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ABOUT THE COVER

A frog of the genus *Mantella* (*Mantella ebenau* or *M. betsileo*). The International Union for Conservation of Nature describes 16 species in this genus, all native only to Madagascar. The populations of 11 of those are listed as “declining,” with seven “endangered” or “critically endangered.” Habitat loss is cited as a primary factor. For some, however, another threat looms large: collection for the pet trade.

The situation is bleak the world over for frogs and their amphibian kin. Hundreds of millions of amphibians are plucked from the wild each year, to be traded as pets, eaten, sent to laboratories, or dissected in classrooms. See page 6 for more about the global onslaught on wild amphibians to feed an international trade that is cruel, wasteful, and not remotely sustainable.

PHOTO BY ZACH BARANOWSKI

World Association of Zoos and Aquariums Cuts Ties to Taiji Dolphin Slaughter

EACH YEAR, from roughly September through April, more than a thousand dolphins are removed from the wild during the unspeakably cruel Taiji, Japan, dolphin drive hunts. Most are herded into the shallows and violently slaughtered for meat and blubber, as depicted in the Oscar-winning movie, *The Cove*. For others, the suffering lasts even longer—as they are sold into a life in captivity within aquariums in Japan, China and elsewhere.

AWI has long been involved in efforts to stop these brutal hunts, and this year we are hopeful that the hunting season will be different, thanks in large part to a handful of dedicated Japanese citizens who have been working for decades to effect change, and a small, new organization called Australia for Dolphins (AFD).

For years, AWI and other animal protection groups have been calling on the World Association of Zoos and Aquariums (WAZA) to expel its Japanese subsidiary (JAZA) for allowing members to source dolphins from the Taiji hunts. Despite growing pressure, WAZA refused to act... until now. On April 22, one month after AFD filed a lawsuit against WAZA, arguing that WAZA must stop endorsing members involved in dolphin hunting and other animal cruelty, WAZA's Council voted unanimously to suspend JAZA for violating WAZA's Code of Ethics and Animal Welfare. Following the suspension, JAZA polled its 152 member facilities, including zoos as well as aquariums, and the majority chose to remain with WAZA—meaning, for them, no more dolphins acquired from Taiji.

This historic win for dolphins, however, does not spell the demise of the Taiji hunts just yet. The town's mayor, Kazutaka Sangen, vowed to continue dolphin hunting, and even suggested setting up a dolphin breeding center to produce dolphins for sale. And there is a growing market for dolphins from non-WAZA members, including in China and the Middle East. We must continue to expose the truth concerning how these animals suffer, and hope the public in those countries will join us in saying no to dolphin captivity for our entertainment. 🐾



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Above Left: A mother humpback whale nudges her newborn to the surface for a first breath. (Simon K Ager)

Top Right: A young rhesus macaque takes full advantage of aquatic enrichment at a primate sanctuary. (Polly Schultz)

Bottom Right: Protection or politics? The US Fish and Wildlife Service must decide by September whether to list the greater sage-grouse under the Endangered Species Act. (USFWS Mountain-Prairie)



UTAH CASE CASTS CLOUD OVER ESA

A case currently on appeal in federal courts could have serious implications for the scope of the Endangered Species Act (ESA). The case involves the Utah prairie dog (*Cynomys parvidens*), a species listed as threatened under the ESA.

The Utah prairie dog resides only in Utah. In November 2014, Judge Dee Benson of the US District Court for the District of Utah ruled that the federal government cannot regulate threatened species on private property if that species' habitat is entirely in one state and the species has no substantial effect on interstate commerce. The ruling turned control of the prairie dog's fate on nonfederal lands over to the state of Utah.

One problem: more than two-thirds of the species listed under the ESA are found only in one state, and many of those, presumably, could be found to have no substantial



JAMES MARVIN PHELPS

A district court ruling leaves federal protection of Utah prairie dogs—and many other imperiled animals—in serious jeopardy.

effect on interstate commerce. The US Department of Justice has appealed the ruling to the 10th Circuit Court of Appeals. AWI has joined an amicus brief arguing against the ruling. 🐾

New AWI Brochure Takes Aim at Pet Primate Trade



NONHUMAN PRIMATES of all sizes and species are kept as companion animals in the United States—tens of thousands of them according to most estimates.

But these wild animals have no business in human homes. Unlike in the wild, where they live in large social groups, almost all pet monkeys and apes are kept in isolation, devoid of social contact with other primates, and in conditions completely inadequate for their health and well-being.

AWI favors laws to ban ownership of primates as companion animals. Our new brochure, *Primates Are Not Pets*,

details the reasons these animals are ill-suited for cohabitation with humans, provides a poignant glimpse of one pet monkey's sad story before she was rescued to a sanctuary, and summarizes federal and state laws concerning the keeping of primates as companion animals in the United States. To download the free brochure, visit www.awionline.org/primates-pets 🐾

Hunting Group Wants Rhinos in Texas... for “Safekeeping”

THE EXOTIC WILDLIFE ASSOCIATION (EWA) and groupelephant.com have hatched a plan to fly 1,000 of South Africa's orphaned white rhinos—about 6 percent of that country's white rhino population—to private ranches in South Texas.

EWA claims the rhinos will be safer in South Texas than South Africa, which is currently under an epidemic of poaching. The idea, though, is not to place them in a sanctuary, but rather to farm them out to private ranches and to breed them. EWA Executive Director Charly Seale claims “These animals will never be in commerce, they will not be sold, they will not be hunted.”

If the plan seems dubious, it might be because the motto of the EWA is “promoting conservation through commerce.” Read that last word to mean “trophy hunting,” as EWA represents game ranches, and its partners include the Dallas Safari Club, the Houston Safari Club, and the International Professional Hunters Association. The EWA often opposes government efforts to protect endangered species, and it fights to maintain the right to gun down endangered antelope and other species on game ranches, primarily in Texas. (For more on these ranches, see the Spring 2012 AWI Quarterly.) In other words, it's a little like the fox agreeing to rehome the chickens. 🐾

Airlines Nix Hunting Trophies in Hold

EMIRATES, the world's largest international air carrier, announced in May that it would no longer ship hunting trophies of elephants, rhinos, lions, and tigers. In August, in the wake of Cecil the lion's trophy-hunt killing (see article, this page), Delta Air Lines—the only US-based airline with direct flights to South Africa—announced that it, too, would bar trophies from these animals, as well as from buffalo. A number of airlines issued similar proclamations—Air France, American Airlines, British Airways, IAG Cargo, Iberia Airlines, KLM, Lufthansa, Singapore Airways, Qantas, United Airlines, and Virgin Atlantic among them.

One airline, however, lost heart. State-owned South African Airways (SAA), the largest carrier in Africa, announced to much fanfare in April that, henceforth, its planes were off limits to elephant, rhino, lion, and tiger trophies. Three months later, the ban bit the dust—an apparent victim of a powerful hunting lobby and pressure from South Africa's Department of Environmental Affairs. Department Minister Edna Molewa “welcomed” the capitulation and asserted that the hunting industry is a source of “community development and social upliftment.” A 2013 study by Economists at Large says otherwise: “Trophy hunting advocates consistently portray the industry as a major contributor to African community development. Our research indicates that its contributions are in fact minimal.” Hopefully, no other airlines that vowed to ground this gruesome cargo will follow SAA in retreat. 🐾

Zimbabwe Sells (Out) Elephant Calves to China

THE GOVERNMENT OF ZIMBABWE has sold 24 elephant calves captured late last year in Hwange National Park to China. The young elephants—who were forcibly separated from their families—are headed to what has been described as a “free range setting” in Chimelong Safari Park in Guangdong Province, to be part of a “Zimbabwe Safari experience” for tourists. But there won't be much ranging, as the park's total area is said to be only about half a square mile.

Zimbabwe officials claim they will use the money for conservation. The country, however, ranks near the bottom in the world on Transparency International's Corruption Perceptions Index—making it highly doubtful that the Chinese payoff will go to support any meaningful conservation efforts. Regardless, it certainly doesn't justify the grave psychological toll on the calves and their kin. 🐾

CECIL THE LION KILLED BY AMERICAN HUNTER

In a **tragedy** that made international headlines, Cecil the lion, a 13-year-old pride leader described as the “biggest tourist attraction” of Zimbabwe's Hwange National Park, was killed by American trophy hunter Walter James Palmer in July. The killer's guides reportedly lured the lion with bait to an unprotected area outside the park, where Palmer shot him with a bow and arrow. Cecil suffered for hours before he was tracked and killed with a second shot, decapitated and skinned. At the time of his death, he was wearing a GPS collar as part of a long-running research project of Oxford University. An attempt was allegedly made to destroy the collar afterwards.

Palmer, a Minnesota dentist who has posted numerous photos of prior kills online, pleaded ignorance to the illegal nature of his act—blaming his guides. However, Palmer has been convicted twice before for instances of illegal hunting and fishing—including a felony conviction for knowingly making false statements to US Fish and Wildlife (USFWS) officials in connection with the killing of a black bear in Wisconsin. As more details come to light, the public outrage continues to escalate, and Palmer appears to have gone into hiding.

Meanwhile, as we go to press, the USFWS wants to question Palmer (while Zimbabwe is calling for his extradition). Senator Robert Menendez (D-NJ) has introduced the Conserving Ecosystems by Ceasing the Importation of Large (CECIL) Animal Trophies Act, to extend protections of the Endangered Species Act to those species being considered for listing as threatened or endangered. Also, in a first for the United Nations, the 193 member nations of its General Assembly unanimously adopted a resolution following the incident encouraging countries to take “decisive steps” against the illegal trade in wildlife. 🐾



Cecil, shown here with some of his fans, was not wary around humans.

