

# AWI Quarterly

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## SPOTLIGHT

### USDA Scrubs Website of Enforcement Records

On February 3, the USDA's Animal and Plant Health Inspection Service (APHIS) abruptly removed from its website inspection reports and other key documents relating to enforcement of the Horse Protection Act (HPA) and the Animal Welfare Act (AWA).

AWI has since discovered that a pending lawsuit supported by a powerful segment of the walking horse industry appears to be behind this decision. The plaintiffs in *Contender Farms v. USDA* complain that posting these records violates their privacy. APHIS' sudden action, coupled with AWI's revelation of this behind-the-scenes motivation, garnered significant coverage in the journal *Science*, as well as in the *Washington Post* and other major news outlets.

This industry has long been sullied by the use of caustic chemicals and other irritants on the feet and legs of horses to "enhance" gait. Yet the industry vehemently resists oversight, and has already succeeded in holding up—and possibly scuttling—HPA regulations to end this abuse that were finalized, but not published, under the Obama administration. (See page 11.)

Now, those wishing to hold the government accountable for actually enforcing the AWA and HPA will have to wrestle information from APHIS' Freedom of Information Act office. In the past, getting the office to fulfill such requests has taken as long as three years; by the time we received the material, it was woefully out of date. APHIS claims that removing online access to the information is all part of its commitment "to being transparent and responsive to [its] stakeholders' informational needs." Obviously, APHIS is confusing "transparent and responsive" with "opaque and indifferent."

**Take action:** Join AWI in demanding that APHIS return this data to its website. Send an email through AWI's Compassion Index at [www.awionline.org/ealert-aphis](http://www.awionline.org/ealert-aphis) or via [Kevin.A.Shea@usda.gov](mailto:Kevin.A.Shea@usda.gov), or write to the following address: Administrator Kevin Shea, USDA-APHIS, 1400 Independence Avenue, SW, Washington, DC 20250. 🐾

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**ABOUT THE COVER**

What are the best ways to provide rabbits in research with *effective* enrichment—items that fulfill their desire to engage in natural rabbit behaviors? This question was raised in a discussion that took place last year on the online Laboratory Animal Refinement & Enrichment Forum (LAREF). The forum was founded in 2002 by AWI Scientific Committee member Dr. Viktor Reinhardt to help animal care personnel share innovative ideas and proven techniques for improving the way animals are housed and handled in the laboratory. See page 14 for what LAREF members had to say about making life better for rabbits in research. Photograph by Novartis AG.

## SOUND OFF: NEW YORK'S MUTE SWANS FINALLY WIN REPRIEVE

This past December, mute swans in New York finally gained protection under legislation introduced by Senator Tony Avella and Assemblyman Steven Cymbrowitz. The New York Department of Environmental Conservation released a draft management plan in 2013 calling for eradication of all 2,200 birds by 2025 (see *AWI Quarterly*, spring 2014). When the initial plan was unveiled, AWI and many of its members sent in comments, saying the proposal was inhumane and failed to comply with a duty under the State Environmental Quality Review Act to first produce an environmental impact statement. The DEC subsequently revised its plan, scaling back—but not eliminating—the killing of swans.

Meanwhile, Sen. Avella and Asm. Cymbrowitz introduced legislation imposing a two-year moratorium on swan eradication and mandated that the DEC prioritize nonlethal management techniques, rely on scientific evidence to assess the swans' environmental impact (as opposed to making unsupported claims of damage),

and hold public hearings before adopting plans to manage the animals.

However, Governor Andrew Cuomo vetoed the legislation in both 2014 and 2015, claiming the DEC was already adequately managing this species. Finally, in November 2016, after Sen. Avella and Asm. Cymbrowitz reintroduced the bill and it once again passed both chambers of the state legislature (and after both the DEC and Gov. Cuomo received thousands of emails from AWI supporters and others), the governor signed it into law.

The hope is that this law—in mandating a consideration of nonlethal techniques and a reliance on scientific evidence—will provide a template for other states to ensure that wildlife species are not haphazardly killed by state agencies.

## AWI SEEKS TO HALT USE OF POISON ON COYOTES

In January, AWI and allies submitted a petition to the Environmental Protection Agency to cancel the registration of Compound 1080 (sodium

fluoroacetate), used in “livestock protection collars” by the USDA’s Wildlife Services program to kill coyotes.

The collars are placed on livestock and release the toxin when predators bite into a pouch affixed to the collar. The petition alleges that the use of Compound 1080 violates the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Under FIFRA, a registered pesticide such as Compound 1080 can only be used on an animal that has been declared a “pest” by the EPA administrator (after providing notice and an opportunity for a hearing). Under FIFRA, a “pest” is a plant or animal that is deemed “injurious to health or the environment.” Coyotes have never been declared a pest under FIFRA; thus, the chemical has been used illegally for years to kill coyotes.

Compound 1080 is highly toxic to mammals, including humans. Dogs are particularly susceptible to the toxin, and nontarget animals are known to die after scavenging poisoned carcasses. Death for animals poisoned by Compound 1080 is extremely painful: Its victims can suffer for days from convulsions, vomiting, hallucinations, intense pain, and other symptoms until they collapse. The petition details much safer, more humane, and more targeted methods of protecting livestock from coyotes—such as guard animals, fencing and enclosures for pregnant and newborn animals, and automated alarms and other scare devices.

*A recently passed New York law ensures mute swans in the state won't fall victim to an aggressive eradication program initially proposed in 2013 by the NY Department of Environmental Conservation.*

wildlife



RJ PHOTOGRAPHY



LYNN BYSTROM

## Fight for Canada Lynx Continues

Two lynx were found shot dead in northern Maine in November 2016, prompting an investigation by local and federal officials. A reward of \$19,000 for information leading to convictions for the killings is being offered by AWI and other nonprofit, state, and federal sources. The previous year, AWI and allies filed a lawsuit challenging the adequacy of a federal incidental take permit (ITP) issued to the state of Maine by the US Fish and Wildlife Service. (See *AWI Quarterly*, fall 2015.)

One of the lynx found in November was wearing a GPS collar as part of a three-year study being conducted by the Maine Department of Inland Fisheries and Wildlife, while the other was shot after being caught in a steel-jaw leghold trap. (Another lynx was reported fatally shot a month earlier, though the details of this incident are confidential due to an ongoing criminal investigation.)

Although it is illegal to intentionally kill Canada lynx, these secretive cats are still susceptible to traps and snares set out for coyotes, foxes, bobcats, and other wildlife, as well as to hunters mistaking them for bobcats. Lynx nearly disappeared from Maine in the 1960s due to extensive hunting for their pelts, and are now a federally protected species and a “species of special concern” under Maine law.

AWI and other plaintiff groups, represented by the Environmental and Natural Resources Law Clinic at Vermont Law School, presented their arguments to US District Judge Jon Levy in November, days before the two lynx were found dead. Plaintiffs asserted that neither the state of Maine nor the USFWS are doing enough to protect the species from being injured or killed by trappers. Although the Department of Inland Fisheries and Wildlife has placed some restrictions

on trapping in lynx habitat, the ITP (which authorizes the killing or injuring of a limited number of lynx by trappers attempting to trap other animals) is insufficient to protect the species. It allows up to three lynx to be killed incidental to trapping between 2014 and 2029. Yet, mere weeks after the ITP was issued in December 2014, two lynx were killed incidental to trapping. And in 2016, more than four lynx were caught in traps.

The recent deaths, however, might not be counted against the ITP take limit because illegal takes aren’t “covered” under the permit. AWI asserts that the most reasonable interpretation would be to factor in these deaths because they are linked to trapping and have an overall negative effect on the species. Under the alternative interpretation, those who kill the lynx would have an extra incentive to ensure that the take is classified as “illegal”—for instance, by using an illegal (and particularly brutal) trap—so that even if authorities discover the lynx in the trap (not so easy to do), it would not count against the ITP limit.

Section 7 of the Endangered Species Act mandates that the USFWS revisit its decision to grant an ITP and reinstate consultation when allowable take has been exceeded. AWI contends that the ESA’s ban on “irreversible and irretrievable commitment of resources” makes it clear that trapping in lynx habitat needs to stop unless and until the USFWS issues a modified ITP.

Meanwhile, efforts continue to apprehend those responsible for the November lynx deaths. Anyone with information about either incident can call Maine Operation Game Thief at 800-ALERT-US or 287-6057 or Maine’s public safety dispatch center in Bangor at 800-432-7381 or 973-3700. 🐾



# CHINA SIGNALS SHUTDOWN OF ITS IVORY INDUSTRY

BY BILL CLARK



BILL CLARK

**BEGINNING** March 31, 2017, China is embarking on a deliberate, nine-month sequential procedure to shut down its ivory industry. In so doing, it is dismantling the world's most important marketplace for both legal and contraband ivory. Hardly anyone anticipated that the decision would be so sudden, comprehensive, and authoritative.

