquarium insisted that by law it should have received the import permit, despite the judge's scathing ruling clarifying the many ways in which the permit request failed to pass legal muster. The media kit was so illogical and misstated so many facts that AWI (which intervened in the lawsuit) prepared a rebuttal, available at [www.awionline.org/GArebuttal](http://www.awionline.org/GArebuttal).

## AWI WORKS TO PROTECT WILDLIFE IN THE CARIBBEAN

The Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region—commonly referred to as the Cartagena Convention—is



DAVE KUEHN

*A hawksbill turtle in the Bahamas. Through AWI's involvement in the SPAW Protocol, we seek to protect sea turtles and other animals who inhabit the Caribbean.*

the only legally binding regional environmental treaty focused on the protection of biodiversity. Adopted in 1983 in Cartagena, Colombia, the treaty entered into force in 1986. It is implemented through three additional agreements: the Oil Spills Protocol, the Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol), and the Land-Based Sources of Marine Pollution Protocol.

The SPAW Protocol was adopted in 1990 and entered into force in 2000. From the beginning, AWI has been an active participant in the operation of this protocol. In particular, AWI has contributed to the development of (1) species and marine protected area listing guidelines and criteria and (2) a comprehensive framework to address marine mammal protection known as the Marine Mammal Action Plan. AWI also helps protect the integrity of the SPAW Protocol's provisions that prohibit activities likely to harm or destroy protected animal and plant species (those listed on the SPAW annexes). As in many treaties,

exemption clauses within the protocol allow member nations to conduct certain otherwise prohibited activities if deemed necessary for the protection or recovery of endangered species—for example, actions taken for management, education, or scientific purposes.

The SPAW Protocol is a critical and collaborative mechanism to protect biodiversity in the Caribbean region, and AWI remains committed to ensuring its success. At the SPAW Protocol's November 2016 Scientific and Technical Advisory Committee biennial meeting in Miami, Florida, AWI secured commitments to identify and respond to activities by member nations that may be in violation of the treaty. AWI also compiled data on activities, such as hunting, that continue in direct violation of the protocol, but are not currently being reported or have not been officially exempted.

# IWC Meets in Slovenia on Anniversary of Whaling Moratorium

The 66<sup>th</sup> meeting of the International Whaling Commission (IWC) took place October 20–28, 2016, in Portorož, Slovenia, 70 years after the International Convention for the Regulation of Whaling (ICRW) was ratified. The goal of this pioneering treaty, negotiated by the leading whaling nations at the close of World War II, was to finally bring order to the unregulated and unsustainable hunting that had characterized global competition for whale oil for almost a century.

Unfortunately, during the first four decades of the ICRW, insufficient political will, poor science, and a lack of enforcement provisions in the treaty kept the IWC from preventing further exploitation of the great whales. The industrial-scale slaughter continued, taking species after species to the brink, and pushing some populations, such as the North Atlantic gray whale, irrevocably over it.

Not until 1982 did the IWC finally vote to stop the madness. In 1986, after a four year phase-out period, a global moratorium on commercial whaling was imposed, to remain in effect until scientific evidence showed that sustainable catch limits could be set and a robust management (and compliance) scheme agreed upon. Thirty years later, the now 88 members of the IWC are still in disagreement about whether and how to regulate commercial whaling. Meanwhile, the moratorium remains in place—fragile, but intact.

Although attention in Portorož centered mostly on the 70<sup>th</sup> anniversary of the treaty itself, AWI and our allies celebrated the 30 years of the moratorium, hailing it as an important and visionary conservation decision. A number of nations ceased commercial whaling, saving tens if not hundreds of thousands of whales.

Yet, despite its enormously positive effect, the moratorium has never been fully implemented and whales continue to be killed for commercial purposes. Due to provisions in the ICRW that allow governments to lodge objections to decisions they oppose or conduct “special permit” whaling for so-called scientific research, the whales have not enjoyed a single year free from commercial whaling since the moratorium was imposed. Today, Norway, Iceland, and Japan kill over a thousand whales a year and trade the products with each other. To do so, they invoke objections/reservations not only under the IWC, but also under another treaty: the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its ban on international trade in whale products (imposed in deference to the IWC).

For decades, the world’s focus on whaling has been directed at Japan, whose Antarctic hunt takes place in a sanctuary dedicated to protecting whales and is conducted under the spurious guise of scientific research. Iceland’s hunt is controversial too, with its focus on endangered fin whales for the Japanese market. In contrast, Norway’s whaling is almost ignored, even at the IWC; despite the fact that Norwegian whalers kill an average of 576 minke whales a year—currently the highest tally among whaling nations—Norway receives little attention, let alone backlash. AWI seeks to encourage international diplomats to break that silence.

AWI joined German and Swiss nonprofit organizations Pro Wildlife and OceanCare to author a new report for distribution at IWC66, *Frozen in Time*. The report documents how Norway has quietly become the biggest whaling nation—its step-by-step loosening of national whaling regulations, its defiance of binding rules under the IWC and CITES, and its escalation of trade in whale products, including the government-subsidized development of new food and health products made from whales.

We also brought extensive evidence about trade in thousands of tons of whale meat from Iceland that ends up in restaurants and supermarkets in Japan, but not before the meat transits multiple European ports and passes through vulnerable Arctic waters along Russia’s Northern Sea Route. We were pleased that several delegations at the IWC meeting made strong interventions against Norwegian and Icelandic whaling, and we will continue to build on this momentum with our campaigns

to convince seafood retailers in Europe and the United States not to buy fish caught by companies tied to whalers.

All in all, IWC66 was a successful meeting for the whales. Although Japan and its allies blocked a proposal for a sanctuary in the South Atlantic, the IWC approved an enormous program of proactive welfare and conservation work, including a new initiative to mitigate the devastating impacts of bycatch. It also adopted a series of strong resolutions on (1) the review process for whaling under special permit, (2) cetaceans and ecosystem services (recognizing, for example, the importance of whales as repositories of carbon), (3) the critically endangered vaquita, and (4) the Minamata Convention on Mercury.

Two new governance mechanisms were approved—one that will set in motion a long-overdue independent review of the IWC’s governance arrangements and another that will establish a voluntary fund to help ensure that developing countries can participate in the IWC’s meetings as well as its conservation and welfare work. A proposed resolution on food security, a subversive mechanism to help Japan achieve its much-sought-after small type coastal whaling (STCW) quota, was not brought to a vote.

AWI played an active role in each of these successes thanks to a new rule of procedure allowing nongovernmental organizations representing civil society to fully participate in all meetings of the IWC. At every level, our substantive input informed the discussion and improved the text of decisions, including all the resolutions adopted. In the IWC meeting itself, AWI delivered a detailed statement on the limits of the IWC’s obligations to implement the rights of indigenous peoples, and co-authored other interventions on animal welfare, bycatch, strandings, and the conservation of the vaquita, among others. We also gave detailed input on the IWC’s procedures for documenting and responding to infractions. While such involvement has been commonplace for decades at CITES and other international forums, it was ground-breaking for the IWC and a sign that, at 70 years old, it is finally maturing.

The IWC’s next meeting, in 2018, may not be such a positive affair. A convergence of factors, including a new Japanese chair, is expected to deliver a perfect storm that could seriously challenge the IWC’s stability. In addition to a proposal from the host government, Brazil, to finally establish the South Atlantic Sanctuary, other flashpoints will include a suite of requests to renew (and probably increase) subsistence whaling quotas for indigenous peoples, as well as a bid by Japan to “modify” the moratorium by awarding quotas for STCW in the North Pacific. AWI will be there once again, advocating for an end to commercial whaling and fighting to protect whales against a renewed onslaught. 🐳

## CHANGES IN CONGRESS

Along with the unexpected outcome of the presidential race (see page 2), Election Day 2016 resulted in the defeat of two lawmakers who have worked to improve animal welfare. Senator Kelly Ayotte (R-NH) sponsored two top priority bills in the 114<sup>th</sup> Congress, the Pet and Women Safety Act (S 1559) and the Prevent All Soring Tactics Act (S 1121). Senator Mark Kirk (R-IL) sponsored legislation banning the use of double-decker trucks for transporting horses.