PERILOUS TIMES TO BE AN AMPHIBIAN

THAT AMPHIBIANS are the most imperiled class of vertebrates in the world is largely beyond debate. Such threats as habitat loss and overexploitation for meat or the pet trade are decimating amphibian species worldwide.

Each year, hundreds of millions of frogs are eaten domestically or traded internationally for the meat, pet, laboratory research, and dissection markets. While some come from breeding farms—often raised in unhygienic and inhumane conditions, many others are ripped from the wild with significant adverse ecological consequences. Salamanders and newts are also eaten, but they are most coveted for the pet trade. They, too, are removed from the wild in large numbers, with similar impacts to ecosystem health and function.

Indeed, wild amphibians are exploited without any credible information about population numbers or other basic biological information about the species. Without such data, the sustainability of domestic and international trade cannot be assured.

In 2004, Dr. Simon Stuart and colleagues reported in the journal *Science* that rapid declines in population size have been noted for 435 amphibian species, with habitat loss and overexploitation afflicting 233 of those. The remaining species, many of which were designated as critically endangered, were found to be experiencing “enigmatic” declines. Four years later, in 2008, 38 species were known to be extinct, one was extinct in the wild, 120 species were considered possibly extinct, and 42 percent of amphibian species populations were declining. These numbers, predictably, have only worsened in the past seven years.

Today, according to the International Union for Conservation of Nature (IUCN), at least 41 percent of the 6,424 amphibian species evaluated are threatened (i.e., designated as “critically endangered,” “endangered,”

or “vulnerable”). While habitat loss and modification remain the primary global threat to amphibians, climate change, pollution, competition with introduced species, overcollection, and disease are of significant concern. Indeed, for a number of amphibian species, disease has become a particularly acute and deadly threat and likely responsible for the “enigmatic” declines.

Ranaviruses, for example, affect amphibians worldwide and have caused amphibian die-offs in North America, Europe, and Asia, with mortality rates often exceeding 90 percent. Spread of these diseases has been linked to the international amphibian trade and to the use of infected salamanders as fishing bait.

The chytrid fungus (*Batrachochytrium dendrobatidis*, or *Bd*) has decimated amphibian populations in the Neotropics, Australian Wet Tropics, western United States, Europe, and East Africa. In Latin America, *Bd* has been linked to the possible extinction of 30 of 113 species of harlequin toads, while in parts of Panama 41 percent of amphibian species have been lost. Most scientists believe that *Bd* has been transported around the world by international trade in live and dead amphibians. All told, over 500 amphibian species have been afflicted with *Bd*, with at least 200 species experiencing significant declines or going extinct due to its effects. Dr. Lee Skeratt of Australia’s James Cook University and colleagues declared in 2007 that “the impact of chytridiomycosis on frogs is the most spectacular loss of vertebrate biodiversity due to disease in recorded history.”

Another chytrid fungus, *Batrachochytrium salamandrivorans* (*Bsal*), which is believed to be native to Asia, represents a new disease threat. *Bsal*’s deadly impacts appear to be restricted to salamanders and newts, with exposed species experiencing significant population declines. In the Netherlands, *Bsal* caused a 96 percent



Top Left: Madagascar tomato frog (*Dyscophus antongilii*). Status: near threatened; population trend: unknown; formerly overcollected for pet trade.

Top Right: California tiger salamander (*Ambystoma californiense*). Status: vulnerable; population trend: decreasing; major threat: habitat loss.

Bottom: Emperor newt (*Tylotriton shanjing*). Status: near threatened; population trend: decreasing; major threat: overcollection for traditional medicine.

decline in fire salamander populations in only four years. It has since been detected in amphibians in Belgium and the United Kingdom, where it was detected in captive salamanders imported from both mainland Europe and Asia.

To date, *Bsal* has not been detected in the Western Hemisphere. The United States is the global hotspot for salamander diversity, with about 190 species, although nearly one-third of them are at risk of extinction. Unfortunately, there is nothing in US law that prevents the importation of infected amphibians. Indeed, according to government data compiled by the Center for Biological Diversity, nearly 159,000 Japanese fire belly newts—a known carrier of *Bsal*—were imported into the United States from April 2005 to April 2015.

The international trade in dead and live amphibians acts as a global expressway for the transport of these novel pathogens. Internationally, not a single country is believed to have sufficient procedures to prevent the introduction of pathogens deadly to amphibians (and in some cases transmissible to humans) via wildlife shipments.

The scale of imports of amphibians into the United States alone for food and pets is astounding. In a 2009 study published in *Biological Conservation*, Dr. Lisa Schloegel and colleagues documented that, in the six-year period between January 1, 2000, and December 31, 2005, close to 28 million individual amphibians, plus nearly 7.1 million kilograms of amphibians (which includes live animals, parts, and derivatives) were imported via Los Angeles, San Francisco, and New York.

Shockingly, the Schloegel et al. study revealed that 62 percent of nearly 600 frogs purchased by the authors in the three examined port cities (from shops selling them for human consumption) were infected with *Bd*. Nevertheless, rapid imports have continued; in 2013, more than 3 million live frogs were brought into the United States—more than 1.5 million of them via San Francisco, Los Angeles, and New York. All told, nearly 3.9 million live amphibians (all species) were imported into the United States for the food, pet, and scientific markets in 2013—each potentially carrying dangerous pathogens.

To make matters worse, many wild caught amphibians perish before and during export as a result of injuries sustained during capture and handling, poor care, stress, and disease. Even if they survive shipment, amphibians destined for the pet market in the United States are often warehoused in crowded, unhygienic conditions, with inadequate care.

In late 2009, for example, animal care and law enforcement authorities in Texas were called upon to investigate claims of massive animal cruelty and mortality at US Global Exotics (USGE), an international pet wholesaler. Ashley et al., writing in the *Applied Journal of Animal Welfare Science*, report that approximately 80 percent of the more than 26,400 animals confiscated during a subsequent raid on USGE facilities were deemed grossly sick, injured, or dead, with the remainder in suboptimal condition. According to USGE records, nearly 3,500 deceased or moribund animals, primarily reptiles, were being discarded every week, resulting in a six-week stock turnover mortality rate of 72 percent.

This massive death rate was a product of poor hygiene, inappropriate housing, lack of enrichment, crowding, and no reliable provision of food, water, heat, and humidity—which in turn led to cannibalism, crushing, dehydration, emaciation, hypothermic stress, infection, and starvation. Remarkably, when those responsible for this carnage went to trial, their defense cited expert evidence that a 72 percent mortality rate was in accordance with wholesale pet industry standards of 70 percent. It should be further noted that this mortality rate doesn't include the many premature deaths of amphibians *after* they are sold as pets.

While the statistics on the plight of amphibians are dismal, it's not all bad news. In the Greater Mekong Region—covering portions of Cambodia, Laos, Myanmar, Thailand, and Vietnam—16 new amphibian species were discovered in 2014, including the color-changing thorny frog (*Gracixalus lumarius*), a new species of crocodile newt (*Tylostotriton shanorum*), and the pretty (or “pigmy”) narrow-mouth frog (*Microhyla pulchella*). Just as these species are found, however, their habitats are in peril—threatened by flooding due to dam construction, roads and other infrastructure development, climate change, and collection for the pet and traditional medicine markets.

Half a world away, in Brazil, seven new species of miniature frogs in the genus *Brachycephalus* were found high on mountaintops within the cloud forests of the Brazilian Atlantic Rainforest. Sadly, many of these brightly colored frogs, smaller than the average human thumbnail, are already under threat due to illegal deforestation and cattle ranching, which destroys the frogs' habitat.

In addition, for any newly discovered species, overexploitation for the pet and traditional medicine markets in particular is a significant threat. With few laws,

if any, in place to protect newly identified species, there is virtually nothing to stop the overcollection of such species. Indeed, many scientists are reluctant to publish information about a new species out of fear that the species will immediately be targeted for the pet trade, a fear that has been realized in a number of cases.

In an effort to protect amphibians, AWI joined Defenders of Wildlife, the Amphibian Survival Alliance, and the Singapore Zoo in hosting joint international amphibian trade workshops in Washington, DC, and Singapore in March 2015. Some of the world's leading amphibian experts were assembled to identify amphibian species (such as the Kurdistan spotted newt, tomato frog, and the Panamanian golden frog) most at risk from trade for the meat and pet markets, habitat loss, and disease, and to develop species or taxon-specific conservation actions.

Potential conservation actions include strengthening national laws and regulations, enhancing law enforcement efforts, adding to or up-listing species on the Convention on

International Trade in Endangered Species of Wild Fauna and Flora (CITES) appendices (to prohibit or regulate and monitor international trade), improving compliance with existing CITES requirements for species already listed, enhancing trade monitoring, and—for species linked to disease threats—developing strategies to reduce the risk of disease transmission and spread.

Such actions are likely to benefit these priority species. But to permanently protect the world's remaining amphibians, governments must urgently act to embrace amphibian conservation as a national mandate, strengthen laws and the capacity to enforce them, fully comply with existing international mandates, and initiate demand-reduction campaigns. The public can also help by not purchasing amphibians for pets or food and demanding that their governments undertake immediate efforts to stem the loss of amphibians nationally and worldwide. 🐾



Panamanian golden frog (*Atelopus zeteki*). Status: critically endangered; population trend: decreasing; major threats: chytridiomycosis disease, habitat loss, pollution, and over-collection for pet trade.