This welcome reprieve is the single most important blessing for the elephants in many decades. In recent years, hundreds of thousands of elephants have been criminally targeted and slaughtered to satiate the demand—largely from Asia—for ivory. The Chinese shutdown should be acknowledged and celebrated by all who cherish, celebrate, and advocate for elephants, and who have grieved through the horrible persecutions they have suffered.

Make no mistake. China is not just shuttering a few businesses or marketplaces. It is closing down an enormous billion-dollar national industry—one that involves raw material imports, the maintenance of warehouses for stockpiling ivory inventories, and the operation of dozens of factories with carving machinery and large numbers of highly skilled craftsmen. It is halting transportation systems that have been responsible for moving tons of raw and worked ivory around the country from factories to retail outlets. It is ending a complex administration that managed the entire process of import, inventory, carving, and distribution, along with associated marketing departments, finance and banking departments, human resources departments, and all the other cogs in the machinery of a major industry.

Tacit to these closures is the clamping down on criminal activities such as smuggling operations, trafficking rings, money laundering activities, business record falsification schemes, and many other illegal activities, including fraud, conspiracy, corruption, tax evasion, and homicide.

The decision was made by China's State Council, the highest administrative authority of the Chinese government. The council announced its intent to "combat illegal trade in ivory" by deciding "to orderly stop the commercial processing and sale of ivory and related products." This will be done in four stages (outlined below), to be completed no later than December 31, 2017.

- China's 34 legal ivory factories and 143 "trading venues" will be closed.
- Master carvers will be relocated to noncommercial studios in museums and similar institutions to preserve their skills, or transitioned to commercial workshops where they will carve items such as wood or stone.
- Commercial trade in ivory will be prohibited. A licensing procedure will be created to allow the transfer of

"legitimate ivory artifacts" as gifts or inheritances or the sale at auction of "cultural artifacts."

- There will be intensified enforcement efforts to crack down on the illegal processing, sale, transport, and smuggling of ivory. There will be extensive publicity and public education promoting the concept of "ecological civilization" to "guide the public to consciously resist the illegal trading of ivory."

The concept of ecological civilization—which involves building a new relationship with the planet based on ecological principles—is advocated by China's President Xi Jinping. Use of the term here indicates that China's decision regarding its ivory industry has the president's personal endorsement and is part of China's broader "ecological civilization reforms" to stem air and water pollution, address natural resource and waste management, and deal with other environment issues. With such support from the highest levels of the government, the ivory shutdown has a good chance for success.

Certainly there are a few loopholes and soft spots in the decision. The prospects of cultural ivory artifacts being sold at auction and craftsmen carving ivory in museum studios are worrisome. It is also not clear if individual persons or businesses will be prohibited from holding raw, uncarved ivory. But it is extremely unlikely that exploitation of these loopholes would result in abuses anywhere near the magnitude presently being suffered by the elephants. To the contrary, this decision makes clear that China has decided to eliminate its ivory industry and will employ significant resources to suppress anyone who refuses to comply. It's a commitment made to the world, and to all the people of China, by government agencies that know they will be watched with very keen interest.

Critically, the decision is an implicit acknowledgment of China's long-term involvement in illegal ivory trade. Until very recently, Chinese authorities flatly denied that legal domestic ivory markets had any influence on elephant poaching and trafficking in ivory. They claimed, wrongly, that very strict control of the legal domestic ivory market prevented the laundering of any illegal ivory into the legal stocks. This is a common refrain still made by officials in Japan, the United Kingdom, Thailand, Italy, and numerous other countries.

But now the State Council, by shutting down China's legal domestic ivory markets "to combat illegal trade in ivory," is acknowledging the link between legal domestic markets and the laundering of poached and smuggled ivory. This courageous and virtuous admission by the Chinese should now be emulated by other countries with significant ivory markets.





At left: Media gathered in Guangzhou, China, in January 2014 to witness the destruction of more than six tons of confiscated elephant tusks and carvings. This January, the Chinese government announced it will shut down the country's massive ivory industry. Opposite page: Ivory carvings for sale in a Beijing market stall.

The remaining large-scale ivory markets are also in Asia, where significant profits are still available and where the largest criminal ivory syndicates remain active. China's bold move is rattling these markets and syndicates because, without the existence of legal markets, it is extremely difficult to sell ivory to retail customers. Since ivory is a status and fashion statement, not unlike Rolex watches or Gucci shoes, it is not marketed in dark alleys. It is sold at upscale boutiques. But those retail markets are now doomed. While some may slip through the cracks and set up shop in some clandestine locations, they will not have much of a clientele. And if Beijing keeps its word, those back-alley operations will be hounded intensely, at a time when the price of ivory should be falling precipitously.

Ivory is a status symbol that is suddenly losing its status. That's a critically important reason why "ecological civilization" is affixed to the Chinese decision. Ivory is no longer acceptable in the highest circles of Chinese power and, especially in China, bureaucratic subordinates must remain keenly sensitive to what is acceptable within those higher circles. All officials will quietly retire their ivory signature seals. There will be no ivory chopsticks at state banquets. Ivory carvings will be removed from display in the offices of senior officials. Not even a single ivory finger ring will be seen at a diplomatic reception. China's business community will quickly follow the trend. The ripple effect from this decision will soon be evident wherever status and fashion are considered important. It likely will extend into other Asian countries where ivory markets today remain viable, especially those with large Chinese communities.

Most knowledgeable observers agree that China had been consuming between half and three-quarters of all ivory from elephants poached in Africa. With the impending shutdowns,

that market should collapse. As demand collapses, so will the price paid for ivory. This will reduce the incentive for poaching, as few poachers in Africa will risk their lives or liberty for such a drastically devalued prize. This should provide an immediate reprieve for the elephants, as well as the rangers responsible for protecting them. These expectations should be reflected in poaching statistics and ivory seizure data reported during 2017.

Inevitably, there will be risk of an ivory market recovery. Policies can change in China, just as they do in the United States. There is also risk of some criminal syndicates trying to acquire ivory at prices made cheap because of the collapse of the Chinese market. They likely would try smuggling the contraband into other countries where domestic ivory markets remain legal. For this reason, it is vitally important that law enforcement efforts in Africa improve and that customs and other enforcement agencies in countries where domestic ivory markets remain legal be especially vigilant.

Elephant advocates must also capitalize on the momentum created by China's dramatic decision and use it to persuade other major ivory markets to follow suit. Hong Kong's announced plan of a five-year closure process is unjustifiably long. Japan's insistence that its ivory market does not contribute to elephant poaching or ivory trafficking must be challenged. Thailand, after repeated failed promises by its leaders to get its domestic ivory business under control, can no longer ignore the writing on the wall so boldly inscribed by China's action.

A lingering question remains: Why did China make such a swift and dramatic gesture after decades of stonewalling



on this issue? Was it due to discussions between China's president and former US president Barack Obama? Unlikely, given the timid, ill-conceived US vote against listing all African elephants on Appendix I (highest level of protection) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at the treaty's October conference. (See *AWI Quarterly*, winter 2016.) Similarly, the Europeans behaved like unabashed cowards when the ivory issue came to the CITES floor.

In fact, African countries may deserve much of the credit. They have been carrying the heaviest burden for decades, with hundreds of thousands of their elephants and thousands of their rangers sacrificed on the "sustainable use" altars of the industrialized world's greed.

While the interests of these African countries are not always aligned, they now understand that the elephant is their common heritage and it will take an uncommon unity of effort to save this magnificent animal from extinction. Indeed, it is this unity of purpose to save the elephant that caused 29 African countries to stand shoulder-to-shoulder at the CITES meeting, demanding that their elephants receive the highest level of protection, that ivory markets be shut down, and that ivory stockpiles be destroyed. Perhaps this, together with Botswana's break with pro-ivory-trade southern African countries to embrace the common cause of protection, was what triggered China's decision. The leadership of Kenya's President Uhuru Kenyatta, Gabon's President Ali Bongo Ondimba, and other African officials perhaps persuaded China that if you want to be friends with Africans, it behooves you to act kindly toward their elephants. 🐘



## AWI'S GRAPHIC NOVEL ABOUT IVORY TRADE DEBUTS IN CHINA

Nearly 10,000 copies of a Chinese language edition of *A Dangerous Life*, a graphic novel for middle school-aged readers about the ivory trade, are being distributed this year to school children in China.

*A Dangerous Life* was written and illustrated by our longtime collaborator, Sheila Hamanaka (with assistance from Lisa Barile, Rosalie Knox, and Julie Lien), and published by AWI and the Kenya Wildlife Service in 2014. The colorful book presents an unsparing view of the grim realities of the global ivory trade and the heavy toll it takes on elephants and those on the ground dedicated to their protection. The story follows Amelia, an American teen whose grandfather made a fortune in the early 20<sup>th</sup> century from elephant ivory, on a family trip to Kenya. There, she encounters wild elephants and witnesses firsthand the tragic consequences of the demand for ivory. Amelia and the Chinese and Kenyan teens she meets along the way vow to save elephants and educate people about the true cost of ivory and why it should be shunned.