Meanwhile, Representative Sam Farr (D-CA) retired. Rep. Farr was elected in 1993 and quickly took up the cause of animal protection, paving the way for it to become a mainstream concern in Congress. He was an early voice for ending inhumane treatment of circus elephants. Most recently, when opponents in the House prevented progress on bills such as those to end the slaughter of horses for human consumption or the use of random source dogs and cats for research, Rep. Farr used his position on the powerful Appropriations Committee to advance those goals.

Also retiring is Representative Mike Fitzpatrick (R-PA), who was co-chair, with Representative Earl Blumenauer (D-OR), of the Congressional Animal Protection Caucus. We look forward to working with Rep. Blumenauer, as well as Rep. Fitzpatrick's successor on the Animal Protection Caucus and many other allies in the 115<sup>th</sup> Congress, as we fight to hold the line on animal welfare in what looks to be a very unfavorable environment.

## STATE INITIATIVES

November 8 yielded some positive change for animals at the state level. Perhaps the biggest victory: By an overwhelming 78 to 22 percent margin,



SIMON FRASER UNIVERSITY

*Reef manta rays are among the animals protected by a successful Oregon ballot measure that bans intrastate trade in parts and products of certain species.*

Massachusetts voters passed Question 3, prohibiting the use of small wire battery cages for egg-laying hens, gestation crates for breeding pigs, and confinement crates for calves raised for veal. These practices will be phased out by 2022. Moreover, Question 3 prohibits the sale of products from these confined animals regardless of where those products originate.

Another major success was the passage of Oregon Measure 100, the Wildlife Trafficking Prevention Act. This measure prohibits intrastate trade in parts and products of elephants, rhinos, whales, tigers, cheetahs, jaguars, leopards, lions, pangolins, rays, sea turtles, and sharks (except spiny dogfish). The new law takes effect in July 2017.

Fortunately, Oklahoma voters defeated State Question 777, which would have amended the state constitution to prevent limitations on agriculture without “a compelling state interest”—a measure that would have stifled animal welfare reform. However, in a potential loss for animal protection, Colorado

voters approved a constitutional amendment that makes it much more difficult to get measures amending the state constitution on the ballot, and requires more than a simple majority for approving such measures. In 1994, Coloradans passed a constitutional amendment banning the killing of wildlife in the state via inhumane body-gripping traps and poisons. Such an amendment would not have gotten through under the new rule.

## INTERNATIONAL AFFAIRS

Before Congress recessed for the election, 54 members of the House of Representatives, led by Representative Don Beyer (D-VA), wrote to Interior Secretary Sally Jewell, urging the United States to strongly support a proposal at the CITES meeting in Johannesburg to increase protections for elephants in certain southern African nations. Disappointingly, the US delegation voted against the proposal. (See page 10 for more on CITES.)

# USFWS PULLS THE PLUG ON RED WOLF RECOVERY

**TWO** years ago, red wolves numbered 90–110 in the wild. Victories won by AWI and allies limiting the hunting of coyotes in the wolves' recovery area in North Carolina were helping to give the wolves a chance to take hold—that is, until the US Fish and Wildlife Service (USFWS), in response to pressure from the North Carolina Wildlife Resources Commission, suddenly halted all red wolf recovery efforts in 2015, announcing that it was conducting an evaluation of the program. Through its neglect and active interference—such as capturing wolves and holding them for weeks or months before releasing them into unfamiliar territory, as well as authorizing private landowners to kill wolves on their land (even if they weren't actually causing problems)—the agency caused the wild population to drop down to approximately 28 monitored individual wolves in five packs, with only three known breeding pairs.

In September, the USFWS released its much-anticipated decision concerning the future of the red wolf recovery program. It called for the following steps to be taken—steps that will effectively undermine decades of red wolf recovery and threaten the very survival of the species in the wild:

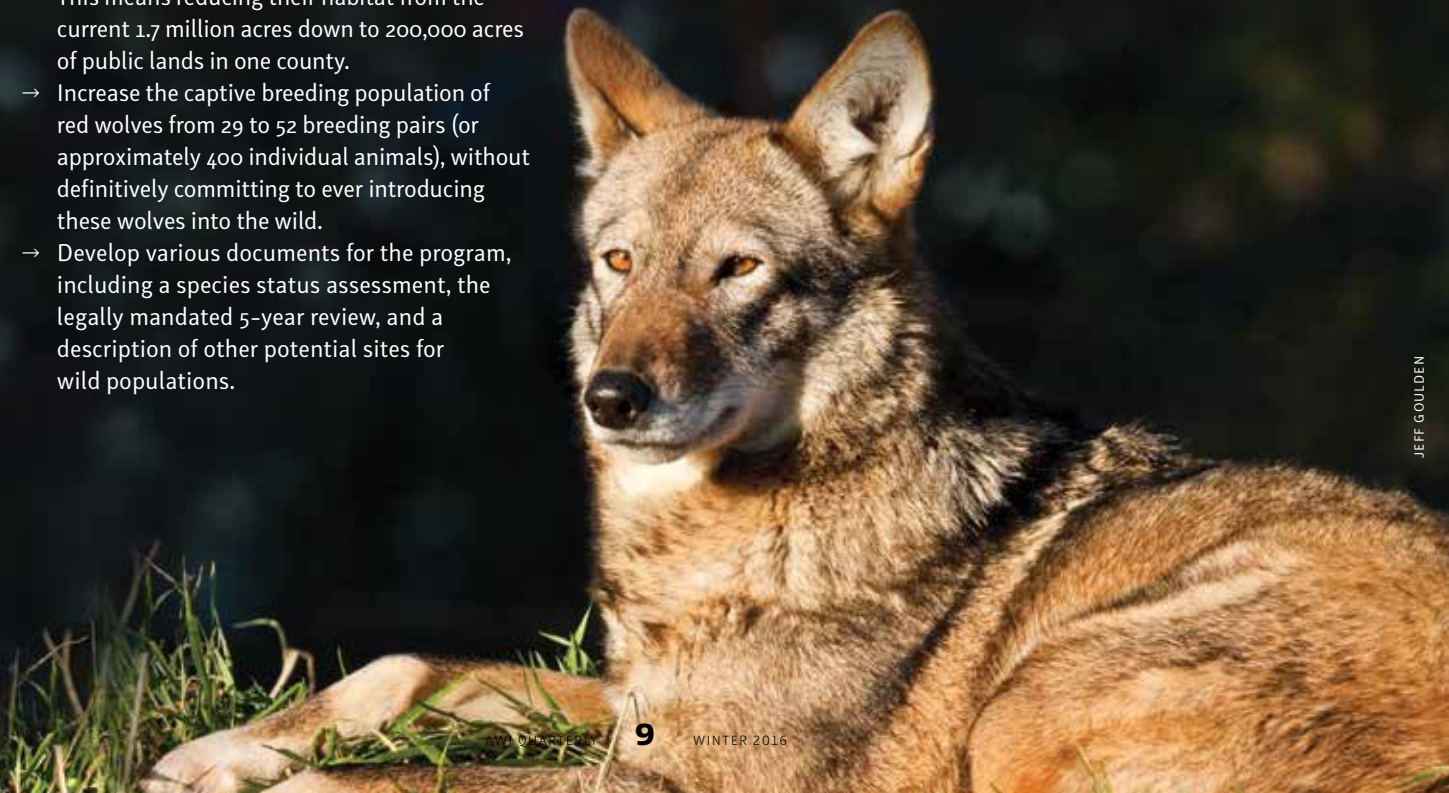
- Reduce the range of the existing experimental population from the five-county recovery area to only federal lands within the Dare County Bombing Range and Alligator River National Wildlife Refuge. This means reducing their habitat from the current 1.7 million acres down to 200,000 acres of public lands in one county.
- Increase the captive breeding population of red wolves from 29 to 52 breeding pairs (or approximately 400 individual animals), without definitively committing to ever introducing these wolves into the wild.
- Develop various documents for the program, including a species status assessment, the legally mandated 5-year review, and a description of other potential sites for wild populations.