NORTH CAROLINA LEGISLATURE APPROVES AG-GAG LAW

The North Carolina legislature really doesn't care to know about animal abuse on farms. In May, it sent an ag-gag measure (HB 405) to Governor McCrory for his signature, but at the urging of thousands of animal advocates, the governor vetoed it. This victory was short-lived, however; the agriculture industry leaned on the legislators, who promptly overrode McCrory's veto. When the law takes effect in January 2016, undercover investigators and employees trying to expose abuses at factory farms (and even nursing homes and other businesses), will face penalties. Enactment of HB 405 is bad news for animals and people, but elsewhere this year, the tide turned against such legislation, as similar bills in Colorado, Washington, New Mexico, and Kentucky were defeated. 🐾



J. MAUGHN

Illinois Steps Up for Children and Companion Animals, Steps Back on Bobcats

HB 3231, a bill proposed by AWI that provides for additional penalties when animal abuse is committed in front of a minor, passed the Illinois legislature (unanimously, in both chambers!) and was sent on June 29 to Governor Bruce Rauner for his signature. As we go to press, the measure is before the governor and, given the widespread support, we anticipate he will sign it. Abusers force children to witness animal cruelty in order to exert control over them and instill fear in them. They deserve to face stiffer penalties for involving children in their crimes. Arkansas and Oregon, as well as Puerto Rico, have similar laws.

Illinois' reputation as a good state for animals lost some of its luster, however, with the passage of a bill to allow hunting of bobcats. In January, as one of his final actions, the outgoing governor, Pat Quinn, vetoed legislation to reopen bobcat hunting and trapping. No sooner was he out of office than the legislature took up the issue again, with the House defeating and then re-voting on and passing HB 352. The Senate followed suit and the bill was signed into law by the governor. During the debate, one lawmaker actually compared the small, shy bobcat to the saber-toothed tiger. Bobcats, the only wild cat species left in Illinois, were nearly extirpated from the state by the 1970s. This law will undermine the state's bobcat recovery efforts, which—though successful—are far from complete. An open season on bobcats in Illinois is not biologically, ecologically, or otherwise justifiable for wildlife conservation and is certainly not necessary for public safety. 🐾

Sharks and Barks: Texas Two-Step for Animals

TWO BILLS recently signed by Texas Governor Greg Abbott mean good news for animals. HB 1579 prohibits buying and selling shark fins in the state, and makes Texas the 10th state to institute such a ban, following California, Delaware, Hawaii, Illinois, Maryland, Massachusetts, New York, Oregon, and Washington. Following passage of the other state bans, trade shifted to Texas, which became the transit point for about half of the US trade in shark fins. Under the new law, fishermen may still sell other parts of the shark, but they may not sell the fins.

HB 593, a bill requiring training for Texas law enforcement in nonlethal responses to encounters with dogs, was passed in the aftermath of a series of officer-involved shootings of dogs across the state. This new law requires training in canine encounters and canine behavior for all new officers beginning January 1, 2016, and as a condition of promotion for existing officers. It specifies a minimum of four hours of classroom instruction and, most crucially, practical training. Texas is not alone in facing this problem, and more states and local jurisdictions are imposing similar training standards. 🐾



US APPEALS WTO RULING IN FAVOR OF DOLPHIN-KILLING TUNA FISHERMEN

The **World Trade Organization** (WTO) issued its latest ruling in April in a decades-long dispute between Mexico and the United States over “Dolphin Safe” labeling of tuna caught in the Eastern Tropical Pacific (ETP). The ruling, as other WTO decisions before it, was a victory for Mexico’s multibillion-dollar tuna fishing industry, and a blow to dolphin conservation. The United States has appealed.

On a scale unique to the ETP region, yellowfin tuna regularly swim in groups with dolphins. Exploiting this relationship, fishermen targeted dolphins to catch tuna, injuring or killing as many as 7 million dolphins since the 1950s. The US government responded by adopting “Dolphin Safe” legislation that today requires companies exporting processed (canned) tuna into the United States to provide a statement from captains and independent observers confirming that no dolphins were netted, killed or seriously injured during the fishing operation for that tuna. However, some fishermen, including those from Mexico, continued to target dolphins. In 2008, Mexico objected to the WTO that the United States’ “Dolphin Safe” labeling scheme singled out its tuna fishing industry, preventing its tuna products from accessing the valuable US market.

Although the WTO agreed that setting nets on dolphins is a harmful fishing method, the panel finally found in

Mexico’s favor in 2012, ruling that the US label focuses too narrowly on fishing methods in the ETP. The United States responded by expanding reporting and verification procedures to other oceans, but it continued to exclude Mexican canned tuna labeled “Dolphin Safe,” pointing to the ongoing use of nets that kill dolphins and arguing that US consumers have the right to know that the fishing methods used to catch their tuna do not harm dolphins. Mexico then asked the WTO to establish a special panel to review the United States’ compliance with the 2012 ruling.

The WTO compliance panel, established in 2014, finally made its ruling in April 2015. While it decided that the United States was justified in treating tuna caught by certain fishing methods differently as a conservation measure, it agreed with Mexico that the United States’ “Dolphin Safe” labeling scheme is discriminatory against Mexican tuna and therefore violated the WTO’s trade agreements.

Conservation and animal protection groups urged the United States to appeal, which it did on June 5. In its notice of appeal, the United States asserts that the WTO’s decision was based on an erroneous legal interpretation. As this issue went to press, no further details of the appeal were available, but we will provide an update in a future edition of the *AWI Quarterly*. 🐾

AWI Petitions to Have Thorny Skate Listed Under ESA

AWI AND DEFENDERS OF WILDLIFE filed a petition on May 28 with the National Marine Fisheries Service (NMFS) to list the Northwest Atlantic population of the thorny skate (*Amblyraja radiata*) as threatened or endangered under the Endangered Species Act (ESA).

Thorny skate populations in the Northwest Atlantic have declined rapidly over the past four decades, due mostly to excessive bycatch mortality and illegal harvest. Efforts to rebuild the populations by the United States and Canada have thus far failed, and the International Union for the Conservation of Nature designates the US population of thorny skate as “critically endangered.”

AWI submitted a previous petition to list the thorny skate in 2011, which NMFS rejected, claiming that the scientific evidence did not warrant a listing. Internal agency documents obtained by AWI under the Freedom of Information Act, however, revealed that NMFS had initially planned to publish a positive finding, but inexplicably changed course. The new petition provides additional evidence of the populations’ decline and the undeniable need for an ESA listing. 🐾

Beluga Newborns Die at US Aquariums

ON JUNE 5, a 3-week-old female beluga at Georgia Aquarium died. Just over a month later, another 3-week-old female beluga—born prematurely—died at SeaWorld San Antonio. The Georgia Aquarium birth had been hailed as a milestone, “the first viable calf to be born from parents who were born in human care.”

The two deaths, though noteworthy because of proximity in time and similarity of age, are hardly rare. Overall, the beluga breeding program among captive facilities in North America has been unsuccessful, with most calves who survive birth dying young. Those calves who do reach adulthood usually die before 30 despite being “shielded” from predation or any of the other challenges they face in the open ocean. In the wild, average lifespan in belugas is unknown, but maximum lifespans are 60-70 years. No captive beluga has come close to this age.

Following the second incident, AWI’s marine mammal scientist, Dr. Naomi Rose, told the online news service *The Dodo* that “Whenever a captive-born cetacean calf dies, I suspect the effects of captivity—especially [on] maternal competence—are a factor.” She noted further that the companies “refuse to conduct the necessary, objective science to truly understand mortality risk for captive-born calves.” 🐾

SOUVENIR SELLERS IN HAWAII BUSTED FOR WILDLIFE TRAFFICKING

A Hawaii souvenir shop’s owner, employees, and business partners were indicted on 21 counts in June for illegally trafficking in whale bone, elephant and walrus ivory, and black corals.

Hawaiian Accessories Inc. owner Curtis Wilmington was charged with violating the Endangered Species Act, the Marine Mammal Protection Act, and the Lacey Act (which addresses wildlife trafficking). Two employees, Kauioakaala Chung and Kauilani Wilmington (daughter of Curtis), were also charged, as were Elmer Biscocho, an independent contractor, and Sergio Biscocho, the owner of a company in the Philippines that worked the raw materials into souvenirs.

Prosecutors allege that Sergio Biscocho received raw whale bone and ivory from Hawaii at his business in the Philippines, carved them into souvenirs and jewelry, and returned them for sale by Hawaiian Accessories. Curtis



Black coral, near the island of Roatán, Honduras.

Wilmington is additionally charged with importing black coral jewelry and carvings from Mexico.

The indictments followed a multi-agency investigation involving the National Oceanic and Atmospheric Administration, the US Fish and Wildlife Service, and Homeland Security, which culminated in a May 20 raid on the Hawaiian Accessories warehouse off Honolulu Harbor. 🐾



BOHEMAN/DOLLS

Study Shows Captivity Curtails Orca Lifespan

IN 1995, Robert Small and Douglas DeMaster calculated annual survivorship rates (ASRs) in captive orcas and compared these results to the ASRs of wild orcas living in the Pacific Northwest of North America. Their results, published in the journal *Marine Mammal Science*, indicated that orcas in captivity had a mortality rate (the inverse of survivorship) 2.5 times higher than orcas in the wild. This difference was highly statistically significant.

