

# AWI Quarterly

Winter 2014 Volume 63 Number 1



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## ABOUT THE COVER

A harp seal mother and pup haul out on ice in the Gulf of St Lawrence, Canada. Every year, nearly a million seals from 15 or more species are slaughtered around the globe. Canada, Greenland, Namibia, Russia and Norway are the primary seal hunters—for fur, meat, and oil to put in animal feed and omega-3 supplements. Some seals are also culled simply because they are viewed as competition to commercial fisheries.

In 2010, Canada and Norway filed a challenge to a 2009 EU regulation that bans the trade in seal products within the European Union, with exemptions for subsistence hunts and regulated culls. In November 2013, the WTO panel issued its ruling—allowing the ban to stand but with qualifications that may or may not ultimately undermine it. The panel's decision and its ramifications for the welfare of seals—and other animals subject to international trade—is discussed in the article on page 10.

PHOTO BY MICHIO HOSHINO/MINDEN PICTURES

## Dolphin Drive Hunts: Slaughter Continues as Condemnation Grows

ON JANUARY 17, hundreds of bottlenose dolphins were herded to shore in Taiji, Japan—one of many dolphin drives that take place there during dolphin hunting season, which generally runs from September through March. AWI Quarterly readers may be aware of these dolphin drives—featured in the Oscar winning documentary, *The Cove*—in which some animals are removed for sale to aquariums and others are brutally slaughtered for meat.

This roundup marked the largest in recent years in terms of numbers of animals. Over 40 dolphins were eventually killed or died during the chaos of capture and confinement. Fifty-two were removed for sale to dolphinariums, including an albino calf—nicknamed Angel by the international animal welfare community. The remaining animals were released to the open sea—though how many will die from the stress associated with the chase, capture and confinement, and trauma of seeing relatives removed and killed is unknown.

AWI and others publically condemned the hunt and urged international action. Media attention exploded after the US Ambassador to Japan, Caroline Kennedy, made an online statement via Twitter: “Deeply concerned by inhumaneness of drive hunt dolphin killing. USG [US government] opposes drive hunt fisheries.” Other governments and many celebrities also publically condemned the hunt. The media attention that this single roundup drew is unprecedented for this issue. We hope it will finally help turn the tide and give some point to the pain and suffering that these dolphin victims had to endure.

If you would like to thank Ambassador Kennedy for speaking out, you can either send an email through the embassy website at [japan.usembassy.gov](http://japan.usembassy.gov); write her at “Ambassador Caroline Bouvier Kennedy, Unit 9800 Box 300, APO AP 96303-0300”; or post a note on Twitter @CarolineKennedy. 

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**Above Left:** A service dog joins his human companion on Capitol Hill in support of the Wounded Warrior Service Dog Act. (Alexandra Alberg/AWI)

**Top Right:** A pile of ivory bracelets and beads await destruction at the National Wildlife Property Repository in Denver. (Kathryn Dailey)

**Bottom Right:** A federal budget bill agreed to in January will prevent horse slaughter for the remainder of the fiscal year. (Morguefile)





*Operation Nanook, a multi-agency effort involving NOAA, the US Fish and Wildlife Service, and Environment Canada's Wildlife Enforcement Division, helped nab the narwhal ivory traffickers.*

## Guilty Pleas for US Narwhal Ivory Traffickers

TWO TENNESSEE MEN pleaded guilty in early January to selling tusks from over 100 narwhals over a 10-year period. The sales, conducted over the Internet and directly to known collectors, reaped more than \$1.5 million for the traffickers, Jay Conrad of Lakeland and Eddie Dunn of Eads. The pair obtained the narwhal tusks from a Canadian supplier, known by both men to have illegally imported the tusks from Canada into the United States. Conrad pleaded guilty in the US District Court for the District of Maine to conspiring to illegally import and traffic narwhal tusks, conspiring to launder money, and trafficking narwhal tusks, while Dunn pleaded guilty in the US District Court for the District of Alaska to conspiring to traffic, and trafficking, narwhal tusks. Both men face prison time (Conrad up to 20 years and Dunn up to five) and \$250,000 in fines. A third co-defendant, Andrew J. Zarauskas, is facing trial in Maine for related offenses and a fourth is facing extradition from Canada to Maine.

Narwhals are small whales with a long, straight, helical tusk protruding from the upper left jaw. The tusk is prized by collectors. The animals are protected by the Marine Mammal Protection Act and are also listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which means that trade in the live animals and their parts is restricted. ♦

## GREEN SEA TURTLES GAIN GROUND IN FLORIDA

Green sea turtles (*Chelonia mydas*) have made a huge comeback in Florida, where most of their nests are located in the United States. According to the Florida Fish and Wildlife Conservation Commission, there were only 62 nests in the state in 1979. By contrast, 35,000 nests were found in 2013—35 years after the animals were placed on the list of species protected by the Endangered Species Act.

Nesting season for the turtles runs from spring to early fall. Perhaps the most dangerous journey the turtles will make is from nest to sea because of the potential to be killed by predators, crushed on the beach, or confused by lights from buildings or homes. Efforts to restrict beach development and keep lights off near beaches during the nesting season have helped ensure that the turtles have enough space to nest and eventually crawl toward the ocean. With the federal listing also came a ban on harvesting turtle eggs, turtle fishing, and the sale of turtle meat—all of which helped protect the turtles from exploitation and recover populations.

However, green sea turtles still face significant threats from boats, fishing line, litter on beaches, and fibropapillomatosis—a disease that causes them to grow tumors all over their bodies. The disease—possibly caused by a virus—is likely linked to ocean warming and pollution, including agricultural runoff. ♦



*A green sea turtle hatchling heads for the sea at Archie Carr National Wildlife Refuge. Endangered Species Act protection has helped these turtles stage a comeback in Florida.*

USFWS SOUTHEAST

# MUSICIANS SIDESTEP SEAWORLD AMIDST ORCA CONTROVERSY

A host of musicians who had been slated to appear at SeaWorld Orlando as part of a concert series at the park have changed their tune—electing to bow out rather than take bows before a captive audience of orcas. The mass exodus began shortly after CNN broadcast the documentary, *Blackfish*, in October 2013. Among the musical acts who have elected to cancel rather than take the SeaWorld stage: Willie Nelson, Barenaked Ladies, Tricia Yearwood, Cheap Trick, Heart, Martina McBride, 38 Special, and Trace Adkins. In addition to the concert cancellations, Joan Jett filed a cease and desist notice ordering SeaWorld to quit using her song, “I Love Rock ‘n’ Roll,” during the orca shows.

*Blackfish* examines the death of trainer Dawn Brancheau by one of the SeaWorld orcas, and shines a harsh light on the industry’s treatment of captive orcas and apparent lack of concern for the safety and well-being of its workers. The musicians, on the whole, were guarded in their comments concerning their reasons for backing out, but Willie Nelson was forthright: “I don’t agree with the way they treat their animals .... What they do at SeaWorld is not OK.” ♪

## Panel Raises Orca Captivity Questions at Society for Marine Mammalogy Conference

THE SOCIETY FOR MARINE MAMMALOGY’S 20<sup>th</sup> Biennial Conference on the Biology of Marine Mammals—the world’s largest gathering of marine mammal scientists—was held in Dunedin, New Zealand, the week of December 9, 2013. At least 1,100 researchers and conservationists listened to hundreds of talks and read dozens of posters on marine mammal biology, behavior, conservation and policy.

For the first time, they also confronted the controversy surrounding the captive display of one of the ocean’s largest (and certainly one of its most charismatic) predators—the orca. Even the academic, ivory tower Society could not escape the spotlight focused on captive orcas by David Kirby’s book, *Death at SeaWorld*, and Gabriela Cowperthwaite’s

documentary, *Blackfish*. The conference hosted an evening panel discussion, with six experts addressing questions from conference attendees on various scientific aspects of holding these whales in (as zoos like to say) “human care.” Two (AWI’s Dr. Naomi Rose and the University of Victoria’s Dr. David Duffus) were openly anti-captivity. Three were more or less neutral (Drs. Doug DeMaster with NOAA, Mark Orams with Auckland University of Technology, and Robin Baird with Cascadia Research) and one, Dr. Judy St. Leger, was a veterinarian at SeaWorld.

The Society for Marine Mammalogy is now 40 years old, but it is far behind the general public when it comes to addressing the ethical questions raised by keeping orcas in concrete tanks. Astonishingly, it is also out of date regarding the scientific aspects of confining these large, socially complex, intelligent, and long-lived animals in artificial enclosures.

The panel members’ responses made it clear that very little welfare science on captive orcas has come out of places like SeaWorld since the company pioneered the species’ display in 1965; even less has been published by independent researchers. The dearth of outside research has occurred not from lack of will but lack of access—SeaWorld has been reluctant to allow non-industry researchers to study its orcas. Dr. St. Leger suggested that such access might increase in the future. (She could hardly do otherwise in front of the Society!)

The Society’s board hinted prior to the conference that members had complained that the planned panel discussion on orca captivity “lacked credibility.” The actual attendance at the event, however, and the reactions of the audience to the panel members’ responses strongly suggested otherwise. While the “pro-captivity” perspective was well represented (notably in the front row seats of the event venue), the majority of the audience—at least 350 people, a full third of the conference attendees—seemed sympathetic to the anti-captivity point of view, judging by which comments they chose to applaud.

