

## OPEN LETTER

Joel K. Manby  
President, CEO, and Director  
SeaWorld Parks & Entertainment  
9205 South Park Center Loop, #400  
Orlando, FL 32819

Dear Mr. Manby,

On behalf of our more than 6.5 million members and supporters, our organizations are writing this open letter to you to request the voluntary release of the necropsy (animal autopsy) report and clinical history for Tilikum to the National Marine Fisheries Service (NMFS), the federal agency responsible for the conservation and management of marine mammals.

Marine-mammal exhibition facilities such as SeaWorld are required to obtain permits to capture from the wild or import marine mammals for public display under the U.S. Marine Mammal Protection Act (MMPA), which was passed in 1972. When Tilikum was first imported into the United States in 1992, these permits contained special conditions established by the NMFS. In his case, this included a standard requirement to submit his necropsy and clinical history results to the NMFS when he eventually passed away. These conditions also apply to his progeny, including his granddaughter Kyara, who died of suspected pneumonia on July 24<sup>th</sup> at SeaWorld San Antonio at only 3 months of age, and at least eight other offspring who are still alive today.

We strongly urge SeaWorld not only to comply with this legal requirement but also to adopt this standard voluntarily for all cetaceans in its care. In doing so, SeaWorld would set an admirable and progressive industry standard and satisfy the strong public interest in the health and welfare of these animals. Indeed, reasonable transparency regarding health records is essential to legitimate marine-animal rescue and rehabilitation work, a role that SeaWorld claims is integral to its mission.

SeaWorld spokespeople have indicated that the disease from which Tilikum died is found in free-ranging orcas. Therefore, his medical history and necropsy results are of particular value to both wild cetaceans and the global network of scientists who routinely study and rescue these animals. Furthermore, considering that Tilikum was older at the time of his death than almost any other captive male orca before him, these data are potentially significant for advancing the welfare of whales and dolphins maintained in captivity.

Since SeaWorld first publicly announced Tilikum's failing health in March 2016, our animal protection groups have been communicating with federal agencies regarding SeaWorld's compliance with the requirements in his permit. Our legal analysis confirms that these requirements remain in effect despite amendments to the MMPA in 1994 that were made at the request of the public-display industry to undermine federal oversight of the welfare of captive marine mammals. While this dialog about the legal enforcement of this permit continues, we encourage SeaWorld to comply voluntarily with this requirement in an effort to meet basic professional standards of transparency.

Additionally, we formally request that SeaWorld establish a more transparent process for the evaluation of scientific research proposals that request access to data on animals at SeaWorld. We believe that this could be achieved by creating a review panel consisting of at least one independent member, which would examine proposals using established criteria to guide an objective evaluation of the proposal's merits. Decisions made by this panel should then be provided to the applicant, along with an explanation of reasons that the proposal did or did not meet these criteria. This will help clarify to the scientific community and the public when and why certain orca research projects are—or are not—being pursued at SeaWorld.

We believe that making Tilikum's health information available is not only the required thing to do but also the right thing to do in order to advance sound science, animal husbandry, education, and public accountability. SeaWorld's unwillingness to provide basic health information to regulatory agencies is inconsistent with its purported mission. Thus, we encourage SeaWorld to maximize the transparency surrounding the lives and deaths of all cetaceans in its care, including its decision-making process for evaluating third-party research proposals for studies aiming to investigate captive cetacean health and welfare. Increased transparency should be a goal of any company seeking to improve its public image, and in this specific case, greater transparency is likely to advance the health and welfare of cetaceans everywhere.

Sincerely,

Jared Goodman  
Director of Animal Law  
PETA Foundation

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