



# AWI Quarterly

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## SPOTLIGHT

### Japan Set to Leave IWC

On December 26, Japan announced that it will leave the International Whaling Commission (IWC), ending its 65-year membership in the organization. In an associated announcement, Chief Cabinet Secretary Yoshihide Suga stated that the nation plans to conduct commercial whaling within its territorial waters and exclusive economic zone (EEZ). Japan's IWC withdrawal will take effect on June 30, 2019.

AWI is deeply critical of Japan's rejection of international governance of an increasingly imperiled marine environment. Japan's decision to pursue commercial whaling (apparently of minke, Bryde's, and sei whales) in its territorial waters and EEZ is a grave disappointment. Commercial whaling is economically, politically, legally, and scientifically indefensible in the 21<sup>st</sup> century. These hunts

will be inhumane and impossible to regulate. They may also imperil populations that have not recovered from centuries of commercial whaling and now face other threats to their survival, including pollution and bycatch. Japan's IWC resignation sets a dangerous precedent for the two other commercial whaling nations (Norway and Iceland) and dozens of other allies of Japan that remain members of the IWC but which may decide to follow the same course.

On a positive note, Japan will end its Antarctic whaling program—an industrial-scale operation conducted under the charade of research. Whales in this region have endured more than a century of almost nonstop commercial exploitation. Although Suga did not state this explicitly, Japan also appears to accept that its landing of sei whales taken on the high seas of the North Pacific violates the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (see *AWI Quarterly*, winter 2018) and this hunt, therefore, will also end. These are outcomes that AWI has worked toward for decades. Japan's departure will also allow the IWC to advance its important conservation and welfare agenda—efforts that Japan and its allies have blocked for decades. 🐾

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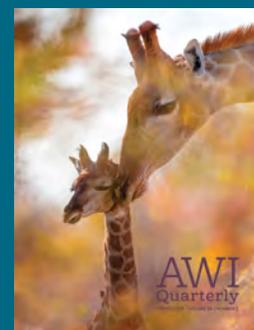
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### ABOUT THE COVER

A mother northern giraffe grooms her calf in Namibia. Giraffe populations in Africa are in decline—threatened by habitat loss, civil unrest, and hunting for meat and trophies. At the 18<sup>th</sup> meeting of the Conference of the Parties (CoP18) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), held in Sri Lanka, the parties will consider a proposal to list giraffes on CITES Appendix II to control trade in the animals and their parts. AWI will be at CoP18 to advocate for giraffes and other animals. Turn to page 12 for our overview of what's at stake. Photograph by Philippe Moes/Minden Pictures.

## NO CRAMPED CRATES IN GOLDEN STATE

Last November, California voters passed Proposition 12, which will end the extreme confinement of farm animals in the state. As one of the most far-reaching laws for farm animal welfare to date, Proposition 12 ensures that, by 2022, eggs, veal, and pork produced and sold in California will come from animals raised in environments where they can move freely, extend their limbs, and turn around. The initiative strengthens preexisting California anti-confinement laws. It passed with an overwhelming 63 percent of the vote, gaining the support of more than 7.5 million California citizens. Currently, 10 other states restrict or outright ban extreme confinement of farm animals.

## ANOTHER BAD YEAR FOR BARN FIRES

Every year in the United States, barn fires kill hundreds of thousands of farm animals, yet no federal laws or

regulations are in place to prevent these tragic incidents. AWI, which compiles and analyzes barn fire data, found that in 2018 more than 150,000 farm animals perished in 148 documented US barn fires—the latter number nearly double that of the previous year. Of these fires, Wisconsin reported the most (19), followed by Ohio (18), and New York (18). This 2018 barn fire tally follows an AWI report released in October: *Barn Fires: A Deadly Threat to Farm Animals*. The report, which calls attention to the more than 2.7 million farm animals who died in 326 separate barn fires from 2013 through 2017, offers recommendations for fire prevention and safety measures that would better protect farm animals and farm workers.

To further increase barn fire awareness, AWI released two barn fire trackers on our website in January. One tallies the total number of farm animals that were reported killed in barn fires since 2013, broken down by species. The other tracks reported barn fires, by state, on an annual basis. AWI has found that fires occur most often in the Upper Midwest

and Northeast, and are more common in winter months. Malfunctioning or improperly placed heating devices are the most common culprits.

## GOOD FOOD PURCHASING PROGRAM COMES TO DC PUBLIC SCHOOLS

In January, the Healthy Students Amendment Act (HSAA), which incorporated the Good Food Purchasing Program (GFPP), passed into law in Washington, DC, making the DC school system the fifth in the country to adopt the program. The GFPP was originally created by the Los Angeles Food Policy Council and the Center for Good Food Purchasing. The program prioritizes sustainability, local economies, nutrition, and animal welfare. After kicking off in Los Angeles in 2012, the GFPP has since been adopted by several cities and school districts across the nation. In Washington, it will provide healthier meals to thousands of students while promoting higher-welfare living conditions for farm animals.

AWI helped draft the animal welfare standards for the GFPP, which call for participating public institutions (1) to obtain animal products from suppliers whose higher-welfare practices are third-party certified and/or (2) to replace some percentage of animal products with equivalent plant-based protein. AWI staff members testified before the DC City Council in support of the GFPP and the HSAA, and AWI is part of a broad coalition of local and national organizations that worked with the council to get the bill passed.

*A ballot measure approved by California voters in November means that veal calves, egg-laying hens, and pigs will no longer be subject to extreme confinement.*



LEAH KELLEY

*A foie gras operation in Quebec. After a lengthy back-and-forth battle in court, foie gras is now banned in California.*

## CALIFORNIA FOIE GRAS BAN SURVIVES FINAL CHALLENGE

California's foie gras ban is now in effect for the foreseeable future—a win for ducks, geese, and animal welfare advocates. In an anticlimactic conclusion to years of contentious litigation and debate, the US Supreme Court declined to hear a challenge by foie gras producers and restaurateurs to the ban. The law, enacted in 2004, went into effect in 2012. A district court overturned the ban in 2015, but the Ninth Circuit Court of Appeals unanimously reversed in 2017. The Supreme Court's refusal to take up the case means the Ninth Circuit's decision upholding the ban is the final word.

Foie gras, the fatty liver of ducks or geese, is produced using a procedure called gavage, in which producers insert a tube down the animal's throat to forcefully overfeed the animal. Fowl raised for foie gras live short, painful, and sick lives before slaughter.

Even Amazon was ensnared in the debate when California prosecutors alleged that it sold the product during the state ban. The online retailer recently settled this case by agreeing to stop sales for at least the next five years and pay a \$100,000 fine.

## SUPREME COURT SHUNS CONFINEMENT CASES

In addition to declining to hear the foie gras challenge, the Supreme Court passed on the opportunity to weigh in on another farm animal welfare



LIBERATION BC

challenge, this time with respect to state laws regarding confinement. The two cases—filed by a combined total of 15 state attorneys general on behalf of their respective agriculture industries—challenged California and Massachusetts laws prohibiting the sale of eggs, pork, and veal from animals raised in extreme confinement. The California law provides specific space requirements for these animals, while the Massachusetts law prohibits them from being confined in a manner that “prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely.”

The 15 states had asked the Supreme Court to hear the case directly (rather than as an appeal from a lower court) in an exercise of the Supreme Court's “original jurisdiction” over disputes between state governments. In response to a request by the court, however, US Solicitor General Noel J. Francisco submitted an amicus brief that contradicted the plaintiff states' position. He argued that original jurisdiction was not merited and that the matter could be properly addressed initially at the district court level. While the decision has no bearing on the constitutionality of the California and Massachusetts laws,

they remain in place, at least until the states and their agricultural producers find another way to sue.

## YET ANOTHER AG-GAG LAW FOUND UNCONSTITUTIONAL

A federal court has struck down Iowa's “ag-gag” law. In 2012, the state created the crime of “agricultural production facility fraud” after several undercover investigations revealed worker cruelty to animals. The incidents included farm workers hurling small piglets onto a concrete floor, beating pigs with metal rods, and abusing hens and chicks. Instead of addressing the conduct of workers who inflicted needless suffering on animals, the Iowa legislature acted to criminalize the conduct of undercover investigators.

Judge James Gritzner of the US District Court for the Southern District of Iowa, however, found that the law infringed on protected speech and that the law's purpose—to protect Iowa's agricultural industry from “harm” stemming from undercover investigations—was insufficient to justify curtailing such First Amendment rights. Similar laws have been struck down in Idaho, Utah, and Wyoming.

# Lawsuit Targets USDA's Failure to Address Food Label Deception



**AWI** sued the US Department of Agriculture in November for failing to respond to a four-and-a-half-year-old rulemaking petition. The petition calls for regulations under the Federal Meat Inspection Act and Poultry Products Inspection Act to improve transparency and consistency on consumer food labels. The USDA's existing policy on approving label claims allows a producer free rein to choose whatever claims it feels are most suited to market its product—nearly irrespective of what level of animal care the producer actually provides. The result is that many products bearing lofty claims such as “humanely raised” come from animals subject to living conditions that are no better than abysmal industry standards.