Hosting an evening panel discussion on the welfare of captive orcas is the first, small step toward dragging the Society into the 21st century on the issue of keeping marine mammals—especially cetaceans—in captivity for entertainment and “education.” The Society, founded by researchers from the public display industry in the 1970s, is averse to looking inward and taking a stand on controversial topics. In 2015, the biennial conference will be in San Francisco—SeaWorld’s “back yard.” The next step will be to propose a formal workshop to examine closely the science on captive orca welfare. Stay tuned. ♪

# DOUBLE DOSE OF CRUELTY: DOLPHINS KILLED TO SERVE AS SHARK BAIT

by Stefan Austermühle

Stefan Austermühle, German biologist and executive director of Peruvian NGO Mundo Azul (Blue World), wrote in the fall 2003 edition of the AWI Quarterly of his organization's battle against illegal dolphins hunts for human consumption in that country's waters. In the article that follows, Stefan relates his organization's most recent efforts to expose and stop an ongoing practice in which dolphins are callously butchered not only for human consumption, but to serve as bait for sharks, who in turn are massacred in large numbers for their fins.

**THE ILLEGAL KILLING** of 2,000–3,000 dolphins each year by Peruvian fishermen for human consumption has been the focus of a continuing conservation effort by Mundo Azul. We conducted an undercover investigation identifying illegal dolphin meat dealers, and provided Peru's Department for Ecological Crimes with intelligence that led to the capture of many meat dealers.

But for many years there also have been rumors that fishermen were killing dolphins on the high seas to use as bait for the mako, blue and hammerhead shark fisheries—fisheries that expanded greatly in the years after a law was passed in 1996 to make the killing of dolphins and the sale of dolphin meat for

human consumption illegal. By 2012 we had been hearing too much of that talk, and felt the time had come to do something. We just did not know what.

The killing of dolphins for shark bait is being carried out by a fleet of at least 500 small-scale fishing boats that operate along the entire Peruvian coast and even venture far out into international waters. Finding a needle in a haystack is easy compared to finding one of the small wooden nutshells out there in the ocean and getting close enough to document the criminal act at the precise moment when they kill a dolphin. Placing an undercover person on board a fishing boat with a crew of only four and thinking





PHOTOS COURTESY OF STEFAN AUSTERMÖHLE

*Opposite page: A Peruvian fisherman prepares to plunge his harpoon into the midst of a pod of dolphins. Left: Once harpooned and hefted aboard to die, this dusky dolphin was cut up and used as shark bait.*

that this person could keep cameras secret during an entire one-month fishing trip is an impossible idea. In fact, this is the reason why this killing is able to go on under everybody's noses, being an open secret in the fishing industry. There was just no way to prove it, document it, or control it.

Mundo Azul undercover investigators first tried our usual approach of talking to fishermen along the coast using hidden cameras to document the interviews. The results confirmed our worst nightmare. In only three weeks we collected nearly 20 interviews with fishermen openly admitting to killing dolphins or saying that all shark fishing boats kill 2–10 dolphins during each of their 6–8 fishing trips per boat per year. Extrapolating this out to the 500 legal longline shark fishing boats (ignoring a growing number of illegal boats as well as the driftnet fleet—which has been accused of killing dolphins and using their meat to attract sharks into the nets), and assuming only six trips per boat per year and 2–5 dolphins killed per trip produces a very rough but stunning estimate of 5,000 to 15,000 dolphins killed each year.

But then again, this was all just recorded talk. Nobody but the fishermen themselves had ever witnessed such a kill. There was simply nothing we could do with such hearsay information. We had to be bold.

The undercover staff of Mundo Azul, therefore, was instructed to make friends with boat crews and identify one that would allow a professional film crew aboard. In May

2013, the unthinkable happened, when a British film crew ventured out in stormy seas aboard a Peruvian fishing boat to make a “documentary about shark fishing” and came back with images of a dolphin kill.

When we and our NGO partner, Blue Voice, looked at the material we were stunned. At the same time our concern grew, because the only thing we had was footage of a single dolphin being killed, and we were trying to use this to prove the killing of thousands. While it was enough for me and for thousands of people concerned for the environment, it was not enough to convince the government to act. So we were back to square one.

In a desperate move, Blue Voice Executive Director Hardy Jones and I decided to try again, and approached AWI and Cetacean Society International (CSI) about joining the effort. In September 2013, a Mundo Azul undercover investigator and I left port on board a second fishing boat, again with the cover story of wanting to make a documentary on shark fishing for a foreign TV channel and promising anonymity to the fishermen so they would feel free to do whatever it was they needed to do to catch the sharks. As I stood on board watching the coast disappear, I wondered what it was we would witness during the next 24 days, navigating up to 300 miles offshore on a leaking wooden vessel propelled by a second-hand car motor, and if I would ever make it back to land at all.

A month later—after nearly falling overboard in windy



PHOTO COURTESY OF STEFAN AUSTERMÖHL

*The shark fin industry is driving the savage butchery of both dolphins and sharks in Peruvian waters and elsewhere along South America's Pacific Coast.*

seas, after filming endless nights of shark killing and being covered in fish blood from tip to toe, after repairing the failing boat motor at sea and diving in icy water to free the boat propeller from the entangled longline, we came back to land with more than we ever wished to witness: interviews with the crew admitting to systematic killing of dolphins during each of their trips and to knowledge of the practice being routine throughout the entire artisan shark-fishing fleet, radio conversations with other boats searching for dolphins to be killed, dolphin meat that had been stored from the previous trip to be used as bait, and the horrific death of one dolphin as the animal was harpooned, clubbed,

hooked and cut into pieces. I went numb filming this, as I had to maintain my cool in order to come back with the one more element of proof we needed for a convincing case. But when I was sitting in our office surrounded by our staff looking at the pictures, I could not hold back the tears.

In October 2013, we published the horrifying images. The response from citizens of Peru and the globe was collective shock. More than 1 million people to date have signed a petition demanding action from the Peruvian government and the campaign has become global. The Peruvian Minister of Environment congratulated Mundo Azul for its effort and promised support, but was immediately blocked by the Peruvian Ministry of Production, whose only response so far is to try to discredit and publicly threaten Mundo Azul's staff, while trying to prove that all our evidence does not represent reality and that dolphin killing is limited to a handful of criminals.

We are just at the beginning of a very long fight to force the government to act and enforce its own laws. I am, however, very thankful for the unbelievable support from the global community and our partner organizations, Blue Voice, CSI and AWI. Without that, it would not have been possible to get so far, and the daily killing of dolphins would still occur without the public knowing about it. We hope to continue working with our partners for as long as it takes to stop this. I just hope that the dolphin I saw butchered did not die in vain and that never again a conservationist has to stand by and witness such a thing. I want to end the killing of dolphins for shark bait because I have seen the pain and the suffering and I will never be able to forget it. ♣



# AWI SUES AFTER NAVY GETS GO-AHEAD TO HARM PACIFIC ANIMALS

In December, Earthjustice filed suit in Hawai'i federal court on behalf of AWI, challenging approval by the National Marine Fisheries Service (NMFS) of a five-year plan by the US Navy for testing and training activities, including active sonar and explosive use, in massive areas of the Pacific Ocean off Hawai'i and Southern California. The Navy and NMFS estimate this training will cause 9.6 million instances of harm, including permanent hearing loss, lung injuries and death to whales, dolphins and other marine mammals over the five-year period. The complaint was amended in January to add the Navy as a defendant after the Navy published its record of decision to proceed with its planned activities.

Ocean mammals depend on hearing for navigation, feeding and reproduction. Scientists have linked military sonar and live-fire activities to mass whale strandings, exploded eardrums and death. The first reported evidence of this link was in 2000, when whales of four different species stranded on beaches in the Bahamas. Similar mass strandings have occurred in the Canary Islands, Greece, Madeira, the US Virgin Islands and other sites around the globe. In 2004, during war games near Hawai'i, the Navy's sonar was implicated in a mass stranding of up to 200 melon-headed whales in Hanalei Bay, Kaua'i. The UK's Royal Navy was blamed by scientists earlier this year for a 2008 mass stranding off England's Cornish coast. Up to 60 short-beaked common dolphins had swum into long and narrow Falmouth Bay to escape—the scientists postulated—the noise from active sonar use during a Royal Navy training exercise involving over 30 ships. Twenty-six previously healthy animals died in the bay a few days later, following another military acoustic/disturbance event that caused them to strand en masse. The rest were assisted back out to sea.

AWI and co-plaintiffs Conservation Council for Hawai'i, Center for Biological Diversity, and Ocean Mammal Institute are suing based on a requirement under the National Environmental Policy Act (NEPA) that federal agencies evaluate the environmental impacts of their proposed actions and consider less environmentally harmful alternatives. Further, the public must be afforded an opportunity to review and comment on that analysis. We are challenging NMFS's approval of the Navy's plans without NMFS first evaluating alternatives that would place biologically important areas off-limits to training and testing. The amended complaint also



NOAA



USFWS HEADQUARTERS

*Top:* Some of the 150–200 melon-headed whales who stranded in Hanalei Bay, HI, after Navy sonar blasted the area during war games. *Bottom:* Hawaiian monk seals are critically endangered, and in harm's way from Navy's testing and training activities.

added claims under the Endangered Species Act and Marine Mammal Protection Act.

Some of the marine mammals threatened by Navy activities are already on the brink of extinction, including the Hawaiian monk seal—Hawai'i's state mammal and one of the world's most endangered species. Ironically, NMFS had previously determined that Hawaiian monk seals in the main Hawaiian Islands are essential to the species' survival, yet under the Navy's plan approved by NMFS, each one of these seals will be harmed by sonar an average of 10 times a year. The lawsuit is not seeking to prevent all Navy training, but is aimed at making the government take the "hard look" required under NEPA before inflicting such massive harm on vulnerable marine mammal populations, and consider alternatives that would allow the Navy to achieve its goals with less damage. 

