

# Primate Incidents in the United States

The following is a partial listing of incidents involving captive primates in the United States since 1990. These incidents have resulted in the deaths of nearly 60 captive primates and one human as well as injuries to more than 310 humans. Contact PETA for documentation.

**March 12, 2023/Dickson, Oklahoma:** A woman was attacked and injured in her front yard after Jack, a neighbor's "pet" monkey, escaped. The monkey jumped on her back and began ripping handfuls of hair out. He also ripped the victim's ear almost completely off. Jack ran off after the attack, but a family member located him and shot and killed him.

**November 7, 2022/Palm Harbor, Florida:** A capuchin named Jack escaped from Suncoast Primate Sanctuary and ran into a wooded area near the facility. He was missing for 24 hours before he was recaptured. The U.S. Department of Agriculture cited the facility for failing to secure the primary enclosure.

**June 13, 2022/Austin, Texas:** A 10-year-old boy was bitten by a 1-year-old ring-tailed lemur at the Austin Aquarium. During an animal encounter, the lemur had "jumped towards the child and as the boy was putting his hands up to cover his face, the lemur bit his hand." The U.S. Department of Agriculture later issued Austin Aquarium a critical citation for failing to handle animals in a way that ensured their safety and that of the public.

**June 22, 2022/Branson, Missouri:** Two olive baboons escaped from an enclosure at Branson's Promised Land Zoo after a facility manager failed to properly secure two of the three sets of locks on the animals' enclosure. The female baboon was recaptured, but the male—who had bitten an employee at some point during the incident—was later located by the facility's owner and shot to death. On July 14, 2022, the USDA issued Branson's a critical citation for failing to secure the primary enclosure properly.

**May 10, 2022/Corrigan, Texas:** A 7-month-old "pet" capuchin named Boss escaped from his owner after biting her outside a Dollar General store. He ran into the woods behind the store wearing a white diaper. Nearly two weeks later, Boss was found lying in the middle of a roadway, injured and very thin. A patrol car took him to a veterinary clinic. He was expected to recover from his injuries.

**April 20, 2022/Houston, Texas:** A minor was scratched on the leg by a lemur during a public encounter at the Houston Interactive Aquarium and Animal Preserve. The U.S. Department of Agriculture cited the facility over the incident for failing to ensure the safety of the public and animals.

**March 19, 2022/Bogart, Georgia:** A 1-year-old child was injured by lemurs after the child's family was allowed to enter the lemur enclosure unaccompanied by staff at the Half Moon Petting Zoo. The lemurs were unrestrained and jumped on the toddler's head and shoulders. The child was taken to a hospital for treatment of a head injury and a scratch below an eye.

**February 18, 2022/Satsuma, Florida:** A woman was arrested for allegedly illegally selling a capuchin monkey named Sally to a 15-year-old girl and her mother for \$9,500. The monkey was reportedly acting

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aggressive shortly after the sale, and the buyers decided to return her to the seller. As the girl was saying goodbye, Sally allegedly bit her on the finger, causing an infection that led to hospitalization. According to an affidavit, in 2016 the seller received citations on two separate occasions because her capuchin bit someone. She now faces four charges of illegal possession of conservation animals and one charge of possession of captive wildlife for commercial or sanctuary purposes without a permit.

**January 21, 2022/Valley Township, Pennsylvania:** Following a highway collision, three monkeys escaped from a trailer transporting 100 long-tailed macaques to a quarantine center. They were recaptured the following day and euthanized after officials assessed “possible health risks.”

**December 10, 2021/Washington Township, Ohio:** A woman was bitten by one of three “pet” capuchins while feeding them from the outside of the cage she was keeping them in. The capuchin had pulled her hands into the cage before biting her. Her right index finger was “almost completely amputated and her left middle finger was possibly broken in multiple places.” Her wounds were treated at a nearby hospital.

**October 31, 2021/Austin, Texas:** A “pet” capuchin monkey kept by Danielle Thomas and her partner Jeff Banks, the assistant football coach for the University of Texas, bit a child on the hand. Reportedly, the child was trick-or-treating and visited a haunted house at Thomas’ residence. The child was apparently told that the monkey, named Gia, would give the child a “high five” but instead “aggressively bit down on [the child’s] hand and refused to let go.” Thomas took to social media to discredit the victim in since-deleted tweets. It was later

announced that she and Banks were being sued by the victim’s family, who were seeking damages for gross negligence and defamation.

**July 18, 2021/Orlando, Florida:** A 6-year-old male siamang fell from a suspension rope within an exhibit at Disney’s Animal Kingdom Theme Park and landed in a moat separating the exhibit from the public. The siamang exited the moat on the guest side, although keepers were able to recapture the uninjured ape before he had any contact with the public.

**June 20, 2021/Pendleton, Oregon:** Buck, an approximately 17-year-old chimpanzee kept by private owner Tamara Brogoitti, was fatally shot in the head by the police. The sheriff received a call from Brogoitti reporting that Buck had attacked her adult daughter, injuring her on the torso, arms, and legs. When authorities arrived, Buck was blocking access for paramedics to provide the victim with medical attention. The responding officer took lethal force against Buck in order to gain entry to the home.

**June 7, 2021/Houston, Texas:** Georgie Boy, a viral TikTok “pet” capuchin, died of anesthesia complications during a veterinary appointment to check his teeth.

**May 25, 2021/Reno, Nevada:** A “pet” monkey ran loose in a suburban neighborhood. The animal reportedly scratched and bit four people before being recaptured and quarantined for monitoring.