Prior to filing its petition, AWI thoroughly researched the USDA's label-approval process and determined that labels were routinely approved with little or no documentation from the producer to justify the use of an animal-raising claim. We published our findings in the report *Label Confusion: How “Humane” and “Sustainable” Claims on Meat Packages Deceive Consumers*. To promote transparency and consistency, our petition asked the USDA to promulgate regulations to require third-party certification of animal welfare and environmental sustainability label claims. Third-party certification would ensure that producers who make these claims exceed industry standards in a consistent and meaningful way.

The USDA attempted to resolve problems with its label-approval process in 2016 by issuing a guidance document for producers using animal-raising claims. However, the guidance document was so inadequate that more than 99 percent of

those who submitted feedback during the comment period opposed it. Through additional research, AWI has found that the USDA's label-approval process continues to allow producers to use misleading or meaningless claims.

Consumers are victimized by such false advertising and overwhelmingly oppose the USDA's practice of allowing producers to create their own definitions for certain claims. According to an AWI-commissioned survey conducted by The Harris Poll in September 2018, 81 percent of frequent purchasers (4+ times per month) of animal products said that producers should not be allowed to set their own definitions for claims about how farm animals are raised. In a separate survey conducted on AWI's behalf, The Harris Poll found that 83 percent of consumers agree that it is important to verify via independent inspection the claims on food packaging about how farm animals are raised. AWI's petition addresses these consumer concerns.

The lawsuit, filed on behalf of AWI by the Duke Environmental Law and Policy Clinic, asserts that the USDA failed to respond to our petition in a timely manner, as the department is required to do under the Administrative Procedure Act. If the USDA were to finally implement rules, as requested in the petition, consumers could more confidently use their purchasing power to support farms that truly do provide their animals with a better living environment, resulting in a more level playing field for such farms and, ultimately, a shift in the market toward better treatment of farm animals. AWI will continue to update our members about the progress of this case. 🐾



AWI board member  
Caroline Griffin presents  
John Thompson with the  
Schweitzer Medal.

## John Thompson: The Game Changer

On March 7, AWI presented the Schweitzer Medal to John Thompson in recognition of his extraordinary efforts to improve law enforcement's recognition of animal cruelty as a crime of violence and its response to those crimes.

In truth, Thompson was a late bloomer when it comes to animals. He never even had a dog until he brought one home as a gift to his wife. Despite spending 30 years in law enforcement and rising to become the deputy executive director of the National Sheriffs' Association (NSA), Thompson never gave much thought to animal cruelty. He started his career as a military police canine handler; yet, like so many cops, he considered animal cruelty a problem for animal control. An epiphany changed all that.

Thompson's world transformed when his daughter gave him an article she had written on the link between animal abuse and other violent behavior. Thompson's immediate reaction was "You've got to be kidding me." He found himself staying up at night reading article after article, wondering, "How did I not know this?" At the same time, his "wife's dog," Mr. Po, was quickly becoming "his dog," snuggling his way into John's heart. (Mr. Po, who passed away in October, is pictured with Thompson on page 3 of this issue.)

Shortly after his epiphany, Thompson attended a listening session on animal cruelty at the US Department of Justice. Surrounded by national animal welfare organization representatives, Thompson was struck by the lack of law enforcement officials at the table and the lack of coordination among the national groups. Thompson used his clout at the NSA to help create the National Coalition on Violence Against Animals, a multidisciplinary coalition of local, state, and national organizations that seeks to reduce violence against animals and raise awareness of its link to human violence. Thompson sought as well to provide a resource especially for law enforcement officials. He created the National Law

Enforcement Center on Animal Abuse, which aims not only to educate officers but also to encourage them to enforce animal cruelty laws. Thompson then helped convince the Federal Bureau of Investigation, as of January 2016, to add animal cruelty crimes to its national crime report—something AWI had long lobbied for. Thompson, an insider who served on the FBI's Advisory Policy Board, was the tipping point.

Not one to rest on his laurels, Thompson also undertook to reduce the number of officer-involved dog shootings. Working with the Office of Community Oriented Policing Services (COPS) at the Department of Justice, he has helped procure funding to train officers at police academies. Now, in his latest challenge, Thompson has assumed directorship of the National Animal Care and Control Association, which seeks to strengthen the animal care and control profession through training, networking, and advocacy.

For all he has done for animals, AWI is pleased to present John Thompson with the Schweitzer Medal. 🐾



John Thompson with AWI's Nancy Blaney and Mary Lou Randour.

PHOTOS BY ALEXAN DRA ALBERG/AWI

## ANIMAL-FRIENDLY FARM BILL SURVIVES BORDER WARS

The 115<sup>th</sup> Congress ended in chaos and rancor, with a large portion of the government shut down amidst a continuing battle over the border wall. Congress did manage to complete work on the 2018 farm bill, however, and the president signed it into law on December 20. This rarest of species—a bipartisan piece of legislation— included several provisions that benefit animals and left out proposed language that would have harmed them.

The new law incorporates the Pet and Women Safety Act, which will provide more resources for assisting domestic violence survivors and their companion animals in seeking shelter. It prohibits the slaughter of dogs and cats for human consumption in this country, and extends federal animal fighting prohibitions to US territories.

An infamous amendment sponsored by Rep. Steve King (R-IA) was dropped. This provision would have denied states the authority to set animal welfare standards within their own borders and

forced them to allow sales of animals and animal products from states where standards are much lower. Also dropped from the bill were provisions that greatly weakened the Endangered Species Act, including one that would have reduced oversight for pesticide registration—a particular danger to pollinators.

## KEY WELFARE BILLS IN CONGRESS

As the 116<sup>th</sup> Congress gets underway, a number of bipartisan bills that benefit animals have already been introduced in the House of Representatives:

*The Pet Safety and Protection Act (HR 689)* — Introduced by Reps. Mike Doyle (D-PA) and Chris Smith (R-NJ), this bill would protect beloved family pets and strays from being sold for use in experimentation by unscrupulous Class B (random source) dealers.

*The U.S. Senator Joseph D. Tydings Memorial PAST (Prevent All Soring Tactics) Act (HR 693)* — Soring, the act of intentionally inflicting pain on a horse's hooves and front limbs to

produce an exaggerated high-stepping gait, remains a rampant practice in Tennessee Walking Horse competitions. To end this abuse, Reps. Kurt Schrader (D-OR), Ted Yoho (R-FL), Steve Cohen (D-TN), Ron Estes (R-KS), Jan Schakowsky (D-IL), and Chris Collins (R-NY) reintroduced the PAST Act, now renamed in honor of the late Maryland senator who spearheaded the passage of the Horse Protection Act of 1970.

*The Preventing Animal Cruelty and Torture (PACT) Act (HR 724)* — In “crush videos,” depraved individuals torture and kill small animals to satisfy viewer fetishes. Reps. Ted Deutch (D-FL) and Vern Buchanan (R-FL) introduced HR 724 to close a loophole in current law, which makes it a federal crime to create and distribute such videos, but does not cover the underlying acts.

*The Shark Fin Sales Elimination Act (HR 737)* — Fins from up to 73 million sharks enter the global market annually. Although shark finning in US waters is illegal, the United States plays a significant role in perpetuating this barbaric practice by providing a market for shark fins. HR 737, introduced by Reps. Gregorio Kilili Camacho Sablan (D-MP) and Michael McCaul (R-TX), would prohibit the sale, purchase, and possession of shark fins in the United States.

### What You Can Do

Visit AWI's Compassion Index at [www.awionline.org/action-ealerts](http://www.awionline.org/action-ealerts) to contact your representative and urge support for these important bills. Letters sent via postal mail can be addressed to The Honorable [full name] US House of Representatives Washington, DC 20515



SAM ROACH



BOBBY MAYO

*AWI president Cathy Liss was honored to join the 100<sup>th</sup> birthday celebration for grassroots activist Holly Reynolds of Baton Rouge, LA. During the party, Cathy presented Holly with an award in recognition of her boundless compassion, tireless advocacy, and incalculable achievements for animals.*

## HAWAII GIVES HEAVE HO TO CIRCUS ANIMAL SHOWS

At the end of 2018, Hawaii became just the second state (after New Jersey) to prohibit the use of exotic animals in traveling shows. On December 21, Governor David Ige signed a new rule, which was previously approved by the Hawaii Board of Agriculture, citing concerns about public safety and health.

Exotic animals exploited by circuses are subjected to nonstop travel in cramped crates, forced to perform unnatural tricks in front of noisy crowds, and trained using abusive methods. A growing list of jurisdictions have taken steps to end this abuse. Bullhooks have been banned in California and Rhode Island, Illinois and New York have banned the use of elephants in traveling shows, and nearly 150 local ordinances have enacted some version of these prohibitions. In Michigan, Senator Bruce Tarr (R-1<sup>st</sup> Essex and Middlesex) and Representative Lori Ehrlich (D-8<sup>th</sup> Essex) recently reintroduced a bill to prohibit the use of elephants, big cats, primates, and bears in traveling shows in that state.

## PUPPY-MILL-PLACATING MEASURE NIXED IN MICHIGAN

Before leaving office, former governor Rick Snyder vetoed a pair of bills that were pitched as efforts to strengthen oversight of pet stores but which in fact would have allowed the continued sale of animals from cruel and unscrupulous puppy and kitten mills and would have further prohibited local governments from passing stronger measures to rein in such sales. AWI submitted testimony against the legislation and noted that these bills would have reversed the progress the state made in 2015 when a law was passed to tighten regulations on large-scale breeders. Thanks to all those who voiced their opposition to these bills by contacting their legislators and the governor.