To produce the Chinese language edition of *A Dangerous Life*, AWI partnered with Foreign Language Teaching and Research Publishing, a company affiliated with Beijing Foreign Studies University, China's largest university press. As China itself recognizes, stifling the demand for ivory will involve public education. It is our hope, therefore, that this Chinese language edition of *A Dangerous Life* will play a role in inspiring Chinese children—tomorrow's consumers—to say no to ivory.

## Alexey Yablokov



Dr. Alexey Yablokov, described as Russia’s “environmental knight” and as the “grandfather of Russian ecology,” passed away on January 10 at the age of 83.

Dr. Yablokov authored over 500 papers and published numerous textbooks on biology, ecology, and conservation; co-founded Greenpeace Russia; and led the Green Russia division of the Yabloko opposition party. He was a member of the Russian Academy of Sciences, served in the Soviet parliament, and was an advisor to former Russian presidents

Boris Yeltsin and Mikhail Gorbachev. In 1993, he exposed the radiological threat posed by Russian dumping of military reactors and nuclear submarines in the Arctic and, in 2007, was lead author of the seminal book *Chernobyl: Consequences of the Catastrophe for People and the Environment*. From 1989 until his death, Dr. Yablokov was a member of AWI’s International Committee of advisors.

As a young scientist, Dr. Yablokov studied whales and dolphins and soon became a strong advocate for their conservation. In 1993, at a conference in Galveston, Texas, he revealed that decades of Soviet whaling records were woefully incomplete, as they failed to disclose that at least 180,000 whales were killed between 1948 and 1973. In 1995, he created the Marine Mammal Council in Russia to provide expert advice and peer-reviewed science to the public and the government.

Dr. Yablokov was a powerful voice for protecting the environment and its denizens; he called attention to the tragic consequences when we fail to do so. At AWI, we are saddened by his passing, but will be forever grateful for his bold advocacy and his many contributions to our understanding of our place on the planet. 🐾

## Pierre Pfeffer

The African elephants have lost a grand and valiant champion. Pierre Pfeffer, director of research at both the National Museum of Natural History in Paris and France’s National Center for Scientific Research, passed away on December 29 at the age of 89.

Dr. Pfeffer developed a love for Africa’s elephants at an early age, publishing his first technical paper on the species in 1949. Alarmed by the abuses of the ivory trade, he made protection of elephants the focus of his life’s work, infusing many others with this noble mission during the following decades.

Dr. Pfeffer worked with many African governments to preserve elephant habitats and provide better training and equipment for rangers. He inspired journalists to research and publish the abuses of the ivory trade—all the time attracting more and more admirers, as well as exasperating a goodly number of ivory trade apologists who sought to preserve the status quo. Dr. Pfeffer was a knight errant—a Don Quixote—who would



ROBIN DES BOIS

always respond to those who questioned his chivalry by quoting the French novelist Romain Gary: “It is time to show that we are capable of preserving this gigantic, clumsy, natural splendor which still lives in our midst ... that there is still room among us for such freedom.” 🐾





MICHELLE CARL

## 114<sup>TH</sup> CONGRESS: PARTING SHOTS

The continuing resolution that the 114<sup>th</sup> Congress passed in December to fund the government until April 28 kept in place AWI-supported language denying funds for horse slaughter plant inspections by the USDA—a move that effectively keeps these plants from operating. However, as we have pointed out before, this is merely a stopgap measure; a comprehensive ban on the slaughter of American horses for food is still needed. (See reference to SAFE Act, next column.)

Another positive outcome of the continuing resolution is that it once again denied funds for issuing new licenses to or renewing existing licenses of (notoriously inhumane and unscrupulous) Class B dealers who sell random source dogs and cats for use in research. And thanks to public opposition, the resolution did not include several very harmful anti-wildlife riders, including one that would have ended Endangered Species Act protections for gray wolves in the continental United States. Unfortunately, a set of companion bills (HR 424/S 164) aimed at removing federal protections from gray wolves in four states has already been introduced in the new Congress. **Please ask your members of Congress to oppose these bills. Visit [www.awionline.org/WarOnWolves](http://www.awionline.org/WarOnWolves) to send messages to your legislators.**

## 115<sup>TH</sup> CONGRESS: OPENING SALVOS

AWI welcomes Representative Vern Buchanan (R-FL) as the new co-chair of the Congressional Animal Protection Caucus in the 115<sup>th</sup> Congress, replacing Representative Mike Fitzpatrick (R-PA), who retired at the end of the last term. Rep. Buchanan will join co-chair Earl Blumenauer (D-OR), who is serving his second term in the role. The first positive animal welfare bill put forward this session is HR 113, the Safeguard American Food Exports (SAFE) Act of 2017, introduced by Reps. Buchanan and Blumenauer along with Representatives Jan Schakowsky (D-IL), Ed Royce (R-CA), and Michelle Lujan Grisham (D-NM). This bill would prohibit the slaughter of horses in the United States for human consumption, as well as the export of live horses for slaughter abroad. **Please contact your representative today and ask him or her to cosponsor the SAFE Act. You**

**can write to your representative via AWI's website at [www.awionline.org/SafeAct-eAlert](http://www.awionline.org/SafeAct-eAlert).**

On a far more discordant note, congressional leadership has taken steps to dismantle a number of Obama administration regulations—including those put in place to improve animal welfare. The 1996 Congressional Review Act allows Congress to reverse a “major” rule (one with an annual economic effect of \$100 million or more) within 60 legislative days of its submission to Congress or publication in the *Federal Register*. (For other rules, the timeline is 30 days.) On January 4, the House upped the ante by passing the Midnight Rule Relief Act, a bill that would allow Congress to overturn multiple rules finalized in the last 60 legislative days of a presidential administration in a single vote, rather than take each up individually. As this issue goes to press, the Senate has not yet taken up the bill. Among measures that could be affected: the USDA's recently published rule to establish animal welfare standards for organically raised animals. (See page 19.)

One positive rule did not make it to the finish line before the clock struck midnight. New Horse Protection Act regulations, intended to do a better job of preventing abuse of gaited show horses, were not published before January 20 and got caught in the regulatory freeze the new administration imposed on its first day in office. These new regulations would replace the failed system of industry self-policing with veterinarians and veterinary technicians trained, licensed, and supervised by the USDA to serve as inspectors at horse shows, exhibitions, sales, and auctions. The regulations would also ban the use of painful devices and caustic chemicals associated with “soring” show horses to produce a high-stepping gait. It is hard to say at this point when or if this new rule will see the light of day.



# Isaac's Story

RHESUS AT SANCTUARY  
REVEALS VIVID IMAGINATION  
by Polly Schultz

When Isaac, a rhesus macaque, first arrived we were so worried about him. He cowered in the corner as he fear grimaced, and refused to eat or drink for several days. If anyone approached his cage, or if any other monkey even

looked in his direction, he would engage in fear-based redirected behaviors, and would nervously attack the front of his cage, then quickly return to cower in the corner. He wouldn't look at, let alone play with, any toys—treat filled or not. His behaviors were heartbreaking and very concerning.

Monkeys, like people, are all so very different. Some have great coping skills

and can adapt to almost anything; some have great difficulty adapting to any change, good or bad. Poor Isaac didn't seem to have any coping skills at all. He was an emotional mess!

Isaac is a sensitive “worrier” with very little self-esteem. He shows concern and a protectiveness for smaller, weaker monkeys (stuffed or otherwise) and he will nervously attempt to scold anyone or anything he thinks might be a threat to them. Yet he lacks the courage to stand up for himself against any perceived threat, or to follow through with any protective actions on behalf of his “weaker” friends.

We support Isaac through positive reinforcement training as he continues to develop confidence and adequate social skills he will need to thrive. And we are confident that one day he will become, perhaps not a king, but the happy, loyal and gentle friend to others he was born to be. After we spent many hours over many months gaining Isaac's trust and helping him realize he had nothing to fear in his new home, he started progressing and has reached a comfort level where he is enjoying a better quality of life.

Using our introduction tunnels with safety barriers, we have put Isaac into pre-pairing trials with several other monkeys. After observing his behaviors and interactions during those times, we feel strongly that while he is not yet stable enough for full-contact pairing, at some point in the near future he likely will be able to pair successfully and enjoy companionship from another rhesus.

One day during feeding, we noticed Isaac carrying a tan stuffed monkey that had been on his ledge for weeks. As with all of the other enrichment toys we had provided, he had never before even looked at it, let alone touched it, or carried it around this way!