**April 22, 2021/Cooper City and Southwest Ranches, Florida:** Two escaped lemurs were found roaming the streets in Florida. One was captured and turned over to the Florida Fish and Wildlife Conservation Commission, but one remained at large. A Miami Zoo official warned the public not to approach the

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remaining escaped lemur, stating that “now they’re separated, the one [who’s] remaining could be a little more frightened .... These animals could give you a really, really nasty bite.”

### **April 21, 2021/Myrtle Beach, South Carolina:**

A monkey escaped from Myrtle Beach Safari and attacked a woman at her home, which was less than a mile away. The woman reported that she heard her dog barking and that when she went out to check, she found the monkey in her yard and the animal lunged and bit her on the arm. She said that the monkey then lunged toward her chest before fleeing the area. The woman was taken to the hospital and received a series of precautionary treatments for rabies. According to a report from the Horry County Police Department, the owner of Myrtle Beach Safari, Kevin “Doc” Antle, said that the monkey “did get loose and wandered into the next neighborhood, but was recovered and placed back into a cage.” He reportedly added that the animal “does wander free within the facility and does get loose from time to time.”

### **November 17, 2020/Panama City Beach, Florida:**

A child was bitten at ZooWorld during a lemur encounter. The zookeeper present at the time stated that the lemur attempted to grab the child’s mask and then bit the child on the left cheek. The child was taken to the hospital for treatment.

**October 31, 2020/Miami, Florida:** A child was bitten by a juvenile chimpanzee during a photo op at Zoological Wildlife Foundation. Limbani, a young chimpanzee, was brought out by a handler and was seated next to the child when he suddenly grabbed the child’s arm and bit it, causing a deep laceration that required stitches. The Florida Fish and Wildlife Conservation Commission issued the facility’s owner, Mario Tabraue, a written warning for

violating the state’s captive-wildlife laws following this incident.

### **October 15, 2020/Church Hill, Tennessee:**

A woman was attacked by a neighbor’s monkey. She reported to a deputy that she was walking out to her driveway when a monkey jumped on her, tried to bite her, and then jumped onto her car. Neighbors reported that this was not the first such occurrence and that this was an ongoing issue. Another woman across the street said that she had recently had to try to use a stick to fend off the monkey but that the monkey stole the stick from her and also jumped onto her car.

**October 9, 2020/Dade City, Florida:** An employee who had been working at Giraffe Ranch for two months was bitten when entering the capuchin enclosure to feed the animals. The employee stated that she “placed the food down and started retracting her hand. That’s when the female monkey, Amber, grabbed and bit her right index finger,” leaving an “open gouge.” Then, Amber “climbed up her body and bit the back of her arm by the elbow,” leaving scratch marks on the employee’s inner elbow and inner wrist.

**September 17, 2020/Tampa, Florida:** A capuchin monkey was reported loose in a neighborhood. Police officers tracked the monkey, named Abu, to where he was kept as a “pet” in a man’s home.

**August 9, 2020/Festus, Missouri:** Two chimpanzees named Tammy and Kerry escaped from their enclosure at the Missouri Primate Foundation, a defunct breeding facility. Before they left the property, they were tranquilized and returned to the enclosure.

**June 30, 2020/Festus, Missouri:** A young chimpanzee named Makayla escaped from the Missouri Primate Foundation, a defunct

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breeding facility. She was seen attempting to open a car door before she was captured and returned to her enclosure.

**May 25, 2020/Naples, Florida:** A capuchin was loose for two days after she escaped from an enclosure at radio talk show host Gary Null's residence. A Florida Fish and Wildlife Conservation Commission (FWC) investigator was able to chemically immobilize the monkey on a neighbor's property on May 27, 2020, and returned her to Null. FWC issued a warning violation to Null for allowing the escape to occur.

**February 24, 2020/Jacksonville, Florida:** While a zookeeper at Jacksonville Zoo was crouching down to handfeed a bonobo, she lost her balance and placed her hand on the enclosure's mesh fencing material to stop herself from falling. Her finger went through the mesh, "and the bonobo bit her finger, removing the portion from the base of her fingernail to the tip of her finger," causing a "de-gloving" wound.

**February 22, 2020/Orlando, Florida:** A male tri-colored ruffed lemur escaped from Exotic Animal Experience and made his way to a neighbor's house. The neighbor called the owner of the facility, who recaptured the lemur. The owner was issued a written warning from the Florida Fish and Wildlife Conservation Commission for allowing the animal to escape.

**February 2, 2020/Smithfield, Illinois:** A visitor to Brown's Oakridge Exotics was bitten on the hand by a ring-tailed lemur named George. The visitor received medical treatment, and George was placed in quarantine for 30 days. The U.S. Department of Agriculture cited the facility for failing to provide sufficient distance or barriers between animals and the public to ensure everyone's safety.

**January 20, 2020/Galveston, Texas:** A young capuchin monkey named Lilly escaped from a private home during a robbery. Although she was returned unharmed, Galveston police cited the owner for illegal possession of the animal. In July 2022, Lilly was seized by authorities and a judge ordered that she be sent to a licensed primate facility in San Antonio.

**September 11, 2019/Stanton, Michigan:** The USDA issued Anderson & Girls a critical citation after an employee was bitten by a lemur for the second time.

**August 24, 2019/Austin, Texas:** A lemur named Jasmine bit a patron's hand at Austin Aquarium during an encounter. The animal was quarantined for 30 days because of possible rabies exposure.