# WTO Weighs Seal Product Ban

*At the end of 2013, the World Trade Organization's (WTO) first-ever consideration of an animal welfare issue resulted in a landmark, if mixed, decision by a dispute settlement panel. The panel ruled that although the European Union's ban on imports of seal products violated WTO anti-discrimination rules, it was nonetheless valid because it fulfilled the objective of addressing the European public's moral concerns about seal welfare. In this article, AWI explores the background to the WTO's momentous decision and considers its implications for seals—and animal welfare in general—under international trade law.*

**Almost a million seals** from at least 15 species are hunted around the world each year. The majority are killed in Canada, Greenland, Namibia, Russia and Norway. In Canada, more than 97 percent of the animals—slain for their valuable fur—are pups younger than three months old. In addition to skins, commercial products from seal hunts include oil for animal feed and omega-3 supplements, and meat. Seal hunts are also conducted by indigenous hunters for subsistence purposes (although by-products are often sold, as well), and thousands of seals are killed each year in the name of protecting fisheries. Although most seals are shot, some are still clubbed to death.

Despite banning the import of skins and products from harp and hooded seal pups in 1983, the EU remained a major importer of other seal products. However, several member states—concerned about the cruelty of seal-hunting methods—adopted national bans on importing seal products. Eventually in 2009, the EU harmonized the patchwork of domestic laws by adopting Regulation (EC) No 1007/2009, which bans the trade in seal products in the EU, whether imported or produced by member states. In justification of the measure, the regulation refers

repeatedly to the interest of the European public in protecting the welfare of seals.

The regulation establishes two major exemptions to the ban. It allows the "placing on the market" of seal products from "hunts traditionally conducted by Inuit and other indigenous communities" that "contribute to their subsistence." It also allows the marketing on a "non-profit basis" of products from "hunting that is regulated by national law and conducted for the sole purpose of the sustainable management of marine resources" (such as culling to protect fisheries). Most seal products entering the EU under the first exception come from hunts by indigenous people in Greenland, while most products from culled seals come from Sweden and Finland.

In 2010, Canada and Norway filed a challenge to the EU regulation at the WTO, claiming that the ban and its exemptions breached key provisions of both the Agreement on Technical Barriers to Trade (TBT Agreement) and the General Agreement on Tariffs and Trade (GATT). One of their main arguments was that the exemptions from the ban discriminated against Canadian and Norwegian seal products—providing better treatment (more access to the EU market) for seal products from Greenland, Finland and Sweden. According to Canada and Norway, the EU's distinction between, on one hand, Canada and Norway's commercial hunts and, on the other



AQQA RQISING-ASVID



STEWART COOK/FAW

*Top: A harp seal pup in Greenland. Bottom: A commercial hunter aims a blow at a seal in the Gulf of St. Lawrence, Canada.*

hand, the large hunts in Greenland (with more than 100,000 seals killed annually) and the seal culls in Sweden and Finland (which are motivated at least in part by a desire to support the fishing industry) is not legitimate. The latter hunts give rise to the same welfare concerns as commercial hunts.

## Panel findings

In late November 2013, the panel ruled that the EU regulation had, indeed, violated key obligations under the TBT Agreement and GATT by restricting international trade in a discriminatory way. However, it determined that the ban was nonetheless valid because its core rationale fulfills the EU's objective of protecting the EU public's moral concerns on seal welfare, an objective that could not be satisfied (as Canada and Norway proposed) by labeling seal products to reflect whether animal welfare conditions had been met.

The ruling was not, however, an outright victory for the EU. The panel was not persuaded that the regulation's exemptions for indigenous and "marine resource management" hunts were legitimate. Although the EU convinced the panel that the protection of indigenous people's interests is sufficient justification for treating indigenous hunts differently from commercial hunts, the panel found that this exception had not been applied in an "even-handed" way. The EU also failed to persuade the panel of any justifiable rationale for distinguishing culls from commercial hunts.

If the panel's ruling is upheld on appeal, the EU may have to modify

its exemptions to ensure that they apply equally to Canada, Norway and all countries providing seal products. One option would be to remove the exemption completely, which would close the EU market to all seal products—but such a step is politically unlikely considering the interests of the member states involved. Another extreme option, for which Greenland is actively lobbying, would be to widen the exemptions to allow more Inuit-sourced products into the EU—an unsatisfactory outcome from AWI's perspective, given the increasing commerciality of the supposedly subsistence hunts, as well as the cruel methods employed by some Greenlandic seal hunters, who use nets to trap and drown the seals. Alternatively, the EU could do nothing and face WTO-sanctioned retaliatory measures from Canada and Norway.

Although the case was not decided entirely in the EU's (or seals') favor, the fact that the panel upheld a flawed ban on the basis that its objective was to address the moral position of the general public could be groundbreaking for animal welfare advocates. As one commentator notes, the "public morals exception is now open for creative interpretation" and may become "the new battleground for WTO litigation."

At first blush, this case seems to have profound implications for countries (and particularly the EU) that have already legislated against certain farming practices based on animal welfare concerns (such as the EU's bans on battery hen cages, veal crates, and sow stalls) and wish to

prohibit imports of animal products from those production systems. The case raises the hope that an importing state's subjective understanding of public morals can serve as a legitimate basis for a policy supporting animal welfare, such as a trade ban.

However, the decision also establishes that the WTO, even after recognizing public morals as a valid basis for such a domestic policy, can still take issue with exemptions in regulations promulgated in support of the policy, as well as the way in which the policy is applied. It is also important to note that a panel could reach a different decision in a subsequent case, or overturn this decision—as both Canada and Norway have elected to appeal it. We will provide an update in a future edition of the *Quarterly*. ♦



A boat off the coast of Newfoundland, Canada, is awash in blood as harp seal skins are hauled on board during a 2011 commercial hunt.

## ANOTHER B DEALER GOES DOWN

The number of remaining “Class B” random source dog and cat dealers selling animals for experimentation in the United States has just been reduced to five. On January 15, 2014, a consent decision and order was reached between the US Department of Agriculture (USDA) and Kenneth Schroeder, a dealer who had been operating in Wells, Minnesota. Although we are sorely disappointed that no fine was imposed, Schroeder’s license was revoked, effective immediately.

AWI contacted USDA this past summer, objecting to Schroeder’s apparent longstanding, repeated violations of the Animal Welfare Act, and expressing the need for action. On September 10, 2013, USDA filed a complaint against Schroeder, stating that he “operates a large business dealing in dogs. The gravity of the violations alleged in this

“**RESPONDENT OPERATES  
A LARGE BUSINESS  
DEALING IN DOGS.  
THE GRAVITY OF THE  
VIOLATIONS ALLEGED IN  
THIS COMPLAINT IS GREAT.”**

— USDA

complaint is great .... Respondent has failed to comply with the Regulations for a lengthy period of time, and has not shown good faith.” USDA specifically alleged that the dealer 1) on eight occasions, failed to have someone present at his operation to permit inspection of his facilities, animals and records; 2) on five occasions, illegally acquired a total of seven dogs; 3) twice “failed to remove excreta and waste from primary enclosures” as required under the Animal Welfare Act; and 4) most recently, was found to have housing facilities that were rusted and chewed and could not be properly cleaned. Failing to have someone present so that USDA can conduct a compliance inspection is an all-too-commonly used ploy to evade USDA inspection, and illegal acquisition of animals by Class B dealers is such a serious problem that AWI has worked resolutely to stop this trade. 

## Harvard Says “All Fine” After Small Fine

**JUST MONTHS AFTER HARVARD** stunned the research community by announcing the closure of the half-century-old New England Primate Research Center (NEPRC)—as reported in the Summer 2013 AWI Quarterly—USDA announced that it had fined Harvard Medical School a paltry \$24,036 for 11 violations of the Animal Welfare Act that occurred between 2011 and 2012. Included within the infractions were the deaths of four monkeys at NEPRC. In one instance, a monkey died of liver failure after a laboratory worker overdosed the animal with anesthetic. In another, a monkey was strangled to death by a chain attached to a toy. In two separate instances, monkeys had to be euthanized after being deprived of water and becoming severely dehydrated.

USDA could have fined Harvard up to \$110,000. The university issued a statement asserting it was back in good graces with the authorities after “the excellent work of those members of our community who took aggressive action to institute rigorous quality improvements that benefit animal safety and welfare.” Most of the 11 violations, including those involving the four monkey deaths, occurred at the off-campus NEPRC, and it appears to AWI from some of the statements the university has made to the media that Harvard wants the public to believe that NEPRC’s closure will solve the matter.

Such a conclusion, however, does not square with the systemic, longstanding issues of compliance that are not confined to NEPRC. Since 2011, Harvard University, which is registered separately from the medical school and NEPRC, has been cited by USDA for violations strikingly similar to those causing the deaths of three of the four monkeys referenced in the fine. These violations include (1) preventable dehydration deaths of 41 mice (dehydration being the cause of death of two of the NEPRC monkeys, and the near death of another NEPRC monkey); (2) failing to provide adequate veterinary care by, among other things, injecting four times the recommended dose of anesthetic, resulting in the post-operative death of one goat (which mirrors the overdose death of one of the four NEPRC monkeys); and (3) failure to adhere to Institutional Animal Care and Use Committee requirements.

Harvard will continue to experiment on animals, including nonhuman primates, at a site on the medical school campus. Given Harvard’s track record, AWI will continue to monitor the situation closely. 