I watched in amazement as he carefully held it in his arms while he ate his breakfast. Then, when he was finished, he gently put the tan monkey's ear in his mouth so he could use both hands to climb the chain link and return to his favorite ledge. Most monkeys wouldn't have any problem holding an object in their hands while climbing, but Isaac has terribly crippled toes from lack of exercise during his many years as a research monkey. Having nonfunctioning toes, he depends primarily on his hands for climbing. When Isaac reached his favorite spot, he lip smacked at his stuffed buddy and began to groom its fur. He was so incredibly tender with it! He was vocal in a positive way for the first time since his arrival. I was so excited for him that he had found such joy and comfort in this stuffed monkey.

We named his stuffed monkey friend "Ook." He carried it everywhere, never setting it down even for an instant. After several days, it became soiled. When we tried to remove it for washing, he became so stressed out and upset that we didn't have the heart to take it. So we decided to find more of the same Ooks and somehow swap a clean one for the soiled one. We searched the internet for many days trying to find

identical stuffed monkeys to the one he so adored. With the help of friends, we bought what was available. With a box full of Ooks, Isaac now had a backup supply of his favorite thing in life.

But a short time later, he decided that this companion and all of its identical cousins had committed some crime, broken some rule, or otherwise annoyed him and his new friend: a stuffed chimp (well, sort of a chimp... it has a long brown tail, so maybe it's some sort of hybrid). But Isaac doesn't care, he loves his newfound buddy even more than Ook, and to prove it, he scolds, slaps, challenges, and bites the now-discarded Ook and throws him from the ledge.

He does this to impress his new friend. How do we know this? Because while he's pummeling his nemesis he quickly glances back toward his stuffed chimp to see if his friend is impressed. Then as soon as he throws Ook from the ledge, he comforts, grooms, and plays with his new buddy. Later, he retrieves the "reduced to pond scum" Ook from the floor and sets him toward the back of his ledge so he can impress his new friend again. He does this over and over. And while it is so incredibly funny, it's much deeper! Yes, even though his



companions are both stuffed animals, he is creating a social hierarchy within his group. He's the alpha, his tailed chimp is directly beneath him, and, well, Ook better keep his mouth shut and just play dead.

It has become so apparent in watching Isaac interact with his two stuffed animals that he is imagining—like a human child with dolls who pretends the dolls are alive! I've never observed this before in the monkeys I've worked with for so many years. Or perhaps they have done this, and it just wasn't as obvious to me as it has been with Isaac. Regardless, the more time I spend working with and observing these monkeys, the more I am amazed by their individual natures and by their emotional and mental capabilities! 🐾



*Polly Schultz is the founder and director of OPR Coastal Primate Sanctuary in Longview, Washington, and coauthor of the AWI book Monkeys Don't Wear Diapers. Photos by Polly.*





# NO BORED BUNNIES

Environmental Enrichment for Rabbits in Research



PHOTOS BY (CLOCKWISE FROM TOP LEFT):  
EVELYN SKOUMBOURDIS, KEITH SURVELL,  
STACIE HAVENS, MARLOES HENTZEN



**The following email discussion took place on the Laboratory Animal Refinement & Enrichment Forum in February 2016. Submissions by Carey Allen, Evelyn Skoumbourdis, Jacqueline Schwartz, Jennie Lofgren, Jennifer Defosses, Kristina Carter, Leslie Jenkins, Lorraine Bell, Marcie Donnelly, Marloes Hentzen, Michele Cunneen, René Gainer, Sarah Thurston, Stacie Havens, and Tom Ferrell.**

*What are practical and effective options for enriching the cages of single- or pair-housed rabbits?*

Any toy the rabbits can manipulate works well; this includes bird toys that you can attach to the cages. I've also found that canning jar lids—with the rubber part discarded—are a big hit. Get the smaller size (70 mm diameter) to avoid having the rabbits push the lid's band over their noses and get them stuck.

Regular access to a play pen, furnished with toys such as tubes or suspended hay baskets, offers great enrichment for caged rabbits. We use "puppy play pen" segments that you can purchase at any pet supply store. They are easy to set up and fit into available space. (Lorraine)

To provide foraging enrichment for our rabbits, I put some veggie bites or fruit gems on the bottom of empty glove or mask boxes and stuff a thick layer of hay over it. Empty paper towel rolls stuffed with hay also keep our rabbits busy foraging for a considerable amount of time. (Carey)

Our rabbits get small hard plastic toys (e.g., barbells) that they chew on and knock around. We also give them suspended rattles for noise-making; they seem to enjoy making a racket with them. They also have huts or little raised platforms under which they take siestas or onto which they hop to get a good lookout. Plastic tubes tightly stuffed with hay provide the rabbits with a very attractive opportunity to forage and also to play: After all the hay has been retrieved, the rabbits push the tunnels around with great vigor creating quite a noise, knocking the hard plastic material on the cage walls over and over again. (Marcie)

I have found that hanging a NutraBlock (purchased from Bio-Serv) by a stainless steel chain at the top of the cages of our rabbits provides effective enrichment. The animals have to stretch up on their hindquarters to reach the block and nibble and gnaw at it. After a few days the block will have been eaten. I leave the empty chains, as the rabbits like to chew on them. Each rabbit gets a new block attached to the chain once every week. I use the NutraBlocks because they are low in sugar and have not interfered with any studies.

The rabbits also love to play with the hard plastic barbells. (Stacie)

We put a rat cage turned upside down in each of our rabbit cages so the animals can get on top and, typically, stretch out on them. Each cage is also equipped with a spiral hay feeder and a canning jar lid; the rabbits love throwing these lids around. They also have a sturdy pet toy hanging on the door of the cage. (Renée)

The caged rabbits in my care enjoy a variety of enrichment options: Cardboard boxes to sit on and/or tear apart, autoclaved hay as a daily treat, autoclaved non-sprayed apple tree branches for gnawing, baby rattles and hard plastic key sets for making noise. They also get papaya pills, which they love to eat. The pills entice the rabbits to come up to the front of the cage, thereby making health checks easier, and they prevent the development of fur balls. (Michele)

Each of our rabbits has a block of pine wood for gnawing and access to a daily replenished hay rack that is attached to the front of the cage. (Marloes)

Our rabbits always have one hard plastic toy to toss and a block of wood to chew. I also hang "Bunny Blocks" on a chain in their cages. The blocks are sweet treats with a hard texture, so the rabbits can engage in a lot of gnawing. They receive hay daily in a large paper tube and/or an empty glove box. For holidays and other special occasions, I will add dried apple pieces, shredded wheat, or banana chips to the hay.

I have found the ultimate bunny goodie is bite-sized unsweetened shredded wheat. When I visit my rabbits and shake the shredded wheat in the bag, everyone gets excited and comes running to the cage fronts to get a treat. It's a riot! (Evelyn)

The rabbits I care for go crazy for plain Cheerios! They will run to the front of the cage, all of them banging their toys until you get to them and hand them those treats. (Marcie)

We have fantastic animal care technicians who love their rabbits and do everything in their power to optimize their living conditions: They get a rotation of rattles, little balls, little wood blocks and dumbbells, daily free hay or hay stuffed into empty cardboard glove boxes, paper towel cardboard tubes, or paper bags. The technicians groom the rabbits regularly with brushes; they also offer them special food treats, such as carrots or frozen fruit. (Jennie)

*How do caged rabbits react to music as a potential enrichment option?*

The rabbits in my care are much calmer when radio music is playing in their rooms. They don't startle as easily and are less skittish. (Jennifer)

We've also noticed a calming effect of low-volume instrumental music, especially on Dutch belted rabbits. (Tom)

It's my experience that low-volume instrumental music has a positive impact on New Zealand whites; they get noticeably calm and less startled by noise when the music is playing. When I first started trying music as an enrichment option for our rabbits, I would just use my phone to play Pandora classical stations; this worked great until the commercials would come on and the entire room of rabbits would instantaneously freak out! Rabbits probably get scared when they hear unfamiliar human voices. (Sarah)

We have a large room of caged female rabbits at our lab. Earlier this year, noisy construction was going on close to the animals' room. The rabbits became very restless and engaged in a lot in stomping. Many of them showed the behavioral pathology of fur-pulling/eating, which is an alarming sign of intense distress. The rabbits were used to listening to "top 40" type music at that time. When I noticed the impact of the construction noise on the animals, I switched to soft spa and classical music. The effect was amazing: The rabbits became much more relaxed and less startled, and their behavior became normal again. (Carey)