The USFWS essentially plans to remove nearly all red wolves from the wild while relegating many to a lifetime of captivity. Several of the scientists hired by the agency indicated that it had used “alarming misinterpretations” of data to falsely state that there exists a need to capture wild wolves in order to save captive populations.

Fortunately, just a few days after this announcement, the US District Court for the Eastern District of North Carolina issued a preliminary injunction in response to a case filed by AWI and allies. The USFWS was ordered not to remove (or authorize any private landowners to remove) any red wolves from the wild unless they are causing actual problems, as required by the regulations.

While this decision prevents the removal of the remaining wild red wolves for the time being, this wild population has no hope of recovering unless the agency recommitts to the program and reintroduction efforts. It must (1) reinstate a recovery implementation team that includes red wolf biologists, (2) reduce mortality and provide protection through law enforcement efforts, and (3) secure commitment from local officials to aid with conservation efforts, law enforcement, and education.

When the Endangered Species Act was passed, it was not with the hope that species extinction would simply be prevented by keeping a few individuals to live out their lives in zoos. It was to provide for the conservation of species throughout all or significant portions of their ranges and the ecosystems on which they depend. 🐾



# CITES CONFERENCE CONVENES IN JOHANNESBURG

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**AWI** wildlife attorney Tara Zuardo and wildlife biologist D.J. Schubert joined other animal welfare advocates, conservationists, government delegates, scientists, and industry representatives at the 17<sup>th</sup> meeting of the Conference of the Parties (CoP17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), held September 24 to October 4 in Johannesburg, South Africa.

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In terms of both delegates and agenda items, CoP17 was the largest CITES meeting ever, with an ambitious workload of species proposals and working documents to guide the treaty's future and the international trade in wildlife. For a number of species, protections from unsustainable trade were approved. As in past CoPs, there were also some serious setbacks, as the parties shied away from decisive actions needed to prevent other species from sliding closer to extinction. The following recap offers AWI's analysis of where CoP17 crested... and where it cratered.

### African grey parrots

Between 2 and 3 million African grey parrots have been taken from the wild and exported since 1975, many dying from abysmal conditions in captivity prior to being exported. In a significant win, wild African grey parrots were moved from the treaty's Appendix II (trade regulated) to Appendix I (trade essentially banned). A challenge to enforcement, however, is the fact that African greys bred in captivity at a registered facility can still be traded commercially—a potential cover to sell wild specimens laundered as captive-bred birds.

### Pangolins

All eight species of pangolin (scaly anteater) were placed on Appendix I. Pangolins—targeted for their scales (used in traditional medicines) and meat—are the most heavily trafficked mammal in the world. Much of the trade in pangolins—more than 1 million traded between 2004 and 2013—has already been illegal under CITES for years. The animals were previously listed on Appendix II, but in trade centers such as Laos, they were often bought and sold without the required paperwork. Although enforcement will remain a daunting issue, an Appendix I listing is a huge step in the right direction.

### Barbary macaques

Barbary macaques also made it onto Appendix I. These animals, coveted as exotic pets, remain the most frequently confiscated live CITES-listed mammal in the European Union, accounting for 25 percent of total seizures. Meanwhile, new markets have emerged in Serbia, the Russian Federation, and Ukraine. The uplisting will help protect them from poaching, as well as help range countries such as Morocco and Algeria strengthen their national legislation and assign higher penalties for trade violations.

### Elephants

Amidst a raging poaching epidemic to feed the illicit ivory trade, elephants were in the spotlight at CoP17. Currently, African elephants are listed on Appendix I, except for those living in Botswana, Namibia, South Africa, and Zimbabwe, which are listed on Appendix II. In those nations,

noncommercial trade of trophy-hunted elephants is allowed, and live animals from Botswana and Zimbabwe can be traded to “appropriate and acceptable destinations.”

Regrettably, a proposal to eliminate this split-listing and move all African elephants to Appendix I failed to pass. Botswana, alone among the four Appendix II nations, supported the uplisting. Much to our dismay, the European Union and United States voted *against* it, out of fear that southern African nations might withdraw from CITES (as Namibia had threatened to do) or take a “reservation” to the Appendix I listing, a move that would allow them to skirt CITES control with respect to trade in elephants and their parts and products. To AWI and others concerned about the fate of elephants, this concern was unwarranted and the EU/US position was weak-willed.

On the positive side, parties to the treaty voted to end long-running discussions to establish a decision-making mechanism (DMM) to permit controlled international ivory trade. Many governments argued that further DMM discussions serve only to legitimize ivory trade, stimulate demand for ivory, and increase elephant poaching. The parties also rejected proposals put forth by Namibia and Zimbabwe to approve the sale of government-owned and privately held ivory stockpiles.

The parties passed a resolution encouraging the closure of domestic ivory markets. Although international commercial trade in ivory has been banned since 1989 (with the exception of CITES approved one-off ivory sales in 1999 and 2008), domestic ivory markets have continued to create a significant opportunity for the laundering of illegal ivory to satisfy the high demand in China. The resolution calls on countries that still have a legal domestic ivory market to take all necessary steps (legislative, regulatory, and enforcement-related) to close markets that contribute to illegal trade or poaching.

The parties agreed to have the Animals Committee develop guidance on “appropriate and acceptable destinations” for live elephants traded in accordance with Appendix II. This is good news, as it affords an opportunity to address the capture of elephants from the wild and their condemnation to a lifetime in captivity in zoos—as occurred earlier this year when 17 wild elephants from Swaziland were sent to three US zoos. (Note: The guidance on destinations for Appendix II elephants would not directly apply to Swaziland elephants, which are listed on Appendix I.) We will continue to engage in this process in order to influence the guidance on what is an appropriate destination for a social, intelligent, long-lived, wide-ranging animal—one whose physical and psychological needs cannot possibly be met by a life in captivity.

## Lions

A proposal to list all African lions on Appendix I failed. In a compromise vote, the parties agreed to ban all commercial trade in wild lion bones, claws, and skeletons, but continued to allow the export of lion trophies and parts from captive-bred lions. Subsequent to this decision, the United States Fish and Wildlife Service (USFWS) announced that it will no longer allow the import of lion trophies taken from captive lion populations in South Africa, from which the vast majority of lion trophies imported into the United States have come in recent years. However, the USFWS will continue to allow in lion trophies from wild or wild-managed populations, claiming (dubiously) that this type of hunting “contribute[s] to the long-term conservation of the species in South Africa.”

The parties did vote to close the “personal and household effects” exemption for hunting trophies, per an EU proposal. Hunting trophies have historically been treated as personal effects under CITES, meaning that they are exempt from certain CITES requirements when worn or included in personal baggage. Between 2005 and 2014, over 600 lion trophies—as well as 1,100 elephant, 900 leopard, and 70 southern white rhino trophies—were exported under the personal effects exemption, despite the fact that many of the hunting trophies are shipped as freight, often many months after the hunter has departed the exporting country. Henceforth, hunters must obtain a CITES permit and the requisite “non-detriment” and “legal acquisition” findings in accordance with Articles III and IV of the treaty.