## STATE LEGISLATURES WEIGH ANIMAL WELFARE MEASURES

As in Washington, DC, the new year ushered in new sessions in state legislatures, and bills to improve animal welfare have been introduced in several

of them—including the Michigan circus animal bill mentioned at left.

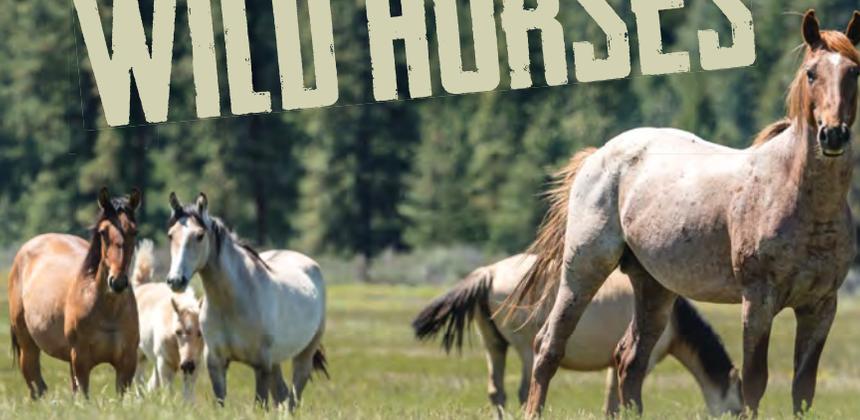
Legislation has been introduced in Florida (HB 99) and Connecticut (HB 5251) to prohibit the sale, purchase, and possession of shark fins. In the absence of a national ban prohibiting the trade in shark fins, states have stepped up: Currently, 15 states and territories ban the sale of shark fin products.

Kentucky is one of only five states (the others being Hawaii, New Mexico, West Virginia, and Wyoming, as well as the District of Columbia) where animal sexual assault is still legal. (In some cases, bestiality was covered under other sexual practices laws that have since been repealed.) To correct this in Kentucky, SB 67 has been introduced to establish the crime of sexual abuse of an animal. Animal sexual assault is a violent crime, often resulting in the animal's serious injury or death. Moreover, it is also a red flag for potential violence against other humans. Committing animal sexual abuse is, in fact, the strongest statistical indicator that the perpetrator will also commit child sexual abuse.

*state legislation*

# FOREST SERVICE SEEKS TO SELL OFF WILD HORSES

FATCA MERA



**LAST OCTOBER**, the US Forest Service (USFS)—which manages approximately 8,000 wild horses and burros in the United States—made a shocking announcement: The agency would soon begin rounding up and selling horses from California’s largest herd without any prohibitions on slaughter. Moreover, some of the horses could be sold for as little as \$1 apiece and purchasers could acquire up to 36 at a time. By early November, the USFS had finished rounding up close to 1,000 wild horses from the 300,000-acre Devil’s Garden Wild Horse Territory in Modoc National Forest.

Public outrage was immediate, given that the plan appears tailor made for sale to kill-buyers—who transport American horses (typically under deplorable conditions that involve little or no rest, water, or food) to slaughterhouses in Canada or Mexico. AWI and other animal welfare groups immediately urged the California attorney general to enforce the state’s existing law prohibiting horse slaughter.

Twenty-three members of the California state legislature wrote to the USFS demanding that the federal government refrain from moving forward with this reckless plan. Sens. Diane Feinstein (D-CA) and Kamala Harris (D-CA) also voiced concerns with the USFS’s decision to proceed with sales “without limitation” on slaughter.

The Bureau of Land Management (BLM) manages the vast majority of America’s wild horses and burros, and there are restrictions on the BLM’s sale of such horses. Every year, AWI works with federal lawmakers to ensure that annual spending bills contain provisions preventing the destruction of BLM-

managed wild horses for commercial purposes. Historically, the USFS has abided by such provisions as well. Under the Trump administration, however, the USFS has chosen for the first time to flout Congress’s clear intent by arguing that it is not bound by these provisions.

At the urging of animal protection groups, the California attorney general notified USFS officials that the state fully intends to enforce existing California law, which makes the sale of horses for slaughter a felony that carries a prison sentence of up to three years. Assemblymember Todd Gloria (D-San Diego) has introduced a bill (AB 128) in the California legislature to bolster protections for equines in the state, and AWI is working to ensure that the provisions are as strong as possible. Similarly, AWI is working with federal lawmakers to ensure that the USFS can no longer exploit any perceived loophole in the policies that Congress sets forth regarding wild horses through the appropriations process.

To date, the USFS’s response to the public outcry and warnings from elected officials has been to dig in its heels while attempting to deflect scrutiny and criticism through halfhearted “concessions.” Rather than back away from the plan altogether, the agency merely pushed the time back when sales without limitations on slaughter would begin, from fall to spring of next year. And the agency is sticking with its intention to start selling some of the horses it has rounded up for \$1 each. This is a clear indication that the agency—despite its mandate to protect wild horses and manage them humanely on the range—just wants to permanently rid itself (and the range) of these horses as quickly as possible. 🐾

## APPLY NOW FOR AWI RESEARCH GRANTS TO SUPPORT HUMANE WILDLIFE MANAGEMENT

As human settlements grow and wildlife habitat shrinks, conflicts between humans and wildlife become more widespread. Government officials and property managers employ various wildlife management strategies to alleviate such conflicts. Too often, however, the strategies involve simply eliminating the wildlife.

To address this issue, AWI created the Christine Stevens Wildlife Awards. Through this program, AWI offers grants of up to \$15,000 toward research studies that help spur innovative strategies for humane, nonlethal wildlife management that works for both humans and animals. The grant program, which began in 2006, is named in honor of the organization's late founder and president for more than 50 years.

Wildlife researchers across North America are encouraged to apply. The deadline for applications is May 6, 2019, and grant recipients will be notified by July. Details on how to apply are at [www.awionline.org/csaward](http://www.awionline.org/csaward).

## WOLVES' ESA PROTECTION IN PERIL

Acting interior Secretary David Bernhardt, in a March 6 speech at the North American Wildlife and Natural Resources Conference in Denver, stated that the US Fish and Wildlife Service plans to eliminate Endangered Species Act (ESA) protections for gray wolves across the contiguous United States. Currently, gray wolves are protected under the ESA in these 48 states except for those living in Montana, Idaho, Wyoming, eastern Washington, eastern Oregon, and northcentral Utah (comprising the Northern Rocky Mountain distinct population segment). This population of wolves, except for those in Wyoming, were delisted in 2011 via a rider to a federal budget bill. The Wyoming wolves were delisted in 2012, had protections restored in 2014, but were again delisted by court order in 2017.

This proposed rule would cede management of the species to states, several of which have shown themselves all too willing to institute wolf hunting seasons and attempt to eradicate wolves via shockingly cruel methods. Wolves not currently protected by the

federal government have legally been run over by snowmobiles and ATVs, poisoned, snared, caught in barbaric steel-jaw leghold traps, incinerated in their dens with gas or dynamite, and gunned down by aircraft.

It is, of course, dangerously premature to remove conservation mandates now. By the mid-20<sup>th</sup> century, gray wolves had been extirpated from the western United States. Their numbers, despite gradual growth since the adoption of ESA protections, are still perilously low—an estimated 5,000 gray wolves exist in the contiguous United States where hundreds of thousands once roamed.

Please visit [www.awionline.org/gray-wolves](http://www.awionline.org/gray-wolves) today to submit comments to the USFWS opposing this reckless attempt to delist gray wolves.

## TAPED TURTLES TURN UP AT MANILA AIRPORT

On March 3, customs officials in the Philippines seized 1,529 live turtles that were found wrapped in duct tape and stuffed inside four suitcases in Manila's Ninoy Aquino International Airport. The suitcases had arrived on a flight from Hong Kong but were discarded before security checks. Officials say the animals were worth about US\$87,000 on the black market.

Four species were found in the abandoned luggage: red-eared slider turtle, Indian star tortoise, red-footed tortoise, and African spurred tortoise—the latter three classified as vulnerable by the International Union for Conservation of Nature. The red-eared slider, among the world's most popular pet turtle species, is not considered vulnerable; rather, it has become an extremely problematic invasive in areas where people have released turtles originally acquired as pets into nonnative habitat.



GRAY WOLVES, LEFTON

# CITES PARTIES MEET IN SRI LANKA TO ADDRESS TRADE IN WILDLIFE

**I**n late May, thousands of government delegates, conservationists, scientists, industry lobbyists, and others will gather in Colombo, Sri Lanka, for the 18<sup>th</sup> meeting of the Conference of the Parties (CoP18) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Three representatives from AWI—D.J. Schubert, Sue Fisher, and Johanna Hamburger—will participate in the meeting, which will feature extensive deliberations over the course of two weeks on 56 proposals covering over 200 species and subspecies. Nearly 100 working documents pertaining to the implementation and interpretation of the treaty will also be discussed. The outcome will help determine species survival and ensure that CITES is equipped to address future wildlife conservation and international trade challenges.

CITES was created in 1973 to address the unregulated international trade in wildlife and wildlife products. Species may be listed on one of three CITES appendices, designating

different levels of protection. Those deemed most in danger of extinction are listed on Appendix I; international commercial trade in these animals is, for the most part, prohibited. Appendix II lists species that are not currently threatened by extinction but may become so unless trade is closely controlled. (Appendix II also includes “look-alike species” whose specimens in trade look like those of species listed for conservation reasons.) Appendix III lists species protected in at least one country that has asked other parties to the treaty for assistance in controlling the trade.

