

# THE ORCA RESPONSIBILITY AND CARE ADVANCEMENT (ORCA) ACT

PRIMARY SPONSOR: REP. ADAM SCHIFF (D-CA)

## WHAT DOES THE BILL DO?

Orcas do not belong in captivity. They are too socially complex, too intelligent, too long-lived and simply too big to thrive in confinement. This bill would phase out captive orcas so that their display ends with this generation. Specifically, it would prohibit breeding, with or without the use of artificial insemination. It would also prevent the “take” (wild capture), import or export of orcas for the purposes of public display.

## BACKGROUND

- The current global population of captive orcas has two sources – wild capture and captive breeding programs. Under current federal law, the federal government can issue permits for the capture or import of orcas for the purposes of public display. This is how, in the past, U.S. display facilities legally acquired orcas from the wild. While a wild capture of an orca has not occurred in U.S. waters since 1976, and wild-caught orcas from other parts of the world have not been imported since 2001, permits can still be issued legally. All other captive orcas have been bred in captivity through artificial insemination or physical mating. These practices would be prohibited under the ORCA Act.
- Updated federal regulations for captive marine mammals are currently being considered by the United States Department of Agriculture (USDA) under the Animal Welfare Act. However, while revised standards may improve the welfare of smaller, more adaptable marine mammals, no amount of regulation can ensure that orcas thrive while in captivity. Members of Congress have urged the USDA to finalize their review process of these proposed regulations.
- There is no indication that captive orcas will be phased out absent Congressional action. Recently, Ringling Bros. Circus announced that it will retire its performing elephants, and the National Aquarium announced that it will be retiring its dolphins. No such announcements have been made for the population of captive orcas in the United States.

## HOW DOES CAPTIVITY AFFECT ORCAS?

- Captivity decreases orca life spans. In the wild, the average lifespan for males is 30 years and for females is 50 years. In captivity, most die before they reach the age of 25. One recent scientific analysis found that captive orca survivorship is the same as a wild population struggling with habitat degradation and food shortages (Robeck et al. 2015), while another found that the percentage of orcas in captivity reaching certain age milestones (sexual maturity and menopause) is as much as an order of magnitude lower than in the wild (Jett and Ventre, 2015).
- In the wild, orcas can swim 100 miles in a day and routinely dive to 300 feet. In captivity, they are held in comparatively tiny, shallow concrete tanks, only 1/10,000<sup>th</sup> of one percent the size of their natural home ranges, where they often wallow listlessly.
- In the wild, dorsal fin collapse is extremely rare, but all adult male orcas in captivity have fully collapsed dorsal fins and many females’ fins are partially collapsed. Marine biologists attribute this phenomenon to the conditions of their captivity, such as repetitive circular swimming patterns, dehydration, and the gravitational pull from spending the vast majority of their time at the surface of the water.

- At least two captive orcas have died from mosquito-borne illnesses, a source of mortality not known in the wild because in the wild orcas are too kinetic and spend too little time at the surface to be bitten by a mosquito (Jett and Ventre 2012). In general, captive facilities must constantly guard against sun damage to skin; again, in the wild, sun damage to skin for these deep diving animals that spend more than 80% of their time below the water's surface is not an issue.
- Orcas are highly social and live in matrilineal pods that can be as large as 40 individuals. In many wild populations, orcas remain with their mothers for their entire lives. In captivity, orcas do not live in natural pods, and calves and mothers are often separated. In fact, in the wild orca calves are dependent on their mother nutritionally as well as socially until they are about five years of age, even in populations where they eventually disperse from their birth group, but in captivity they are often separated from their mothers by the age of four. Some have been sent to other facilities, for management purposes rather than because of health concerns, at two years of age or younger.
- As a result of the unnatural physical and social environment, captive orcas display aberrant behavior. In the U.S., one trainer and one member of the public have been killed; dozens of trainers have been injured, some very seriously. Captive orcas have killed two trainers in other countries. There are no records of an orca killing or seriously injuring a human being in the wild.

## CONCLUSION

Husbandry and management of captive wildlife are constantly being updated and improved by most zoos and aquariums. In some cases, however, no amount of improvement will allow the species to thrive in captivity, and orcas are likely the least suited for captivity of any species. This bill, to be introduced by Rep. Adam Schiff (D-CA) in November, allows for the orderly phasing out of the display of this species, giving orca-holding facilities time to transition to a more humane future.

## SUPPORTING GROUPS

- Animal Welfare Institute
- Humane Society of the United States
- Humane Society Legislative Fund
- People for the Ethical Treatment of Animals

## SOURCES

- Clubb, R. and Mason, G. 2003. Captivity effects on wide-ranging carnivores. *Nature* 425: 473-474.
- Jett, J. and Ventre, J. 2012. Orca (*Orcinus orca*) captivity and vulnerability to mosquito-transmitted viruses. *Journal of Marine Animals and Their Ecology* 5: 9-16.
- Jett, J. and Ventre, J. 2015. Captive killer whale (*Orcinus orca*) survival. *Marine Mammal Science* 31(4): 1362-1377.
- Robeck, T. R., Willis, K., Scarpuzzi, M. R. and O'Brien, J. K. 2015. Comparison of life-history parameters between free-ranging and captive killer whale (*Orcinus orca*) populations for application toward species management. *Journal of Mammalogy* DOI:10.1093/jmammal/gyv113.