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October 30, 2013

Public Comments Processing  
Regulatory Analysis and Development  
Animal and Plant Health Inspection Unit  
U.S. Department of Agriculture  
Attn: Honorable Tom Vilsack, Secretary U.S. Department of Agriculture  
Attn: Kevin Shea, Acting Administrator Animal and Plant Health Inspection Service  
Station 3A-03.8  
4700 River Road, Unit 118  
Riverdale, MD 20737-1238

RE: Federal Register No. 2013-18874/ Docket ID: APHIS-2012-0107-0002

#### **Description of Feline Conservation Federation**

FCF represents an almost 60 year-old organization whose membership represents many thousand years of cat handling experience of 20 species of wild cat, with many distinguished accomplishments, including the pioneering of successful captive breeding and hand rearing protocol for ocelot, margay, oncilla and jaguarondi, four South American species which originally populated households of founding members.

The FCF has developed and taught both a Feline Husbandry Course and a Wildlife Conservation Educators Course to increase professionalism in these disciplines.

The FCF has been a leader in the study of hands-on husbandry, addressing the emotional and behavioral challenges to the rearing of wildlife that instinctually fears close encounters with humans.

In addition, millions of people pass through the gates of our exhibitor facilities each year and receive educational experiences that our facility members often provide for rural or less populated areas, filling the need for working people with families, and rural school systems to have access to collections of native and exotic fauna.

#### **The HSUS Petition**

HSUS wishes USDA to add additional regulations to prohibit the hand rearing and public contact with big cats, bears and primates and to mandate that exhibitors maintain a 15-foot mandatory distance between any of these species and the public when the animals are not locked inside a cage, regardless of the age of the animal.

The current USDA performance standards are quite extensive and cover all aspects of exhibiting and require all licensees who maintain wild or exotic animals to demonstrate adequate experience and knowledge of the species they maintain. This experience requirement has been codified into 2 years' handling experience.

Current USDA regulations already address the exhibiting of wildlife to the public, and include the following regulations:

Handling of all animals shall be done as expeditiously-and carefully as possible, in a manner that does not cause trauma, physical harm, overheating, excessive cooling, and behavioral stress.

Physical abuse shall not be used to train, work, or otherwise handle wild animals.

Long term deprivation of food or water is not allowed.

Young or immature animals shall not be exposed to rough or excessive public handling or, exhibited for periods of time that would be detrimental to their health or well-being.



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Drugs, such as tranquilizers, shall not be used to facilitate, allow for, or provide for public handling of wild animals.

Animals shall be exhibited only for lengths of time and under conditions consistent with their good health and well-being.

A responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact.

During public exhibition, dangerous animals such as tigers, wolves, bears, or elephants must be under the direct control of a knowledgeable and experienced animal handler. If public feeding of animals is allowed, food must be provided by the animal facility and shall be appropriate to the type of animal and its nutritional needs and diet.

When climatic conditions present are a threat to the animal's health or wellbeing, appropriate measures must be taken to alleviate the impact of those conditions. An animal may never be subjected to any combination of temperature, humidity, and time that is detrimental to the animal's health or wellbeing, taking into consideration such factors as the animal's age, species, breed, overall health status and acclimation.

#### **Feline Conservation Federation Analysis**

Facilities that offer public contact with the offspring of big cats include those that are stationary and those that travel. In most cases of USDA licensed facilities with large cat species, the exhibitor is either a non-profit corporation, or a for-profit corporation, either of which depend upon community support for volunteer labor and financial assistance. The key to gaining this kind of community support is to involve the community in the zoo park or nature center and create a sense of public ownership, and indeed, in the case of not-for-profit public charities, they are by definition, a public, not private, entity.

Allowing members of the public, volunteers, supporters and visitors the opportunity to handle the young of these big cat species during the allowable USDA age bracket, and in a manner that does not harm the cub or the public can generate tremendous emotional support which will translate into future financial support, public stake holding, and, most importantly, inculcates in these volunteers and their public a sense of the need for the conservation of these animals. The handling of kittens and cubs occurs during critical developmental periods in their development, when social bonds are formed. This bonding is important for human handlers and visitors as well. Kittens and cubs of these ages are non-dangerous, loving, playful, beautiful, engaging, and create a profound sense of empathy, love and devotion in the visiting guests.