Various proposals to be discussed at CoP18 seek to add or remove species from these appendices or move species from one appendix to another. Tarantulas, guitarfish, saiga antelopes, giraffes, mako sharks, rhinoceroses, elephants, and a number of reptiles and amphibians are among the animals under discussion at CoP18. A sampling of the species proposals and working documents to be deliberated at CoP18 is provided below.



Tajikistan proposes to downlist the **Heptner's markhor**, a wild goat species targeted by trophy hunters, from Appendix I to II. While Heptner's markhor numbers have increased since the late 1990s, the species continues to be threatened by poaching, disease, and overutilization of its habitat by livestock. This proposal is unnecessary, as noncommercial trade in hunting trophies is permitted even for Appendix I species. It also could complicate law enforcement efforts, since Heptner's markhor horns can be difficult to distinguish from horns of Appendix I markhor subspecies.



SOUTHERN WHITE RHINO. KANDUKURU NAGARJUN

Namibia proposes to downlist its **southern white rhino** population from Appendix I to II for the purpose of permitting trade in live rhinos and hunting trophies. This proposal—like Tajikistan's markhor proposal—is unnecessary, since live rhinos and rhino hunting trophies can be traded internationally for noncommercial purposes under the current Appendix I designation. There are just over 1,000 white rhinos in Namibia living in 70 subpopulations that remain susceptible to poaching and illegal trade. Since 2010, more than 130 rhinos have been poached in Namibia, with poaching rates spiking in 2015 and 2016. When poachers are arrested, they rarely suffer any consequences; from 2016 through 2018 there was only one successful prosecution out of 85 cases.

Mongolia and the United States propose to uplist the **saiga antelope** from Appendix II to I. Saiga populations declined from 1.25 million in the 1970s to just over 152,000 today. Saiga are highly susceptible to disease and changing environmental conditions, with multiple die-offs reported in the past several years, including the loss of 211,000 in Mongolia in 2015. While saiga habitat has been lost and degraded, largely due to livestock grazing, the primary threat to the species is illegal hunting for national and international trade in

saiga meat, horns, and horn products, which some believe have medicinal value. Since only male saiga have horns, the poaching of males significantly skews the population's sex ratio, contributing to population declines and the complete collapse of some populations.

Zambia proposes to transfer its **African elephant** population from Appendix I to II with an annotation to permit commercial trade in hides, leather products, and raw ivory with CITES-approved trading partners and to permit noncommercial trade in hunting trophies. In 2015, Zambia had approximately 27,000 elephants—a mere fraction of the 250,000 elephants in that country in the 1960s. Zambia downplays or ignores evidence that warrants retaining its elephant population on Appendix I, including conflicting 2015 population estimates, population declines between 2008 and 2015, the near-extirpation of some populations, ongoing habitat loss, and increased poaching. There is also a complete lack of evidence that downlistings or sales of stockpiled ivory reduce elephant poaching.

Burkina Faso and 10 other African countries seek to uplist elephant populations in Botswana, Namibia, South Africa, and Zimbabwe from Appendix II to I. Botswana, Namibia, South Africa, and Zimbabwe, on the other hand, propose to amend the annotation to the Appendix II listing of elephants in those countries to permit, without restriction, sales of stockpiled ivory. If the latter proposal were to be approved, it would reestablish a commercial trade in ivory, further decimating elephant populations by facilitating the laundering of illegal ivory.

In evaluating the relative merits of these two competing proposals, the following facts are pertinent: In 1800, there were an estimated 26 million elephants in Africa. Only 415,000 remain, with poachers killing 20,000 animals each year to satisfy the global demand for ivory. Between 2006 and 2015 alone, a reported 111,000 elephants were killed by poachers, but the actual number is likely much higher. Meanwhile, the range of the African elephant (*Loxodonta africana*) contracted by 36 percent between 2002 and 2011. **Forest elephants** (*Loxodonta cyclotis*) lost 30 percent of their range (and their numbers dropped 62 percent) over the same time period. In 1989, when all elephants in Africa were on Appendix I (lumped together at that time as a single species), the global ivory market collapsed and elephant populations began to recover. A decade later, when elephant populations in Botswana, Namibia, South Africa, and Zimbabwe were downlisted to Appendix II, poaching rates increased, particularly after a legal sale of stockpiled ivory in 2008. Recently, poaching rates have again increased in these southern African countries, causing a drop in elephant

numbers in Botswana and Zimbabwe. Clearly, an uplisting is warranted. Another sale of stockpiled ivory is not.

Israel and Kenya propose listing the **wooly mammoth** on Appendix II under the look-alike provision, given the similarities between mammoth and elephant ivory. Although the last remnant woolly mammoth populations died out around 3,700 years ago, regulation of the burgeoning trade in mammoth ivory is needed to prevent the illegal laundering or mislabeling of elephant ivory products as mammoth ivory, as has been documented in China and the United States. As permafrost has thawed due to climate change, mammoth ivory has become increasingly available—particularly in Russia, which annually exports tons of mammoth ivory to China.

Chad, Senegal, Mali, Niger, the Central African Republic, and Kenya propose to list the **giraffe** on Appendix II. Since the 1980s, giraffe numbers have declined by at least 36 percent, from an already diminished 163,000 to 97,500 today. Giraffes populations are also threatened by habitat loss, legal and illegal killing via strangling snares (including for bushmeat), civil unrest, and international trade in hunting trophies, bone carvings, and other products. From 2006 to 2015, over 39,500 giraffe specimens were imported into the United States, including nearly 3,800 hunting trophies.



SMOOTH COATED OTTER, CRANNEY ANTHONY

India, Nepal, and Bangladesh propose the transfer of the **smooth-coated otter** from Appendix II to I, while India, Nepal, and the Philippines seek to list the Asian small-clawed otter on Appendix II. The population of these two otters has declined by 30 percent over the past three decades due to massive habitat loss and intense poaching to supply the international trade in pelts and live animals as pets. Both species are found in a limited number of areas and, with few exceptions, their populations are small and declining. While some legal commercial trade is reported, the illegal trade is a significant and increasing threat to the species. Globally, from 1980 to 2018 there were over 250 otter seizures involving over 6,000 specimens (mostly pelts) from both species. More recently, advertisements for pet otters have increased, as have seizures of live otters that were destined for the pet trade.



GIRAFFE, JOHN HILLARD

# AMPHIBIANS + REPTILES

Sri Lanka proposes to list its endemic **hump snout lizard** on Appendix I. This lizard is in high demand in the international pet trade due to its spectacular coloration, resulting in a decline in population. Since 2011, significant numbers of illegally collected hump snout lizards have been documented in trade in Europe, Asia, and the United States. While some specimens are identified as captive bred, the majority are wild caught. (It is common for traffickers to claim wild-caught animals are captive bred in order to launder them into legal trade channels.) This species is also threatened by habitat loss due to deforestation and other anthropogenic impacts.

India, Bangladesh, Senegal, and Sri Lanka propose to uplist the **Indian star tortoise** from Appendix II to I due to declining numbers and overcollection for the international pet trade. Its ease of capture and low reproduction rates make this species particularly susceptible to overexploitation—it is, in fact, the tortoise species most often seized from smugglers. One study found that at a single location, 55,000 Indian star tortoises were illegally removed from the wild in one year—three to six times more animals than previously reported as collected throughout the star tortoise’s entire range. Habitat is also being lost or fragmented at a rapid pace, resulting in local extirpations.

The European Union, India, the United States, and the Philippines propose to list the **Tokay gecko** on Appendix II. The species is primarily threatened by international trade for traditional medicine and, to a lesser degree, as pets. Taiwan imported approximately 15 million Tokay geckos from 2003 to 2014. During 2017–2018, Thailand exported 1.45 million live and dried specimens. Population declines have been reported in several range states, including a 50 percent decline in Bangladesh.

China, the European Union, and Vietnam propose an Appendix II listing for 13 **warty newt** species endemic to China and Vietnam. Many of the species are collected for food and traditional medicine (mostly in national trade), and the pet trade (national and international), with overexploitation considered a threat for several species. Their forest and grassland habitat is also under threat, with a 30 percent decline in forest habitat in China over the past 50 years and an 80 percent decline in Vietnam over the past 20 years. Between 2000 and 2016, the United States imported over 38,000 warty newts. Half of them are reportedly from the wild, although this is considered an underestimate.





PANCAKE TORTOISE. JOSH MORE

Kenya and the United States propose to transfer the **pancake tortoise** from Appendix II to I. Commercial trade is the major threat to this animal, followed by habitat loss. The species is vulnerable to extinction due to its restrictive habitat requirements, low densities, fragmented populations, low reproductive potential, high mortality rate of eggs and hatchlings, and overexploitation for the international pet trade. The population has declined by 80 percent in the past 30 years. Since 1975, over 47,000 animals (more than 25,000 of whom were labeled as captive bred) have been exported, primarily to Japan, the United States, and the European Union. Trade has increased over the past 20 years, with a number of states that are not range states reporting exports.

China, the European Union, and Vietnam propose an Appendix II listing for 13 endemic species of **cave, tiger, and leopard geckos** from China and Vietnam that are losing habitat and under increased pressure from the international pet trade. These species are habitat specialists that live in low densities within restricted ranges, with many found only in a single locality. They have been popular in international trade since the 1990s, with most removed from the wild for export to the European Union and the United States.