Small and DeMaster hypothesized that, as time passed and husbandry improved, and as more orcas were born in captivity (rather than caught in the wild), survivorship in captivity would one day equal or surpass that in the wild. For years, the captive display industry, most notably SeaWorld Entertainment, has implied that this hypothesis has been confirmed. Despite having no scientific data to back up the claim, industry public relations rhetoric routinely implies that captive orcas survive as well as—if not better than—wild orcas.

In a new paper published in *Marine Mammal Science* in May, John Jett and Jeffrey Ventre re-examined captive orca survivorship. Although they presented updated ASRs, they primarily worked with an analytical method from the medical field, the Kaplan-Meier model. This model evaluates the efficacy of pharmaceuticals such as heart or blood pressure medication by measuring survival of patients over specified periods of time after clinical intervention. Jett and Ventre recognized that captivity could be viewed as a sort of pharmaceutical affecting the survival of orcas, making the model a valid statistical approach for this situation.

Unsurprisingly, they found that captivity shortens rather than lengthens the lives of captive orcas. As Small and DeMaster hypothesized, survivorship rates of captive

orcas have improved with time (and are higher when whales are born in captivity rather than removed from the wild). Survivorship is also better in the United States than in foreign facilities. However, the survival of captive orcas to certain age milestones is poor compared to that of orcas in the wild. For wild females, up to 81 percent reach sexual maturity (15 years) and up to 75 percent achieve menopause (40 years). In captivity, maximum values for these milestones are 46 percent and 7 percent, respectively.

Jett and Ventre also noted that certain life stages are particularly hazardous for captive orcas. “Survival deteriorates” during the age ranges when captive-born whales are typically transferred from one facility to another for husbandry purposes (at weaning and at sexual maturity). Consequently, they caution against “potentially stressful separation[s]” of mothers and offspring, a common feature of captive orca management.

Wildlife living a long life in captivity does not guarantee living conditions are humane—quality of life can suffer even if quantity of life does not. When, however, wildlife does *not* survive well in captivity—given that they are otherwise removed from whatever dangers that might cut their lives short in the wild—it is a sure sign of poor welfare. The Jett-Ventre study is yet another indication that orcas do not belong in captivity. 🐾

Ontario Says No to More Orcas in Captivity

ONTARIO has become the first province in Canada to ban the breeding, purchase and sale of orcas. The new law, titled the Ontario Society for the Prevention of Cruelty to Animals Act, passed the legislature at the end of May. It also requires qualified veterinarians with marine mammal expertise to oversee preventive and clinical care at any facility that has marine mammals.

Although there is only one such facility displaying an orca in Ontario—Marineland, in Niagara Falls—it is apparently more than enough to force legislative change. A lengthy exposé of the deplorable animal welfare conditions at that park by the *Toronto Star* in the summer of 2012 (see Winter 2013 *AWI Quarterly*) helped build momentum for the law. Unfortunately, Kiska, the solitary orca who for nearly four decades has occupied a concrete tank at Marineland, will remain there; she was excluded from the law’s provisions. The law will, however, prevent her sad story from being repeated in Ontario. 🐾

A View from Inside the IWC's Scientific Committee



by Dr. Naomi Rose

For 16 years—the past two for AWI—Dr. Naomi Rose has been a member of the International Whaling Commission's (IWC) Scientific Committee. She is an invited participant on the sub-committees on whalewatching and environmental concerns, and also participates in discussions in other sub-committees, including those concerned with small cetaceans, human-induced mortalities, and aboriginal subsistence whaling.

The Scientific Committee is the world's preeminent body for conducting large-whale research and discussing scientific aspects of various issues relating to the conservation of all cetaceans (large and small), including in-depth assessments of populations, genetics, ship strikes and fisheries entanglement, pollution, and numerous other

topics. For 64 years, the Scientific Committee meeting was held just before the IWC commissioners met to make their annual decisions related to whaling management and whale conservation, in order to provide these policy-makers with a scientific basis for their deliberations. This meant the Report of the Scientific Committee had to be finalized in less than what inevitably became a very hectic week.

However, in 2013 the IWC began holding its meetings biennially. The Scientific Committee continues to meet every year, for just under two weeks. Now, the report is finalized within two weeks of the Scientific Committee meeting's end; in the year of an IWC meeting, the Scientific Committee meets several months in advance of the commissioners, to allow the report to be prepared, published, and absorbed under more measured circumstances.

The Scientific Committee is answerable directly to the IWC and develops its agenda from instructions given to it by IWC resolutions and directives. It has a chair and vice-chair and its governing rules are established by the convenors (comprised of the chairs of the various sub-committees and working groups). The rules of procedure for the Scientific Committee stress that its duties should be centered on the “scientific investigation of whales and their environment,” and participants are verbally advised at meetings to avoid politics; unfortunately, despite the important work the Scientific Committee undertakes, politics permeates everything it does. The members of the Scientific Committee are divided by their views on whaling as profoundly as the policy-makers are, making the discussions within the Scientific Committee often as contentious as those among the commissioners.

Perhaps the biggest difference between the two bodies in this regard is how they make decisions. The IWC votes; a three-quarters majority is required to amend the treaty and a simple majority is required to adopt resolutions. This has resulted in gridlock for years on many issues, as the anti-whaling and pro-whaling factions have close to equal representation, with neither side commanding the necessary votes to break the logjam. Resolutions are passed more often (usually in favor of whale conservation rather than whaling), but do not have the force of treaty provisions, although such resolutions often provide direction to the Scientific Committee.

However, within the Scientific Committee, consensus is the order of the day. Votes are vanishingly rare, even for the positions of chair and vice-chair. When consensus is not possible (which occurs often when it comes to the scientific aspects of managing whaling itself, including developing the statistical tools for generating hunt quotas), the discussion is reflected in the report as “some” said this while “others” said that.

Votes are not prohibited within the Scientific Committee; they are simply avoided because science generally does not operate by majority rule. It operates on evidence and when a persistent but minority element within a scientific body disagrees on the evidence, science tends to report the degree of the majority, rather than vote the minority down (for example, science publications will say that “97 percent of climate scientists agree that global warming is primarily attributable to human activity,” rather than simply “climate science says...”). While understandable and even laudable, this aspect of science becomes a problem when the science is primarily conducted to inform policy, and a reporting body (such as the media or, as here, the

Scientific Committee itself) avoids specifying the percentage of members within those “some” and “other” factions.

As a result, the whaling nations can point to the fact that some members of the Scientific Committee support the need for lethal sampling of whales to conduct certain research. In fact, a large majority of scientists, including Scientific Committee members, do not believe lethal sampling is needed to achieve any research objectives. The global norm in science is not to sample lethally unless the research is essential to achieve an important goal, such as recovery of an endangered species, and there is absolutely no other way to acquire the data. However, the magnitude of disagreement regarding lethal sampling in scientific whaling programs is not captured by the way the Scientific Committee records its discussions. This frustrating aspect of the Scientific Committee’s deliberations on so-called scientific whaling unfortunately overshadows the good work it so often produces in other sub-committees and working groups focused more on whale conservation than whale killing.

Because the Scientific Committee exists to serve a management body, it emphasizes within its report wherever there is consensus (it “agrees”), it offers management advice (it “recommends”), or it feels, from a scientific perspective, that a particular conservation threat is being inadequately managed (it “expresses grave concern”). These words, among a few others in a similar vein, are in bold throughout the report, to guide the commissioners in their deliberations. Notably, some of the Scientific Committee’s recommendations, particularly within the sub-committees addressing whalewatching, environmental concern, small cetaceans, and human-induced mortalities, have proven valuable outside of the IWC context, when urging governments to increase environmental or species protections.

What the IWC Scientific Committee says and does is important to the global conservation and protection of the world’s cetaceans. However, groups like AWI must mine the Scientific Committee report for these consensus recommendations (agreed to even by the world’s whalers) and use them effectively in their campaigns, whether those campaigns seek to protect cetaceans from human noise, uncontrolled whalewatching, chemical pollution, entanglement in fishing gear, or ship strikes. The Scientific Committee and its work have value not just to the IWC and the management of whaling; increasingly, the Scientific Committee is working to address threats to the survival of cetaceans, beyond the context of whaling. It is up to AWI and groups like it to maximize the impact of this good work. 🐾

SAVING THE VAQUITA: MEXICO ACTS, BUT IS IT ENOUGH?

A TRAGEDY is unfolding in Mexico's Upper Gulf of California. Fatal entanglements in shrimp and fish nets—many of them cast by poachers—are driving the world's smallest cetacean to extinction. In August 2014, scientists estimated that fewer than 100 vaquita porpoises remain in the wild—all in the Upper Gulf—and warned that if vaquita bycatch and a growing illegal fishery for totoaba (a large fish endemic to the Gulf of California) are not shut down immediately, the tiny porpoise could be extinct by 2018. (See “Can the Vaquita be Saved?” in the Winter 2015 *AWI Quarterly* to read more on the interrelated fates of the vaquita and totoaba.)

While the Mexican government has taken various steps to protect the vaquita over the past two decades, including establishing a vaquita refuge area, it has never committed the resources needed for robust law enforcement in fishing communities and at borders and has lacked the political will to prosecute or impose meaningful sentences against totoaba

poachers, sellers, or smugglers. Meanwhile, an illicit network of traders in totoaba swim bladders (known as “buches”) has grown to span several countries, including the United States, Canada, China, and Japan. With demand for totoaba buches growing in China for soup and traditional medicinal products (despite no evidence of any curative value), Asian buyers are reported to pay up to US\$14,000 per kilogram. Buches are so valuable in Mexico, drug cartels are entering the totoaba business and police and wildlife enforcement officers are alleged to be complicit in local trafficking.