**July 20, 2019/Jacksonville, Florida:** A bonobo escaped from a primary enclosure at the Jacksonville Zoo. The ape was later secured in the night housing after they returned to the enclosure on their own.

**June 25, 2019/Austin, Texas:** A lawsuit was filed by the parents of a 10-year-old girl who was allegedly bitten by a lemur at the Austin Aquarium. The lawsuit alleges that the aquarium initially told the parents that the lemur was vaccinated but later informed them that this was not the case, leading to thousands of dollars in medical expenses.

**June 10, 2019/Braceville Township, Ohio:** The Braceville Township Police Department received several calls about a monkey loose in a neighborhood, and the department posted a video of the animal running across the roof of a garage. According to one news account, the monkey was seen at a gas station darting between semitrucks and baring his teeth. Teeko, a capuchin monkey kept as a "pet," was recaptured by his owner.



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**April 10, 2019/Tampa, Florida:** While a zookeeper at ZooTampa at Lowry Park was administering daily medication and vitamins to an orangutan, the animal “nipped the tip off” his middle finger. The man was taken to the hospital for treatment.

**January 19, 2019/Toledo, Ohio:** A Toledo Zoo volunteer was injured when an orangutan named Bajik grabbed her thumb, pulled her arm into the enclosure, and bit down on her forearm. The volunteer’s thumb became detached during the incident, and she was treated at the hospital. According to a statement from zoo officials, the volunteer was “cautiously optimistic that the thumb will retain function and mobility.”

**January 10, 2019/Miami, Florida:** A volunteer at Jungle Island was taken to the hospital after an orangutan bit her hand.

**November 2018/Toledo, Ohio:** Bajik, an orangutan at the Toledo Zoo, escaped from an enclosure and entered a keeper area. A keeper used pepper spray as a deterrent, and Bajik returned to the enclosure on his own.

**November 8, 2018/Morrisville, North Carolina:** Willow, an approximately 1-year-old cotton-top tamarin, fled from a hotel parking lot after reportedly being frightened by a plane flying overhead. She and a marmoset named Mikki were kept as “pets” in Easley, South Carolina, and had apparently traveled to Morrisville with their owners for an annual veterinary checkup.

**October 24, 2018/San Antonio, Texas:** The U.S. Department of Agriculture (USDA) cited San Antonio Aquarium for failing to keep lemurs under the direct control of an experienced handler during public encounters. An observation record book described several incidents in which lemurs had bitten or scratched members of the

public during interactive encounters. A lemur scratched a boy’s arm and then “jumped on [his] head grabbing him aggressively.” According to the USDA inspection report, “Three of the six [l]emurs used in public encounters have bitten or scratched the public.”

**October 21, 2018/Gainesville, Florida:** A capuchin named Carli escaped from an enclosure at Jungle Friends Primate Sanctuary and left the property. She was recaptured three days later after a hunter observed her eating from a deer feeder in a large tract of woods.

**October 13, 2018/San Antonio, Texas:** Several humans were bitten or scratched during public encounters with lemurs at the San Antonio Aquarium. A lemur scratched a boy’s arm and then “jumped on [his] head grabbing him aggressively.” According to a USDA inspection report, “Three of the six [l]emurs used in public encounters have bitten or scratched the public.”

**June 4, 2018/Okeechobee, Florida:** A Home Depot employee was attacked and bitten multiple times by a spider monkey in the store’s parking lot. The “pet” monkey had been left in a truck while his owner shopped, and he had managed to escape from the vehicle. The employee sustained bites to her arm and hand along with a scratch on the side of her face. The “owner” was charged with a criminal violation for allegedly allowing the monkey to escape and injure a human. This incident was the second one involving this monkey at this store in just a week. (See the May 27, 2018, entry.)

**May 27, 2018/Okeechobee, Florida:** A Home Depot employee was attacked by a “pet” spider monkey. The owner had the monkey in the child basket of a shopping cart and wasn’t holding the leash as they approached the register. The primate

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grabbed the cashier's shirt and scratched her shoulder and back. Once the monkey released her shirt, the owner stated that "the monkey just wanted a hug and to play." Store managers confronted the owner and told her not to return to the store with her monkey. The owner was charged with two counts of criminal violations for allegedly failing to control the animal and prevent public contact that resulted in personal injury.

**April 15, 2018/Waco, Texas:** A customer at Critters Exotic Pets store was bitten by a ring-tailed lemur named Dirk and required immediate medical attention.

**April 15, 2018/Lake City, Florida:** Four monkeys (two snow macaques and two capuchins) escaped from cages at A&A Exotics after a severe storm damaged two primary enclosures. A capuchin and a snow macaque were recaptured the same day, and the other two primates escaped over the perimeter fence and headed toward a wooded area. The following day, the capuchin was spotted, tranquilized, and returned to the licensee. After not being recaptured for several days, the snow macaque was observed headed toward houses on April 19, at which time he was euthanized.

**April 14, 2018/San Antonio, Texas:** Four baboons kept at the Texas Biomedical Research Institute propped a 55-gallon barrel against a wall and were able to escape from the enclosure they were confined to. Three of them were recaptured outside the facility's fencing, while the fourth made it to a public street before being apprehended.

**April 12, 2018/Las Vegas, Nevada:** According to court documents, a woman was bitten by a capuchin monkey named Boo during a tour of singer Wayne Newton's former estate, Casa de Shenandoah. The

victim filed a lawsuit alleging that she had been "viciously attacked" and injured after she posed for a photo op with the monkey. This was the second time in six months that Boo had been involved in a bite incident. (See the October 2017 entry.)