LEOPARD GECKO. RENEE GRAYSON

China, the European Union, and Vietnam propose to list all species of **crocodile newts** on Appendix II. These species generally occupy restricted ranges in highly fragmented and shrinking habitats. Population numbers are small, generally ranging from a few animals to a few hundred. Crocodile newts are collected for food, traditional medicine, and the international pet trade, with exports primarily to the European Union, Japan, and the United States. Records show that between 1999 and 2017, the United States imported over 35,200 crocodile newts, mostly removed from the wild.



CROCODILE NEWT. JOHN P. CLARE

Costa Rica, El Salvador, Honduras, and Peru propose to list 17 species of **glass frogs** on Appendix I and another 87 on Appendix II. The species are popular as pets due in part to their transparent abdominal skin. The 17 species proposed for Appendix I listing have restricted areas of distribution, and their population numbers are declining due to extreme habitat loss and collection for the international pet trade. The remaining 87 Appendix II–proposed species are regularly traded, exist in threatened habitat, and/or need to be listed for look-alike reasons to facilitate enforcement efforts. Between 2004 and 2016, the United States imported over 2,100 glass frogs from seven of the species proposed for listing; the European Union is also involved in the trade.

# ARACHNIDS

Sri Lanka and the United States are proposing to include 15 **tarantula** species on Appendix II to protect eight of those species whose populations are declining. The other seven species are being proposed due to look-alike concerns. Collection for the international pet trade is a significant threat for several of the species. The United States imported nearly 23,000 live tarantulas between 2006 and 2017, with the majority coming from European countries. Most are wild caught and passed off as bred in captivity. As tarantulas are arboreal spiders, deforestation destroys their habitat. Their low reproduction and high juvenile mortality rates make them highly susceptible to overexploitation.



INDIAN ORNAMENTAL TARANTULA, SAI ADIKARLA

## FISH

Over two dozen countries, led by Senegal, propose to list the **blackchin** and **sharpnose guitarfish** and four other species of guitarfish on Appendix II. (Guitarfish are a family of rays.) The high value of fins in international trade has led to massive killing of blackchins and sharpnoses, resulting in significant population declines. They have been extirpated from the northern Mediterranean Sea, and population declines of at least 80 percent have been documented in the eastern Atlantic and Indian oceans. In 2014, an estimated 5,000 tons of guitarfish were landed, although this is considered an underestimate. The other four guitarfish species are proposed for an Appendix II listing under the look-alike provision due to the difficulty in distinguishing fins from different guitarfish species.

Benin, the European Union, and 20 other countries propose an Appendix II listing of **shortfin and longfin mako sharks**. For the shortfin mako, trade in its valuable meat and fins needs to be regulated to avoid further population declines and ensure the species' survival. Listing of the longfin mako is needed since the detached fins of the two species are nearly indistinguishable from each other in trade. Mako sharks are highly susceptible to capture in unregulated and largely unmanaged fisheries. As unsustainable (and likely underreported) capture rates have increased, mako populations have declined by 60 to 96 percent throughout most of their range. Approximately 1 million mako shark fins are traded each year.



MAKO SHARK, HOWARD CHEN

# WORKING DOCUMENTS

Many of the working documents contain draft resolutions and decisions. Resolutions, if approved, will establish new, long-term direction for the CITES secretariat, its three committees (Animals, Plants, and Standing), parties to the treaty, and nongovernmental organizations. Decisions provide short-term instructions to resolve issues of concern. Other documents are intended to stimulate discussion on wildlife trade issues that warrant further consideration.

The subject matter of the working documents are as varied as the species proposals, ranging from budgeting and strategic planning to food security, national laws implementing CITES, and how CITES regulates trade in specimens from synthetic or cultured DNA.

In addition to those matters, AWI is interested in the following issues that are addressed in other working documents: the treaty's effect on livelihoods, rural community participation, wildlife demand reduction strategies, combatting wildlife cybercrime, disposition of confiscated specimens, illegal trade reports, working conditions for wildlife rangers, international trade in live African elephants, trophy hunting quotas, management of stocks and stockpiles, trade in specimens collected prior to an Appendix I listing, and management of captive-bred and ranched specimens. The outcome of these discussions will define the role of CITES in regulating trade in both live and dead wildlife, animals taken from the wild, captive-bred animals, and animals sold online. It will have implications for animal welfare and the rangers who risk their lives to protect the world's biodiversity.

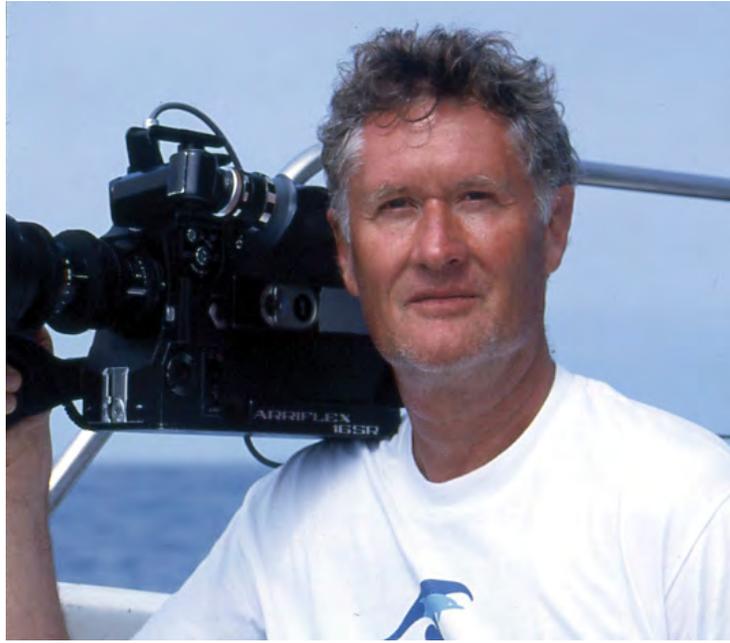
Participants will make important decisions on species-specific working documents on cheetahs, elephants, rhinos, eels, corals, seahorses, sharks/rays, pangolins, big cats,

great apes, ornamental fish, dolphins, birds, ungulates, and the totoaba—an Appendix I-listed fish whose illegal take and trade is contributing to the extinction of the vaquita porpoise (another Appendix I species that is down to 22 or fewer individuals). For many species, these deliberations will determine how to improve trade regulation, identify and combat illegal trade, and improve understanding of trade characteristics and impacts to the species. For the vaquita, the decision will help determine whether this, the world's smallest cetacean, goes extinct in the very near future.

CoP18, like past meetings, will be a test for all participants to determine if decisions will be based on sound science or if greed and profit will prevail. AWI's team will work alongside colleagues from around the world, including government delegates and members of the Species Survival Network, to achieve pro-conservation victories and ensure that the treaty itself is strengthened. AWI will also honor a number of wildlife conservation heroes with the Clark R. Bavin Wildlife Law Enforcement Award. This award is given to those who have excelled in enforcing wildlife protection laws, including some who sacrificed their lives in the fight against wildlife crime and will be recognized posthumously.

Over the past 46 years, CITES has struggled to keep pace with an exponential increase in demand for wildlife and wildlife products and a massive escalation in the illegal wildlife trade. A recent analysis published in *Science* found that nearly 30 percent of the species that the International Union for Conservation of Nature identifies as threatened by international trade were not listed on either Appendix I or II, and that it takes over a decade for species so identified to come under CITES protection. While CITES is presently the best international instrument to regulate wildlife trade, some, including AWI, question whether its implementation by 183 CITES member governments has matched the treaty's intent and whether fundamental changes to it may be required to address modern wildlife trade challenges. 🐾





DEBORAH CUTTING

## Hardy Jones

Hardy Jones, who died in December, was a videographer who used his skills behind the camera, along with his warm and kind personality, to expose the world to the beauty of dolphins and their ocean habitats—as well as to expose those who hurt and exploit them.

Hardy produced over 75 films for PBS, National Geographic, the Discovery Channel, and Turner Broadcasting System. His love of dolphins began in the 1970s when he filmed spotted dolphins off The Bahamas and got to know them on an individual basis. In 2011, he wrote a book about his work entitled *The Voice of the Dolphins*, which describes his more than 30 years studying and filming wild dolphins, as well as his advocacy efforts on their behalf.

Hardy's passion for defending dolphins ultimately brought him to Japan, where several communities were deliberately killing them for meat. In 1999 he was the first person to bring international attention to the dolphin hunts in Taiji and Futo, by covertly filming the massacres, often at great personal peril.

This work caught the attention of AWI's founder, Christine Stevens, who agreed to support Hardy's Japanese projects. With the help of local wildlife conservation organizations in Futo, Hardy ultimately convinced the lead dolphin hunter that dolphins were worth far more alive than dead. The result was an ecotourism project that ended the Futo dolphin hunts in 2002. Changing attitudes in Taiji has proved far more

challenging, but Hardy's work there laid the groundwork for campaigns that continue to this day.

Together with actor and ocean campaigner Ted Danson, Hardy founded BlueVoice in 2000 with the aim of using film to expose threats to dolphins and the oceans and to urge action. Through BlueVoice, Hardy continued his work against the dolphin hunts in Japan, as well as in Peru, and raised awareness concerning contaminants in the oceans. He studied the impacts of red tide and associated cetacean die-offs, the intentional killing of dolphins in Peru for use as shark bait, and mercury levels in humans eating cetacean meat and blubber, including Faroe Islanders.