Finally, in April 2015, after months of speculation that an announcement was imminent, Mexican President Enrique Peña Nieto visited San Felipe, one of the gulf fishing communities that is central to the vaquita and totoaba crisis. There, he made a public commitment to save both species and announced a “Program on the Comprehensive Care of the Upper Gulf” that will involve multiple state governments and federal ministries,

coordinated by the Ministry of Environment and Natural Resources. The program's main elements include the expansion of the existing vaquita refuge, a suspension of gillnet fishing and the use of longlines for two years, a compensation scheme for fishers and related workers, and surveillance and enforcement elements (including navy vessels) to combat illegal fishing for totoabas and trade in buches.

While the new program and President Peña Nieto's interest are welcome, AWI remains concerned that the new regulations—particularly the temporary fishing ban—are inadequate and unlikely to be fully implemented and enforced. The ban must be made permanent but—with the buches trade already spanning the globe and still growing in value and scale—Mexico clearly cannot solve this crisis alone.

In an attempt to bring the relevant countries together and motivate Mexico to fully cooperate, AWI is working with a coalition of conservation and animal protection organizations in pursuit of a strategy that will provide both a carrot and a

stick. One month after the Mexican president's announcement, AWI and the Center for Biological Diversity petitioned the United Nations Educational, Scientific and Cultural Organization (UNESCO) for help.

The habitat of these imperiled species is contained within the Upper Gulf of California and Pinacate Biosphere Reserve, which was declared by Mexico in 1993 and included in UNESCO's Man and the Biosphere Programme's (MAB) international network the following year. The same general area was also designated as the Islands and Protected Areas of the Gulf of California World Heritage site by UNESCO's World Heritage Committee (WHC) in 2005. Both prestigious designations impose a responsibility on the range state—which Mexico is not fulfilling. In two separate initiatives, AWI and the Center for Biological Diversity have petitioned the relevant UNESCO committees to urgently review the status of the sites, and the species integral to them, and insist on immediate remedial action by Mexico if their Biosphere Reserve/World Heritage standing is to be maintained.

In the case of the World Heritage site, we submitted a formal petition

to the WHC seeking an immediate re-designation of the site as "In Danger" (see www.whc.unesco.org/en/158/ for more on the ramifications of this designation). The petition requests that the WHC urgently dispatch a monitoring mission to evaluate the site and adopt a program of corrective measures to protect both species. Although this approach of challenging the area's World Heritage status is intended to motivate Mexico, it is not meant to be adversarial; in fact, if the WHC adopts the designation, it could allocate significant funds to help Mexico implement additional protective measures for both species, on the water and at the border. For example, it could fund and coordinate much-needed enforcement officer training, including on how to identify totoaba swim bladders by visual inspection and via genetic analysis.

Our approach with the Biosphere Reserve is to challenge a review undertaken by the MAB Council in 2014, which concluded—based on a submission by Mexico—that the site continues to meet the criteria for its designation. This finding was made just one month before the International Committee for the Recovery of the Vaquita released its August 2014 report declaring that

the vaquita was in imminent danger of extinction and calling for the complete and permanent cessation of all gillnet fishing in the Upper Gulf. The report prepared by Mexico for the council's review, therefore, inadequately conveyed the magnitude of the threats facing both the vaquita and totoaba. Consequently, the Biosphere Reserve is not helping to ensure the conservation of the vaquita and totoaba and the council must review the new evidence and revisit its conclusion. We hope our petition will help to bring additional attention to the issue and provide an incentive to the government of Mexico to fully comply with the experts' recommendations.

Both UNESCO committees met in June 2015 and we hope to report positive news of these and other initiatives in future editions of the *AWI Quarterly*. Also, in late June we learned that the United States and China have jointly affirmed their intention to increase cooperative efforts to address wildlife trafficking, including in totoabas—a welcome and timely announcement given China's role in the fate of the vaquita, and the reality that the trade in buches is known to involve US ports and traders. 🐾



AWI hosted an "International Save the Vaquita Day 2015" rally on July 9 outside the Mexican Embassy in Washington, DC, to bring attention to the precarious status of the vaquita porpoise. Following the event, AWI staff members met with officials from the Mexican Embassy to hand-deliver a letter urging swift, concrete measures to save this species from imminent extinction.

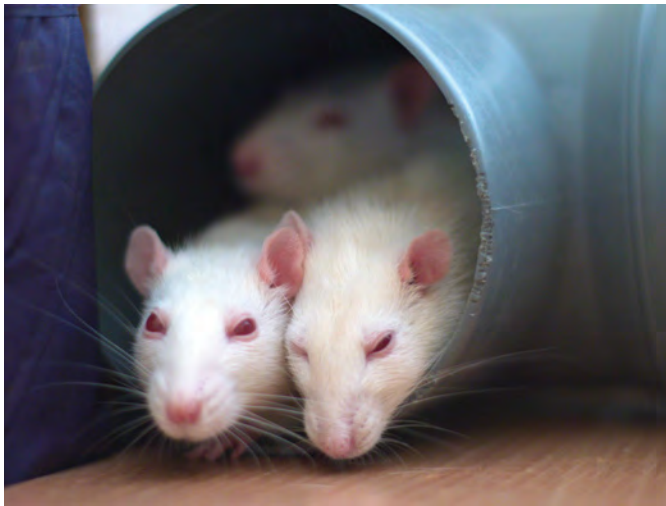
Testing Empathy While Showing None

AN INCREASING NUMBER of scientists have been proposing that empathetic behaviors are not limited to human beings. They argue that animals are aware not only of themselves, but also of the emotional states of their companions. Recent articles have demonstrated how a pig's emotional state can be affected by the distress or pleasure of a nearby pig (Reimert et al., *Physiology & Behavior*, 2013) and that rats would work to free a confined

companion, even when there was no tangible reward (Bartal, *Science*, 2011). In these instances, the scientists used mild stressors, such as temporary isolation or confinement, to test their theories. While there is much debate over whether the animals demonstrated actual empathy for their companions (Vasconcelos, *Biology Letters*, 2012), there is no question that they were exhibiting pro-social behaviors in helping a companion in distress.

Thus, it is perplexing that a group of scientists in Japan decided to use a much more distressing scenario to test for empathy in rats. As described by Sata et al. (*Animal Cognition*, 2015), two rats were placed in connected boxes. One box was filled with water while the other was dry. To escape, the rat in the water had to rely on a companion's decision to open a door. In almost every case, the companion rat opened the door and allowed the wet and bedraggled rat to escape the water, even choosing to do so over receiving a food treat. The scientists described this behavior as empathy.

It is unclear why the scientists would choose to create such a highly stressful scenario to prove their point when others were able to address the same scientific question without inflicting nearly so much trauma on the animals. Even more troubling, the research was published in a journal specifically geared toward animal behavior and learning. When a journal publishes the results of an experiment that creates more distress than other published studies with similar goals, it undermines the essence of the 3 R's, whereby refining procedures can improve the science and decrease distress to the animals. 🐾



TATIANA BUDONKOVA

In several studies, rats—a social species—have been observed coming to the aid of comrades in distress.

Refinement Grants Available: Promoting Ideas to Improve Laboratory Animal Welfare

THE ANIMAL WELFARE INSTITUTE is dedicated to promoting better care for animals in research. From our earliest days, we have encouraged laboratory personnel to provide animals with comfortable housing and the opportunity to engage in species-typical behaviors, while sparing them needless suffering. In continuing this long-standing support, AWI will be offering up to five grants, of up to \$7,500 each, to develop and demonstrate new methods of refinement and/or environmental enrichment for animals in research. The deadline for applications is December 1, 2015. Further information and links to the online application are available on the AWI website (www.awionline.org/refinementawards). Questions should be directed to refinementawards@awionline.org. 🐾



MISS SHARI

ANIMAL SUFFERING MAKES FOR SLOPPY SCIENCE

A recent retraction of a paper describing a study involving squirrel monkeys at the now-closed New England National Primate Research Center (NENPRC) shows once again that poor animal welfare leads to poor science.

The original paper appeared in the May 2014 edition of the journal *Veterinary Pathology* (Vol. 51: 651–658). It suggests—based on a retrospective analysis of the brains of 13 squirrel monkeys who had died at the NENPRC from 1999 through 2011—that this species is prone to developing hypernatremia—elevated sodium levels in the blood (commonly caused by dehydration)—with associated effects on the central nervous system.

“THESE HISTORICAL DATA WERE CONSISTENT WITH MY ASSESSMENTS OF SIGNIFICANT AND LONGSTANDING DEFICIENCIES IN VARIOUS PARTS OF THE CENTER.”
— DR. FREDERICK WANG



EMMANUEL KELLER

On a number of occasions at a since-shuttered Harvard primate lab, squirrel monkeys died after staff apparently failed to notice they had no access to water.

The authors, however, were induced to walk back this conclusion, when it came to light that several of these monkeys apparently succumbed not because of an inherent vulnerability but rather because the monkeys were severely water deprived. The retraction notice states, “Further evaluation of clinical case materials which were not available to us at the time of submission and publication ... suggests that a subset of the animals described in the paper may have had inadequate access to water.”