## Animal Protection Caucus Leaders to Retire

**REPS. JIM MORAN (D-VA) AND JOHN CAMPBELL (R-CA)**, co-chairs of the Congressional Animal Protection Caucus and two of the strongest advocates in Congress for animal protection legislation, have announced plans to retire at the close of the 113<sup>th</sup> Congress later this year.

Throughout Rep. Moran's 24 years in Congress, he has been one of its fiercest protectors of animals, often taking to the floor of the House to defend or advocate on behalf of actions such as ending horse slaughter or halting animal fighting. He has consistently scored a perfect 100 percent on AWI's Compassion Index—which rates how legislators vote on important animal welfare bills. As the senior Democrat on the House Interior Appropriations Subcommittee, Moran advocated for protection of wild horses, supported increased funding for white-nose syndrome research for bats, and much more. This year, Moran's budget amendment blocking horse slaughter for the remainder of the fiscal year was adopted by Congress.

Rep. Campbell has been a leader in bipartisan efforts to bring reform to USDA's Wildlife Services program. He has sponsored legislation aimed at limiting the program's inhumane and unnecessary use of dangerous poisons to kill wildlife, and has successfully called upon USDA's Office of Inspector General to investigate the program's cruel, wasteful predator control activities. Campbell's



ALEXANDRA ALBERG/AWI

Rep. Jim Moran speaks with AWI board member and president of the National Black Farmers Association, John Boyd, at the 2013 Horses on the Hill Event.

commitment to reforming Wildlife Services has also been evidenced by his efforts to eliminate federal funding for lethal control of native carnivores, as well as his requests that the program operate with greater transparency and accountability to the public. In addition to advocating for wildlife protection, Campbell has cosponsored legislation to ban the slaughter of American horses for human consumption, bring an end to the inhumane practice of horse soring, and crack down on animal fighting.

AWI will deeply miss these true champions for animals on Capitol Hill.

## Congress Reinstates Annual Ban on Horse Slaughter in the US

**IN JANUARY**, Congress approved a massive \$1.1 trillion annual spending bill to fund the federal government that included language prohibiting USDA from spending funds to inspect horse slaughter facilities. The language—which AWI fought to include and to shield from the concerted efforts of horse slaughter proponents to remove it—is identical to language originally included in annual spending bills from 2006 to 2011. Sponsored in the House by Rep. Jim Moran (D-VA) and the late Rep. Bill Young (R-FL), and in the Senate by Sen. Mary Landrieu (D-LA), this defund language will prevent any horse slaughter facilities from opening in the United States for the remainder of the fiscal year.

This is an important victory—especially this year, as several slaughter plants nearly succeeded in opening their doors to this inhumane and unpopular industry. Horses and their advocates endured a dizzying back-and-forth court drama that involved USDA permit approvals, imminent openings, injunctions to keep the plants closed during the appeals process, an appeals court ruling in favor of the plants, and an additional lawsuit by New Mexico Attorney General Gary King that sought to keep Valley Meats—the proposed horse slaughter facility in that state—shuttered in light of its dismal history of humane slaughter and human safety violations.

Thankfully, the spending bill ends the debate for the remainder of the fiscal year. But as AWI has consistently said, what we truly need is passage of legislation such as the Safeguard American Food Exports (SAFE) Act that would permanently end the slaughter of American horses both here and abroad. In the coming year, we will strive to make that a reality.



ALEXANDRA ALBERG/AWI

# CANINE COMPANIONS

## Help Battle-Scarred Soldiers Overpower PTSD

**EVIDENCE** is accumulating that dogs work wonders when paired with members of the military with post-traumatic stress disorder (PTSD), a traumatic brain injury (TBI), or another mental health issue arising from their military experiences. The dogs offer a return to independence that comes with improved social interactions, less panic, and reduced stress and anxiety.

A dog whose partner has PTSD or other mental health issues is trained to respond to certain cues. If she senses that her partner is about to suffer a flashback, she may rest her head in his lap. If her partner is having a nightmare, she may rest her head on his chest, lick his face, or nuzzle his feet. Her presence when outside provides a sense of security. These dogs are recognized as service dogs under the Americans With Disabilities Act and are allowed the same public access as seeing eye or mobility-assistance dogs.

K9s for Warriors is one group that provides trained dogs to soldiers and veterans with PTSD. Founded by Shari Duvall as an outgrowth of her efforts to help her son—who returned from Iraq suffering from PTSD—K9s for Warriors partners with shelters and rescue groups in Florida for almost all of the dogs who come into its program. (There is the occasional donated dog, as well.) By the end of 2013, K9s for Warriors had paired 100 dogs with service members, all at no cost to the service members. Those dogs who don't go on to become service dogs are placed for adoption.

Another group, Freedom Service Dogs (FSD) in Englewood, Colorado, works with military and non-military clients and relies exclusively on shelter dogs for its programs. FSD has created 32 canine-military member teams since 2011. As at K9s for Warriors, those dogs not well suited

to be service dogs are adopted out to loving homes. There is usually a waiting list for the non-graduates, and no dog is ever returned to a shelter. FSD also provides lifetime support to its client-dog partners. When the dogs are ready to retire, service members usually choose to keep them; if not, the dogs return to FSD to be adopted out.

With the growing realization of their positive impact, the demand for service dogs to help with PTSD and other mental health problems continues to rise. The Wounded Warrior Service Dog Act of 2013 (H.R. 2847), a bill in Congress introduced by Rep. Jim McGovern (D-MA), proposes to address this need. The bill directs the Secretaries of Defense and Veterans Affairs to establish a program to award competitive grants to organizations that train and place service dogs with members of the military and veterans

with certain physical and mental health needs, including PTSD. Among other things, the application for a grant must state “the commitment of the organization to humane standards for the animals.”

On December 3, AWI joined Rep. McGovern in sponsoring a briefing for members of Congress and their staffs to acquaint them with the Wounded Warrior Service Dog Act and allow them to hear from several of the soldiers and their canine partners, as well as from representatives of organizations that train and place service dogs.

The personal stories of these wounded warriors and others of their lives prior to and after receiving their canine partners are touching and inspiring. Every story is different, but there are common themes: a soldier returns from a tour of duty—perhaps a second or third—and is unable to readjust to “normal” life. He spends more and more time alone, isolating himself from his family, sinking further into depression to the point where he hides in his bedroom or basement and eventually stops going outside altogether. Finally, a friend, a family member—or his own frustration—leads him to explore the service dog idea.

The soldiers at the briefing all attested to the transformation in their lives, the renewed ability to function and deal with the ongoing manifestations of their PTSD or TBI, and the near elimination of medications (going, in some instances, from 30 or 40 different medications to two or three). These individuals, who now travel around the country on behalf of their programs, wouldn’t leave their houses a year or two ago.

Unfortunately, under VA rules, service members seeking dogs to aid with PTSD do not qualify for the care and training benefits available to

service members with visual, hearing, or mobility impairment. Despite the compelling and growing anecdotal evidence of the positive impact these dogs have, VA continues to demur, citing the lack of scientific studies to back such evidence. A congressionally mandated VA study designed to assess the impact service dogs have on the mental health and quality of life of veterans was halted in 2011, but will resume in 2014. Other research is also underway.

Under a Department of Defense grant, Warrior Canine Connection (WCC)—which teaches wounded warriors to train dogs for other service members—will investigate, according to an August 2013 story in *Stars and Stripes*, “the science behind why the dogs help troops deal with PTSD.” WCC points to studies in other settings that have shown “working with a dog releases oxytocin, a hormone that helps lower stress and anxiety levels and is essential to bonding.” In partnership with the Uniformed Services University of the Health Sciences, the researchers will

“examine changes in the wounded warriors’ physiology, perception, moods and biochemical markers for stress as they learn how to train the dogs.” Twenty participants “will undergo WCC’s service dog training program,” while another 20 “will interact socially, but not with a dog. Researchers will compare heart rate, changes in response to stress and other markers between the two groups.”

The National Institute of Occupational Safety and Health, in conjunction with researchers from West Virginia University—which has a program for training service dogs—are also examining whether dogs can help veterans with PTSD both recover and return to the workforce. Part of this study involves simulating a work environment in which veterans will be asked to complete a stressful task with and without a dog present.

In the meantime, the stack of testimonials to this manifestation of the power of the human-animal bond continues to grow, as do the waiting lists for service dogs. 



Left to right:  
Jason Haag, Axel,  
Brett Simon,  
Reagan. The two  
veterans and  
their service dogs  
were on Capitol  
Hill representing  
K9s for Warriors.

ALEXANDRA ALBERG/AWI

## Animal Cruelty Charges Dropped Against Animal Advocate

**AN UNDERCOVER INVESTIGATOR**, Taylor Radig, put herself at significant personal risk in order to expose animal cruelty at the Quanah Cattle Company, a calf-raising facility in Kersey, Colorado. The investigator filmed appalling images of young calves being kicked, dragged, thrown, and slammed as employees removed them from trucks. Several positive outcomes came in the investigation's aftermath: the company under investigation fired the three employees filmed abusing animals, the same employees are being charged with the Class 1 Misdemeanor of Animal Cruelty, and the public got a look into the tragic lives of unwanted male calves born into the dairy industry.

Such victories were overshadowed, however, when the Weld County Sheriff's Office cited the undercover investigator herself for animal cruelty. According to the sheriff's office, Radig failed to report the animal abuse "in a timely manner." The sheriff's office argued that this constituted negligence under Colorado's animal cruelty statute—despite the clear indication that the abuse likely would have continued unchecked if not for the work of this individual.