Hardy regularly attended the meetings of the International Whaling Commission, and in his quiet yet forceful way, made clear his views against commercial whaling. He could always be relied on to join group efforts against commercial whaling and was an active member of WhalesNeedUS, a coalition of US nongovernmental organizations (including AWI) that works to protect whales.

His nephew, Johnny Zwick, also a documentary filmmaker, continues to defend whales and the oceans, including with AWI in Iceland. Hardy Jones will be missed by the animal protection community, including his many friends at AWI. We are proud of our association with him and will continue his efforts and further his legacy. 🐬

Whether a green sea turtle hatches as male or female is determined partly by temperature. A new study warns that climate change could harm the species by skewing the sex ratio.

## RISING TEMPERATURES CAUSE TWOFOLD TROUBLE FOR GREEN SEA TURTLES

Amazingly, the ambient temperature around a buried green sea turtle egg influences the turtle's gender. The warmer it gets, the more likely the baby will be female. Research conducted by the University of Exeter (United Kingdom) on eggs in Guinea-Bissau, West Africa, suggest rising global temperatures will change the sex ratio in favor of more females, from the current 52 percent female to between 76 and 93 percent female by the end of 2100. Initially, the researchers say, this will lead to more sea turtles being born, as there will be more females laying eggs. But over time, a scarcity of males will take its toll. It is also predicted that rising sea levels will submerge 33 to 43 percent of the nesting areas currently used by the Guinea-Bissau turtles. If this is replicated for other sea turtle nesting sites, their future looks very uncertain.



BERNARD SPRAGG

to be concerned: Bodie, a 7-year-old male, died before the facility's first anniversary. Alia (10) died 8 months later. Khloe (11) died in December. One month later, Kai'nalua, a 22-year-old male, was euthanized. In late February, the four remaining dolphins at Dolphinaris were moved to a sea pen (in a polluted bay) at Coral World Ocean Park in the US Virgin Islands. AWI has called for an independent investigation, but in the meantime Dolphinaris has closed temporarily to conduct its own investigation. AWI will work to make sure no more dolphins end up at the facility.

## ENTANGLEMENT IS GRIM NEW NORM FOR WHALES

The National Oceanic and Atmospheric Administration reports 76 confirmed cases of large whale entanglements in US waters in 2017. Given the fact that whales can become entangled in areas far from shore, the actual entanglement number is likely far higher. In an interview with the *Monterey Herald*, NOAA's Justin Greenman called the increase in whale entanglements "the new normal."

Entangled cetaceans can suffer life-threatening injuries, including skin abrasions, broken bones, punctured or collapsed lungs, and even tail or flipper amputations. An entangled whale can trail fishing gear for weeks or even months, leading to a slow and agonizing death by starvation or predation.

The International Whaling Commission estimates that, globally, some 800 whales, dolphins, and porpoises are trapped in fishing gear each day. Among the most frequently entangled large whale species are the humpback whale, gray whale, minke whale, blue whale, and North Atlantic right whale (the latter two endangered). Fifty-two percent of humpback whales in southeast Alaska have been entangled at least once. Eighty-three percent of North Atlantic right whales bear scars or carry ropes indicative of entanglements. There has been a spike in whale entanglements along the US West Coast, from an estimated 31 in 2017 to 45 in 2018, highlighting the urgent need for improved fisheries management to mitigate this growing threat to cetaceans.

## DESERT DOLPHINARIUM SHUTTERED FOR NOW

Dolphinaris, a swim-with facility in the Arizona desert near Scottsdale, opened with eight dolphins in October 2016. AWI and other groups alerted the proprietors and the public that housing dolphins in the desert was a bad idea—aside from the relentless sun, desert air is very different to ocean or coastal air and carries pathogens unfamiliar to dolphins. We were right

## NEW FIELD TEST COULD HELP FOIL SHARK SMUGGLERS

Researchers from Stony Brook University, Florida International University, and BLOOM Association in Hong Kong have developed what they call a “reliable, field-based, fast ... and cost effective” protocol for detecting, in a single reaction, nine of the 12 commonly traded shark species listed for protection under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The protocol is relatively cheap (less than \$1 per sample) and quick (less than four hours) and is capable of being performed on site, including at ports.

AWI was actively involved in the efforts to list the 12 shark species under CITES to regulate the growing international trade in their fins, meat, and other products (See *AWI Quarterly*, spring 2013 and fall 2016). Unfortunately for customs officials, readily identifying the illicit products has been difficult and costly. The researchers say that, while their test does not identify specific species, it does provide enough information to signal whether a

sample merits more rigorous forensic analysis. The detection protocol has been successfully applied in practice in Hong Kong, one of the world’s busiest ports and a hotbed for the shark trade. Lead researcher Diego Cardeñosa has informed AWI that a similar protocol he helped develop can be used to identify highly processed shark products such as those in shark fin soup. This protocol uses a mini-barcode DNA analysis he claims is straightforward and reliable, making it a useful method for data collection and enforcement.

## OIL AND GAS EXPLORATION WRONG MOVE FOR RIGHT WHALES

The Trump administration’s plans to expand offshore oil and gas exploration along the Eastern Seaboard spells trouble for the highly endangered North Atlantic right whale, of which only 450 or so remain. Right whales traverse these waters, from birthing areas along southern states to feeding grounds off New England and Canada. Past efforts to open the East Coast to oil exploration were ultimately vetoed

by President Obama, but the current administration is eager to drill. In November it issued permits for surveys to five energy companies.

Before there is drilling there is seismic exploration; explosive blasts of noise are aimed at the ocean floor to gauge the reverberations, which indicate the potential for oil and gas deposits. Blasts are repeated over and over, for hours at a time, day and night, for weeks or even months. Research shows that the impacts from these blasts have devastating effects on marine life, ranging from damage to hearing, masking of essential communications, reduction of fish populations, and disturbance of feeding, migration, and breeding behaviors. In Israel, dozens of sea turtles recently washed ashore after seismic explorations (20 explosions every nine seconds over a 24-hour period).

A legal challenge to the plan has been filed by environmental groups and nine states: Maine, Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina. Bills designed to limit offshore oil and gas exploration have also been introduced in Congress. For North Atlantic right whales, seismic exploration will likely spell disaster and undo the work done by a wide range of stakeholders, including the shipping and fishing industries, to help save these magnificent creatures from extinction.



BERND NEESER

*Trade in the fins of the oceanic whitetip shark (pictured here with a pilot fish escort) is controlled under CITES. A new field test could help prevent smuggling of protected shark species’ fins.*

# A Compelling Case Against Captivity of Marine Mammals

In 1995, the US Marine Mammal Commission (MMC) invited AWI's Dr. Naomi Rose (then with another organization) to co-author a chapter on captive marine mammals for a book it was publishing on marine mammal policy. Naomi and her colleagues would offer arguments against confining this diverse group of species within zoos, aquariums, and marine theme parks. The MMC asked SeaWorld representatives to present the arguments for such display.

By the time Naomi and her colleagues had finished their draft, however, SeaWorld had withdrawn from the project. Upon SeaWorld's withdrawal, the MMC elected to have a third party write the entire chapter, presenting both sides of the debate. The "anti-cap" authors, not wishing their effort to be wasted, subsequently transformed their manuscript into an advocacy white paper entitled *The Case Against Marine Mammals in Captivity*. This report outlined what were, at the time, the best science-based arguments against the practice of holding these wide-ranging species in small tanks and pens.

Over the years, Naomi and others updated and expanded the report three times—in 1999, 2006, and 2009. In 2010, however, the captive marine

mammal debate was thrust into the spotlight when Tilikum, an orca at SeaWorld Florida, killed his trainer, Dawn Brancheau. *Blackfish*, a 2013 documentary about this incident, helped change the way the public viewed orcas, and indeed all cetaceans, in captivity. Given this, an update to *The Case Against Marine Mammals in Captivity* was clearly in order. But such a revision had to take a back seat to other priorities within a newly galvanized campaign.