The possibility that at least some of the animals in this study were the victims of neglect should not have come as a surprise to the authors. The USDA cited the NENPRC for the water deprivation death (euthanization) of a squirrel monkey in December 2011 and another—of a cotton-top tamarin—in February 2012, resulting in a \$24,036 fine for these and other Animal Welfare Act violations (see Winter 2014 *AWI Quarterly*). In April 2013, Harvard stunned the research world by announcing the closure of the NENPRC, a move that became effective May 2015. Harvard claimed it was merely a cost-cutting measure, but industry insiders say the string of egregious missteps and consequent sour publicity played a significant role in the decision.

This study’s faulty foundations might have slipped by unnoticed were it not for an April 8, 2015, *Boston Globe* article in which a highly respected former director of the NENPRC, Dr. Frederick Wang, revealed that 12 dehydrated squirrel monkeys had been found dead in their cages or were euthanized because of poor health from 1999 to 2011. He and outside specialists contacted by the *Globe* suggested that these deaths likely were the result of improper attention to basic animal welfare. The dead included a 4-year-old female who had no water spout in her cage, a 10-year-old female whose water line was malfunctioning, three monkeys with a medical history of “water deprivation,” and a 3-year-old female rendered unable to drink after her tooth became snagged in a jacket. The data provided by Wang, in fact, suggests that these types of deaths may have gone on for a decade.

According to the *Globe*, Wang disclosed the information because he believed the paper could lead to “unwarranted research,” as it purports to illustrate the susceptibility of squirrel monkeys to developing hypernatremia where the real culprit may have been neglect. Instead of showing that squirrel monkeys would be a good “model” for hypernatremia research, said Wang, the retracted paper is actually a report on the “consequences of what appeared to be inadequate animal care.” AWI wholeheartedly agrees. 🐾



Setting Standards: How Best to Meet the Needs of Nonhuman Primates in Research

As the USDA considers a Petition for Rulemaking to establish criteria to promote the psychological well-being of primates, a discussion concerning regulations based on “performance standards” as opposed to “engineering standards” is timely. The use of performance standards for animals in research was the topic of a roundtable this spring by the Institute for Laboratory Animal Research, at the National Academy of Sciences. AWI laboratory animal advisor, Dr. Kenneth Litwak, gave a presentation on AWI’s concerns and objections to their use.

The term “performance standard” as used with animals in research describes a desired outcome, but is intentionally vague about how the outcome will be met. It differs from an “engineering standard,” which details the specific requirements concerning what must be provided for the animals. AWI views performance standards with much cynicism given how, historically, they have been used by those seeking to maintain the status quo and to hinder the move toward improvements in laboratory animal care. The following is an abbreviated history regarding the adoption of performance standards:

A vocal segment of the research industry spent years throwing up roadblocks to prevent passage of the Improved Standards for Laboratory Animals (ISLA) amendments to the Animal Welfare Act. In 1985, the bill finally passed, despite an attempt to secure a last-minute amendment to

Institutions are required to create a “plan ... to address the social needs of nonhuman primates”—a vague performance standard. Engineering standards provide specifics, e.g., that each primate must be housed with another primate.

scuttle it. Then, having failed to prevent the law’s adoption, the effort shifted to the regulatory process, and opponents of the law managed to hold up promulgation of regulations for years. Initially, engineering standards were drafted to establish the parameters of a physical environment that would promote the psychological well-being of primates. However, opponents raised a great hue and cry about the cost to comply with these requirements. (We respectfully disagreed, as these estimates had been greatly inflated.)

In the end, opponents of ISLA prevailed in securing weak regulations for enforcement. Performance standards were finalized, which left it up to each facility to determine how to achieve the required outcome. Further, each facility’s unique plan would be hidden from public scrutiny. The plans were to be held at the premises and could be perused by USDA inspectors when conducting their inspections. But ensuring that the plans would not be *submitted* to the USDA, however, also ensured that the Freedom of Information Act could not be invoked by those who might wish to examine the plans in order to assess their adequacy.

The result? The USDA’s own veterinary inspectors had no idea how to enforce the law and those within the labs who wanted to meet the spirit of the law did not know how to proceed. Those who were doing nothing for primates and who wanted to continue on that course were able to do so with impunity. When, in 1999, a USDA team produced a first-rate, scientifically based draft policy as an aid to compliance with and enforcement of the law, opponents made sure it was shelved.

Now, the same groups that tried to scuttle ISLA will proclaim the success of performance standards. We would hope the situation has improved for primates in research, as 30 years have transpired since the law was passed. However, much remains to be done. There are still too many primates housed alone in inadequate, stress-inducing environments; more space is needed and the quality of that space must be improved; finally, positive reinforcement training (whereby animals are trained to willingly comply with routine handling procedures so as to reduce stress and forced restraint) needs to be standard practice. After all, improved housing, care and handling will also result in better science; let’s make clear what the primates need. 🐾

CLOSING A LOOPHOLE ON VEAL CALF SLAUGHTER

On May 13 the Food Safety and Inspection Service (FSIS) proposed an amendment to its regulation requiring the immediate humane euthanasia of nonambulatory cattle. The original 2007 regulation contains a loophole: it allows veal calves who are unable to walk to be set aside temporarily to “rest” and then, if they can be forced to walk, they can be slaughtered for food.

In 2009, a rulemaking petition was submitted claiming the loophole is inconsistent with the Humane Methods of Slaughter Act, because it creates an economic incentive for inhumane treatment. Two undercover investigations yielded footage of plant personnel dragging, kicking, and shocking calves with electric prods, forcing them to rise and thus be eligible for slaughter. FSIS enforcement records

also show abuse, including allowing ambulatory calves to trample disabled ones, and dropping nonambulatory calves into pens. Furthermore, while these calves are “recovering,” they are often denied access to water and are subjected to conditions that only prolong their suffering.

The amendment would require prompt euthanasia of any nonambulatory calf on the grounds of a slaughter plant. It would also incentivize higher on-farm welfare for calves. Common practices for raising veal calves—such as malnutrition and intensive confinement—often lead to disability. Under the amendment, farmers would have an economic incentive to raise stronger, healthier calves who are less likely to become nonambulatory during transport or at slaughter. 🐾

FARM ANIMAL WELFARE: WHAT YOU CAN DO



AWI works every day to improve the lives of farm animals. We endeavor to get animal welfare laws and regulations passed, pressure the agriculture industry to improve its standards, and educate the public through reports and action alerts—all in the name of giving farm animals a life worth living.

AWI recently published a brochure that offers five easy things you can do on behalf of farm animals on a daily basis, as well. The brochure, *5 Ways You Can Help Farm Animals*, provides tips on what

foods to avoid because of their association with animal cruelty, how to stop a factory farm from becoming your neighbor, and what to look for in animal welfare claims on labels when grocery shopping.

One of the best ways to help farm animals is by spreading the word—you can download copies of the brochure at www.awionline.org/help-farm-animals and give them to your friends and family. 🐾

Health Hazards in Chicken Production Exposed

THE TROUBLE WITH CHICKEN, a Frontline documentary that premiered on PBS in May, exposes the dangers of microbial pathogens in poultry, and the lack of laws protecting the public. Following the show's airing, two bills were introduced to Congress: the Pathogen Testing and Reduction Act (PTRA) and the Meat and Poultry Recall Notification Act (MPRNA).

Before August 2014, poultry producers were not required to test their products for dangerous pathogens. Even now, producers create their own protocols, deciding themselves how many samples to test and what level of pathogens is acceptable. Currently, recalls are largely voluntary. *The Trouble with Chicken* discusses an outbreak of antibiotic-resistant *Salmonella* that lasted over a year, sickening 46 people and killing one. After the first few cases, the USDA was fully aware of the disease and its source, but powerless to stop it.

If these bills pass, they will heighten standards for poultry, meat and egg production. The PTRA would require the USDA to establish sampling protocols and force producers to condemn products as “adulterated” if they contain antibiotic-resistant pathogens. The MPRNA would authorize the USDA to institute mandatory recalls of meat and poultry when public health is threatened. 🐾



SHEILA SUND

ANIMAL BILLS ON THE HILL

The 114th Congress has been an active one when it comes to animal welfare measures, both good and bad. A few of the most prominent good ones are summarized below. The outcome of the appropriations process, which is currently underway, will be reviewed in a later issue of the *AWI Quarterly*.

Wildlife Trafficking

While many members of Congress are trying to undermine wildlife protection, some are actually trying to improve it. Reps. Ed Royce (R-CA) and Eliot Engel (D-NY) introduced the Global Anti-Poaching Act (HR 2494). The House Foreign Affairs Committee approved this bill, with minor amendments, so it is ready for floor action. Sens. Dianne Feinstein (D-CA) and Lindsey Graham (R-SC) introduced the Wildlife Trafficking Enforcement Act (S 27). Both HR 2494 and S 27 put penalties for wildlife crimes on a par with those for trafficking in drugs and weapons, by making wildlife crimes predicate (underlying) offenses under US racketeering and money laundering laws. The fines generated from penalties for those wildlife violations must be used for the benefit and conservation of the affected species. The House bill also addresses the expansion of wildlife enforcement networks and the professionalization of wildlife law enforcement.

Pet Safety and Protection Act

Reps. Mike Doyle (D-PA) and Chris Smith (R-NJ) have reintroduced the Pet Safety and Protection Act (PSPA, HR 2849) to prohibit Class B dealers from selling random-

source dogs and cats to laboratories. Although few of these dealers remain, the USDA must waste valuable resources on the hyper-vigilance these dealers require. Rep. Doyle has called this system of supplying dogs and cats for use in research “an unmitigated disaster.” While the National Institutes of Health’s ban on using these random source Class B dealers as sources of dogs or cats helped dry up a significant portion of the market, some facilities have refused to change their ways. The PSPA is needed to cut off this cruel pipeline once and for all.