## Other species

Silky sharks, thresher sharks, and devil rays were placed on Appendix II. Species including cheetahs, totoaba, and helmeted hornbills—already listed on Appendix I—also benefited as parties voted to bolster law enforcement against illegal trade. Several other species were approved for listing on Appendix I, including the Titicaca water frog, the psychedelic rock gecko, the turquoise dwarf gecko, and five species of alligator lizards (five other species were included on Appendix II). Appendix II protections were provided to the Hong Kong newt, marbled rain frog (and two related species), Mount Kenya bush viper, Kenyan horned viper, masobe gecko, and clarion angelfish, as well as all African pygmy chameleon and

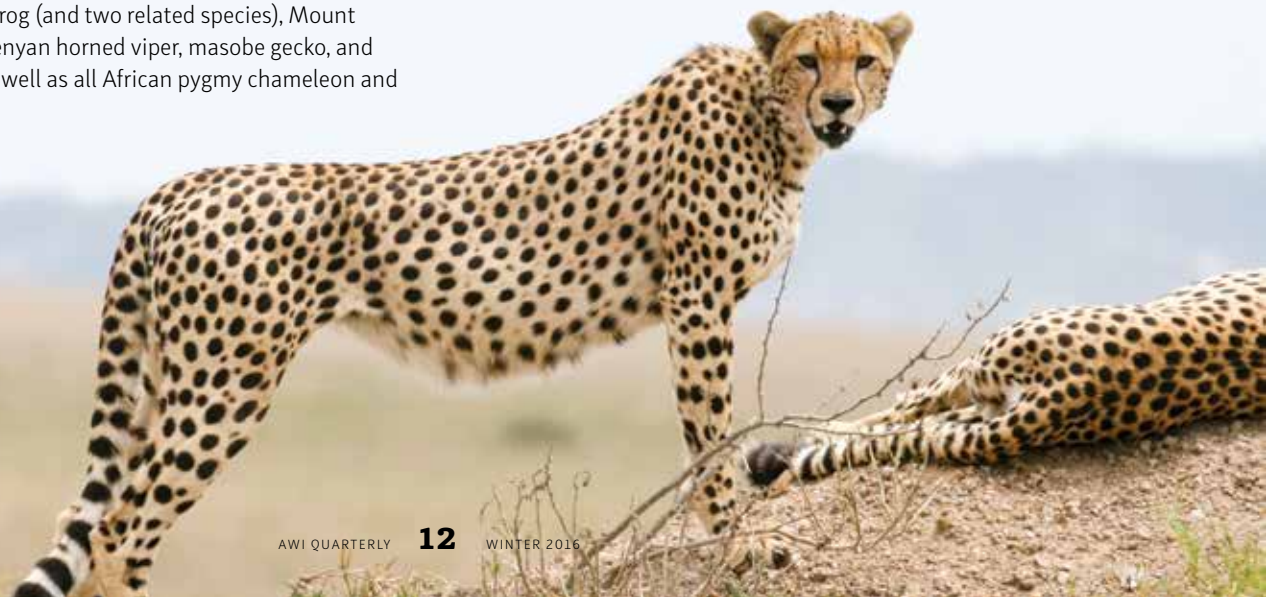
nautilus species (the latter being the first marine cephalopod protected by CITES). Fortunately, parties rejected a proposal to downlist the peregrine falcon from Appendix I to II and overwhelmingly opposed Swaziland’s request to trade in rhino horn. Unfortunately, a proposal to list the Banggai cardinalfish on Appendix II was withdrawn, potentially jeopardizing the very survival of this species.

A resolution was adopted to address corruption and wildlife cybercrime, the latter of which has emerged as a serious threat to endangered species; one report found that more than 30,000 endangered animals, parts, and products were available for purchase online during a single six-week period. With this decision, the CITES secretariat will, among other tasks, engage with Interpol to utilize its expertise to help countries combat wildlife cybercrime and assist parties in improving their national legislation to address such crimes.

## The future

One of the main themes that continually came up at CoP17 was compliance: It remains CITES’ biggest hurdle, as 50 percent of the parties still do not have adequate laws implementing the treaty. The protection of animals subject to trade depends on countries incorporating CITES decisions into their national laws and subsequently enforcing them. If national laws are not sufficient, then control of international wildlife trade via the treaty is impossible.

In summary, despite some disappointments and ongoing compliance/enforcement issues, CoP17 was one of the most successful CoPs to date—described by CITES Secretariat-General John Scanlon as a “game changer.” With almost all proposals ultimately being accepted this year, governments from around the world arguably chose to embrace sound science and the precautionary principle in favor of animals. We now must work to ensure that the progress made in the meeting rooms at CoP17 translates to benefits to wildlife species under siege around the globe. 🐾





TARA ZUARDO, AWI

## AWI Honors Wildlife Champions

For the past two decades, it has been a tradition at CITES Conferences of the Parties for AWI to present the Clark R. Bavin Wildlife Law Enforcement Award to individuals, organizations, and agencies that have demonstrated excellence in the fight against wildlife crime. The award, presented at a reception hosted by the Species Survival Network, is named after the late chief of the US Fish and Wildlife Service's Office of Law Enforcement, who pioneered the use of covert investigations, sting operations, and forensic science to identify and prosecute wildlife criminals.

The 2016 Clark R. Bavin Law Enforcement Award recipients are as follows:

- **Sun Lei, Deputy Director, Beijing Forest Police, China**, for his use of innovative technologies to enhance efforts to combat wildlife crime in China, and his success in dismantling wildlife criminal syndicates
- **Anti-smuggling Bureau of General Administration of Customs of the People's Republic of China**, for its strategic efforts and collaboration with other agencies to fight wildlife crime in China
- **Sanjay Dutta, Range Officer, Belaboba Range, Jalpaiguri District, India**, for his dedicated efforts to extinguish wildlife crime and illegal trade, including his work to successfully end timber trafficking in his district and combat rhino poaching
- **Ritesh Sarothiya, Assistant Conservator of Forests of Madhya Pradesh State Forest Service, India**, for his involvement in investigating and solving illegal wildlife trade cases and for providing training to law enforcement officers to fight wildlife crime
- **Rony Malka, Head of CITES Management Authority and Director, Division of Law Enforcement, Israel Nature and Parks Authority**, for numerous accomplishments during his 40-year career to protect wildlife and improve wildlife law enforcement efforts in Israel

- **Richard Bonham, Director of Operations, Big Life Foundation, Kenya**, for his creation of a model community conservation program, protecting wildlife while generating wide public support for wildlife conservation
- **The Honorable Judi Wangalwa Wakhungu, Secretary, Ministry of Environment and Natural Resources, Government of Kenya**, for driving wildlife law enforcement improvements within the Kenya Wildlife Service
- **Wildlife Crime Pillar of the Central Investigation Bureau, Nepal Police**, for its exceptional work to combat organized wildlife trafficking within the trans-Himalayan region
- **Martin Sims, Head of the National Wildlife Crime Unit, United Kingdom**, for his leadership of one of world's most outstanding police units dedicated to combating wildlife crime
- **Gibson Mandaza, Deputy Chief Magistrate of Zimbabwe**, for his instrumental role in reforming wildlife prosecutions in Zimbabwe

Tragically, some pay the ultimate sacrifice to protect wildlife. The following individuals were recognized posthumously:

- **Emily Stephen Kisamo, Head of the Tanzania National Parks and the Lusaka Agreement Task Force**, for his leadership in strengthening the ability of the Lusaka Agreement Task Force to combat wildlife crime—efforts that, it is strongly suspected, led to his murder in 2015
- **Mr. Dieudonné Agoyo Mbikoyo, Mr. Jean-Marie Abolo Kpionyeslinani, Lieutenant Moise Ekumu Mospada, Sergeant Kamale Musubao, Captain Anselme Muhindo Kimbesa, Colonel Jacques Lusengo Sukamate, Mr. André Migifuloyo Gada, Corporal Djuma Uweko Adalo, Mr. Rigobert Anigobe Bagale, Mr. Richard Sungudikpio Ndingba, and Mr. Dieudonné Tsago Matikuli**, rangers from the Congolese Institute for Nature Conservation and members of the Armed Forces of the Democratic Republic of the Congo, who were killed attempting to stop the slaughter of elephants in Garamba National Park 🐾



## Higher Welfare Method for Stunning Pigs Gains Ground

In the United States, federal regulations require that pigs be stunned prior to slaughter by one of four methods: electricity, chemicals (gas), captive bolt device, or gunshot. The smallest slaughter plants generally use gunshot or captive bolt; mid-sized plants often use electricity, and the nation's largest pork companies—Smithfield Foods, Tyson Foods, and JBS USA—mostly use carbon dioxide (CO<sub>2</sub>) gas to stun pigs.