This is a very important stage in the development of a sense of responsibility for these animals in the volunteers, supporters, and visitors of these facilities and can make the difference between success and failure of the enterprise. There are also long-term implications for enhancing conservation messages.

Some facilities that do extensive exhibiting and use either animals not born at their facility, or which do not maintain the cubs for a lifetime, are operating on a different business model. These facilities specialize in age brackets that can be exhibited to the public and provide the first and most critical stage of the taming process. That is, they create not only a bond between care giver and the individual kitten or cub, but also expose the cub to a variety of stimuli and people to de-sensitize them to normal activities in society and reduce the instinctive fight or flight reflex in response to the close presence of humans. Taken together, these effects result in a reduction in stress responses.

When these cubs are sold or donated to other facilities, they exhibit tremendous confidence, and can adjust easily to new environments and care givers. Regardless of the business model, the ability of a facility to influence conservation awareness and public education of challenges facing nature relies upon the ability of the facility to survive, pay bills,



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and maintain and improve housing and care of the resident animals. All of these activities depend upon a successful business model that meets the financial costs of operations.

While the HSUS objects to this practice, and lists 75 facilities that engage in allowing the public to engage in in some sort of interaction with the offspring of big cats, bears, and primates, considering that there are 50 states in the US, and over 350,000,000 people, this is actually a very limited number of facilities offering public interaction with these species. It would actually be better if there were more of these facilities, rather than fewer. A greater number of such carefully regulated facilities would increase the number of professionally mediated interactions between the public and these charismatic animals.

#### **Legal Background and Authority to Amend Regulations 13 V.**

The USDA recognizes that AWA regulations should be amended when "advances have been made and new information has been developed with regard to the housing and care of wild animals. Since the handling regulations were promulgated in 1989, there have been significant advancements in the understanding of animal welfare and the conservation benefit of regulated public contact with the young of big cat species, as discussed in this comment by the Feline Conservation Federation. There is clear scientific evidence to support the continuing regulation of this activity and to maintain and potentially broaden the allowable age window for public handling of big cat offspring.

Current Handling Regulations Are Difficult to Enforce, and are sometimes Applied Inconsistently.

Enforcement and inconsistency are issues with all USDA regulations. The subjectivity of the regulations allows for the inspector to interpret individual situations, conditions, side influences, and overall effects of a licensee's husbandry practices upon the health and welfare of each animal. This is regularly seen in the wide variety of cage sizes per species, enrichment procedures, housing design and construction and diets.

As these differences pertain to the handling and rearing of offspring of the large feline species, different personalities develop in each individual, some enjoying interaction and public contact, others exhibiting tendencies toward shyness, or lack of confidence in social situations. Clearly the self-confident individual that moves towards new people vocalizes friendly greetings, and displays playful, non-aggressive social behaviors is demonstrating an absence of stress, and offers little to no threat of injury to the public. For these reasons, regulations written under the performance standards, give the USDA inspectors the authority and flexibility to judge each situation and assess whether the licensee is subjecting the animals to threats to their welfare.

#### **Public Handling of Big Cats, Bears, and Nonhuman Primates Undermines Animal Welfare, Public Safety, and Conservation and Must Be Prohibited**

The petitioners have provided no compelling evidence that the proper handling of the young offspring of these wildlife species pose any public safety threat or welfare threat to the animals, when the activity conducted by the licensee meets the regulations and guidelines currently in force.

#### **Un-managed Breeding**

The petitioners have no firsthand knowledge of the breeding practices of USDA licensees, nor do they have access to any genetic records of these animals. The claims of "un-managed breeding" have arisen because the wildlife gene pool held by the non-AZA participants is not part of the AZA held studbooks. However, there are other studbooks, and there are certainly records held by breeders, zoos and facilities holding these species. The supposition that breeding is somehow done irresponsibly is just that – an opinion and is not based on factual evidence.

#### **Premature Mother-Infant Separation**

Unlike domestic animals, which have undergone genetic changes from generations of selective breeding in close proximity to humans, wild animals have not undergone these changes. The definition of what a wild animal is includes the fact that wild animals normally responds to the close presence of humans with the fight or flight response and an associated physiological arousal, characteristic of the presence of environmental stressors. Both these reactions are manifestations of negative emotions, including fear, which can lead to stress responses and aggressive behavior.