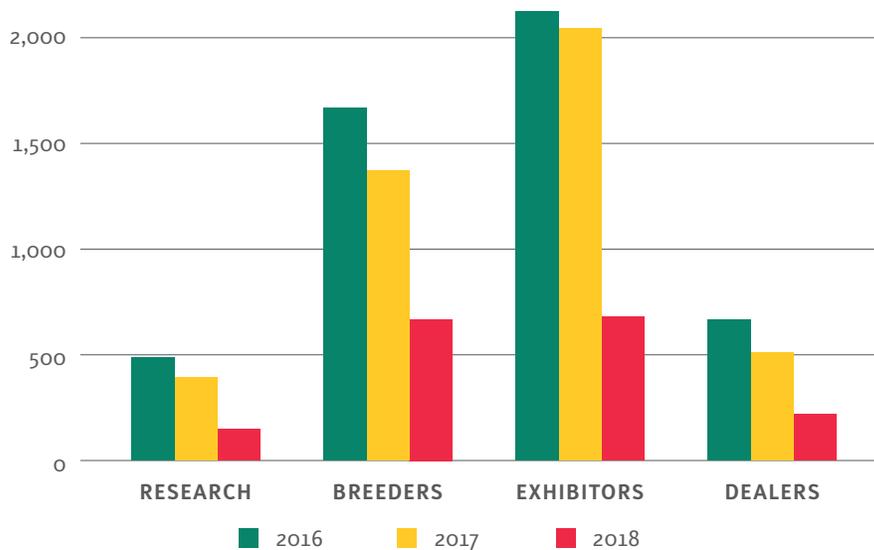
Fast forward to 2019: A 5<sup>th</sup> edition, updated by Naomi and Dr. Chris Parsons, has now been published by AWI and World Animal Protection. In the decade that has passed since the 4<sup>th</sup> edition, the paradigm has shifted on the display of cetaceans—and perhaps all marine mammals. Through *Blackfish*, more people are aware of the controversy. There is more information from behind the scenes at zoos, aquariums, and theme parks that display these animals, as well as a great deal more field data on these hard-to-study mammals. We have learned much we did not know about whales, dolphins, porpoises, sea lions, fur seals, seals, walruses, polar bears, manatees, dugongs, and sea otters—all species ecologically tied to an ocean environment—in their natural habitat. With the invention of ever-better

radio and satellite tags, GPS, GoPro cameras, drones, and other technology, we have entered the realms of the deep—sometimes directly on the backs of the animals—as never before. Virtually everything we have learned underscores how unsuited these species are to confinement.

In 1995, the report had 56 endnotes; the 4<sup>th</sup> edition had 341. The latest edition has more than 600. The authors have added new chapters (including on "The *Blackfish* Effect"—a series of societal, policy, and business developments resulting from the film's enormous reach) and new subsections. The main text offers logical, common-sense arguments accessible to the general public, while the endnotes are a deep dive—for students, journalists, policymakers, and activists—into the facts, science, evidence, and examples supporting these arguments. The 5<sup>th</sup> edition of *The Case Against Marine Mammals in Captivity* is meant as a one-stop-shop for those who wish to learn why marine mammals do not belong in captivity. 🐬

*The orca Lolita's tank at the Miami Seaquarium may be the smallest for this species in the world—she is longer than half the width of the main tank, and cannot enter the area to the right of the central platform unless gates at either end of it are open.*





This chart, created by AWI based on our research and published in the Washington Post, shows how USDA citations of entities regulated under the Animal Welfare Act have plummeted.

## Administration Continues Its Attack on Animal Welfare Act

Zero. That's how much money was in the proposed budget for enforcement of the Animal Welfare Act (AWA) under the Reagan administration. This attempt to gut funding made clear that administration's total lack of interest in the federal mandate to protect animals at breeders, dealers, exhibitors, and laboratories. The openness of that antagonism toward enforcement actually made it easier to fight to secure the funds necessary for the US Department of Agriculture to do its job.

The current situation is very different. Enforcement of the AWA is being scuttled by the Trump administration in a far more underhanded way. In an attempt to protect industries, not animals (see *AWI Quarterly*, fall 2018), the USDA has been systematically weakening AWA oversight and enforcement. Rather than cut off funding, this administration is seeking to excise the law itself.

In February, AWI's Eric Kleiman and Sydney Hearst conducted a detailed analysis of USDA citations on inspection reports from 2016 through 2018. This analysis revealed drastically fewer citations. As shown in the chart above, citations fell off in 2017 then plunged dramatically in 2018—dropping by 60 percent. The *Washington Post's* Karin Brulliard reported our findings on February 26, drawing much-needed attention to the issue.

The USDA's documentation of noncompliance on inspections is the first line of defense for animals under the AWA. Often in the past, licensees and registrants have corrected the deficiencies without the USDA having to take further action, other than to follow up on citations and continue their routine, unannounced inspections. More serious, repeat, or

uncorrected noncompliances could result in the USDA taking legal action—but such actions have also plummeted.

Brulliard reported on the precipitous drop in the USDA's AWA enforcement last October in the *Post*, noting that the department issued 192 written warnings in fiscal year (FY) 2016 and only 39 two years later. Administrative complaints fell from 23 in FY 2016 to just one in the first three quarters of FY 2018. AWI provided background information for and was quoted in that article as well.

More details about the tragic state of the USDA's Animal Care program continue to be revealed. Inspectors are reportedly being ordered to keep noncompliances off inspection reports. Some of the noncompliances are simply ignored while others are cited (under the misnomer "teachable moments") in a different document that is not posted publicly. Deference is often given to licensees and registrants who challenge citations; indeed, an appeal to USDA management may result in citations getting erased altogether from inspection reports. Many dedicated inspectors have found the situation untenable. Over 40 employees have left—from resignations, retirements, transfers, or firings—since January 2017.

One abhorrent policy change perhaps exemplifies the true danger the animals face: Effective May 2018, the newly eviscerated Animal Welfare Inspection Guide states that the USDA no longer requires that animals be euthanized according to the American Veterinary Medical Association guidelines on euthanasia. Does this administration care that the animals may now be facing a return to being killed by blunt force trauma and gunshot? Apparently not. 🐾

# RABBIT ENRICHMENT ITEMS: *GETTING BANG FOR THE BUCK (AND DOE)*

## A RECENT DISCUSSION

on the Laboratory Animal Refinement and Enrichment Forum (LAREF) focused on new enrichment ideas for rabbits. Brianna Parkinson initiated the conversation to share her experience and to ask what others have tried. Sarah Thurston, Steven Ortiz, Jacqueline Schwartz, Leslie Jenkins, Michele Cunneen, and Lorraine Bell all chimed in on which toys and treats get rave reviews from rabbits.

**BRIANNA:** We currently use fruit inside toys, lcees, and a fruit/veggie mix for rabbits. I have thought about trying paper bags with treats inside, but any other ideas would be greatly appreciated!

**SARAH:** Paper bags are great. They are probably our rabbits' favorite enrichment items (other than food treats!). We stuff the bags with hay, shredded paper, treats, toys, etc.

A major factor in enrichment is novelty; rabbits get bored so easily, so make sure you are varying your enrichment categories. Try to vary between high-value and low-value items to keep things stimulating. Low-value items would be any of the manipulanda like toys, cardboard, chew sticks, wood blocks, etc. that are fun but only for a short while. Cardboard is one of our favorites because you can roll it up and stick it in the cage door (if you have cage housing). The rabbits have to work to get the cardboard into the cage; then they will work to shred it and turn it into digging substrate as well. Cardboard is cheap and can be quickly managed by the staff, but the rabbits really enjoy it and it takes them quite a while to destroy it. We recycle cardboard boxes from within the facility and autoclave all cardboard items prior to giving them to the animals.



High value items are, of course, food treats. It sounds like you are doing a great mix of fresh, frozen, and dried! Other high value items are destructible materials such as the paper bags or cardboard boxes filled with something good inside that the rabbits can tear into or cardboard tubs filled with hay or crinkled paper, with items scattered throughout to satisfy the animals' natural foraging drive. We also utilize supplemental enrichment such as low-volume instrumental music and gentle handling/grooming for those rabbits who enjoy it. As always, social housing is the very best enrichment for rabbits.

**STEVEN:** Rabbits love cut pineapples and pineapple juice. First, I would take a clean container (like the shipping containers that the mice come in, cleaned in cage wash) and fill the entire bottom with wood blocks. I would soak the blocks for a few hours in pineapple juice and then give them to the rabbits. Spraying toys with pineapple juice also works. Don't be afraid to use a blender and blend some fruits like pears into a mush and use a paint brush to cover any toy item. The rabbits love this. I like to use blenders and come up with all kinds of variations. I've also noticed that rabbits like to shred, so giving them items they can tear is great. Sometimes it may be a bit much for the husbandry staff to clean, but the rabbits' enrichment is so important that it warrants a little extra work time. I think the paper bags with the treats inside will be a big hit.

**JACQUELINE:** Small cardboard boxes with hay or treats work well; rabbits love to destroy stuff and chew up cardboard. How are your rabbits housed? It is very odd but I have found that rabbits love noise if it is their idea and they are making it. When we had to house rabbits alone in rabbit banks I would give them a small stainless steel bowl. They would pick it up and throw

it around as a plaything. I also used small stainless bells or Mason jar lid rings and hung them on the inside of their cage. They seemed to really enjoy playing with them.

**LESLIE:** As mentioned previously, small boxes work really well. We save empty glove boxes and stuff them with shredded paper, timothy hay cubes, and other food items. The rabbits will spend quite some time digging through everything and shredding the box. I find these enrichment boxes especially helpful for post-operative animals who need to focus on something other than their incisions.

**MICHELE:** I like to encourage papaya tablets because they prevent fur balls and the rabbits love them. Once they know what's coming, the rabbits will approach to get one. Offering the tablets also helps facilitate health checks because as you enter they all come up to the front of the cage waiting for one. You can get dried papaya from certified sources like Bioserv or chewable tablets from GNC, or dried papaya at health food and pet stores, depending on your level of bio-security.