**February 9, 2018/Miami Beach, Florida:** Two adult chimpanzees, Cory and Corny, escaped from a primary enclosure at the private menagerie of BGW Designs. A new employee left the unlocked enclosure unattended, giving the chimpanzees the opportunity to escape. Law enforcement and emergency response units recaptured Cory and Corny and returned them to the primary enclosure.

**December 25, 2017/Orlando, Florida:** The Florida Fish and Wildlife Conservation Commission was alerted to an escaped capuchin monkey. Upon arriving on the scene, officers discovered that the capuchin had been recaptured by the owner, who had just moved to Florida from Nevada and had been keeping the monkey in a dog crate in their garage. The individual did not have the proper permit and was issued a citation for possession of unlicensed wildlife as well as warnings for allowing the capuchin to escape and transferring the monkey into the state without a permit. The animal was relocated to a licensed facility.

**October 4, 2017/Bend, Oregon:** The Oregon Occupational Safety and Health Administration (OSHA) issued a report of its findings at Chimps Inc. It stated, "Oregon OSHA identified 30 incidents over the years which included, cage doors left opened, chimp escapes and chimp attacks, which have resulted in bites, scratches, bruises, skin de-gloving, maulings, and at least four finger or thumb amputations. None of these events were reported to Oregon OSHA. One worker's compensation claim was found in 2009 for a worker with multiple injuries, including amputation." Oregon

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OSHA issued a proposed penalty of over \$20,000 for the alleged violations.

### **October 2017/Las Vegas, Nevada:**

According to reports, a teenager was bitten by a capuchin monkey named Boo during a tour of singer Wayne Newton's former estate, Casa de Shenandoah. The teen was allegedly bit on her wrist and required medical attention.

**July 21, 2017/Terrell, Texas:** A child was bitten and scratched by a "pet" monkey at a Buc-ee's convenience store. Police were looking for the monkey's owner to make sure that the animal's shots were up to date.

**July 21, 2017/South Houston, Texas:** A 16-year-old girl and her grandfather were attacked by a monkey. They had spotted the animal from their vehicle and decided to pull over and open the window in order to get a picture of the primate. The monkey hopped onto the window of the truck and jumped on the teenager, who sustained scratches on her head, neck, and shoulder. The grandfather hit the animal and knocked him or her out of the window.

**July 17, 2017/Fairfax, Iowa:** A 7-year-old white-faced capuchin monkey named Kaytee bit a member of the public while she was on display in the office of Vance's Storage. The visitor sustained multiple bite wounds above the ankle. Melody Vance received an official warning from the U.S. Department of Agriculture for failing to protect the public and animals from harm.

**June 27, 2017/Miami, Florida:** A 9-year-old Brazilian tufted capuchin monkey bit a volunteer at the Zoological Wildlife Foundation. The woman went to the hospital and was given antibiotics. She was also barred from returning to the zoo.

**June 20, 2017/Tampa, Florida:** A bucket truck was used to retrieve a "pet" tamarin

monkey from a tree that the animal had climbed after escaping from a cage. Upon examination by Florida Fish and Wildlife Conservation Commission, the cage was found not to meet state standards in terms of its size.

**June 16, 2017/San Antonio, Texas:** A juvenile white-cheeked gibbon broke out of an enclosure at the San Antonio Zoo. The animal escaped through a hole in the netting over the enclosure and was recaptured shortly afterward.

**June 10, 2017/Springfield, Illinois:** Three spider monkeys escaped from Henson Robinson Zoo after they managed to separate the enclosure fence and squeeze through an opening. Zoo staff were able to coax two of the monkeys into a secure enclosure, while the third was captured in a net a few hundred yards from the zoo.

**May 14, 2017/Honolulu, Hawaii:** A chimpanzee escaped from an enclosure at the Honolulu Zoo, prompting an evacuation of patrons. The animal was recaptured and put back in a pen, and the zoo reopened an hour later.

**April 24, 2017/Apopka, Florida:** A rhesus macaque monkey was spotted swinging from trees. The Florida Fish and Wildlife Conservation Commission wasn't actively looking for the animal but issued a "be on the lookout" bulletin. While the animal could have been an escaped "pet," the commission thought the monkey was wild, as there's a small wild-monkey population in Florida.

**March 5, 2017/New Orleans, Louisiana:** Praline, a gorilla held at the Audubon Zoo, threw a wood block into a crowd. It hit a pregnant woman in the head, causing her to fall onto her stomach. She was treated at a hospital.

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**February 8, 2017/Berkeley, California:** A 10-year-old rhesus macaque monkey sustained a severe toe injury that required amputation. He had escaped from a primary enclosure at the University of California—Berkeley and climbed on top of another enclosure holding another macaque. The second monkey severely bit the other's toe.

**January 24, 2017/Wichita, Kansas:** Beba, a 19-month-old “pet” marmoset, escaped and went missing overnight. The following morning, she was found unresponsive and taken to a local veterinary clinic, where she was pronounced dead.

**October 27, 2016/Hudson Beach, Florida:** The Florida Fish and Wildlife Conservation Commission received reports of a rhesus macaque in the area. The commission didn't know where the monkey had come from and warned residents not to approach or feed the animal.