Humane Cosmetics Act

Unlike the European Union, the United States continues to rely on cruel, wasteful, costly, and inaccurate animal tests to evaluate the safety of cosmetics. The Humane Cosmetics Act (HR 2858), introduced by Reps. Martha McSally (R-AZ), Don Beyer (D-VA), Joe Heck (R-NV), and Tony Cárdenas (D-CA), will phase out the use of animal testing for cosmetics manufactured in the United States and ensure that US companies utilize the most advanced, reliable, and cost-effective technology for achieving results that actually are relevant to human health.

Pet and Women Safety Act

Sens. Kelly Ayotte (R-NH) and Gary Peters (D-MI) have introduced the Pet and Women Safety Act in the Senate (PAWS Act, S 1559). A companion to the House bill introduced earlier this year (HR 1258), the PAWS Act would assist agencies that help domestic violence survivors obtain housing for their companion animals. Domestic violence victims often refuse to leave their abusive situations because they fear retaliatory actions might be taken against their pets.

Captive Primate Safety Act

To address a problem of both animal and human welfare, Reps. Mike Fitzpatrick (R-PA), Earl Blumenauer (D-OR), Vern Buchanan (R-FL), Rosa DeLauro (D-CT), John Larson (D-CT), and Peter King (R-NY) have introduced HR 2920, the Captive Primate Safety Act (CPSA). This legislation, aimed at the pet trade, prohibits commerce in nonhuman primates. Tens of thousands of these animals are kept as pets, a situation for which both the animals and owners are ill-suited. While some of the primates kept as pets may eventually wind up in sanctuaries and be given a chance at a better life, a vast number end up leading shortened, socially deprived, pain-filled lives. 🐾

Sen. Booker Introduces Bill to Ban Body-Gripping Traps in National Wildlife Refuges

“THAT’S A WAKE-UP CALL.” These words were uttered by the chairman of the Senate Environment and Public Works Committee, Sen. James Inhofe (R-OK), after hearing about the numerous animals killed by horrific body-gripping traps. The chairman’s statement came immediately after Sen. Cory Booker (D-NJ) delivered what Ranking Member Barbara Boxer (D-CA) called a “heart-stopping presentation” on the Refuge from Cruel Trapping Act (RFCTA). The RFCTA, with a companion bill introduced by Rep. Nita Lowey (D-NY) in the House of Representatives, would prohibit the use of body-gripping traps such as strangulation snares, steel-jaw leghold traps, and Conibear traps within the National Wildlife Refuge System.

The May 6 committee hearing represented the first time in decades that a congressional hearing addressed the use of cruel and indiscriminate body-gripping traps on our nation’s public lands. The RFCTA was the only animal-friendly bill under consideration during the hearing. The

eight other bills under discussion were all pointed attacks against the Endangered Species Act.

As Sen. Booker spoke before the committee—its members, congressional staff, and members of the public filling the room—he showed photos of the countless nontarget animals, including endangered and threatened species, that fall victim to these indiscriminate and archaic devices. Even pets are at risk, and during the hearing, Sen. Booker drew special attention to a photo of Bella, a beagle who was killed by a Conibear trap.

The heart-wrenching photo of the dog’s mangled body stayed up for the remainder of the lengthy hearing—a poignant reminder that her death should not be in vain. Sen. Booker asked why such deadly traps need to be set on public lands and highlighted the serious threats that body-gripping traps pose to public safety: “Our wildlife refuges attract more than 47 million visitors a year. Nearly all those visitors, more than 99 percent, are using our refuge system for recreational purposes, not for trapping. Why would those 47 million visitors need to worry about the safety of their pets or even worse, the safety of their children?”

Although the link between cruelty and trapping is hardly new, this marks the first time that federal legislation to prohibit the use of body-gripping traps in national wildlife refuges has been introduced in the US Senate. For decades, AWI has sought to protect animals from steel-jaw leghold traps, strangulation snares, and Conibear traps through regulatory and legislative channels, in addition to educating the public about these indiscriminate and cruel devices. AWI will continue to work closely with Sen. Booker and Rep. Lowey to pass this vital legislation that protects humans and animals alike.

In the 1980s, AWI worked with the New Jersey legislature to pass a comprehensive law prohibiting the use of leghold traps in that state. Since that time, more states have followed New Jersey’s lead in restricting body-gripping traps. It is heartening, therefore, to see Sen. Booker continue to advance his home state’s tradition of protecting animals from these horrific devices. 🐾



Above: Sen. Cory Booker of New Jersey speaks stirringly on the need for the Refuge from Cruel Trapping Act, a bill he sponsored. Below: Bella, a beagle killed by a Conibear trap.

Visit AWI’S COMPASSION INDEX (www.awionline.org/takeaction) to urge your federal legislators to support these and other bills to advance animal welfare.

FEDERAL AGENCIES SEEK TO STIFLE CITIZEN PARTICIPATION IN ESA LISTING PROCESS

In May, the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) proposed what could arguably be considered two of the most detrimental changes ever to the listing process under the Endangered Species Act (ESA).

The first proposed change would require any individual or organization petitioning to have a species listed for protection under the ESA to first provide notice of the petition to all states in the range of the species and attach any and all information that these states want to have included with the petition. It also requires the states to first certify that all relevant information has been included with a petition before it could be filed with the relevant federal agency.

This proposal provides states with the means to derail attempts to list species should they wish to do so. It essentially requires the states' permission before a petition can be filed—despite the fact that many species are in trouble (and in need of federal protection under the ESA) precisely *because* the state or states in which they live have failed to take the proper steps to protect them and their critical habitat.

The second proposal is to bar petitions that propose to list more than one species at a time—another measure that would increase the amount of work that citizens and organizations like AWI have to do in order to protect species that occupy the same area and may face similar threats. This proposal would also create more work for the agencies themselves, as every time a separate listing petition is submitted, they have to publish a federal register notice and collect public comments.

Not only is it clear that both of these proposals would make it more difficult for imperiled species to get the protection that they need, but they are also arguably illegal. The USFWS and NMFS do not have the authority to regulate the behavior of private citizens in the ESA listing process *before* a petition is filed. Citizens preserve certain constitutional and administrative rights that US agencies are not authorized to infringe, particularly since the ESA is not even “activated,” so to speak, until an actual petition is filed with the agency (or a species is listed). The USFWS and NMFS have effectively proposed to tell all of us what you can and cannot write and include in a listing petition.

NMFS has only signed onto one of the proposals (the ban on multi-species petitions). Although the agencies claim that this is because there are “greater logistical difficulties” when it comes to coordinating state participation on marine species, some advocates feel that NMFS bowing out of this requirement highlights just how very controversial (and potentially illegal) this proposed rule actually is.

The proposed rules also have advocates wondering what interests are at play here, since neither of the rules provide a benefit to the species or the agencies. The only apparent benefit is to states and private interests that oppose certain species being listed in the first place—interests that the USFWS and NMFS should not be placing before the protection of endangered species. 🐾

WHAT YOU CAN DO: *The government is accepting public comments on the proposed rules until September 18, 2015. Please keep an eye out for AWI's action alert in early September, and consider adding your voice to the process.*

USING DRONES TO SURVEY RAPTOR NESTS

By James Junda and Dr. David Bird

Surveying nesting raptors provides important information on population productivity. Since raptors occupy spots near the top of the food web, they are also often good indicators of ecosystem health. But surveying raptor nests using traditional methods requires climbing to the nest or flying over it in a small airplane or helicopter. While useful, both of these survey methods cause significant disturbance to nesting birds, not to mention posing a serious risk of injury or death to biologists. Thus, our aim was to reduce the disturbance to nesting birds, while maintaining the accuracy of the surveys.

Unmanned Aerial Vehicles (UAVs), or “drones,” offer a viable alternative to traditional technologies for a wide variety of data collection tasks, but little work has been done investigating the response of wildlife to these devices. Our study assessed the use of a Draganflyer X-4 rotary-winged quad-copter mounted with a camera to safely and accurately census the nest contents of four raptor species: osprey (*Pandion haliaetus*), bald eagle (*Haliaeetus leucocephalus*), ferruginous hawk (*Buteo regalis*), and red-tailed hawk (*B. jamaicensis*).

Using generous support from AWI’s Christine Stevens Wildlife Award, we were able to fly 24 nest surveys in Saskatchewan, Canada. Between June 21 and July 6, 2014, we completed UAV surveys of bald eagles (8 nests), ferruginous hawks (11 nests), and red-tailed hawks (5 nests), with each survey taking place when feathered nestlings were present in the nests. We obtained a nest image in 7 of 8 flights over bald eagle nests, 10 of 11 over ferruginous hawk nests, and 3 of 5 over red-tailed hawk nests. These surveys,

combined with the total of 86 nest survey flights over osprey nests performed in Missoula, Montana, in the summer of 2013, comprised our field research.

Over three nesting seasons, the UAVs flew surveys over more than 100 raptor nests and, in most situations, performed as required and without incident. This technique can be readily adapted to a variety of habitat types and species. The success in obtaining data combined with the reduction of safety risks and obtrusiveness associated with using manned aircraft, bucket trucks, or climbing to nests to count eggs or young illustrates the benefits and suitability of these machines to survey nests. To maximize success, it is critical that proper flight technique, taking into account bird and human safety, is adopted, practiced, and executed.