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Scientific studies of the negative effects of long term stress have conclusively shown direct correlations between the presence of stressors and the health status of animals, including effects on autoimmune disorders, ulcers, cardiovascular disease, and hyperactivity.

Obviously, anything that can reduce the stress response is beneficial. Consequently, the young of wild feline species are removed to be bottle fed and hand reared to mitigate this potential health threat by "taming" the animals through creating a bond between the individual and the care giver. Various protocols are employed depending upon the desired outcome. Animals that need to be prepared for outreach work need to have this bond extend not only to the care givers, but also to a wider pool of visiting humans. This type of husbandry causes the cub to become tamer, that is, the instinctual fight or flight response has been reduced or replaced with an absence of fear, and in most cases, replaced with a genuine affection and love for the primary care giver. Once again, socialization results in the mitigation of stress responses. This husbandry approach is the most important step in removing chronic, unresolved stress in captive wild animals. Humans are primary stressors, and to the extent that they can be made to be less provocative through handling during early development, the less reactive these animals will be as adults.

#### **Excessive Handling of Young and Immature Animals**

The current regulations allow for handling during approximately a one month period. The age between 2 and 3 months is a critical time for sharing and developing the personality of an animal. Breeders are quite familiar with the stages of development of wild felines and can attest that offspring placed into their new environments around the age of eight weeks are ready to accept new people and new situations and absorb a variety of novel stimuli. By exposing young to a variety of people during this time frame, the animal will be much more confident and will associate the presence of novel humans as a positive situation, not as threatening entities. The opposite is also true. Animals hand reared by a single person or a very few individuals during this critical developmental period, and which are not exposed to a diversity of people during this period of 8 to 12 weeks will be at a disadvantage later in life. They are less likely to extend their reduced fear response or aggression expressed toward their primary care givers to novel humans. Instead, in the event of inadequate socialization, a more likely outcome is the development of animals exhibiting shyness and a lack of confidence toward unfamiliar humans, the ultimate environmental stressor.

#### **Traveling Exhibition**

Felines that are used in traveling outreach education and displayed at various venues obviously need to be in optimum health and should possess less reactive personalities that do not exhibit stress responses during handling while being exhibited in public. Current regulations limit the amount of exhibiting, address sleep needs and the importance of eliminating stress for the young. The new USDA policy requiring traveling exhibitors to pre-file their itineraries is a great improvement in the opportunity for the USDA inspectors to check up on practices and monitor the industry practices of public handling.

#### **Abusive Training, Declawing, and De-Fanging**

There is currently no evidence that declawing or defanging is being implemented by USDA licensees and with the USDA policy against this practice, this potential issue has already been addressed. If there are licensee's violating this policy, then USDA needs to address that infraction with fines or other means. There are also extensive regulations on training. The petitioners did not specifically name any abusive trainers, and their accusations are not based in fact.

#### **Disease Transfer to Exhibited Animals**

In the case of wild felines, the risk of disease transfer from the public to the animal is not an issue of any significance. Potential exposure to domestic cat diseases can be mitigated by proper vaccination of the mother, timely vaccination of the offspring, and use of antimicrobial soap by visitors prior to handling.

#### **Risk of Physical Injury to Public during Handling**

When the cubs of large cat species are handled during the appropriate age, they have limited coordination and lack significant ability to inflict bites or scratches. Certainly claws can be clipped and filed to a short, dull nail. And mouths



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can be occupied with toys, milk bottles, or kept away from the public by orienting the head toward the handler. An experienced exhibitor (by definition, all USDA exhibitors of potentially dangerous animals – including all the big cat babies) – must have a minimum of 2 years handling experience) recognizes the potential for injury depending upon the public's actions, and the animal's personality. Public interaction must be closely monitored; the public must be thoroughly briefed on acceptable and unacceptable interactions. An educated public, a carefully conditioned young cat, and experienced handlers overseeing the interaction can mitigate all potential for injury.