**October 25, 2016/Wichita, Kansas:** Tao, an orangutan held captive at the Sedgwick County Zoo, escaped from an enclosure, causing the facility to lock down temporarily. While loose, she made contact with a zoo patron but didn't harm her. She returned to the enclosure about 10 minutes later.

**September 27, 2016/Nogales, Arizona:** Benji, a 49-year-old capuchin kept as a “pet,” was reported missing by her owner, who warned that the monkey was hard of hearing and could bite.

**September 8, 2016/Rotterdam, New York:** Austin, an 11-year-old “pet” black-capped capuchin, went missing from a backyard play enclosure. Five weeks later, he was still missing.

**August 23, 2016/Albany, Georgia:** The Georgia Department of Natural Resources warned residents to be on the lookout for a monkey, possibly a rhesus macaque, who

was spotted on the loose in the area several times.

**August 14, 2016/Lancaster, Ohio:** A monkey escaped from a camper in a Walmart parking lot and jumped on an employee standing by a cart rack. His owner quickly grabbed the animal and returned him to the camper.

**August 9, 2016/Natural Bridge, Virginia:** According to a USDA safety log, a spider monkey was euthanized while having difficulty breathing. A culture determined that the animal had tuberculosis (TB). Four other spider monkeys had been housed with this one, and one displayed clinical signs of TB during an inspection. It was determined that 10 animal-care staff members had potentially been exposed to TB over the previous 18 months, and evaluation, monitoring, and testing were requested.

**August 4, 2016/Virginia Beach, Virginia:** A 9-year-old girl was bitten by a capuchin at the Virginia Beach Oceanfront. She was gathered there with a crowd to watch some summer performances. The man holding the monkey ran away with the animal before police and medics arrived. The girl was taken to the emergency room with a bite wound on her hand.

**July 20, 2016/Nederland, Colorado:** Oliver, a lemur kept illegally as a “pet,” bit a 2-year-old girl. The owner was cited for having an aggressive animal and could possibly be charged with possessing a primate. After successfully completing a 30-day quarantine, Oliver was sent to the Endangered Primate Foundation in Jacksonville, Florida.

**July 18, 2016/Miami, Florida:** A lemur attacked a woman as she was leaving her house. The animal jumped on her and bit her, so she called 911. When help arrived, the lemur started chasing officials. The



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animal was eventually caught, and the Florida Fish and Wildlife Conservation Commission opened an investigation into where the lemur had come from. Some people in the area were licensed to have them.

**July 3, 2016/Kansas City, Missouri:** Kali, a 7-year-old orangutan, escaped from an enclosure at the Kansas City Zoo. The facility was on lockdown for 30 minutes, during which time she was located and returned to the enclosure.

**July 1, 2016/Tampa, Florida:** Luna, an orangutan, escaped from an enclosure at Busch Gardens. Park guests were moved out of the area, and she was shot with a dart and returned to the enclosure. This was the second escape of an orangutan in two weeks at the theme park. (See the June 16, 2016, entry.)

**June 21, 2016/Springfield, Massachusetts:** Dizzy, an 8-year-old guenon monkey, escaped from an enclosure at The Zoo in Forest Park. It took nearly three days to recapture him.

**June 16, 2016/Tampa, Florida:** An orangutan escaped from an enclosure at Busch Gardens. According to a spokesperson, the animal was on the loose for more than an hour.

**June 13, 2016/Baton Rouge, Louisiana:** Two black-and-white lemurs escaped from an enclosure at the Baton Rouge Zoo. They were loose for approximately an hour before they were recaptured.

**May 28, 2016, Cincinnati, Ohio:** Harambe, a 17-year-old western lowland gorilla, was shot and killed after a child fell into the enclosure at the Cincinnati Zoo. Harambe had carried the 4-year-old boy around the habitat for about 10 minutes before being shot with a rifle. He had turned 17 the day

before. Western lowland gorillas are a critically endangered species.

**May 25, 2016/Jacksonville, Arkansas:** After receiving reports that a monkey was spotted on General Samuel Road, animal control officers searched for the animal, described as being 2 feet tall.

**May 1, 2016/Yemassee, South Carolina:** Nineteen rhesus macaques escaped from an enclosure at the Alpha Genesis experimentation facility around 1:30 p.m. All had been accounted for by 7:30 p.m., although some had not been recaptured by that time—they had been spotted in trees on the property.

**April 16, 2016/Sanford, Florida:** A 25-pound black-handed spider monkey escaped from an enclosure at the Central Florida Zoo, causing the facility to shut down briefly. The monkey was recaptured using a net after about 20 minutes.

**April 15, 2016/Lake Buena Vista, Florida:** A female black-and-white colobus monkey escaped from an enclosure at Disney's Animal Kingdom Theme Park. The animal was recaptured and returned to the enclosure uninjured.

**March 19, 2016/Albuquerque, New Mexico:** Tika, a 2-year-old siamang, escaped from an enclosure at the ABQ BioPark Zoo. The park was closed for an hour in order to recapture her.

**February 23, 2016/Yemassee, South Carolina:** During a U.S. Department of Agriculture inspection of Alpha Genesis Inc.—a monkey-breeding facility and research laboratory—a female macaque escaped from her primary enclosure and was loose in the room. Her cage had been closed with a clip, not a lock.

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### **February 4, 2016/Minerva Park, Ohio:**

Police were searching for a monkey after receiving a report of what was believed to be a howler monkey running loose in the area.