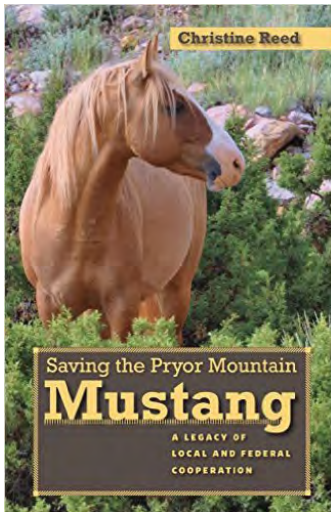
Additionally, through intense behavioral documentation and analysis, we have shown that UAVs do not cause high levels of disturbance to the nesting raptors in our study. Based on our findings, UAVs represent an effective and adaptable tool for safely surveying raptor nests and may be appropriate for use by other researchers. 🐾

James Junda is an MS candidate at McGill University, Department of Natural Resource Sciences—Wildlife Biology. He has 10 years of experience safely collecting data on avian conservation projects across the globe. He is the director of the Monomoy Refuge Banding Station.

Dr. David Bird is founding editor of the Journal of Unmanned Vehicle Systems. He has over 40 years of experience with raptor biology as a professor of wildlife biology at McGill University.



SAVING THE PRYOR MOUNTAIN MUSTANG: A Legacy of Local and Federal Cooperation



Christine Reed
University of Nevada Press
ISBN: 978-0874179668
152 pages; \$34.95

Saving the Pryor Mountain Mustang: A Legacy of Local and Federal Cooperation, chronicles the lengthy and evolving struggle of one local community to preserve an isolated wild horse herd on the Wyoming/Montana border. Even before passage of the Wild Free-Roaming Horses and Burros Act of 1971, the efforts of dedicated Lovell, Wyoming, advocates led to

the establishment of the first federally protected wild horse range open to the public in 1968, the Pryor Mountain Wild Horse Range. Because the range spanned lands managed by three federal agencies, the Bureau of Land Management (BLM), the US Forest Service, and the National Park Service (NPS), all with different, and often conflicting, mandates, the advocates' campaign was challenging.

It was believed from the outset, and later confirmed by genetic testing, that Pryor Mountain wild horses are descendants of the Colonial Spanish Horse. The Lovell advocates were driven by their concern for the humane treatment of animals, but even more so by their desire to preserve the horses' historic bloodlines. Committed individuals successfully worked to persuade those opposed to the refuge that it could be a valuable tourist attraction to the area.

Author Christine Reed hypothesizes that the process of "consultation" used by local advocates beginning in the 1960s and continuing through the present is responsible

for the initial establishment of the range and for herd management practices used by the BLM today. She claims that, unlike many national animal protection organizations that often turn directly to confrontational tactics such as lawsuits and administrative appeals to achieve their goals, Lovell advocates intentionally decided to work with the BLM and the NPS rather than against them. Reed contends that this strategy of building trust and cooperation between advocates and agencies was relatively productive and could serve as a lesson to others trying to influence management outcomes.

Each chapter of Reed's book is filled with examples of modest and monumental victories by Lovell advocates, including their work to expand the horses' range; their voluntary and extensive genealogy project of identifying individual horses, offspring and harems; their support of adaptive management for improving habitat health; and their construction of the educational Pryor Mountain Wild Mustang Center.

Reed recognizes the Lovell community's general distrust of "horse hugger" outsiders. She claims the local advocates' success was a result of remaining insulated from "the drama of national politics" and using their "distinctive" consultative approach. However, she discounts the significance of the changing political environment that paved the way for improvement in the BLM's management of the Pryor Mountain herd. BLM management decisions come more from the top down than the bottom up. No "circling of the wagons" changes the fact that Lovell advocates were the beneficiaries of both the consultative and confrontational approaches of national and grassroots organizations. Also, national organizations do routinely engage in consultation—a point that was overlooked by the author.

While it is true, as the author states, "there's no 'god's-eye view' allowing one to claim objectivity in the critical analysis of any social phenomenon," there is also no reason to don blinders. Reed's 50-year historical account is fascinating, and many of the Lovell advocates' accomplishments merit praise, but readers should bear in mind that there is much more to this story. 🐾

Written by Andrea Lococo, AWI Wildlife Consultant

BEQUESTS

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

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

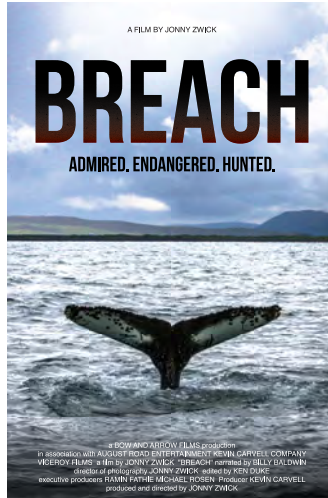
Donations to AWI, a not-for-profit corporation exempt under Internal Revenue Code Section 501(c)(3), are tax-deductible. We welcome any inquiries you may have. In cases in which you have specific wishes about the disposition of your bequest, we suggest you discuss such provisions with your attorney.

BREACH

In the summer of 2013, a young filmmaker from California named Jonny Zwick set out on a three-month journey around Iceland, intent on understanding the contradiction that makes the country both a burgeoning whalewatch center and one of the only countries in the world to kill whales—including endangered fin whales—for commercial purposes.

The result of this effort, *BREACH*, is a compelling feature documentary film that chronicles the evolution of Icelandic attitudes toward whales and whaling. Through interviews with scientists, business owners, students and even whalers themselves, the film provides a unique insight into the whaling industry's battle to survive, apparently at all costs, in a country increasingly dependent on live whales for its thriving tourism industry.

While all those interviewed in the film are Icelanders, they do not all share the same outlook. Whalewatch company representatives and environmentalists stress the positive image that whales represent for their country.



The whaling industry, on the other hand, appears focused less on building the country's image and economy, and more on individual profit.

BREACH is visually stunning, featuring the country's deep, icy fjords and rugged, snow-draped mountains as backdrops (familiar to any *Game of Thrones* aficionado). Majestic footage of live whales is judiciously balanced against short scenes of whales being harpooned and processed. The latter are shocking reminders of the cruelty that is an inherent part of the commercial whaling industry, and the film should be of supreme interest to anyone concerned

about the conservation of whales.

BREACH has already appeared at several film festivals, including the New York City International Film Festival and San Francisco's Doc Fest. Narrated by actor Billy Baldwin, *BREACH* is executive produced by Michael Rosen of August Road Entertainment and Ramin Fathie of Viceroy Films. To view a trailer and for more information, visit www.breachthefilm.com. 🐾

The Trap

The Kinship Series, Volume 2

Robin Lamont

Grayling Press

ISBN: 978-0985848569

252 pages; \$12.95

EACH YEAR, using taxpayer dollars and very cruel methods, the USDA's Wildlife Services program kills anywhere from 1.5 million to more than 5 million animals. What is especially frightening about the program is its lack of transparency; many members of the public have no idea that Wildlife Services even exists—or that it kills so many wild animals in an effort largely to protect private interests.

Robin Lamont's *The Trap* could open people's eyes. This second book in the Kinship Series follows main character Jude as she goes undercover to investigate the murder of a Wildlife Services trapper and in the process learns about Wildlife Services and what it does. Although

the murder mystery is a work of fiction, the backdrop is all too real. Lamont delves deep into the lethal practices that the program uses to indiscriminately kill wildlife—particularly wolves—in states such as Idaho.

The author provides extra color by taking the reader through the various perspectives of all the characters involved—including the animals, as they suffer after being caught in leghold traps or shot via aerial gunning. The book is well researched and accurate. Hopefully, it will reach an audience that may not otherwise be exposed to the truth about Wildlife Services. 🐾





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Obama Administration Announces Pollinator Protection Plan

THE WHITE HOUSE unveiled a *National Strategy to Promote the Health of Honey Bees and Other Pollinators* on May 19. The strategy seeks to arrest the catastrophic decline of such pollinators as honey bees and monarch butterflies, by making millions of acres of federal lands more habitable for bees and butterflies, while studying ways to reduce the havoc pesticides wreak on these and other key pollinators.

John Holdren, director of the White House Office of Science and Technology Policy, noted that “pollinators are critical to the Nation’s economy, food security, and environmental health. Honey bee pollination alone adds more than \$15 billion in value to agricultural crops each year.”

For more than three decades, honey bees have been in serious decline in the United States. Between April 2014 and 2015, beekeepers lost over 42 percent of their colonies. Monarch butterfly populations, meanwhile, are also crashing—an apparent victim of altered weather patterns and industrial agricultural practices in the Midwest that eliminate their milkweed food supply (see Spring 2013 AWI Quarterly).

The *Washington Post* reports that, according to Holdren, the Obama administration is concerned not only about the bees’ economic impact, but also about what the decline says about our environment health in general: “If honeybee colonies are collapsing for a reason we don’t understand, what is that telling us about our overall impacts and understanding of the ecosystems on which we depend?”

The question, however, is whether the plan is bold enough. While bee scientists are happy that the issue is finally getting some serious attention in Washington, many activists see the plan as grossly inadequate given the enormity and immediacy of the crisis. Many seek an outright ban (as in Europe) on neonicotinoid pesticides—considered a prime culprit in the bee population collapse. On this count, it is telling, perhaps, that CropLife America, a pesticide industry trade association, praised the plan for its “multi-pronged coordinated approach.” One could easily read that to mean they are happy because it leaves them to pursue business as usual... for now. 🐾