#### **Zoonotic Disease Transfer to Public**

Indeed a sick big cat cub could infect the public, just as a sick domestic kitten or puppy could also. The disease risks are the same, fungal infections such as ringworm, and internal parasites such as round worm or coccidia are the most likely risks. Both of these risks can be monitored and prevented by regular worming of the cub, and precautionary examinations of the fur under a woods lamp to verify that there is no presence of ringworm or other skin fungus. Additionally, most exhibitors provide hand sanitizers for before and after contact.

#### **Risk of Injury to Public after Handling**

Here the HSUS petition condemns the lawful transfer of offspring from one USDA licensed facility to another, using the fatal shooting of the Zanesville animals as the probable outcome of the possession of wild animals in private hands. This is ludicrous and not worthy of further examination, except to state that, in effect, most of the facilities mentioned in the Petition are being slandered.

#### **Conservation Impacts**

The HSUS Petition suggests that giving the public an opportunity to see up close or even handle the young of big cats will increase the desire for the public to possess these animals as pets. The basis for this supposition is a single study where a single chimpanzee was viewed alone and then with a human. The public was then asked their impressions of chimpanzees as household pets. More people concluded that chimpanzees were appropriate pets when they were paired with humans than when they were presented alone. This simplistic study ignores two very important facts.

- All exhibitors stress that big cats do not make good pets. This is not only standard messaging, but in some states, such as California, it is written into the regulations: a strong "wild animals do not make good pets" message must accompany all presentations using wildlife ambassadors.
- In practically every state, the legislatures have already outlawed big cats as pets. There are less than a half dozen states where an individual could still legally possess a big cat, however, due to the federal Captive Wildlife Safety Act, the individual cannot transfer them or obtain them across state lines. The number of breeders of big cats has plummeted. The actual possibility of American citizens purchasing a cub in their home state is remote, and it is a fact that obtaining these cats for pets in today's legal and regulatory climate is practically non-existent.

One major effect on conservation is the positive impression that live animals encourage in the public. The opportunity to view in close proximity or to actually touch a live wild feline almost always results in a profound sense of wonder and the enhancement of an interest in the conservation of wild felines.

Finally, the captive breeding of the big cat species by non-AZA zoos is preserving species not managed by the big zoo association, such as the Asian and African leopard subspecies, and the Bengal tigers of India. The AZA does not have room for all sub-species of tigers so they released their Indian tigers, including the white coat mutations into the private sector for preservation and exhibition. Additionally, space is so limited, that the AZA chooses to hold only the Amur leopards, and in order for the public to view other types of leopards it is critically important that the HSUS sponsored federal legislation prohibiting private sector breeding programs must be voted down.

#### **Description of Petitioners proposing Amendments to Handling Regulations**

The Humane Society of the United States has no authentic husbandry experience with wildlife and is actually nothing more than a fund raising entity that mainly finances legislative initiatives for the animal rights industry.



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The World Wildlife Fund has spent millions on conservation efforts to conserve many species, including wild tigers, an effort with questionable results, since the wild tiger population has not stabilized or increased over the thirty years of conservation efforts from the WWF. The WWF attacks successful private sector breeding facilities that maintain tiger numbers and genetic diversity, by claiming that these tigers fuel the global black market in tigers and tiger parts, an assertion which has not been supported by any valid evidence.

The Global Federation of Animal Sanctuaries, (a Humane Society of the United States offshoot business) is only the latest sanctuary association to be formed around the notion that captive wildlife needs to be managed in a manner which will result in extirpation from captivity, and, believes that commercial use is always exploitation, and maintains that wild animals should never be seen in public and certainly never touched by anyone.

The International Fund for Animal Welfare raises grant money to transport captive wildlife to sanctuaries that buy into the no-contact dictate, such as the mismanaged Wild Animal Orphanage, formerly located in San Antonio, Texas.

Born Free USA is a fund raising machine that spreads propaganda against private captive husbandry and the people who devote their lives to the animals in their care. It maintains several sanctuaries of its own, keeping animals separated from the public, interacting only with their keepers and being allowed to perform no valuable function other than to life out the remainder of their lives in captivity.

Big Cat Rescue, run by Carole Baskin, is a former wildcat breeding and brokering business that redirected its mission to be an open to the public sanctuary exhibit. She has joined with the HSUS and condemns the breeding and ownership and public display of these felines by other USDA licensed exhibitors.