Fortunately—after much public outcry—the Weld County District Attorney dropped the animal cruelty charge against Radig. The district attorney's office issued a press release, stating that "the charges can't be proven beyond a reasonable doubt and therefore those charges have been dismissed." Whether or not the Weld County Sheriff's initial

actions against the investigator were motivated by antagonism toward such exposés, that is certainly the motivation behind "ag-gag" bills popping up in state legislatures around the country. In 2013, 15 such bills were introduced in 11 states (none passed). Three states did pass ag-gag legislation in 2011 and 2012. This, despite the fact that undercover investigations have led to meat recalls several times—including the largest recall in US history in 2008 (See top right, this page.).



Taylor Radig, with a friend.

COMPASSION OVER KILLING

## HALLMARK/WESTLAND SETTLEMENT: A WIN FOR ANIMALS

In 2008 an undercover investigation showing heinous animal cruelty led to the largest beef recall in US history. The meat recalled came from Westland/Hallmark Meat Packing Co. in Chino, California. The company was a part of the National School Lunch program; if not for the investigation, the meat may have ended up on school lunch plates. A lawsuit against the company, its owners, and investors alleged that they defrauded the US government and violated their contract with the National Lunch Program, which required them to treat animals humanely. Recently, in accordance with a final consent decree, the owners and investors will forfeit over 3 million dollars as a part of settling the case. A consent judgment will also be entered against Westland in the amount of \$155.7 million—the largest consent judgment in US history for animal abuse. (This latter judgment is largely symbolic, however, as the company does not have the assets to pay it.)

## Three out of Four Arsenic-Based Drugs Are Shelved

**APPROVAL IS BEING RESCINDED** for three of four arsenic-based drugs that had been used in animal feed. Of the 101 drug products derived from these four drugs, 98 will have their approval withdrawn by the Food and Drug Administration (FDA). The three to be rescinded—roxarsone, arsanilic acid, and carbarsone—were formerly employed by the agriculture industry to encourage weight gain in animals, although these particular drugs had not been in use for several years, and the companies that made them took them off the market and requested that the FDA withdraw their approval. FDA studies have found inorganic arsenic present in animal bodies after animals are fed arsenic-based drugs. The fourth arsenic-based drug—nitarsone—and two combination drugs containing nitarsone are still on the market and used in turkey and chicken production. They are currently the only marketed drug products approved to prevent histomoniasis, a parasitic disease in turkeys and chickens. The FDA has not withdrawn approval for nitarsone and is purportedly seeking additional information to evaluate its danger.

## UK BEAK TRIMMING BAN IN JEOPARDY

An outbreak of aggressive feather pecking and cannibalism in a flock of laying hens involved in a government-backed trial could derail plans to ban beak trimming in the UK as of 2016.

Twenty flocks are currently involved in the trials, which were set up to inform the UK government about the practicalities of managing laying hens with their beaks intact. The outbreak occurred in a flock of 16,000 hens; mortality reached 20 percent before vets were called in to de-beak the remaining birds. The ban on beak trimming in the UK was originally due to come into force in 2011.

Industry proponents are using the outbreak to call for further delay on the ban. They conveniently ignore the fact that routine mutilations such as beak trimming only become “necessary” under the cramped, miserable conditions that are standard in the industry. The same misguided justification underlies the dangerously profligate use of antibiotics in intensive livestock operations, where routine sub-therapeutic doses of antibiotics are deemed “essential” to prevent the inevitable outbreak of disease that would otherwise occur in the overcrowded, unsanitary and stressful conditions. (See below.)

Standards on farms certified through AWI’s Animal Welfare Approved (AWA) program require poultry farmers to manage their birds in appropriate numbers and to adopt management strategies that eliminate the problems that induce industrial farms to trim beaks. These farms are working proof that these routine mutilations are simply not necessary where farming systems prioritize animal welfare. 

## FDA Takes Soft Approach Against Deadly Superbugs

THE FOOD AND DRUG ADMINISTRATION claims to want to reduce non-therapeutic use of antibiotics in animal agriculture. Currently, farmed animals are administered antibiotics through feed or drinking water to make them quickly gain weight and ward off disease in crowded, filthy, inhumane living conditions. Such uses account for nearly 80 percent of antibiotic consumption in the United States and contribute to the development of antimicrobial-resistant bacteria—a significant threat to public health. To combat this threat, the FDA recently issued a guidance



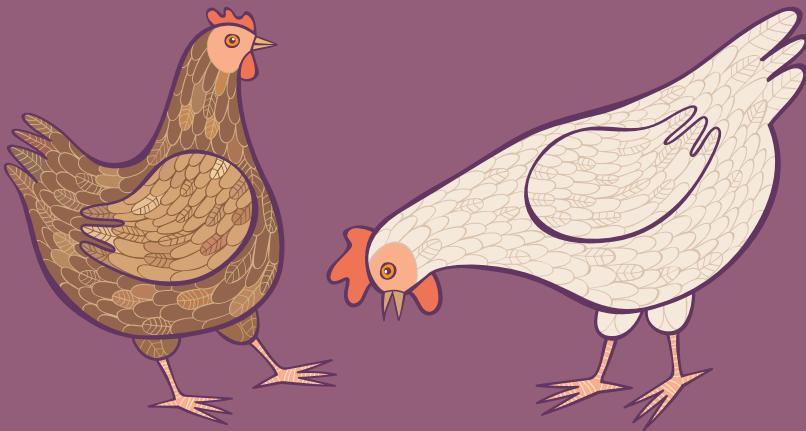
ISTOCK

*The FDA says it wants to reduce the dangerous overuse of antibiotics in industrial agriculture. But the agency is content for now to rely on voluntary measures.*

document informing pharmaceutical companies of how they can voluntarily help reduce the amount of antibiotics given to animals.

The guidance recommends that such companies remove growth enhancement and feed efficiency from the list of approved uses of their antibiotics. The FDA also requests that pharmaceutical companies mandate veterinary oversight in therapeutic usage of antibiotics. But the guidance considers disease prevention a therapeutic use—leaving a large loophole in an already toothless document that allows industry to continue to use antibiotics to compensate for deplorable livestock living conditions. Yet, according to the FDA, voluntary measures are the fastest ways to stop antimicrobial resistance.

Many who are active in food safety issues condemned the new FDA guidance. Congress’s only microbiologist, Rep. Louise Slaughter (D-NY), for one, believes that the voluntary guidance—with its lack of enforcement mechanism—is an insufficient response to the problem. The Preservation of Antibiotics for Medical Treatment Act (PAMTA), sponsored by Rep. Slaughter, would do more to fight antimicrobial-resistant bacteria because it is a mandatory measure that would allow certain antibiotics to be used only to treat illnesses in humans and animals. Robert Lawrence, founder and director of Johns Hopkins’ Center for a Livable Future, similarly believes the guidance will have a minimal impact and “provides a disincentive [for industry] to clean up their facilities.” It seems certain that the FDA will need to take several more concrete steps if it plans to seriously combat this significant public health threat. 



# Working to Make Slaughter More HUMANE for Poultry

AWI and Farm Sanctuary, working with the Animal Law Clinic at Lewis & Clark Law School, have petitioned the US Department of Agriculture (USDA) to develop regulations governing the handling of chickens, turkeys and other birds at slaughter. The petition calls for USDA to write regulations to address bird handling and slaughter practices that result in adulterated products, as is the department's duty under the Poultry Products

Inspection Act (PPIA).

The PPIA defines "adulterated" to include products from birds who have died by means other than by slaughter, or if the product is unhealthy or unwholesome. Under its authority to regulate adulterated products, USDA condemns or downgrades poultry products from birds with bruises and other bodily injuries—which often result from inhumane handling. Inhumane

handling can occur either as a result of a conventional industry practice or intentional acts of abuse by workers.

In 2005, after the exposure of incidents of intentional cruelty at several US poultry plants, USDA acknowledged the connection between inhumane handling of birds and adulteration. It instructed the industry to handle birds in accordance with "good commercial practices" (GCP), on the basis that birds who have been treated humanely are less likely to be bruised or to die other than by slaughter. About that time, USDA in-plant inspectors and humane slaughter experts began conducting GCP reviews, and citing plants in official reports and memorandums for any observed violations.

USDA failed to define GCP in regulation, however, opting instead to defer to weak industry guidelines. Furthermore, oversight of GCP in plants that handle birds is infrequent and uneven among USDA field offices. For example, only 21 percent of federal poultry plants received a formal GCP review by a humane slaughter veterinarian during a recent 18-month period, even though the department's

## TIMELINE OF EFFORTS TO PROTECT

Congress passes law requiring humane slaughter but birds not included  
**1958**

**1991-1995**  
Congress fails to pass separate bills to add coverage for birds  
USDA denies petition to require humane handling under food safety rules  
**1995**

policy is to audit all plants. Moreover, there was no documentation of humane handling activities of any kind at approximately half of all federal poultry plants during that time.

Requiring that plants follow GCP (which include some measures to prevent inhumane handling) for the stated purpose of reducing product adulteration is an attempt to provide protection for birds without amending the federal Humane Methods of Slaughter Act (HMSA). The HMSA requires that animals killed for meat are made "insensible to pain" before they are shackled, hoisted, and cut. Current HMSA regulations do not cover poultry, however, because USDA claims that it lacks the legal authority to include birds under the humane slaughter law. Animal welfare advocates took USDA to court over the issue on two occasions during the past decade. Both lawsuits were ultimately dismissed. Animal advocates have also tried unsuccessfully to change the law itself; three times during the 1990s, bills to explicitly mandate the application of HMSA requirements to poultry were introduced in Congress, without success.