### **January 30, 2016/Jacksonville, Florida:**

Potter, a 10-year-old black-and-white ruffed lemur, escaped from an exhibit at the Jacksonville Zoo. He was spotted in a tree, and crews spent a couple of hours trying to recapture him. They eventually had to use a tranquilizer. He was returned to the enclosure that also held his mate and their two babies.

### **December 10, 2015/Franklin County, Florida:**

A rhesus macaque monkey was spotted on the porch of an Alligator Point resident's house. Other monkey sightings had been noted by Bald Point State Park officials. It's unknown where the monkeys came from.

### **December 2015/Yemassee, South Carolina:**

A monkey being transferred for treatment at Alpha Genesis Inc., escaped from the cage, hopped over the perimeter fence, and was never found.

### **December 2015/Turlock, California:**

A resident found a ring-tailed lemur in his backyard. The California Department of Fish and Wildlife caught the lemur and placed him at the Sacramento Zoo. Officials thought that he was likely part of the illegal "pet" trade.

### **November 18, 2015/Harlingen, Texas:**

A monkey being kept as a "pet" in a backyard cage escaped from the enclosure. Three people were bitten when they tried to capture the animal, including an 84-year-old woman who went to the hospital. Animal control was able to capture the monkey.

### **September 29, 2015/Sanford, Florida:**

Police were called when a monkey named

Zeek started eating the contents of someone's mailbox. When the patrol car arrived, Zeek began pulling the molding off it. The person responsible for Zeek was able to retrieve him and take him home, where he was kept as a "pet."

### **September 8, 2015/Bath County, Kentucky:**

A macaque who escaped from an unknown location was spotted on the side of the road. The monkey slipped through the fingers of four agencies—the sheriff's office, state police, the state Department of Fish & Wildlife Resources, and animal control. Wildlife officials were able to shoot the monkey with a tranquilizer dart the following morning.

### **September 5, 2015/League City, Texas:**

A capuchin monkey named Cody bit a child after a show at a restaurant called Ms. Monkey's Emporium. According to reports, the child's mother claimed that the bite had broken her son's skin and that he had been taken to a doctor. Cody was placed in a 21-day quarantine. The U.S. Department of Agriculture cited the monkey's exhibitor, Robert Williams, for failing to have sufficient distance between the monkey and the public to ensure everyone's safety.

### **August 8, 2015/Bryant, Arkansas:**

A couple took a marmoset into the Target store at the Alcoa Exchange shopping center, and the animal bit an employee. When the couple took the "pet" in for quarantine, animal control officials found that the animal hadn't been registered with the county or the state game commission.

### **July 11, 2015/Memphis, Tennessee:**

Zimm, a 3-year-old monkey, was recaptured after having escaped from an enclosure at the Memphis Zoo nearly two days earlier. She was found in the zoo's drainage-ditch system.

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### **July 2, 2015/Los Angeles, California:**

According to a USDA inspection report, two cotton-top tamarins at the Los Angeles Zoo were discovered to be missing from the open enclosure that they were confined to. The enclosure had access points that would allow entry of unauthorized animals. The remains of one tamarin were found, but there was no evidence of the second, and he was presumed dead. A zoo representative stated that footage from cameras in the area showed a bobcat carrying off one tamarin. The bobcat was still at large.

**June 25, 2015/Elkhart, Texas:** A lemur named Keanu who was running free in a consignment shop bit a woman. She went to the hospital for the 3-inch wound that “was so deep that the doctor could actually put her finger inside it.” The business didn’t have signs to alert her that there was an animal in the store. The same lemur had previously bitten a postal worker in December 2012.

### **June 1, 2015/Yemassee, South Carolina:**

According to a USDA inspection report, two cynomolgus monkeys “escaped from an outdoor chain link enclosure ... by breaking some thin wire attaching the fence to the frame” at Alpha Genesis Inc., a monkey-breeding and research center. One was recaptured. The other one was shot with a dart and later died from injuries sustained during the escape.

**May 21, 2015/Lafayette, Louisiana:** A macaque escaped from an enclosure at the University of Louisiana–Lafayette. (See February 7, April 5, and April 6, 2015, entries.)

### **May 10, 2015/Chillicothe, Missouri:**

Harley, a 6-year-old “pet” capuchin monkey, got loose from his owner, Billy Johnston, while he was on a leash. He was found two days later and returned to Johnston. A year

before, another one of Johnston’s monkeys got loose and was killed. (See the May 2, 2014, entry.)

### **May 1, 2015/Los Angeles, California:**

According to a USDA inspection report, two François’ langurs escaped from a holding area at the Los Angeles Zoo after a keeper left the enclosure and secondary containment doors unsecured. The langurs walked into a keepers’ bathroom, and a volunteer closed the door behind them. The langurs were netted, sedated, and returned to the holding area.

**April 6, 2015/Lafayette, Louisiana:** A macaque escaped from an enclosure at the University of Louisiana–Lafayette. (See February 7, April 5, and May 21, 2015, entries.)

**April 5, 2015/Lafayette, Louisiana:** A macaque escaped from an enclosure at the University of Louisiana–Lafayette. (See February 7, April 6, and May 21, 2015, entries.)

### **March 25, 2015/Charlotte, North Carolina:**

According to local media, a capuchin monkey named Carter attacked and scratched a maintenance worker in the parking lot of the Carolinas Medical Center–University. The maintenance worker had tried to contain Carter in a bin until animal control could arrive, but the monkey attacked him and then escaped into a nearby wooded area. He was captured the next day when he returned to the parking lot. Carter was kept as a “pet” and had been involved in an incident the previous year. The owner was to have produced the monkey for seizure following that incident since he was in violation of an ordinance that prohibited exotic animals within city limits, but he failed to do so.