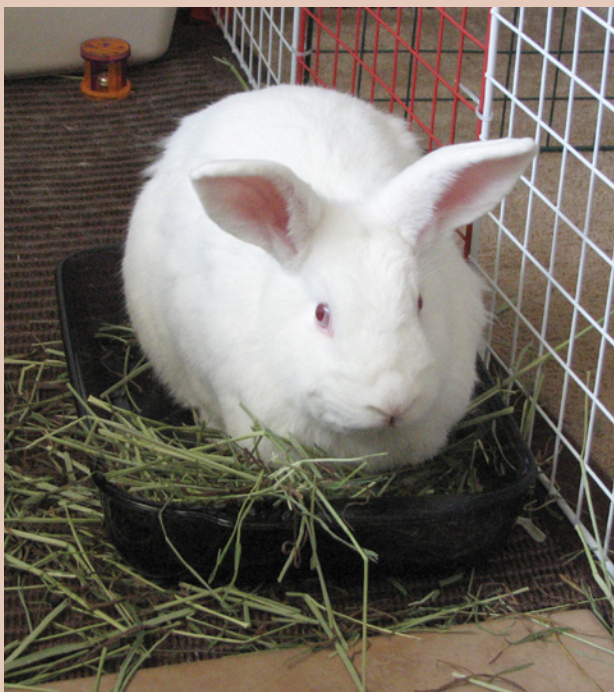
SARAH THURSTON

*I am a bit hesitant to give our New Zealand white rabbits hay stuffed in some sort of cardboard or paper bag because they are on cholesterol studies. Is there any safe, digestible cardboard? Has anyone encountered negative effects giving cardboard to their rabbits? (Kristina)*

We have been using autoclaved cardboard boxes and paper bags filled with hay for several years with our New Zealand whites and have never had digestive issues. The rabbits shred the paper material; I never saw them eating it. (Sarah)

We give cardboard boxes regularly to our rabbits (NZWs) and have encountered no issues. (Jacqueline)

We've had a number of bunnies on cholesterol studies here. I've given them empty glove boxes, cardboard tubes, or paper lunch sacks on almost a daily basis. We haven't had a single digestion problem and there was no indication that access to the paper material affected the rabbits' cholesterol levels. (Evelyn)



KEITH SURVELL



*Based on your own experience, would you agree that your presence and friendly interaction with the caged rabbits in your charge provide an effective (entertainment for the animals and for yourself) and useful (stress-buffer during handling procedures) strategy for environmental enrichment?*

Definitely yes! Years ago, I was assigned a group of rabbit rooms where the animals hadn't been given any sort of enrichment—except hay, which I don't consider to be enrichment but rather a necessity for rabbits. Quite a number of these nearly 150 rabbits were stompers and growlers any time you opened the cage door. Those who weren't aggressive were very fearful.

I got permission to try some enrichment items with them and purchased canning jar lids, which I placed in their cages. Each day, as I went about the normal husbandry duties in the rooms, I would interact with each rabbit, picking up and “tinging” the lid, offering timothy hay by hand, or just speaking to the animal. In a relatively short time I was left with only one rabbit who remained intractable; all the others had become relatively docile and easy to work with. (Lorraine)

I would also say, resoundingly, yes: frequent friendly interaction with rabbits is very useful. We make it a point to visit our rabbits often and gently touch them so that they have no reason to get distressed when we need to manipulate them for experimental procedures. (Leslie)



LESUE JENKINS

Yes, to all! If they are used to friendly interaction, rabbits are less afraid of humans, which makes husbandry and research-related procedures less stressful for them and for the person who is handling them. It's my experience that caged rabbits will actually seek human attention and human contact if they have been given the chance to get well socialized with humans and gain trust in them. (Jacqueline) 🐾



FUNKI SOCK WUNKI



PETA

## Research Facility Gets Off Easy Despite Horrendous Animal Welfare Act Violations

The USDA reached an astonishingly weak settlement on December 2, 2016, with SNBL USA, an animal dealer and registered research facility—despite allegations of egregious violations of the Animal Welfare Act (AWA) by the company dating back to 2002. (See *AWI Quarterly*, winter 2016.) The settlement includes the following provisions:

- A tiny 30-day suspension of SNBL's dealer license; the license will be restored after SNBL demonstrates compliance through announced USDA inspections
- A \$185,000 fine, representing less than one-tenth of 1 percent of SNBL's parent company's nearly \$200 million value
- An order for SNBL to cease and desist from violating the AWA

Although this is a huge setback for AWA enforcement, AWI was not surprised by the outcome. An indication that the

USDA was rolling over came when the department filed a motion to seal on November 4 that asked the court to redact crucial information included in the department's own complaint. This was odd, given that AWI had already received the full unredacted complaint from the USDA's own Freedom of Information Act (FOIA) office—there being no FOIA exemptions to justify any redactions—and it had been posted on our website and that of media outlets. This motion to seal was something that the USDA should have *fought*, not filed. Despite this motion's clear violation of FOIA, the judge granted it on November 15.

On November 21, daily logs concerning the case were removed from the hearing clerk's website. When AWI called to ask why, a staffer said that the judge presiding over the SNBL case had ordered them removed. When AWI asked how the public would know what has been filed, the staffer replied, "the public won't know." The USDA's own regulation states that records in formal adjudicatory proceedings filed with the hearing clerk "shall be made available to the public."

The USDA's action was even more shocking, given the many grim findings from a November 1 inspection. Among them:

- There were multiple violations for failure to provide appropriate or complete methods of euthanasia.
- SNBL placed two infant monkeys with the wrong mothers following infant handling training, resulting in the death of one of the infants.
- Another monkey died from "apparent asphyxiation" when a chain from a feeding device wrapped around his neck.

Inspectors also witnessed multiple instances of monkeys exhibiting stereotypical behavior (indicative of stress).

The outcome of the SNBL case pales in comparison to the settlement agreement reached in May 2016 against Santa Cruz Biotechnology (SCBT)—another huge dealer/research facility that was accused of numerous serious AWA violations dating back to 2002. (See *AWI Quarterly*, summer 2016.) The unprecedented settlement agreement in the SCBT case resulted in the cancellation of the facility's research registration, revocation of its dealer license, and payment of a historic \$3.5 million civil penalty.

The SNBL case, in contrast, harkens back to the dark decades of ineffectual enforcement, repeatedly documented by the Office of Inspector General. Despite significant obstacles, AWI worked for years to help ensure proper enforcement against SCBT. We will continue to apply pressure to assure not only transparency and public disclosure at the USDA, but also to relegate the likes of this SNBL debacle to the dustbin of history. 🐾





DAVID DURAN

## ORGANIC ANIMAL WELFARE STANDARDS PUBLISHED, BUT PUT ON HOLD

AWI has worked to improve animal welfare standards under the US Department of Agriculture's Certified Organic label for over 15 years. In early 2017, our efforts helped lead the USDA to finalize a rule to improve the lives of millions of organically raised animals.

This is a (potentially) historic moment, as there are currently no substantive federal standards for the raising of farm animals under the law. The rule reduces inconsistencies in the animal care provided by organic producers, and helps farmers who raise their animals in accordance with higher welfare standards. It creates minimum space requirements for chickens raised for meat and for egg-laying hens, restricts physical alterations such as tail docking of cattle, and provides requirements for the more humane handling of animals during transport. AWI urged the USDA to make several improvements to the proposed rule released by the USDA in 2016. The department heeded our recommendations that birds have access to vegetation and that the practice of

ethanizing piglets by manual blunt force trauma be prohibited.

While the final rule, should it go into effect, will significantly improve the welfare of animals, it does fall short in some areas. It does not, for instance, "ensure ... that all organic animals live in pasture-based systems," as the USDA claims. Nevertheless, it does ensure that all such animals at least have some access to the outdoors—a significant improvement from the current organic regulatory requirements.

Unfortunately, upon taking office, President Trump signed an executive order that delays the rule for 60 days, and some members of Congress are working to repeal it. AWI will continue to work to have this important rule implemented.

## AUDIT OF USDA RESEARCH CENTER UNDERWHELMS

Near the end of 2016, the USDA Office of Inspector General released an audit intended "to evaluate the research practices and operations of MARC"

(the USDA's Meat Animal Research Center in Clay Center, Nebraska). It was conducted in response to myriad allegations published in a *New York Times* exposé of appalling animal welfare conditions at the facility. (See *AWI Quarterly*, spring 2015.)

The audit was a disappointingly shallow exercise. The OIG claimed it "did not find evidence indicating a systemic problem with animal treatment and care." An oft-repeated justification for the poor treatment of animals and/or their deaths was that the practices represented "industry norms."

Despite its serious shortcomings, however, the audit is not an exoneration. It found that the Agricultural Research Service (ARS) provided insufficient oversight of animal welfare at MARC. Animal care documentation was lacking. There wasn't a means to receive and address complaints by employees. The chair of MARC's institutional animal care and use committee (IACUC) reviewed and approved research protocols independently rather than submitting them to the committee for review first.

The lack of transparency is frustrating. A 19-page audit exhibit intended to assess the veracity of statements from the *Times* article contains approximately *eight* pages of redactions; if aspects of the exposé are disputed, why aren't those challenges made public? The auditors did feel that relevant materials, including MARC's research protocols and IACUC meeting minutes, should be made public. But the ARS balked at this, citing fears of domestic terrorism and a need to protect intellectual property. And while the agency stated that inspection reports of its facilities, including MARC, will be posted online, inspection reports are among the very documents recently scrubbed from the USDA website. (See page 2.)