Detroit Zoological Society, owned by the city of Detroit, a financially challenged institution which has filed for Chapter nine bankruptcy protections. The City owns the zoo land and assets. The animals are expensive to feed and care for, and the city has not stated whether or not it will continue to support these animals in the future. Detroit has not developed an adequate future plan for the Detroit Zoo and its animals, and it certainly has not developed plans for the management of animals maintained in the facilities of private holders.

#### **Petitioners Proposed Amendments to Handling Regulations**

Under Handling, section 2.1313

1. No Licensee may allow any individual other than a trained fulltime employee of the licensee or a licensed veterinarian (or accompanying - "veterinary student") to come into direct physical contact with any big cat (lion, tiger, leopard, jaguar, cheetah, cougar, or hybrid thereof), bear, or nonhuman primate, regardless of the age of the animal.

#### **FCF Position**

This proposed regulation eliminates the ability for teaching facilities to give part time employees or volunteers the opportunities to learn hands-on husbandry, a skill necessary if they are to develop into fully educated professionals. There is no rational reason to limit contact to just the licensee and veterinarian. This extreme limitation for human contact, especially contact with the big cat neonates and juveniles will reduce the ability for "taming" of these individuals, and decrease the opportunity for teaching and instruction of the next generation of keepers and handlers.

2. For big cats, bears, and nonhuman primates, "sufficient distance" is at least 15 feet from members of the public unless there is a permanent barrier that prevents public contact or risk of contact.

#### **FCF Position**

This proposed regulation would literally prevent a volunteer, visitor or part time employee from entering a room where a cub was being bottle fed, if the room was smaller than 15 feet. There is no rational reason for this definition as written. In instances where animal-handling personalities such as Jack Hanna are invited to TV shows such as Jay Leno to share with the American public tame wildlife offspring, he would be required to sit at one end of the stage and Jay Leno would be 15 feet away on the other end of the stage yelling questions about the baby lion, tiger, or bear. Or,



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Jack would have to bring the baby snow leopard out in a wire cage. There is no reason for such silliness. This is an animal rights extremist philosophy, often presented with religious fervor and conviction that denies the value of interaction with animals and the taming of offspring.

3. Young or immature big cats, bears, and all nonhuman primates shall not be exposed to any public handling and shall not be separated from their dams before the species-typical age of weaning unless a licensed veterinarian confirms in writing that "such separation is medically necessary."

#### **FCF Position**

This is an unworkable regulation, requiring the licensee to defer to a veterinarian before proceeding to save the life of a cub. Licensees are uniquely capable to determine the maternal behaviors and interpret whether the mother is acting normally and properly caring for their young without consulting a veterinarian. If a licensee had to reach a veterinarian first, describe the situation and obtain "written permission" to remove the cub for hand rearing, valuable time could elapse that leads to the death of the cub. This is an absurd regulation.

This is clearly a strategy designed to outlaw hand rearing and attempt to close a perceived "loophole" where licensees would declare the mother to be unfit, justifying the need to initiate hand rearing. In many cases, indeed this is what is required, especially with first time mothers. It is also a fact that hand rearing is frequently done deliberately, is a tried-and-true, and well established husbandry protocol that benefits the animal by lessening its emotional reactivity, improving the conditions for administering medical care and environmental enrichment.

#### **USDA Questions**

- Are there circumstances under which public contact with young big cats, bears, and nonhuman primates may be done without risk of harm to the animals or to the public?

#### **FCF Answer**

Yes, when exhibitors follow the regulations already in place, which limit the age of the offspring, and the amount of public handling.

- Should exhibitors and dealers be required to keep additional records (beyond those already required) regarding big cats, bears, and nonhuman primates? If so, what kinds of information should be required to be kept?

#### **FCF Answer**

No, all licensees already keep acquisition and disposition records and a running inventory list. Additionally, the new USDA Policy requiring exhibitors to file itineraries with USDA enables the animal care inspectors to locate and inspect traveling animal encounter venues.

- Should exhibitors and dealers be required to identify big cats, bears, and nonhuman primates by means of tattoos, microchips, retinal scans, or the like?

#### **FCF Answer**

No, these are medical invasions and potentially dangerous procedures that are not warranted.