Also, if you know anyone with apple trees that are not sprayed, then thin apple twigs of pencil thickness and

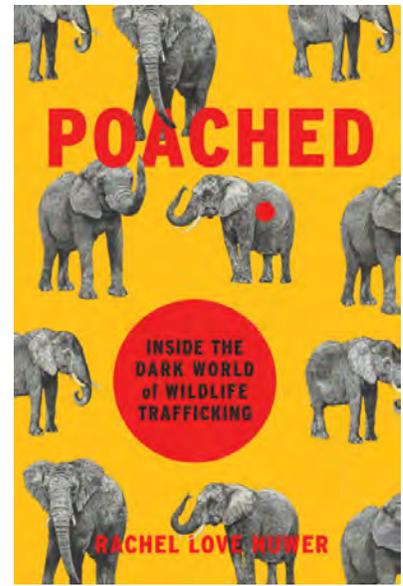
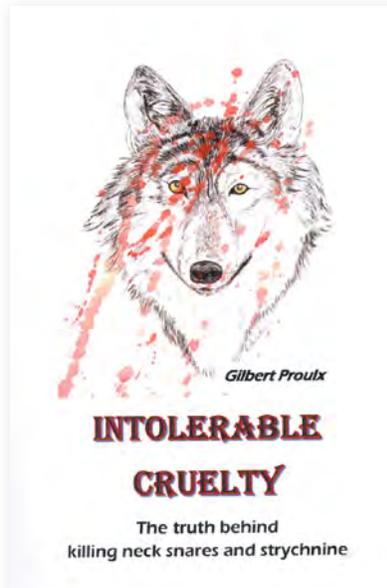
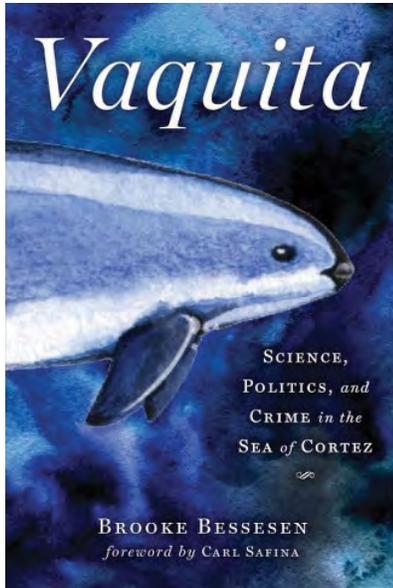
12–14 inches long are great. I get them off my dad's property where they had an orchard years ago. I cut the twigs and put them in the autoclave for two minutes on 180–212°F to kill any bugs. The rabbits will strip the bark off and then chew the wood.

**LORRAINE:** I can confirm that the rabbits will indeed learn to recognize the potential for a papaya tablet. I recently was providing a tour into our rabbit rooms and lifted up the papaya tablet container. Every rabbit was instantly at the front of their cages, even those who had been semi-dozing! 🐾

*LAREF facilitates the sharing of experiences about ways to refine the conditions under which animals are housed and handled in research institutions. It is open to animal care personnel, animal technicians, students, attending veterinarians, and researchers with firsthand experience in the care of animals in research and education facilities. LAREF is moderated by Viktor Reinhardt. If you want to join LAREF, please send a message to viktor@cot.net indicating briefly your practical experience with animals kept in research laboratories, your current professional affiliation, and your interests as they pertain to the discussion group.*



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## VAQUITA

Brooke Besesen / Island Press / 320 pages

In March, scientists announced that no more than 22 vaquita porpoises likely remain in the world. Vaquitas are being rapidly driven to extinction—entangled and drowned by gillnets illegally set in Mexico's Gulf of California (also known as the Sea of Cortez). Without an end to gillnet fishing, the vaquita could soon be extinct.

In *Vaquita: Science, Politics and Crime in the Sea of Cortez*, author Brooke Besesen elucidates the complex story of the vaquita. With more than 30 years' experience in animal rescue and marine fieldwork, Besesen writes with both authority and heart, bringing the reader into the center of the storm that has been the decades-long effort to save the vaquita. She thoroughly researched her subject, even embedding herself for weeks on end in the Gulf's local communities.

The book gives voice to the fishers, scientists, and conservationists who have been grappling with the challenges associated with protecting the vaquita. Besesen describes the frustrating, ineffective reactions of successive

Mexican governments to the porpoise's plight, especially the failure to completely and effectively ban gillnet fishing gear.

*Vaquita* is fast-paced, at times reading like a crime thriller—complete with villainous drug cartels, wildlife traffickers, and government corruption. The book is an important cautionary tale. As Besesen notes, we need to learn from the vaquita before yet another marine mammal species faces the same fate.

## INTOLERABLE CRUELTY

Gilbert Proulx / Alpha Wildlife Publications / 96 pages

Of the various methods of population control inflicted on wildlife by animal damage control agents, wildlife managers, and trappers, strangling neck snares are among the most horrific tools in the toolbox. The primer *Intolerable Cruelty: The truth behind killing neck snares and strychnine* is a reminder—if one is needed—of how wretchedly inhumane these techniques can be.

Death does not come easy. When a canid is snared, the thick musculature around the animal's neck allows the carotid artery to continue to supply blood to the brain, but the jugular vein is constricted, cutting off blood back down to the heart. A telltale sign is the grotesquely swollen heads of the snare's victims. Canids caught in neck snares will take hours, if not days, to die.

Despite its dangers, strychnine is still used on pocket gophers in more than half of the 50 states. (In Canada it is used on rodents—a use currently under scrutiny. It is also used on large predators in Alberta.) This neurotoxin is ingested by target and nontarget animal alike, and secondary poisoning is common. It causes agonizing muscular seizures until the conscious animal suffocates. Depending on the exposure, death by strychnine may also take hours or days.

The author, Dr. Gilbert Proulx, a wildlife biologist in Canada for more than 40 years, has firsthand experience; he has used strychnine and a range of traps. What makes him different from others doing research and managing furbearers in this way is that his experiences and raw observations led him to conclude that neck snares and strychnine were inhumane and indiscriminate, and therefore unacceptable. He wants them banned. Meanwhile, others in the field continue defending and employing both.

## POACHED

Rachel Love Nuwer / Da Capo Press / 374 pages

In *Poached: Inside the Dark World of Wildlife Trafficking*, Rachel Love Nuwer crafts an important update to an old story of wildlife exploitation. The book is written in a flowing journalistic style, with each chapter a free-standing essay about a particular aspect of wildlife trafficking. One chapter reports on a sleazy restaurant offering an utterly distasteful menu. Another chapter explores tiger breeding farms in Laos. Another examines the consequences of incinerating more than 100 tons of confiscated elephant ivory in Nairobi. In each, Nuwer leads the reader down the daunting roads she

traveled while researching this book. Some roads, such as the one to Zakouma National Park in southeast Chad, were not without personal risk.

Wildlife law enforcement professionals might have a few misgivings over the book's heavy reliance on nongovernmental organizations for information, analysis, and opinions. These groups do have legitimate functions, and many contribute usefully to the suppression of wildlife crime. But sometimes the media coverage reporting a particular arrest or seizure can lead to the impression that the NGOs are fighting off the poachers and dealers single-handedly. (Much of this, of course, is the fault of the wildlife enforcement agencies themselves. Most forbid their rangers and officers from speaking to journalists, instructing that all media inquiries be redirected to the agency's media relations office.)

Nuwer rightly reports that there are serious problems with many wildlife law enforcement agencies—which tend to be understaffed, underfunded, and inadequately trained and equipped. There are sometimes problems with corruption, ineptitude, nepotism, and irresponsibility. Numerous examples of these problems can be found in Nuwer's book.

That said, there is need to re-emphasize that the heaviest burden of wildlife law enforcement today continues to lie on the shoulders of the government enforcement agency's rangers and officers. These are the people who are patrolling the parks and reserves, who are infiltrating the trafficking gangs, who are carefully assembling evidence that will hold up in court. These are the rank-and-file individuals who suffer malaria, drownings, and gunshots, and who arrest the poachers and traffickers. They need greater support in these endeavors.

*Poached* offers a very good global overview of wildlife poaching and trafficking today. It states the problems with undeniable clarity and exposes traffickers for what they are: bad people who hurt animals, jeopardize biodiversity, and rake in enormous profits from their crimes.

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## Bequests

If you would like to help assure AWI's future through a provision in your will, this general form of bequest is suggested: I give, devise and bequeath to the Animal Welfare Institute, located in Washington, DC, the sum of \$ \_\_\_\_\_ and/or (specifically described property).

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



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## A VOICE FOR ANIMALS CONTEST

Students, the 29<sup>th</sup> annual A Voice for Animals Contest is underway! The contest provides you with an opportunity to raise awareness about an animal welfare issue you care deeply about and to offer solutions—maybe even showcase what you are doing now to help make animal lives better.

The contest—sponsored by AWI and the Humane Education Network, with additional support from the Palo Alto Humane Society, is for young people between the ages of 14 and 18. Multiple cash prizes are awarded for essays,

photo essays, or videos that explore strategies to mitigate animal suffering and protect species. Entries—which in the past have discussed issues relating to the lives of companion animals, farm animals, endangered species, captive marine mammals, and more—are judged on presentation, originality, and effectiveness of solutions to serious problems.

Among last year's winners: an essay on providing tender care for rhino calves orphaned by poaching in South Africa, a photo essay that promotes greater

acceptance and adoption of India's "pariah" dogs, an essay on the myriad human-caused threats to whale sharks, and a video about the challenges overcome in rescuing and fostering cats in the United States.

So what animal welfare issue do you really want to tell the world about? Now's your chance! Submit your essay, photo essay, or video by April 30, 2019. Winners will be announced on June 22. Please visit [www.hennet.org](http://www.hennet.org) for details on the contest and instructions on how to enter. Good luck! 🐾