LUIS PORTUGAL

# Updates to Humane Slaughter Regulations Long Overdue

**In** September, at a federally inspected slaughterhouse in Pennsylvania, a pig was shot three times in the head, but remained alive—vocalizing after each shot. The facility did not have a backup stunning device, so a worker drove home, returning 10 minutes later with another gun to finally put the animal out of his misery.

At a Georgia slaughter plant in May, a cow was shot a total of six times with one firearm, because a more appropriate device was not on hand. In yet another recent incident, this one at a Connecticut slaughterhouse in October, workers resorted to slitting the throat of a sheep without rendering the animal insensible to pain, because the electric stunner did not work and no backup device was available.

These and hundreds of similar incidents, which detail a tremendous amount of animal suffering, could have been prevented had the US Department of Agriculture acted in a timely manner on a rulemaking petition submitted by AWI in May 2013. Within the petition, we requested that the department make reasonable changes to the regulations of the Humane Methods of Slaughter Act (HMSA) in order to significantly improve the welfare of animals at slaughter. The petition requests that all slaughter establishments be required to have a written humane handling plan, employees trained in animal handling, and properly functioning equipment (including backup stunning devices). After conducting a review of more than 1,000 inhumane slaughter violations that occurred at federal



and state slaughter plants between 2007 and 2012, we concluded that these changes would reduce animal suffering at slaughter.

AWI, represented by the Public Justice Advocacy Clinic at George Washington University Law School, filed a lawsuit in December against the USDA for its undue delay in responding to the petition. We are suing the USDA under the Administrative Procedure Act, which requires agencies to respond to citizen petitions for rulemaking within a reasonable time.

Ironically, we only have knowledge of inhumane handling incidents because the USDA has dramatically increased its enforcement of the humane slaughter law in recent years. USDA veteran Al Almanza was just beginning his tenure as administrator of the Food Safety and Inspection Service in early 2008, when extreme animal abuse at the Westland-Hallmark plant in Chino, California—caught on film by animal protection advocates—resulted in the largest beef recall in US history. Almanza’s agency responded by increasing slaughter plant suspensions for inhumane handling by roughly tenfold. Animal advocates have kept up the pressure on the USDA, with subsequent undercover investigations of animal mishandling at Bushway Packing in Grand Isle, Vermont, Central Valley Meat in Hanford, California, Catelli Brothers in Shrewsbury, New Jersey, and Quality Pork Processors in Austin, Minnesota. These efforts have paid off in the form of sustained high levels of plant suspension for egregious humane slaughter violations.

While a suspension surely has some value as a deterrent, enforcement actions are after the fact—after animals have already suffered in some horrible fashion. Repeated violations, as in the examples showing what can occur when no backup

stunning device is available, indicate a failure of the regulations to adequately fulfill the intent of the original legislation.

Regulations are intended to evolve over time, as science and industry practices evolve. However, the USDA has not amended the HMSA regulations for the purpose of improving animal handling at slaughter in nearly 40 years, since the original regulations were adopted. In the intervening time, tens of thousands of incidents of inhumane handling at slaughter have been observed and documented by inspection personnel at federal and state slaughter establishments. In all likelihood, many, many more have gone unobserved or unreported. Yet, no attempts have been made to improve the regulations in order to prevent these incidents from happening.

Prudence dictates that commercial slaughter establishments should not be allowed to slaughter animals unless the facilities have a humane handling plan, trained employees, and properly functioning equipment—as proposed in our petition. In fact, the suggested changes are recognized in the international slaughter guidelines of the World Organization for Animal Health, the humane slaughter guidelines of the American Veterinary Medical Association, and the meat supplier specifications of the USDA’s Agricultural Marketing Service, which procures meat products for federal nutrition assistance programs.

We estimate that up to half of all inhumane handling violations—including those responsible for the most extreme animal suffering—could be avoided by the regulatory revisions proposed in our petition. The USDA is shirking its duty as a regulatory agency by refusing to initiate rulemaking to amend the HMSA, particularly given that many of the causes of inhumane slaughter are well known and easily addressed. 🐾

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The AWI petition, submitted to the USDA in May 2013, requests the following changes to the regulations of the federal Humane Methods of Slaughter Act:

- Every establishment shall develop a written, systematic humane handling plan in order to ensure the humane handling and slaughter of all animals.
- Establishment personnel shall be trained in humane handling of animals prior to first coming in contact with any animal, and at regular intervals thereafter.
- Establishments shall maintain at least one backup stunning device that is checked and cleaned at least weekly, and the routine maintenance recorded.
- Chemical, mechanical, and electrical stunning equipment shall be routinely tested and maintained.

- If more than one stunning method is used at an establishment, guidelines shall be posted in the stunning area regarding the appropriate stunning device with regard to kind, breed, size, age, and sex of the animal to produce the desired results.
- Guidelines shall be posted in the stunning area regarding the proper placement of mechanical stunning devices for all species of animals slaughtered at the establishment.

*A version of this article by Dena Jones, AWI’s farm animal program director, previously appeared in the Huffington Post.*

## HAWAII RESORT NIXES CAPTIVE DOLPHIN PLAN

In a sure sign of changing times, a resort development on Oahu has abandoned plans to include a captive dolphin attraction at its facility. Atlantis Ko Olina (a new addition to Kerzner International's Atlantis Resorts chain) had pursued a dolphin display permit in the early days of planning. But developer Jeff Stone confirmed in a letter to Animal Rights Hawaii that captive dolphins are no longer in the mix. In the letter, Stone even referred to swim-with-the-dolphins exhibits and dolphinariums as "dated concepts." AWI supported outreach to local authorities and community opposition when news of the original captivity plan emerged.

AWI continues to encourage grassroots efforts opposing a captive dolphin facility that opened in mid-October near Scottsdale, Arizona (see *AWI Quarterly*, winter 2016), and is monitoring other proposals—including one in Mississippi, where a new aquarium has announced plans to hold captive dolphins. Even as SeaWorld shuts down its performing orca shows and the National Aquarium

in Baltimore commits to moving its dolphins to a sanctuary, it is troubling to see these new facilities swim against the tide of public opinion and heightened awareness that dolphins don't belong in captivity.

## AWI IN CHINA TO ADDRESS CETACEAN CAPTIVITY

Dr. Naomi Rose, AWI's marine mammal scientist, traveled to China in December to visit and evaluate several captive marine mammal facilities. She also gave two public presentations in Chengdu, one of China's largest cities. Naomi spoke at the Sichuan Provincial Library and a large and popular bookstore, Fang Suo, about the negative impacts on marine mammal welfare when they are displayed in captivity. Her slides were translated into Chinese in advance, but her presentation itself was in English, with sequential translation. Regardless, a surprising number of attendees spoke at least some English and the questions afterward were insightful and indicated a gratifying

degree of attention and concern. About 350 people attended these talks in person, including a 10-year-old girl, a budding animal welfare activist, who drew a picture for Naomi while she was listening to the lecture. A volunteer who has a popular social media page streamed the presentations, allowing another 20,000 people to watch them live online. After the talks were archived, an additional 320,000 people viewed them within a few days. This was an amazing level of interest in the message and AWI will continue these outreach efforts through its work within the China Cetacean Alliance.

## VAQUITA: ON THE BRINK

Two years ago, scientists estimated that only 100 vaquita porpoises remained in Mexico's Upper Gulf of California. In April 2015, as vaquitas continued to die due to entanglement in fishing gear, the Mexican government proposed a two-year ban on gillnets in the Gulf. But the ban has not been fully enforced, and an exemption allowing for gillnet use by the corvina fishery has provided cover for illegal fishing for totoaba, a fish highly prized on Asian black markets.

Current estimates indicate only 30 vaquita remain. Despite a 2016 promise from Mexico's President Peña Nieto to permanently ban gillnets, they continue to blanket the Upper Gulf in staggering numbers. To make matters worse, it was announced in February 2017 that corvina fishing will continue.

Other species of marine mammals have recovered from such low numbers, but the vaquita is clearly on the brink of extinction, and immediate action is needed. AWI is working with partner organizations to exert political and consumer pressure on the government of Mexico to ensure that the promised ban is enacted and enforced.



AWI's Dr. Naomi Rose poses with a picture of an orca and the young artist who drew it while attending one of Naomi's talks in Chengdu, China.





MILAN BOERS



CENTER FOR WHALE RESEARCH

Left: Tilikum, Right: Granny

## Requiem for Two Iconic Orcas

Tilikum, the 12,000-pound male orca at SeaWorld Orlando who was featured in the documentary *Blackfish* in 2013, was probably born in 1980, give or take a year. Ever since he killed his trainer, Dawn Brancheau, in 2010, he's been beating the odds by surviving. One, SeaWorld might have decided to euthanize him for his behavior (after all, he had also been involved in the deaths of two other people over the years—he was a six-ton liability at that point). Two, no other male orca in captivity—other than Ulises, a smaller male at SeaWorld San Diego who is still alive and believed to be older than Tilikum—had ever lived past 30 years of age. Every year since the tragedy of Brancheau's death, Tilikum has been living on borrowed time.