While USDA's authority to cover birds under the humane slaughter law may be debatable, the department clearly has authority to address many forms of inhumane handling and slaughter under the provisions of the PPIA. USDA, through its official notices and directives, has acknowledged the causal connection between inhumane handling of birds and adulterated poultry products. Without regulation, however, compliance by the industry with GCP, as well as enforcement by inspection personnel, will remain inadequate.

In fact, humane handling of poultry is poised to take a huge step backward. A proposed change to the poultry inspection regulations—expected to be finalized in 2014—would allow poultry companies to accelerate their slaughter process by 25 percent, increasing the likelihood of inhumane handling and the resulting animal suffering. Now more than ever, it is crucial that humane handling regulations be enacted to protect the 9 billion chickens, turkeys and other birds slaughtered for meat in the United States each year. ♦

## HOW BIRDS ARE MISTREATED AT SLAUGHTER

There are a number of ways in which inhumane handling of birds can result in adulterated poultry products. The most common problem (and the most significant in terms of animal welfare) involves live birds entering the scalding-water tank and drowning—which occurs when birds are not stunned or bled properly. Other inhumane actions cited by USDA include:

- + Tossing live birds in trash bins where they are eventually crushed or smothered by other discarded bodies or refuse.
- + Driving over or stepping on loose birds on the ground.
- + Carrying birds by their neck or wings instead of by both legs.
- + Killing injured birds by unacceptable methods such as hitting, kicking and stomping.
- + Holding birds in transport crates for longer than 15 hours without protection from extreme heat or cold.
- + Shackling and hanging birds upside down by one leg or a wing; allowing birds to hang this way for extended periods.

# BIRDS AT SLAUGHTER

USDA says  
birds must  
be humanely  
handled but  
issues  
no rules  
**2005**

**2006-2009**  
Courts dismiss 2 lawsuits to force USDA to cover birds

USDA records show only 21% of plants received humane handling audit

**2011-2012**

USDA to amend its rules, allowing faster slaughter with fewer inspectors  
**2014**

## Study Reveals Lifelong Scars for Survivors of Elephant Massacres

ACCORDING TO A STUDY by behavioral ecologists at the University of Sussex, UK, and published in the journal *Frontiers in Zoology*, elephants who lost family members to traumatic culling operations decades ago appear to suffer lifelong social impairment.

The Sussex scientists, Graeme Shannon and Karen McComb, led an international team that examined two elephant populations. One was a relatively undisturbed population living in Amboseli National Park, Kenya. The other consisted of animals translocated as calves 20-30 years ago to Pilanesberg Park, South Africa, from Kruger National Park. The latter group had been moved to Pilanesberg after older family members were gunned down in front of them during a managed cull in Kruger—a practice common until the early 1990s.

The research team tested the animals' social understanding by playing recordings of other elephants calls to monitor their response. They found that the Amboseli animals responded appropriately to potentially threatening calls from unfamiliar or dominant elephants:

They listened intently, sniffed the air, and if warranted, bunched together in a defensive position. When familiar elephants calls were played, they remained relaxed.

In contrast, the Pilanesberg elephants appeared clueless—in one instance running over a kilometer away at the sound of a familiar elephant; in another, remaining relaxed at the call of an older, strange female. “The pattern there was no pattern at all; their reactions were completely random,” McComb told the journal *Science*. “On the surface, they look like they’re now getting on okay .... But we found a way to go deeper into their minds, and that’s how we found the deficits in the social decisions that they make.”

Their observations led the research team to conclude that the trauma these elephants experience from the cullings—or, they surmise, from similar poaching massacres—coupled with the inability to learn from family elders, may result in “aberrant behaviours in social animals that are akin to the post-traumatic stress disorder experienced by humans following extremely traumatic events.” 

## Elephant Poaching Exposé Goes Viral in China

THE SOUTHERN WEEKLY, one of China's most influential newspapers, published a front-page story about the widespread massacre of elephants for ivory, and of ivory consumption in China as the primary driver of the crisis. The story has spread throughout the nation, potentially raising awareness of the issue on an unprecedented scale in that country. The executive director of the Asia program for the Wildlife Conservation Society stated in a press release that “in China, it's not just what is said but who says it. To have the Southern Weekly give its front page to an article highlighting China's role in the ivory trade is monumental.”

The article by Yuan Duanduan, titled “The Blood Ivory: Behind the Largest Ivory Smuggling Cases in China,” appeared in the November 15, 2013, edition of the paper, which is distributed throughout the Chinese mainland with

an estimated circulation of more than 1.6 million. The story reached millions more when it caught fire across Chinese websites and social media. It became the most discussed topic on the Southern Weekly website in the days following publication, and was reposted on five of China's largest web portals. The non-profit WildAid also launched a major campaign in 2013 with Jackie Chan, Yao Ming, and others to urge Chinese consumers to avoid ivory.

In another first for the country, on January 6, 2014, Chinese authorities crushed over six metric tons of seized elephant ivory in Guangzhou. The action is mostly symbolic, as the amount destroyed represented only a fraction of China's stockpile of smuggled ivory. In late January, Hong Kong announced its own plans to destroy at least 28 metric tons of seized ivory—nearly all of its stockpile. 



KATHRYN DAILEY

## ILLICIT IVORY CRUSHED IN COLORADO

On November 14 at the National Wildlife Property Repository in Denver, the US Fish and Wildlife Service pulverized six tons of elephant ivory that had been seized by its agents from smugglers, traders and tourists over the past 25 years. Hauled on multiple trips via a front-end loader, the stockpiled ivory was unloaded onto a conveyer belt that fed a rock crushing machine. As ivory dust billowed from the crusher, the small, ground-up bits spewed via another conveyer into a container.

The destruction of the ivory was intended to highlight the global poaching crisis—much of it driven by organized crime syndicates—and send a message that elephants are in urgent need of protection and the illicit trade in ivory must be stopped. A million dollar reward was announced by Secretary of State John Kerry for information leading to the disruption of a syndicate based in Laos. Currently, the demand for ivory is responsible for the poaching deaths of more than 30,000 elephants each year and the global trade is estimated to be approximately \$10 million. Although the primary demand for the ivory is in Asia, many of the tusks end up in the United States—the world's second biggest market for wildlife products. The slaughter of elephants has reduced the African elephant populations to 300,000.

Please help stem the flow of ivory into the United States by making sure that everyone you know is aware that they should not buy ivory—even ivory passed off as “antique.” Also, contact your members of Congress and urge them to support a ban on all trade in ivory. While legislation has not been introduced as we go to press, we anticipate a bill later this year. Write to representatives: Honorable (full name), US House of Representatives, Washington, DC 20515; to senators: Honorable (full name), US Senate, Washington, DC 20510.

## Government Warehouse Filled with Seized Wildlife

THERE WERE STUFFED TIGERS standing at the entrance of the 13,000-square-foot warehouse. Large plastic trash bags filled with thousands upon thousands of dead, dried seahorses sat slumped in the aisle. Shelves running row after row the entire length of the building were lined with seized wildlife parts and products: turtle shells; the heads of big cats; boots made of snake, crocodile and other hides; a collection of animal skins. And then there was the ivory. There was a massive container filled with an array of trinkets—ironically, many adorned with elephants carvings—along with walking sticks and a huge variety of larger carved pieces. There were tusks; some were large and clearly from older adults and others quite small, having been hacked off from their young owners. All told, there were approximately 1.5 million items housed at the National Wildlife Property Repository. Most had been confiscated by law enforcement while being brought into the country illegally. All of the ivory was slated to be crushed the next day. It was an overwhelming display of the consequences of the illegal trade and a stark reminder of the terrible price paid by animals, most of whom were threatened or endangered species.



KATHRYN DAILEY

Warehouse of horrors at the National Wildlife Property Repository in Denver. In the photo at top left, elephant tusks and ivory carvings are on display before the machine poised to pulverize them. AWI's Cathy Liss was an invited attendee to the crush event.



# America's Gray Wolves May Lose Federal Protections

AS THE US FISH AND WILDLIFE SERVICE (FWS) decides whether to remove federal Endangered Species Act (ESA) protections for gray wolves across the continental United States, the disturbing fate of populations that have already been delisted in certain areas suggests that federal protections should remain in place.

The gray wolf, which was listed as endangered in 1974 after being nearly extirpated in the lower 48 states, was reintroduced to the United States in the 1990s. Despite the apparent success of the reintroduction program—and the ecological and economic benefits associated with the wolves' recovery—FWS began delisting gray wolf populations in specified regions within the United States in response to political pressure. Now, FWS has proposed to

remove ESA protections throughout the lower 48 states, a decision that will likely have devastating consequences for America's wolves.

Gray wolf populations in the Northern Rocky Mountains and the Western Great Lakes region were delisted in 2011 and 2012, respectively, and have been managed by the states according to FWS-approved plans. Where FWS has placed management in the hands of the states, gray wolves have suffered severe population declines as they succumb to aggressive hunting and inhumane steel-jaw traps and snares.

In Idaho, which was home to approximately 1,000 wolves prior to delisting, hunters and trappers killed 698 wolves in just two seasons. Nearly 200 additional wolves were killed within the first four months of

Idaho's lengthy 2013–2014 hunting season, which will continue through March 2014.

Montana's wolves also came under intense fire following delisting, with 391 killed during the state's first two hunting seasons. Montana state law goes so far as to prohibit the establishment of a buffer zone along the boundary of Yellowstone National Park, where radio-collared wolves critical to scientific research are at risk. In 2012, delisting expanded to Wyoming, where wolves may now be shot on sight in most of the state and more than 100 wolves—approximately one-third of the state's estimated population—were slaughtered by the end of 2013.