Gas stunning provides some animal welfare advantages in that it doesn't require restraint and allows pigs to be moved in groups, which reduces pre-slaughter handling stress. Both laboratory research and anecdotal evidence from slaughter facilities, however, have shown that CO<sub>2</sub> can be aversive to pigs, who take up to 60 seconds to lose consciousness when exposed to the gas.

The use of CO<sub>2</sub> is considered a humane and acceptable method of stunning pigs in Australia, in the European Union, and by the World Organization for Animal Health (OIE). However, the gas stunning section of the OIE slaughter guidelines is currently designated as “under study,” and the guidelines note that “inhalation of high concentrations of carbon dioxide is aversive and can be distressing to

animals.” The guidelines further state that the use of nonaversive gas mixtures is being developed.

The International Coalition for Animal Welfare, of which AWI is a member, recently submitted a statement to the OIE urging the international body to prioritize a review of the use of different gas mixtures in the stunning of pigs. Research conducted in laboratory settings suggests that inert gases (argon and nitrogen) cause less distress to pigs than carbon dioxide. Unfortunately, under the current regulations of the Humane Methods of Slaughter Act (HMSA), CO<sub>2</sub> is the only gas that can be legally used in the United States to stun pigs or other mammals for slaughter.

That may be changing, however. AWI supporter Lorna Moffat, who has worked to improve the slaughter of pigs for many years, recently requested that the USDA's Food Safety and Inspection Service (FSIS) allow the use of inert gases for stunning. The FSIS notified Moffat that it will grant her petition, having concluded that the information she provided “supports the use of inert gases, such as argon and nitrogen, as a humane method of slaughtering and handling swine in connection with slaughter.” While the FSIS says it has no immediate plans to officially change the HMSA rules, it will allow companies wanting to use inert gases to request a waiver of the current regulation that limits the use of chemicals for stunning to CO<sub>2</sub>.

The FSIS considers the use of inert gases for stunning pigs to be new technology, and has indicated that it will issue waivers for research so that testing of the new technique may be facilitated. The next step in the process will be to pressure major US pork companies to commit to transitioning—or at least testing—a switch from CO<sub>2</sub> to less distressful inert gases for stunning pigs. 🐾

## HARDLY HUMANE: STRICTER STANDARDS NEEDED FOR FOOD PRODUCT LABELS

In an attempt to clarify its procedures, the US Department of Agriculture published a new guidance document that explains the department's approval process for animal raising claims such as *humanely raised*, *free range*, and *pasture raised*. Even though the USDA is charged with ensuring that label claims are honest and not misleading, the guidance does little to align labeling practices with consumer expectations of the claims. For instance, the guidance continues to allow meat and poultry producers to keep animals confined in barren, cramped, often windowless structures, and still include the claim *humanely raised* on their packaging. It also allows producers to define these claims however they choose, putting the onus on consumers to decipher the meaning and merit of the assertions.

A majority of consumers questioned in a survey commissioned by AWI stated that claims such as *humanely raised* should signify that animals had access to the outdoors and adequate space to move about freely. Only 10 percent of those surveyed felt that producers should be allowed to use a *humanely raised* claim on pork products if the pigs were confined indoors for their entire lives; a mere 12 percent thought it was acceptable to use the term for cattle kept in feedlots.

AWI and over a thousand of our supporters wrote to the USDA asking the department to make changes to the guidance document. Specifically, we asked the USDA to (1) require third-party certification for animal welfare and environmental stewardship claims, (2) define animal living claims such as *free range* and *pasture raised* so that they are only approved if

producers meet established standards, including minimum space allowances and access to vegetation for animals, (3) prohibit the use of feedlots for the *grass-fed* claim, and (4) require more documentation to substantiate claims.

## UNITED NATIONS ADOPTS ANIMAL WELFARE RECOMMENDATIONS

This fall, the UN Food and Agriculture Organization's Committee on World Food Security (CWFS) met in Rome to discuss pertinent issues related to sustainable agriculture development for food security and nutrition. The committee developed 12 broad recommendations that aim to promote a sustainable global food system.

Animal welfare recommendations were included within these 12 recommendations. Specifically, the committee addressed access to veterinary services, sustainable grazing systems, unnecessary use of antibiotics, and adherence to the "five freedoms" (freedom from hunger, thirst, fear, and distress and the freedom to express natural behaviors). The document emphasizes using

the animal welfare guidelines of the World Organization for Animal Health (OIE). The OIE is an intergovernmental organization that aims to improve animal health worldwide. While its animal welfare guidelines do not represent the highest standards, they are a baseline for countries to use as they develop animal welfare policies.


The UN General Assembly has also shown support for sustainable farming practices. The General Assembly's *Interim report of the Special Rapporteur on the right to food*, published in August, calls the impacts of industrial agriculture (including its encouragement of factory farming and overconsumption of meat) on nutrition and public health "alarming." While this report and the CWFS recommendations do not provide binding restrictions on factory farming, they provide guidance for governments to include animal welfare and meat reduction in any future plans to address sustainable agriculture systems.

*Products from cattle raised on open pasture may merit a humanely raised label. The vast majority of Americans feel the claim shouldn't be allowed if the cattle were confined to barren feedlots, however.*



KYLE SPRADLEY

farm animals



# USDA Thwarts Efforts to Improve School Lunch Programs

Imagine 3,000 dead chickens piled in a truck after a company failed to protect them from freezing conditions during transport, or watching someone at a slaughterhouse place the heads (instead of the legs) of live birds into shackles and intentionally pull on their bodies to decapitate them. Picture someone recklessly driving over and killing birds loose on the ground, or countless birds drowning in a tank of scalding water. Now imagine chicken products from these animals on the lunch trays of school children.

AWI has learned that the National School Lunch Program (NSLP), which provides government-subsidized school lunches, is supplied by companies with the worst animal handling records—including ones that have been cited for the egregious acts mentioned above. This is allowed because the US Department of Agriculture has not set animal welfare standards for companies supplying the program with poultry—the primary meat provided to schools—even though it has program standards for the handling of cattle, hogs, and sheep.

Elsewhere, efforts are being made to actually improve school lunch meals. The Good Food Purchasing Program (GFPP) is encouraging school districts to offer food that is not only nutritious, but also produced in a manner that incorporates high animal welfare, safe and fair working conditions, environmental sustainability, and local sourcing. AWI has aided these efforts by helping the GFPP write the latest version of its animal welfare standards. (AWI has also joined other organizations in the “Good Food Now!” campaign to encourage Darden Restaurants, the largest restaurant conglomerate in the United States, to adopt standards similar to those of the GFPP—see *AWI Quarterly*, summer 2016.)

The GFPP has already made significant progress. The Los Angeles and San Francisco Unified School Districts, which together serve 134 million meals a year, adopted the program’s standards, and efforts are underway for GFPP standards to take root in Chicago, New York City, Oakland, Minneapolis/St. Paul, Cincinnati, Austin, and Madison.

Unfortunately, the GFPP’s efforts to raise standards are thwarted by the USDA’s procurement practices for the NSLP. At present, all Los Angeles and San Francisco Unified students—those who participate in the NSLP and those who do not—are consuming poultry products that do not align with the GFPP standards, because poultry procured for the NSLP is mixed with products meeting higher standards.

AWI has been urging the USDA to incorporate bird welfare standards into the NSLP, but the USDA questions the food safety benefit of humane handling standards—despite decades of scientific research demonstrating a link between how animals are treated and subsequent meat quality. The USDA’s Food Safety and Inspection Service has even noted the importance of humane treatment, stating that animal cruelty increases the risk of adulterated food products. However, the USDA continues to serve meat to school kids from suppliers who treat animals poorly.