**February 7, 2015/Lafayette, Louisiana:** Eight macaques escaped from the

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University of Louisiana–Lafayette. (See the April 5, April 6, and May 21, 2015, entries.)

**January 19 2015/Albuquerque, New Mexico:** Brian, a siamang in his late 20s, escaped into a neighboring enclosure at the ABQ BioPark Zoo, killing a lemur named Junior and injuring another named Buddy.

**January 2015/San Antonio, Texas:** Louis, a macaque kept as a “pet,” bit a bank employee. He had been taken illegally inside the city limits, was wearing a blue T-shirt and diaper, and was carrying a stuffed animal. According to an animal control field supervisor, the monkey wasn’t restrained properly. The owner was cited for a Class B misdemeanor and faced fines up to \$2,000. Louis was seized and placed in quarantine.

**December 2014/Princeton, New Jersey:** Two marmosets escaped from cages at Princeton University, where they were used for experiments in one of the school’s laboratories. One was quickly recaptured, but the other fought with a marmoset in another cage. Both were injured and required medical attention.

**November 27, 2014/Tampa, Florida:** At least three people reported seeing a monkey running through backyards and woods along the banks of the Hillsborough River. Police also fielded several calls of monkey sightings the same day near the Lowry Park Zoo. Zoo officials insisted that the monkey wasn’t one of theirs.

**August 3, 2014/Riverside County, California:** A woman was attacked by a capuchin monkey outside a pizzeria. She sustained a laceration to her forearm and was taken to a local hospital. The capuchin and two other monkeys were confiscated from the owner since she didn’t have a permit to have them. The capuchin involved in the attack was placed under a six-month quarantine.

**July 10, 2014/St. Paul, Minnesota:** Three gorillas escaped from an enclosure through an unlatched door, delaying the Como Park Zoo’s opening by 40 minutes. They were found wandering a hall located behind enclosures used to hold orangutans and gorillas.

**June 25, 2014/Honolulu, Hawaii:** Pu’iwa, a 15-year-old chimpanzee, used a barrel to escape from an enclosure at the Honolulu Zoo. He was shot with a tranquilizer dart and moved into sleeping quarters. He had been out of the enclosure for about an hour.

**May 23, 2014/Maiden, North Carolina:** A rhesus macaque named Zander jumped on the back of an employee at Buffalo Beals Animal Park and bit her on both ears when she entered the enclosure to clean it. After Zander was pulled from the employee, another caretaker grabbed the water bowl from the enclosure to change the water, which left a hole big enough for Zander to escape through. The macaque then attacked a 3-year-old, injuring both of the child’s legs and one arm.

**May 17, 2014/Hanover, Pennsylvania:** A capuchin monkey named Bug went missing after a fire destroyed the East Coast Exotic Animal Rescue. He was found two days later and returned to the organization.

**May 14, 2014/Washington, Utah:** A loose monkey was spotted in the Coral Canyon area a day after he went missing. He was captured with the aid of a veterinarian. A search was on for his owner.

**May 2, 2014/Chillicothe, Missouri:** Buster, a capuchin monkey, broke out of a cage and led police on an eight-hour chase. He had been kept by Billy Johnston, who raised and sold monkeys for up to \$7,500 each. After finally cornering Buster in a salvage yard, Johnston tried five times to shoot him



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with tranquilizer darts but missed. Police then shot and killed Buster.

**April 29, 2014/Houston, Texas:** Wilson, the capuchin who starred in *Dr. Dolittle*, slapped KHOU-TV host Deborah Duncan when she teased him with a grape during an interview on live television.

**April 10, 2014/Kansas City, Missouri:** Seven chimpanzees escaped from an enclosure at the Kansas City Zoo. They used a large tree branch to access the wall of the exhibit in order to climb out. Patrons were moved into a locked building until all the chimpanzees were lured back into the enclosure with malted milk balls.

**March 25, 2014/Indianapolis, Indiana:** Two orangutans at the Indianapolis Zoo escaped from their holding area and were quickly returned to their enclosure. This escape exposed a vulnerability in the design of the \$26 million International Orangutan Center.

**February 7, 2014/Waterbury, Connecticut:** A 10-year-old girl was scratched on the forehead when she took her mother's marmoset, Aladdin, out of a cage. The mother, Mariantonia Morales, was forced to give the monkey to authorities because Connecticut state law prohibits keeping marmosets as companion animals.

**January 8, 2014/Gentry, Arkansas:** According to a USDA inspection report, at the time of the inspection at least two lemurs were chewing on a live electrical wire outside the enclosure used to confine them.

**January 2014/Palmetto, Florida:** Over the course of about a week, multiple people called the Palmetto Police Department to report that they had spotted a monkey. One family saw him in their yard. Sightings had begun on Snead Island, and he was later

seen in Palmetto. An observer thought that the animal probably weighed 70 or 80 pounds. Police warned the public that he was a wild animal and could be dangerous.

**January 2014/Vermilion, Ohio:** An employee with Pat O'Brien Chevrolet was taken to an area hospital after a customer's "pet" spider monkey, Brodi, bit him. The police investigated and discovered that the owner was in illegal possession of him. Although it was confirmed that Brodi had been vaccinated for rabies, he was euthanized. The rabies test came back negative.