Wolves in the Great Lakes region have also suffered. In both Minnesota and Wisconsin, kill quotas have been exceeded during wolf hunting seasons, demonstrating that quotas and other nominal protections do little to safeguard wolf populations.

In short, the experiences of wolf "management" within these states indicate that removal of ESA protections is a death sentence for these keystone predators. Because it has been demonstrated that states are not willing to protect and properly manage this ecologically critical species, AWI will continue to oppose the FWS proposal to delist the gray wolf throughout the lower 48 states. ♦





MITCH BARRE

# Contraception Caps Bison Numbers on Catalina

*On Santa Catalina Island, scientists have advanced the science of immunocontraception as a safe and effective tool to humanely manage the island's bison.*

IN 1924, HOLLYWOOD BROUGHT 14 bison to Santa Catalina, a 22-mile-long island standing 22 miles off the coast of Los Angeles, to serve as backdrops in a silent film, *The Vanishing American*. The bison, however, never made it into the movie and when filming ended, never made it off the island—left to fend for themselves in what proved to be a relatively hospitable landscape.

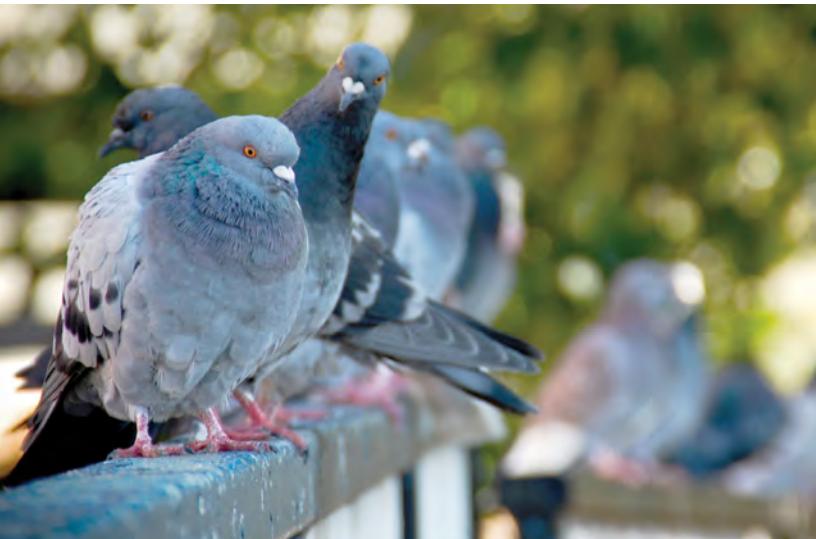
By 1934, the herd had grown to 19, after several births offset the shooting deaths of some of the original implants. That same year, nine additional bison were imported to the island, bringing the population to 28. Over the next few decades, as the bison became a popular fixture on the island, the population swelled into the hundreds. By the 1990s, up to 600 bison roamed Catalina. As a non-native species occupying a limited space, however, they presented a problem. According to the Santa Catalina Island Conservancy, which manages most of the island,

*the fauna of Santa Catalina Island did not historically include large grazing ungulates, which has led to significant recent concern regarding the potential ecological effects of bison on native and endemic plants and animals on the island. In the intervening years since bison were first brought to the island, however, this large ungulate has taken on important cultural and economic significance to island residents.*

The Conservancy feels the island can comfortably support about 150–200 bison. (A 2003 study found the roughly 350 bison on the island at that time to be undernourished.) Without natural predators, from 1970 through 2009 the bison population was controlled through periodic roundups, with captured bison shipped to mainland livestock auctions, private dealers, and Native American tribes. This was an expensive undertaking that subjected the bison to significant stress (and in many cases, slaughter), and failed to address the growth in bison numbers between roundups.

In 2009, the Conservancy, working with scientists from California State University, Fullerton, and the Science and Conservation Center in Billings, Montana, initiated a bison fertility control program using the porcine zona pellucida (PZP) immunocontraceptive vaccine. Having been successfully used in captive bison, it was anticipated that the vaccine would safely and effectively control the bison herd's growth. Indeed, as reported in a study published in the December 2013 edition of the *Journal of Zoo and Wildlife Medicine*, the bison calving rates declined from 67.4 percent in 2010 (before the vaccine took effect), to 10.4 percent in 2011, finally dropping to 3.3 percent in 2012.

The PZP vaccine's success will allow bison to inhabit Catalina Island at numbers that are not as hard on the ecosystem—allowing the natural diversity of island plants to flourish and ensuring sufficient forage for other island species—while avoiding disruptive bison roundups in the future. As the scientific evidence documenting the safety and efficacy of immunocontraception builds, this is a technology that should be embraced as a non-lethal and humane method for managing wildlife when and where appropriate. ♣



RORY MACLEOD

An immunocontraceptive in bird feed is helping Walla Walla, WA, humanely control its urban pigeon population.

## Bird Birth Control: Effective, but Underutilized Management Tool

**OVOCONTROL**, which contains the compound nicarbazin, is an oral contraceptive for birds that has proven to be a safe and effective contraceptive agent for geese. Nevertheless, state and federal agencies have, by and large, aligned to resist its use for the humane control of geese populations.

According to a study published in the *Journal of Zoo and Wildlife Medicine*, OvoControl, when marketed in mid-2000s to non-lethally and humanely control goose populations, was a commercial failure. Despite its benefits over lethal control methods such as hunting, capture and euthanasia, and toxicants (which only temporarily reduce bird populations), and its superiority over exclusion methods such as nets, spikes, and electrical strips (which only move birds to other places), OvoControl was rejected because it didn't satisfy the "gone today" urgency of complaints by immediately eliminating the "nuisance" birds.

State wildlife agencies also rejected the product largely to appease hunters, who prefer to shoot the geese. Some state legislatures promulgated laws creating byzantine regulations that effectively prevent the use of contraceptive agents in birds or other species—again to protect hunting interests. Similarly, the US Fish and Wildlife Service, once an advocate of contraception for wildlife management,

flip-flopped under pressure from hunting interests. Even the US Department of Agriculture's (USDA) Wildlife Services program, which is responsible for most resident goose control, ignored the product despite the fact that it was co-developed by USDA's own National Wildlife Research Center.

Fortunately, the obstacles preventing OvoControl use in geese are not as relevant to the humane control of pigeon populations since, in nearly all states, pigeons are not hunted. According to a recent article in the *Walla Walla Bulletin*, OvoControl use in that southeastern Washington city has been an enormous success—substantially reducing the city's pigeon population at a cost that is less than that incurred for the old-fashioned control strategies of trapping and shooting. By providing OvoControl-laced feed to the pigeons every few weeks, the pigeon population and pigeon complaints have declined.

Perhaps, in time, those resistant to new technologies to manage wildlife will embrace the future instead of stubbornly clinging to the past. Continuing to shoot or capture and euthanize "nuisance" geese or pigeons when a non-lethal tool is available to humanely reduce their populations is, well, for the birds. 

## ILL WIND FOR BATS AND BIRDS

**Even clean energy** can take its toll on animals if caution is thrown to the wind. According to an analysis by Mark Hayes of the University of Colorado, published in the December 2013 issue of the journal *BioScience*, wind turbines within the contiguous United States killed more than 600,000 bats in 2012—and perhaps as many as 900,000. Hayes writes that "The development and expansion of wind energy facilities is a key threat to bat populations in North America."

Meanwhile, the Obama administration published a final rule in December that allows for 30-year permits to be issued for wind farms to "take" (kill or injure) bald and golden eagles. The administration and industry say it will provide needed certainty to wind projects, and that under the rule, wind farms must take steps to prevent bird deaths. Not everyone is convinced, however. "Instead of balancing the need for conservation and renewable energy, Interior wrote the wind industry a blank check," said National Audubon Society's president and CEO, David Yarnold. 

## PETITION TO REFORM WILDLIFE SERVICES

In December, AWI and its allies petitioned the Obama administration to reform USDA's Wildlife Services program, which kills nearly 1.5 million animals each year without regard for sound science or animal welfare. The notoriously secretive program has long ignored humane and non-lethal wildlife management strategies, using taxpayer funds to kill countless target and non-target species—employing cruel and nonselective tools such as steel-jaw leghold traps and poisons—with little accountability to the public.

Highlighting the many problems plaguing Wildlife Services, the petition requests that USDA establish much-needed, legally binding regulations for the rogue program. In particular, it calls for the agency to (1) develop

regulations that will require use of the best available science when deciding whether to take action against animals, (2) protect non-target species, (3) ensure humane treatment of targeted animals, (4) prioritize non-lethal wildlife management options, and (5) require release of reliable information to the public about the animals that Wildlife Services kills.

The administration is legally obligated to respond to the petition, and any decision is subject to review in court. This call for action is an important step in AWI's efforts to bring an end to Wildlife Services' inhumane and unnecessary slaughter of our nation's wildlife. 

## 2013 Christine Stevens Wildlife Awards

THE CHRISTINE STEVENS WILDLIFE AWARD is a grant program—named in honor of the organization's late founder and president for over 50 years—created to stimulate and support efforts to devise new, non-lethal techniques and strategies for the purpose of humanely remedying human-wildlife conflicts. Each year, the program provides grants of up to \$10,000 to award recipients to help spur innovative and creative research. 2013 award recipients, institutional affiliation, study titles, and the primary wildlife associated with the study are listed below.