The USDA will continue to frustrate the GFPP’s laudable efforts to improve school lunch menus unless it sets bird welfare standards and prohibits companies who treat animals with unimaginable cruelty from participating in the National School Lunch Program. 🐾

## Examining Environmental Enrichment and Response to Stress

by Brittany Backus, PhD; Animal Care Services,  
Texas Tech University

A new, enhanced environment can give animals an opportunity to explore and interact. However, when animals are presented with these novel environments, they can be conflicted, with fear of the novelty opposing an instinctual desire to explore. Through a generous Refinement Grant from AWI, we were able to study some effects of enrichment on pigs. Our objective was to determine if rearing pigs with environmental enrichment (EE) would help them to more readily adapt to and cope with the stress of novelty, thereby improving their well-being.

To do this, we housed pigs (4 pigs/pen) for a minimum of two weeks in enriched (EE; n = 32) or standard/control (CON; n = 32) pens. Control pigs had no access to enrichment, but had daily interaction with the husbandry staff. EE pigs had continual access to some enrichment items (ball, PorciChew, hanging water hose), while other enrichment changed daily (shredded paper, peat moss, potting soil, feed sacks, rubber boots, towels, rope, Prima treats, marshmallows, cookies in a rubber Kong toy or football). To habituate them to human interaction, the same lab member spent 15 minutes per day sitting in the pen with the EE pigs, scratching, playing, and feeding them treats. This person was not one of the husbandry staff.

Pigs were then randomly tested in two mild-anxiety behavioral tests. They were placed in a novel arena for a 5-minute familiarization period, after which a novel object (bucket) (Open Field Test) or an unfamiliar person (Human Interaction Test) was introduced for a 5-minute interaction period. The person in the Human Interaction Test took the same pathway entering and exiting the arena. She squatted with head and eyes cast down in a nonthreatening pose. Exploration, the time to interact, and the number and duration of interactions with the novel object or person were determined through live observations and video recording. Upon entering the arena, EE pigs spent more time exploring the space than CON pigs, so were better able to cope with a novel environment. In both groups, as soon as the novel

object or person entered the arena, the pigs spent less time moving around, instead interacting more with the object or person. Interestingly, CON pigs interacted more times with the novel object than EE pigs, suggesting pigs reared in a barren environment may be more motivated to interact with sources of novelty/enrichment. This is opposite of our hypothesis, but the object used may not have been stimulating enough for EE pigs as they had more interactive enrichment in their home pens. All pigs interacted more with the novel object than the person. The pigs may have already become habituated to people, due to normal interactions during daily husbandry, or may still have perceived people as a threat, explaining the shorter time spent interacting with the person as opposed to the object. We also noted that pigs would become frustrated when the human would not interact back.

In conclusion, the results of this study suggest that enrichment creates a positive affective state, enabling pigs to better adapt to and cope with stressors such as a novel environment; however, when assessing the response of pigs to novelty, the level of complexity of the animals' home pen needs to be considered. In future directions, it would be of interest to see how the type of interaction with the pig (positive, neutral, or negative) in the Human Interaction Test influenced the response to an unfamiliar human. 🐾



*This study asked: Does environmental enrichment enhance a pig's ability to cope with novel environments? Here, a pig seeks attention from an unfamiliar human.*

# Complaint Filed Against Research Facility Involved in Dozens of Monkey Deaths

On the heels of the historic settlement between the US Department of Agriculture and Santa Cruz Biotechnology (SCBT), another huge commercial operation licensed as an animal dealer and registered as a research facility is under scrutiny, accused of numerous serious violations of the Animal Welfare Act (AWA). The company in the crosshairs this time is SNBL USA, a subsidiary of Japan-based Shin Nippon Biomedical Laboratories. On September 26, 2016, the USDA filed a formal complaint against SNBL, alleging dozens of AWA violations over the course of five years, including actions that led to the deaths of 38 nonhuman primates.

SNBL, which calls itself “the experts in primate research,” operates two facilities in the United States—in Everett, Washington, and Alice, Texas. It is a contract research organization that also imports, breeds, and sells nonhuman primates. The company has been on the USDA’s enforcement radar since at least 2002, with three stipulated penalty fines

issued in 2006 (\$31,852), 2008 (\$12,937), and 2009 (\$1,406). The USDA did not impose any fine, however, after a monkey was boiled alive in a cage washer at SNBL in 2007.

The company boasts that its Scientific Resource Center in Texas “provides clients with the highest quality nonhuman primates (NHP) worldwide.” According to the USDA complaint, during 2014 and 2015, SNBL sold a total of 2,839 animals and grossed nearly \$10 million. The company claims to “have over 40,000 NHPs in stock worldwide.”

The complaint alleges that SNBL has “willfully violated” the AWA. It goes on to state that “despite having been advised on multiple occasions by APHIS of noncompliance with the Regulations and the standards promulgated under the Act,” SNBL has “continued to fail to meet the minimum requirements” and that “the gravity of the violations alleged in this complaint is great.” Among the allegations:



Left: A monkey at an SNBL facility. Right: Shipping crates containing SNBL monkeys at Seattle-Tacoma International Airport.

PETA

- Twenty-five monkeys (out of a total of 840) shipped from Cambodia to Houston sustained “multiple organ failure caused by dehydration and hypoglycemia.” Though SNBL veterinarians “observed that the animals were thirsty and some appeared weak [and] thin” upon arrival in Houston, they provided absolutely no veterinary care. Nor did a single SNBL veterinarian or veterinary staff member accompany 480 of these weakened monkeys who were trucked to SNBL’s Everett, Washington, facility—a distance of 2,500 miles. According to the complaint, “Five macaques died before arrival [in Everett], 17 died or were euthanized shortly after arrival, on October 4, 2013, and three more macaques died over the next five days.”
- A six-week-old monkey became trapped while trying to escape through a fence. Monkeys on the other side tried unsuccessfully to pull him through. This infant “was found severely depressed, hypothermic, barely breathing, and dehydrated, and it subsequently died that afternoon from a combination of trauma and hypothermia.”
- Six monkeys died from internal bleeding—four in March 2016 alone—when improperly trained and unqualified personnel conducted ultrasound-guided liver biopsies on them.
- Four monkeys suffered from hyperthermia, seizures, and apparent trauma and ultimately died after being pursued by net-wielding workers. This stress-inducing method was part of SNBL’s procedure for capturing monkeys for sedation.
- A monkey “reached through the wires on its fencing, pulled the cable for the guillotine door into its enclosure, became entangled in the cable, and died by strangulation.” Just one month later, another monkey “reached through the wires and mesh on its fencing, pulled a cable for the guillotine door into its enclosure, became entangled in the cable and was found dead, with the cable wrapped around its neck.”
- At least two monkeys died after sustaining severe injuries during fights with incompatible cagemates. A July 2011 inspection not included in the complaint noted that 78 percent of SNBL’s monkeys in Everett were singly housed; none of these even had the ability to touch another primate. These citations indicate severe, unacceptable failures by SNBL to address the social needs of nonhuman primates, promote their psychological well-being, and ensure compatibility of cagemates—all requirements of the AWA.
- A monkey who was on an infusion study suffocated after SNBL staff failed to notice that the animal’s head was stuck in a cage. According to the December 10, 2015, inspection report, “the team carrying out the procedure that day was short-handed due to a scheduling problem.”

- In December 2015, the USDA noted that four separate protocols did not adequately justify the number of animals being used. In May 2016, SNBL still had not provided the rationale for animal numbers for two of these studies—one of which was a pilot screening study to “evaluate the response at three points on an estimated lethality profile” to inform doses for a larger study. The pilot was scheduled to use 48 animals.

For comparison: Covance Laboratories is another contract research organization and animal importer, breeder, and dealer (monkeys, dogs, and rabbits). The company, which also operates a facility in Alice, Texas, was taken over in 2015 by Laboratory Corporation of America in an almost \$6 billion deal. In June 2016, by the terms of a stipulated penalty, the USDA fined Covance a mere \$31,500 for the overheating deaths of 13 monkeys on two separate occasions just a month apart. In a scenario similar to the one resulting in a citation in the complaint filed against SNBL, the USDA stipulation stated that Covance “directed transporters to travel without stopping to the Covance facility, despite being aware that the airline had not provided water as required, that the transport trailers’ air conditioning units were malfunctioning and that at least 5 nonhuman primates were weak and in distress.”