The sands in his hourglass finally ran out on January 6. According to SeaWorld, Tilikum had been suffering from a lung infection for months before he died, and he finally succumbed in the early hours of that Friday. Despite many in the animal protection community expecting to hear of his demise “at any time,” it was still a shock to see the announcement on SeaWorld's website.

In the end, his death was a release, not only from his illness, but also from his sad life as a very large predator held in a tank far too small to contain him. He should have been a dynamic, active, reproductively successful male swimming with his mother or sister, helping to raise his younger brothers and sisters, traveling dozens of miles in a straight line every day. Instead, he “logged” (hung motionless) at the surface of his small tank, day in and day out, with no mother to give him status and no siblings to care for. He fathered 21 calves, but only 10 survived him. His entire existence was a mockery of what it should have been and he is, at last, free of this.

In what amounts to an odd cosmic coincidence, the southern resident orca J2, known as Granny, also died in January, or at least that is when her death was confirmed. In the wild we rarely, if ever, see an orca die—we just know they are gone because we observe their family pod and they are no longer with them. Beginning in 1971, J2 was as reliable as clockwork in her wide-ranging perambulations through the Puget Sound area, seen every year, many times per season, swimming with her family. She was first noted as missing as early as October, but by the beginning of January, her family had been seen often enough without her for the call to be made—she was gone.

Two iconic orcas have died, but that is where all similarities end. Tilikum was a sad caricature of a whale, living 90 percent of his life—which was longer than most in captivity, but merely average for the wild—confined in a space less than 1/10,000<sup>th</sup> of one percent the size of an orca's natural home range, without family, without purpose. J2 was the matriarch in her population, guiding it through some good and some very rough times, a storehouse of vital information, achieving a life span that pushed the envelope of longevity for her species. Some say she was aged over 100 years, but based on a reevaluation of some of the assumptions that led to that estimate, it's more likely she was in her 80s. That is still an impressive age and she spent it on her own terms, in the wild, struggling, triumphing, grieving, and striving.

Rest in peace, Tilikum and Granny. 🐋

—Dr. Naomi Rose,  
AWI marine mammal scientist



# Being a Better Friend to Butterflies

by Bill Clark

A butterfly's life is fragile at the best of times. But these are hardly the best of times. Indeed, all the indicators and experts agree: The butterflies are now enduring very serious challenges. Extinction is overtaking them in the distant forests of Sri Lanka and Papua New Guinea, as well as in the British countryside, the Mexican hill country, the Northern Great Plains, southern Florida, and our own backyards.

Among American butterflies, the Zestos skipper and the Xerces blue are already extinct. Experts are braced for the loss of the Poweshiek skipperling and the Dakota skipper in the very near future. There is also trepidation that even the majestic monarch butterfly faces an uncertain future.

The monarch, with its astonishing 3,000-mile seasonal migration, is as unique as it is beautiful. But its vulnerability to habitat destruction, industrial chemicals, and the agroindustry also make it tragically representative of many other butterflies that once made our summers a delight of gossamer delicacy and flitting color.

Monarchs can still be found across nearly all of the United States. But their numbers have declined precipitously. Most experts agree that America has lost more than 80 percent of its monarch butterflies over the past 20 years. Much of the loss has occurred

in the rarely seen furrows of industrial farmlands that grow genetically modified corn and soybeans—mostly to feed livestock.

Once upon a time, monarchs, corn, and soybeans coexisted rather well. That was because tangles of milkweed were left to grow between the rows of crops. Milkweed is vital for the survival of monarch butterflies. The females will deposit their eggs only on milkweed, and the caterpillars that hatch from those eggs can feed only on milkweed. Adult monarchs also include milkweed nectar in their diet. Thus, if we kill all the milkweed, we kill all the monarchs.

But milkweed also takes nutrients from the earth and raindrops from the air. Many efficiency-driven farmers are disinclined to share these resources with weeds and bugs, even if they are harmless and quite beautiful.

Enter genetic engineering and industrial chemicals. Genetic manipulation has recently produced corn and soybeans that are highly resistant to industrial herbicides, particularly glyphosate. So today, farmers can splash the chemical liberally across their fields, vanquish all the weeds, and harvest all the GMO corn and soybeans.



JOEL OLIVES



This has been accomplished across about 165 million acres of the United States over the past two decades. That's an area about the size of Texas and comprises about one-third of the habitat once available for monarchs. Don't blame the agroindustry alone, though. State and county highway departments from coast to coast have been zealous in mowing the weeds that once sprouted along the sides of roads and highways. Retailers have created sprawling malls surrounded by asphalt parking lots, often festooned with inedible evergreens. American suburbanites alone have cultivated about 40.5 million acres of mostly milkweed-free lawns. There's hardly a secure place left for a milkweed to sprout. Recalling Walt Kelly's incomparable Pogo Possum: "We have met the enemy, and he is us."

Those monarchs that do manage to survive the summer in the United States straggle off toward the oyamel fir forests in the mountains of Mexico for the winter, where they are now encountering another problem: global warming. Monarchs are adapted to cluster among the oyamel fir trees on the cool high slopes above 6,900 feet. But those altitudes aren't so cool any more. Global warming is raising the temperature, and the oyamel firs aren't doing so well. Mexico has responded by creating a Monarch Butterfly Biosphere Reserve to provide legal protection for the habitat, and Mexican foresters are scampering to plant more oyamel fir seedlings at higher (and cooler) elevations.

Many people would like to see the United States take more assertive action, but to date, not much has been accomplished. A petition before the US Fish and Wildlife Service requests that the monarch butterfly be listed as a threatened species



PABLO LEAUTAUD

*Monarch butterflies envelop a tree at the Monarch Butterfly Biosphere Reserve in southcentral Mexico. Come spring, monarchs head north, toward shrinking summer habitat in Canada and the United States.*

under the Endangered Species Act. Brett Hartl of the Center for Biological Diversity (which filed the petition) says a threatened listing would "help focus conservation attention on the species, and also address some of the big-picture changes to the land that are happening due to intensive agriculture in the US." Federal response to the petition has been less than expeditious. And other experts don't expect much substantive action from the government even if a threatened listing is achieved.

But all is not lost. Butterfly enthusiasts, disappointed with both the government and agroindustry, can quite literally take matters into their own hands. On a fresh spring morning, they can journey off to the local garden shop—especially those that specialize in native plants—and buy an armful of milkweeds. Plant them in the sunshine and keep them well watered until they're established. Don't mind if a gaggle of brightly colored monarch caterpillars chew up some of the foliage.

A bit of research can identify other butterfly-friendly native plants. Glorious goldenrod, the nemesis of the formal garden, is floral hospitality for many butterflies. Purple coneflowers, black-eyed susans, dogbane, ironweed, and even dandelions are culinary banquets for a wide variety

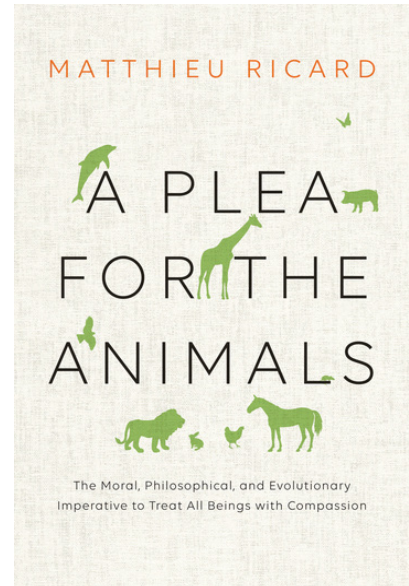
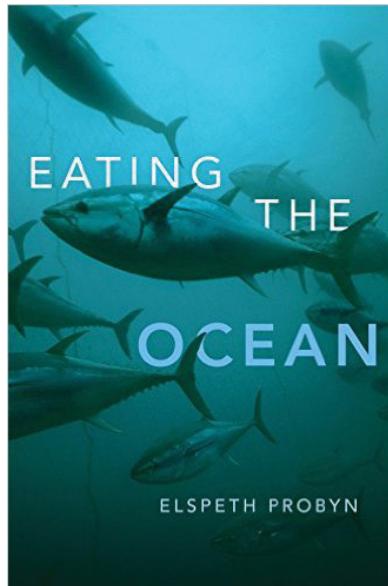
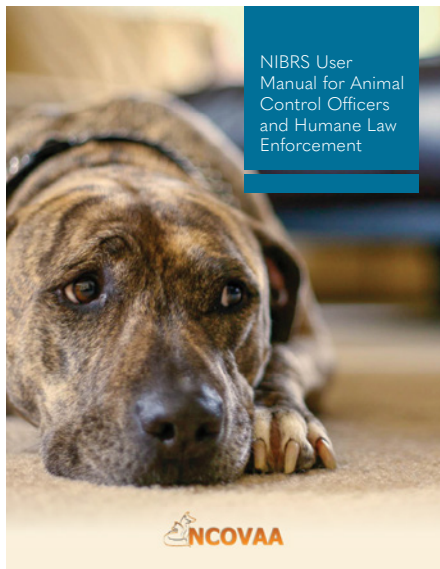
of butterflies. Plant them in your garden, too! Certainly, we can sacrifice a bit of our lawn as a gesture of goodwill to a delightful butterfly that the government may or may not—depending upon which way the wind is blowing—decide to protect.