- Dr. David Bird, McGill University: *Use of a Remotely Piloted Aerial System to Census Raptor Nests* (osprey, Swainson's hawk, ferruginous rough-legged hawk)
- Dr. Anthony Clevenger, Western Transportation Institute: *Developing a Non-invasive Method of Locating Maternal Areas at a Landscape Scale* (wolverine)
- Dr. Peter Coppolillo, Working Dogs for Conservation: *Safeguarding Montana's Wildlife from Aquatic Contaminants Non-invasively, Using Conservation Canines* (river otter, mink)
- Ms. Jennifer Mae-White Day, University of Washington: *Preventing Human-Wildlife Conflicts through Non-invasive Landscape-Level Analysis of Habitat Requirements and Connectivity* (jaguar, puma)

- Dr. Kerry Foresman, University of Montana: *Hair Traps: A Non-invasive Methodology for Shrews and Other Small Mammals in Montana* (54 shrew and rodent species)
- Dr. Michael Sawaya, Sinopah Wildlife Research Associates: *Coupling Non-invasive Genetic Sampling Methods with Cellular-Enabled Remote Cameras to Improve Detection Rates* (black bear, puma, river otter)

Details on these winning proposals, as well as more information about the Christine Stevens Wildlife Award, can be found at [www.awionline.org/cswa](http://www.awionline.org/cswa). 



YATHIN

River otters in Yellowstone National Park. To protect aquatic species, an AWI grantee is testing the use of dogs to sniff out industrial and other contaminants in Montana waterways.

# OLD ANTLERS AND BONES ON THE TUNDRA TRACK HISTORICAL CARIBOU CALVING GROUNDS

by Dr. Joshua Miller



For caribou herds to persist, they must maintain access to productive calving grounds (areas that herds visit annually to give birth to their young). With respect to the Porcupine Caribou Herd (PCH) of the Arctic National Wildlife Refuge, Alaska (ANWR), efforts to fully appreciate how the location of arctic calving grounds have changed through time are complicated both by the logistical challenges of arctic

wildlife research and the fact that only a few decades of data are available for study. In fact, a broader temporal perspective may help managers to fully appreciate how the PCH will be impacted by the loss of regions used as calving grounds today, due to stressors such as climate change or the proposed petroleum development in ANWR (which includes the heart of known PCH calving grounds). Caribou bones and antlers lying on the tundra offer a previously untapped source of information to help scientists and wildlife managers gain this perspective. Furthermore, these bones and antlers can be collected without impacting living members of the herd.

Caribou are physiologically unique in that females, like males, annually grow and shed antlers. Male caribou shed their antlers after mating, while pregnant females keep their antlers (which are much smaller) until shedding them within a few days before or after giving birth. Antlers are composed of true bone, which can persist on landscape surfaces for hundreds of years or more. In addition, many newborn caribou do not survive their first 48 hours, adding their skeletal remains to the landscape. With tens of thousands of PCH caribou annually giving birth and shedding antlers on calving grounds, the combined antler and newborn bone

record can add dramatically to our understanding of calving ground use and changes through time.

My recent work has shown that areas of ANWR known to be important PCH calving areas have high concentrations of shed female antlers and neonatal skeletons. I have also shown that skeletal records offer high-resolution spatial data on season-specific patterns of landscape use. Furthermore, the state of decay of bones themselves provides information on how long a bone has been weathering (i.e., time since death or shedding) and such information can be used to track population changes through time. With the financial support of a Christine Stevens Wildlife Award from AWI, I am surveying ANWR for female caribou antlers and bones to help map the historical distribution of caribou calving grounds and track their geographic changes through time. This temporally extended perspective will place current patterns of landscape use into a historical context, assess the potential impacts posed by the loss of certain calving areas due to petroleum development, and enhance our understanding of how future climate change will shift the locations of preferred PCH calving grounds.

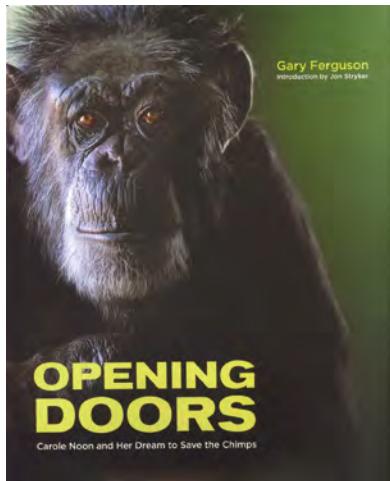
Beyond the ramifications for the PCH, this study will contribute broadly to arctic conservation and management practices by demonstrating how landscape bone accumulations can provide heretofore untapped sources of historical ecological data that may be collected with minimal impacts to local flora and fauna. 

Miller, J. H. 2011. Ghosts of Yellowstone: multi-decadal histories of wildlife populations captured by bones on a modern landscape. *PLoS ONE* 6(3): e18057. doi:10.1371/journal.pone.0018057.

Miller, J. H. 2012. Spatial fidelity of skeletal remains: elk wintering and calving grounds revealed by bones on the Yellowstone landscape. *Ecology* 93(11): 2474–2482.

Miller, J. H., P. Druckenmiller, and V. Bahn. 2013. Antlers on the Arctic Refuge: capturing multi-generational patterns of calving ground use from bones on the landscape. *Proceedings of the Royal Society B: Biological Sciences* 280(1759): 20130275.





## OPENING DOORS: Carole Noon and Her Dream to Save the Chimps

Gary Ferguson  
Save the Chimps  
ISBN: 978-0979668531  
176 pages; \$24.95

*Opening Doors: Carole Noon and Her Dream to Save the Chimps* begins with a journey. In 2001, 10 chimpanzees are being cajoled into traveling cages within a trailer truck, bound for a new and decidedly unknown world. Though the road is long—Arizona to Florida—the chimps don't seem to mind. They stare out the trailer windows in unwavering wonder as the scenery rolls by, mile after mile after mile. They are not used to such visual stimulation. They are, says the book, “refugees from what has been, for some, a thirty-, even forty-year sentence of fear and loneliness and despair”—imprisoned in claustrophobic cages. Some are survivors and descendants of the baby chimps captured in Africa in the 1950s and used in the original NASA space research program. These 10, and the many more to follow over the next few years, are on their way to a far better existence, thanks to the efforts of one very determined woman.

### 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).

Part biography, part history, and part coffee table book filled with arresting chimp portraits, *Opening Doors* chronicles the founding in 1997 by Dr. Carole Noon of Save the Chimps, an organization that today runs the world's largest sanctuary for captive chimps. The organization was catalyzed by an announcement from the US Air Force that it was ending its chimpanzee research program, and was looking for a good place to unload its “surplus equipment”—as the 141 chimps were classified. Carole's nascent (and as yet, landless) organization put in a bid for the animals—and lost. The majority of the animals went, instead, to the Coulston Foundation in Alamogordo, New Mexico, a biomedical laboratory that had, according to Save the Chimps, “the worst record of any lab in the history of the Animal Welfare Act.”

But Carole refused to throw in the towel. She sued the Air Force and gained custody of 21 of the chimps. Then, dramatically, the Coulston Foundation—facing imminent bankruptcy and a loss of faith and funds from the National Institutes of Health—agreed in 2002 to sell its Alamogordo property to Save the Chimps. Moreover, it would “donate” to the organization its 266 chimps. With help from a special grant from the Arcus Foundation, Save the Chimps kicked into high gear, transforming 150 acres of abandoned Fort Pierce, Florida, orange groves into a refuge for these and other chimps rescued from laboratories, the entertainment industry, and the pet trade.

Though Carole is the primary subject of *Opening Doors*, readers may find the greatest interest in passages where the biographical spotlight turns away from her life and the logistics of creating the sanctuary, and shines instead on individual chimps. Half a dozen are profiled, and their stories are both heartbreakingly revealing of what they endured and heartwarming in the accounts of their acquisition of happier—albeit for some, brief—endings. In 2009, Carole herself died at the age of 59, of pancreatic cancer. Her legacy, however, endures, as evidenced by the many soulful simian eyes that stare back at you in peace from the pages of *Opening Doors*. 

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



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## AWI Grants Support Better Care of Animals on the Farm

AWI'S GOOD HUSBANDRY GRANTS—administered through AWI's Animal Welfare Approved (AWA) farm certification program—were initiated in 2008 to support individual projects on farms and ranches across North America that have a clear and positive impact on animal welfare and promote the ability of animals to express natural behaviors while being raised outdoors, on pasture.

Over the past six years, the grants have supported more than 200 successful projects. Two AWA farms that received Good Husbandry Grants in prior years were featured in a January 20<sup>th</sup> *New York Times* article about the growing consumer concern over animal welfare issues in our food production system, and the increasing number of hog farmers who are raising animals outside—shunning the indoor confinement and severely cramped stalls used in large-scale industrial settings.

This past year, 35 grants were awarded for projects that provided improved outdoor access and mobile housing,

breeding programs that facilitate pasture-based management, non-lethal predator control, and other innovative projects that improve animal welfare. One grant, to Joyce Keibler of Hemmer Hill Farm in Crestwood, Kentucky, enabled Joyce to construct an innovative “shade sail” that provided her sheep protection from the sun and elements. (In many cases, farmers new to a given plot of land are dealing with the results of industrialized agriculture, which demands open, flat, treeless fields for machine access—to the detriment of animals who may later graze there.)

Another grant helped Dominick and Jeanette Siniscalchi of SMI Farm in Masonville, New York, integrate their laying hen operation into a rotational system with their cattle. With grant funds, the Siniscalchis erected a moveable chicken coop and fencing that allows them to easily move their chicken flock to follow the cattle from field to field, facilitating successful rotation that benefits each species as well as the farm environment.

For more information about AWI's Good Husbandry Grants, including profiles of the grantees, visit [www.AnimalWelfareApproved.org](http://www.AnimalWelfareApproved.org).