The enforcement action against SNBL (which, unlike Covance, was not a stipulated penalty but instead a formal complaint), however, is perhaps the first true test of whether or not the precedent-setting SCBT license revocation and \$3.5 million fine is the dawn of a new day of enforcement, deterrence, and significantly better protection for animals—or an anomaly in the USDA’s long history, documented by decades of inspector general reports, that chronicle feckless enforcement efforts.

Indeed, the similarities between SCBT and SNBL are striking. They were both serially cited for years by the USDA for egregious violations of the AWA. Both paid stipulated penalties connected to citations going back to 2002. Both had been fined previously, before the USDA filed formal complaints. Both have been simultaneously registered as research facilities and licensed as dealers.

As AWI did with SCBT, we will press hard for an appropriate penalty against SNBL, commensurate with the egregious nature of the allegations. The USDA must reinforce the message it sent in the earlier case: that ongoing flagrant violations of the law resulting in horrific animal pain, suffering, and deaths will not be tolerated. 🐾

**UPDATE: As this issue was going to print, AWI learned that the USDA reached a settlement with SNBL, the terms of which we do not know at this time. We will provide details in the next issue of the Quarterly.**

# NEGLECT LEADS TO DEATH OF MILITARY DOGS

**THE FATE OF DOGS** used by the military in combat situations (e.g., bomb sniffing) has long been an intense area of concern. Last year, President Obama signed into law a military spending bill mandating that all such dogs must be brought home to the United States, and that handlers with whom the canines have formed bonds be given the opportunity to adopt them first.

Tragically, combat isn't the only life-threatening situation for these dogs. This past March, USDA administrative law judge Janice Bullard rendered a decision against an animal handler that detailed the suffering of 14 dogs who died in an overheated transport van just prior to their deployment to Afghanistan. The facts of the case—gleaned from the decision, as well as from news reports and filings in a civil lawsuit pertaining to the incident—are as follows:

Fourteen German shepherd and Belgian malinois dogs—Tiny, Rocky, Crock, Dork, Harrie, Stress, Sigo, Jago, Kimbo, Kilo, Albert, Bak, and two named Rex—were trained by American K9 Detection Services (AMK9) to detect explosives for checkpoint security, vehicle sweeps,

and roving patrols. AMK9 contracted with Indian Creek Enterprises, dba Animal Port Houston (APH), to help get the dogs transported to Afghanistan. APH was owned by Thomas Schooler and managed by Kyle Hay.

On December 10, 2010, the dogs were in the custody of APH and scheduled to fly the next day. Hay assured AMK9 that the dogs would be housed overnight in temperature-regulated kennels. APH's website claimed that it specialized in "safe and gentle animal shipping" and operated a "24-hour luxury pet hotel and animal station."

Instead, as Hay later admitted, he left the dogs overnight without observation in a poorly ventilated, tightly sealed transport truck for 13 hours. He



TECH SGT STEPHEN HUDSON

discovered them dead the next morning. He said the air conditioning unit in the truck was not blowing cool air and that the unit's temperature control gauge read 77 degrees Fahrenheit. The USDA determined that all 14 dogs died from asphyxiation.

AMK9 representatives arrived and found that the dogs were still in the transport truck. Not knowing what had happened, they called out the dogs' names. Disturbed by the lack of response, they entered the truck and were struck by a rancid odor. They shook the crates but no dog moved. They saw blood on the truck floor and in several of the crates, and noted that two of the crates—those of Stress and Kimbo—had been damaged by apparent escape attempts.

Hay acknowledged having left animals overnight in transport trucks in the past, and that this was a common practice at APH. In a prior incident, laboratory mice also died after being left in a sealed transport truck. APH was subsequently notified that it needed an alarm detection system in its trucks to detect temperature

changes within the transport cabin, or backup cooling units—either of which would have prevented the dogs' deaths. APH had also received an official warning letter from the USDA in 2008 relating to the mishandling of a dog.

Following the deaths of the 14 dogs, Schooler transferred the assets of Indian Creek Enterprises/APH to Hay and filed for bankruptcy. Hay then registered as an intermediate handler under the name Live Animal Transportation Services (LATS).

In December 2011, AMK9 filed a \$1.3 million lawsuit against Indian Creek Enterprises and LATS as Indian Creek's successor in interest. That same year, the USDA began an investigation that culminated in a July 7, 2014, complaint against Indian Creek Enterprises, Thomas Schooler, and Kyle Hay for 32 violations of the Animal Welfare Act. This latter action resulted in Judge Bullard's March 2016 decision. Concluding that the violations were indeed grave and resulted in the dogs' deaths, the judge followed the USDA's recommendation for a \$68,600 fine (while noting that the violations could

have resulted in a \$320,000 penalty). The judge also issued a cease and desist order regarding further violations of the Animal Welfare Act, but was powerless to suspend or revoke Hay's handler registration (see box below).

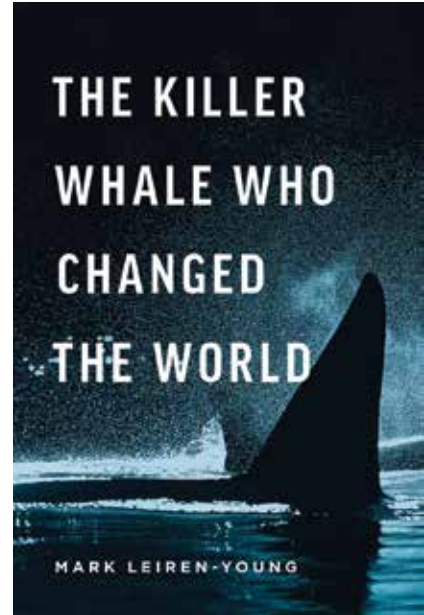
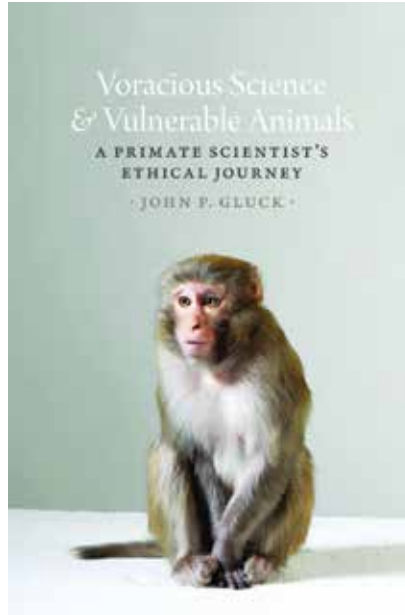
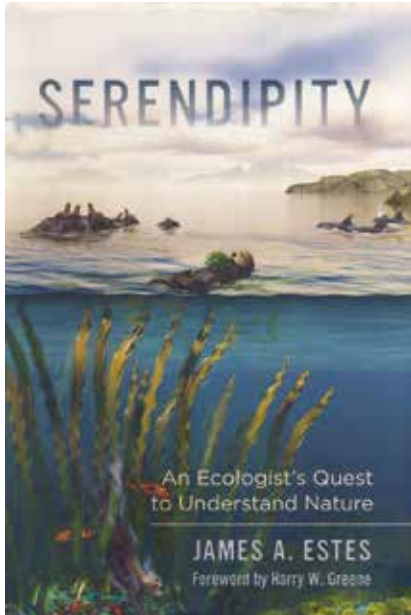
Indian Creek Enterprises formally canceled its USDA registration on August 6, 2012. However, Kyle Hay had already obtained a new USDA registration for LATS on July 28, 2011. Recent inspections cite LATS for not having a responsible adult present (October 13, 2015, and March 10, 2016), while a March 24, 2016, inspection cites LATS for moving its operations address without notifying the USDA. LATS' current website touts that its staff has 37 years of combined experience in the animal relocation industry. Hay states, "I love animals and I love my job! There is just something about seeing a child reunited with their pet that makes me smile. That's why I do it." Obviously, the handlers of the 14 dead dogs, who had bonded with them during several weeks of training and had already deployed to Afghanistan to await their arrival, were cruelly robbed of such a reunion. 🐾

This incident highlights a loophole in the Animal Welfare Act regarding the regulation of carriers and intermediate handlers. LATS states that it is licensed by the USDA as a Class H intermediate handler. Actually, though, LATS is *registered*, not licensed, as a handler. This distinction has ramifications.