Urbanites are also welcome! Milkweed is generally robust (after all, it is a "weed"), and can thrive when planted in a properly drained coffee can sitting on a window sill. Don't like the idea of cultivating weeds? Then try parsley and dill—black swallowtail butterflies dine well on these.

And don't think there aren't any butterflies in the big city. You just need to look. Jeff Glassberg, president of the North American Butterfly Association (NABA) confirms that at least twenty-five species of butterflies have been identified in Manhattan—including the beguiling eastern tiger swallowtail. "I've seen them there myself!" he insists.

Gardeners—rural, suburban, or urban—keen on some hands-on help for the butterflies would do well to visit NABA's website: [www.naba.org](http://www.naba.org), which has abundant guidance on butterfly gardening and related topics.

Quoth the estimable Dr. Glassberg: "If we can save butterflies, we can save ourselves." 🐾



## NIBRS USER MANUAL FOR ANIMAL CONTROL OFFICERS AND HUMANE LAW ENFORCEMENT

Daniel DeSousa / AWI and NACA / 29 pages

Animal control officers (ACOs) are often the first responders to incidents of animal neglect and cruelty. Their importance in this role took on added significance on January 1, 2016, when the Federal Bureau of Investigation started collecting data on animal cruelty incidents under its National Incident-Based Reporting System (NIBRS)—a policy approved in 2014 in large part due to efforts by AWI staff members. (See *AWI Quarterly*, fall 2014.) As such, ACOs will play a key role in developing an accurate and comprehensive system of animal cruelty crime reporting in the United States.

ACOs have not heretofore been NIBRS reporters, since animal cruelty incidents did not have a reportable category within the system, and at least half of animal control agencies nationwide are not associated with a local law enforcement agency. Ensuring that the animal cruelty crime database is truly comprehensive, therefore, will require bringing ACOs into the reporting system.

AWI, in partnership with the National Animal Care & Control Association (NACA), is leading that effort by developing the *NIBRS User Manual for Animal Control Officers and Humane Law Enforcement*. In addition to providing reporting guidance, this manual contains a reporting form that was developed in cooperation with the FBI and conforms to NIBRS requirements. There is also a template for a memorandum of understanding that can be used to formalize relationships between an animal control agency and a local police department for sharing data on animal cruelty incidents.

AWI and NACA will jointly disseminate the manual and offer training so that ACOs are aware of their new and critical role in reporting animal cruelty incidents to the FBI.

## EATING THE OCEAN

Elspeth Probyn / University Of Chicago Press / 360 pages

At its heart an ethnography, *Eating the Ocean*, by gender and culture professor Elspeth Probyn, is a challenging and unexpected contribution to the growing “food politics” genre.



Although focused on questions concerning the sustainability of eating (and growing) seafood, the book has a basis in storytelling. It weaves themes—complexity, relatedness, the role of women—that bring depth and richness to the challenge we face in conservation of how people “come to care.”

Once a pescatarian (a consumer of fish, but no other meat) who “voted with her fork,” Probyn today rails against consumer-led “fish-activism” as “deluded narcissism” and “neo-liberal fantasy,” casting it as an oversimplification of the “complex entanglement [that] fish, fishers and ocean have forged over millennia” that only works for the middle class with access to alternatives and time to care. Her approach to bringing people to care about the survival of the oceans is to tell the stories of different marine species—oysters, blue-fin tuna, and anchovies—and their “metabolic intimacy” with the humans who for millennia have caught and processed and, more recently, farmed them.

The book celebrates—and revels in—complexity, always drawing the reader back to the sea, which itself has become oversimplified by overfishing. Probyn decries the “intellectual hypoxia” of oversimplifying science and solutions. The result is a tightly woven, highly unusual book for its genre that would be equally at home on the shelves of gender theory. Her approach to ensuring the sustainability of “eating the ocean” is to bring readers to think more deeply about human interrelatedness with the sea; her goal is for us to “eat *with* the ocean.” This is an admirable ambition, but faced with an urgent crisis—almost 70 percent of monitored wild fish stocks are fully exploited or overexploited, including to provide feed for aquaculture—readers may be looking for more practical guidance than Probyn provides concerning our role as top predators.

## A PLEA FOR THE ANIMALS

Matthieu Ricard / Shambala Publications, Inc / 341 pages

*A Plea for the Animals* is largely a compendium, providing summary descriptions of the horrible sufferings imposed upon animals resulting from factory farming, animal experimentation, trafficking in wildlife, and “animals in entertainment” —

everything from shooting animals for trophies to bull fighting to circuses. Adeptly sprinkled throughout the text are thoughtful comments explaining why these abuses are wrong: biologically, environmentally, philosophically, and morally.

Author Matthieu Ricard, though a biologist himself, has a penchant for emphasizing the ethical and philosophical. Shortly after earning his doctorate, he stepped out of the laboratory and journeyed to the Himalayas, where he embraced Buddhist benevolence and became a monk. Curiously, however, his arguments are not Buddhist, but rather firmly ensconced in Western traditions—perhaps knowing he is writing largely for a Western readership. Thus, he quotes the Roman poet Ovid who 20 centuries ago wrote “The earth ... offers you food without killing or shedding blood. ... Oh, how wrong it is for flesh to be made from flesh ... for one creature to live by the death of another.” The thread of argument is traced through the ages—from Thomas Aquinas to Voltaire, George Bernard Shaw, and many others, up to contemporary thinkers such as Tom Regan and Peter Singer. This is a rich survey of important sages who focused on human relations with animals and grappled with matters of rights and responsibilities.

Ricard gets precise and graphic in his descriptions of what goes on inside a slaughterhouse today. Thus, detached philosophical discussion of abstract rights is often accompanied by upsetting reports of the anguish being endured by billions of sentient animals. Along the way, the reader is exposed to other considerations: Why should society devote so many millions of acres to raising livestock when the same amount of vegetable nutrition could be grown on a small fraction of that land? What right do humans have to enslave animals with whom we share DNA and a long evolutionary journey?

Ricard does not hesitate to criticize humanist chauvinism, a philosophy that leads us to love ourselves best of all. And then there is the matter of “human supremacy” and all of the pain, injustice, and evil contained within that concept. The fascist notion of “master race” was hateful. But when the idea is extended so that the entire human race becomes the master, Ricard argues, those relegated to subordinate status are doomed.

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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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## RINGLING BROS. FOLDS UP THE BIG TOP

In a surprise move, Ringling Bros. and Barnum & Bailey Circus announced in January that it is closing down, effective May 2017, after 146 years in operation. In explaining the decision, Chief Operating Officer Juliette Feld of Feld Entertainment Inc.—owner of the circus for the past 50 years—cited “a downward trend in attendance over 10 years” as the public’s taste in entertainment changed.

With its charismatic ringmasters, colorful clowns, and high-flying acrobats, Ringling Bros. was renowned for its showmanship. But behind the scenes, the circus was anything but entertaining for the Asian elephants, lions, tigers, and other exotic animals it confined and carted from town to town. AWI spent years raising awareness of the circus’s cruel treatment of elephants, and joined others in filing suit against Feld Entertainment in 2000. “There is no question,” said AWI counsel Stephen Neal Jr., “that the closing of the circus is due in large part to the publication of evidence of the circus’s cruelty to animals [resulting from the] litigation.”

Amidst mounting public pressure and costs, Feld Entertainment announced in March 2015 that it would remove elephants from the show and move them to its “Center for Elephant Conservation” in Florida. (See *AWI Quarterly*, spring 2015.) Ultimately, the elephants would leave the arena in May 2016.

Despite its lofty name, the Florida facility isn’t, unfortunately, a proper sanctuary—observers in the past have noted poor treatment of elephants there, including the use of bullhooks and electric prods on them and prolonged, chained confinement on concrete floors. We hope it will at least be preferable to life on the road and the brutal training they endured to force them into performing. We hope further that the remaining circus animals will end up in bona fide sanctuaries, where they can enjoy a more natural existence. Although AWI celebrates this victory, we will continue our efforts to expose the inhumane treatment of animals held by circuses around the world. 🐾



KEVIN HARBER