When amendments to the Animal Welfare Act were adopted in 1976, carriers and intermediate handlers were added to the regulated entities. Senate Report 94-580, which accompanied the amendments, explicitly called for authorizing the USDA to have authority to suspend or revoke the *license* of a carrier. Yet the same report said that carriers should be registered, not licensed. Senate Report

94-580's language regarding license suspension/revocation was subsequently removed in a conference report.

Today, because these entities are registered and not licensed under the law, they are subject to fines and orders but are *not* subject to having a license to operate suspended or revoked. When Congress included carriers and handlers under the law, but removed the threat of suspension or revocation, it created a loophole big enough for operators such as Indian Creek Enterprises and its successor, LATS, to drive through. Allowing such operators to continue handling animals after such egregious acts is a travesty. It is time to close this loophole.



## SERENDIPITY: AN ECOLOGIST'S QUEST TO UNDERSTAND NATURE

James A. Estes / University of California Press / 256 pages

*Serendipity* tells the story of ecologist James A. Estes' work researching the unexpected collapse of sea otter populations in the Aleutians—specifically, how these declines played into a larger collapse of other coastal-living marine mammals in the same region. Although this remains a controversial hypothesis, Estes ultimately concludes that post-World War II industrial whaling was the likely culprit behind the collapse: By eliminating the smaller whales that orcas once hunted, industrial whaling forced a dietary shift for the orcas toward seals, sea lions, and sea otters, thus driving down these populations.

The book uses these findings to ask the bigger question of how this might be applicable to other species of apex predators and their ecosystems around the world. Although the writing is somewhat technical, the book does an excellent job of explaining trophic cascades—whereby predators limit the density and/or behavior of their prey and

in turn enhance the survival of the latter species' prey—and how important apex predators are in shaping ecosystems. For example, after sea otters were hunted to near extinction for the fur trade, islands in the area suffered a collapse of their kelp forests. Why? Otters consume sea urchins. Sea urchins graze kelp. Without otters, sea urchins proliferate, in turn wiping out the kelp.

Estes ultimately supports the finding that ecosystems are strongly influenced by top predators and that their loss correlates with the loss of biodiversity on a global level.

## VORACIOUS SCIENCE AND VULNERABLE ANIMALS

John P. Gluck / University Of Chicago Press / 360 pages

"I slowly became conscious of the animals' point of view and recognized that much of what I was doing as a scientist did not square with my own moral standards." The reader hasn't gotten far in *Voracious Science and Vulnerable Animals* before encountering this stunning revelation. Subtitled *A Primate*

*Scientist's Ethical Journey*, this book takes the reader through the crisis of conscience experienced by one scientist as he pursues his career as an animal researcher. Dr. John Gluck was in the midst of a highly successful research and teaching career when several encounters “jolted [his] complacency about animal research.” The descriptions of these encounters propel the reader along like a suspense novel. His growing unease eventually motivated a change in direction toward bioethics and “a desire to promote ethical advocacy in animal research and research in general.” Through all of this, Gluck’s purpose is neither to advocate ending research using animals nor to malign those who conduct it. Rather, he seeks to inject “sincere regard” for the lives of the animals into research decisions. He offers his story “in hopes that it will cause some members of the animal research community to take seriously the notion that research on animals should always present ethical questions.” Sometimes it may require saying that the ends do not justify the means. This account of his experiences should be read alike by “protectionists” (his term) and individuals involved in research; those who struggle with similar questions will find validation in these pages.

## THE KILLER WHALE WHO CHANGED THE WORLD

Mark Leiren-Young / Greystone Books / 208 pages

*The Killer Whale Who Changed the World*, by Mark Leiren-Young, tells a fascinating story. Everything has to start somewhere, and captive display of this or that species is no exception. In most cases, the first time a wildlife species was displayed to amaze the public—especially a species that is extremely popular as an exhibit animal today—is (as the cliché goes) lost in the mists of time. But we can easily identify the first orca to be displayed to the public, as it happened only 52 years ago, amid great fanfare.

Moby Doll was a young orca, perhaps only 5 years old, who was never meant to be displayed—he was meant to be dead. He was supposed to serve as an anatomically correct model for a sculpture at the Vancouver Aquarium. So the sculptor,

Sam Burich, harpooned him—and almost immediately regretted it, doing all he could to keep the young whale alive. The first orca to be displayed to the public, therefore, was a fluke (pun intended).

Leiren-Young’s slim volume vividly describes the controlled chaos surrounding how the whale followed the capture boat dozens of miles to Vancouver, was put first in one enclosure, then another, all on the fly, before finally dying three months after his capture. I found this description very edifying, learning lots of details about this story, which I thought I knew so well.

But if you’re looking for an objective version of the event, this isn’t your source. Leiren-Young relied heavily on interviews with the surviving people who were involved in Moby Doll’s capture and display, including Murray Newman, director of the Vancouver Aquarium at the time. (Newman passed away at age 92, shortly before the book was published.) It is therefore heavily slanted in favor of the “orca cowboys”—the men who cashed in on the Moby Doll craze by rounding up dozens of Puget Sound whales in the following years. In a noble effort to tell the story within its historical context (after all, back then we knew almost nothing about orcas, so harpooning one was mainstream), Leiren-Young sacrifices too much objectivity. For example, he describes one of the animal activists of the day—a natural enemy of Newman’s, given how Moby was acquired—in a fairly dismissive tone, almost certainly echoing Newman himself.

The tale of Moby Doll (the name arose because he was originally believed to be female) was a tale very much worth telling and this book will give you the fascinating details for sure. But historical context or no, compassion is timeless. There were people in Vancouver who knew immediately, despite ignorance of orca intelligence or natural history, that Moby Doll was being treated disgracefully. It would have been nice if Leiren-Young had offered their perspective in greater depth, to balance that of the cowboys.

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### 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.



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## ON TRAPPING LAWS, US CAUGHT IN THE DARK AGES

The Global Legal Research Center of the Law Library of Congress released *Laws on Leg-Hold Traps Around the World* in August, a report that identifies countries that prohibit the use of steel-jaw leghold traps. The tally—based on an initial survey of international laws and regulations—is impressive in both size and scope: more than 100 countries prohibit or impose stringent limits on the use of traps.

Dozens of countries, from Albania to Uruguay, flatly prohibit hunting with traps. Some laws single out certain features. Mozambique, for example, bans traps that result in “indiscriminate killing.” Germany outlaws “devices that do not hold animals uninjured or do not kill them immediately.” For over half a century, Kenya has banned the “use of snares, traps, or any other device designed to cause ‘unnecessary suffering to an animal.’” Sweden outlaws “leg-hold traps, and all traps not selective in nature, that cause suffering to the animal, or are a threat to humans.”

One thing these laws have in common: They all outpace the United States. AWI and its allies in Congress are trying to change that. Three separate federal bills have been introduced that attempt to rectify our nation’s lax trapping laws and regulations: the Refuge from Cruel Trapping Act (HR 2016/S 1081), the Public Safety and Wildlife Protection Act (HR 5560), and the Limiting Inhumane Federal Trapping for Public Safety Act (HR 5954). Conversely, an AWI-opposed provision in a House bill (HR 2406)—which, as this issue goes to press, is being negotiated as part of a broad energy reform bill—threatens to expand the use of steel-jaw leghold traps and other body-gripping devices on public land.

The Library of Congress report provides legislators with important and timely information that underscores the critical need for the United States to modernize its trapping policies and prohibit the use of archaic and cruel leghold traps once and for all. It is available online at <http://bit.ly/2fdc5Bo>. 🐾