**October 31, 2013/Moyock, North Carolina:** Four "pet" capuchins escaped from a private residence. One monkey bit a man while he was helping to recapture them. One monkey was shot and injured with a "conventional weapon," and another died after being shot with a tranquilizer. The three survivors were taken to the Currituck County Animal Control for quarantine.

**October 23, 2013/Fredericksburg, Texas:** A capuchin monkey escaped from a Birdshots Entertainment travel trailer and bit a neighbor on the elbow.

**October 8, 2013/Lakeland, Florida:** Several people reported that they had seen a monkey on the loose. Fun Bike Sports, a motorcycle dealership in the area, posted on Facebook that it was missing its "pet" monkey, Barnaby.

**August 10, 2013/Oakland, California:** An employee at the Oakland Zoo lost the distal tip of one of her fingers after a chimpanzee bit it off. She was working with seven chimpanzees at the time.

**July 10, 2013/Independence, Kansas:** Two capuchins escaped from the enclosures that they were confined to at the Ralph Mitchell Zoo. One was recaptured

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shortly afterward, but the second was found dead two days later on the zoo's property.

**June 24, 2013/Port Aransas, Texas:** A capuchin monkey bit a teenage patron as the monkey was being exhibited by Birdshots Entertainment. This was the second such incident in two months. (See the April 21, 2013, entry.)

**June 21, 2013/Aransas Pass, Texas:** Police Officer Keith Moore was bitten by a monkey during a routine traffic stop when Moore reached into a truck to give the driver a ticket. As the monkey had no teeth, the bite wasn't very severe. Apparently, the monkey was used for photo ops.

**June 19, 2013/Miami-Dade County, Florida:** Over a period of weeks, residents spotted a loose monkey in various neighborhoods. Police were unable to apprehend the animal, and the Florida Fish and Wildlife Conservation Commission warned people not to touch or attempt to recapture the monkey.

**June 18, 2013/Conway, Arkansas:** A "pet" macaque monkey escaped from an animal clinic where he was being treated. Joey broke the lock on his cage and opened the back door, triggering an alarm. Police were able to get him back into the building, but an officer was bitten on his knuckle as he was helping to put Joey back into a steel cage.

**June 7, 2013/Alexandria, Louisiana:** A monkey escaped from an enclosure at the Alexandria Zoological Park. He ran past patrons and climbed a tree, forcing the zoo to shut down until it was able to recapture him later that day.

**June 2, 2013/St. Louis, Missouri:** A 6-year-old boy sustained lacerations and bites to his arm from a "pet" Java macaque. The monkey's guardian had taken the monkey and her dog to a dog event in a public park.

The boy was bitten as he attempted to pet the dog.

**May 18, 2013/Neville, Ohio:** Authorities fatally shot a loose monkey whom residents spotted sitting and eating in a tree. The monkey was believed to have been someone's "pet."

**April 21, 2013/Port Aransas, Texas:** A capuchin monkey being exhibited by Birdshots Entertainment bit a patron on the thumb.

**March 29, 2013/New Orleans, Louisiana:** Kivuli, a colobus monkey at the Audubon Zoo, escaped from an enclosure, causing the zoo to shut down until he was recaptured.

**March 27, 2013/Pawnee County, Oklahoma:** A "pet" capuchin who had been loose for a week was recaptured after being lured with fruit by area residents. The owner had previously told the Pawnee County sheriff's deputies that the capuchin had escaped from a cage and to shoot him if they found him.

**March 19, 2013/Denver, Colorado:** Rose, a howler monkey, chewed through the steel mesh of an enclosure at the Denver Zoo's Tropical Discovery building and escaped. A few guests were escorted out of the building, but none came into contact with her.

**March 3, 2013/Colorado Springs, Colorado:** A 7-year-old howler monkey named Eva escaped from an enclosure at the Cheyenne Mountain Zoo by pulling back some of the mesh in it. Visitors spotted her on top of the monkey pavilion and told zoo officials. She was captured with a net after an hour of trying to tempt her back into her enclosure with food.

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### **February 16, 2013/Minneapolis,**

#### **Minnesota:**

According to a U.S. Department of Agriculture inspection report, a 3-year-old boy was injured by a lemur during a photo shoot with an Iowa-based traveling show called Bixby's Inflatable Rainforest. Health records stated that the child had been bitten on the hand. The exhibitor was cited for failing to provide sufficient distance between the animals and the public to ensure everyone's safety.

### **January 21, 2013/North Miami Beach,**

**Florida:** Two lemurs escaped from a cage in which they were kept in the owners' backyard. Before being recaptured, one attacked a 2-year-old girl and scratched her face.

### **December 4, 2012/Grapeland, Texas:**

A lemur attacked a postal carrier as she was delivering mail to a rural address. As she was stopped at the mailbox, Keanu leapt into her vehicle and bit her on the arm and hand before jumping back out. Authorities took Keanu away to hold him for a 30-day quarantine.

**November 2012:** Sean Kanan, an actor on *General Hospital*, hired a company to bring a monkey and a sloth to a birthday party for his wife, Michele. The monkey jumped out of the handler's arms and bit Michele's arm.

**October 24, 2012/Tampa Bay, Florida:** A rhesus monkey who had eluded authorities for two years was finally recaptured after he bit a woman sitting in her backyard. The monkey was put under quarantine.

### **September 29, 2012/Cherokee, North**

**Carolina:** A capuchin named George was able to get off the island and access the barrier surrounding his enclosure at Santa's Land. George then made contact with the public and bit a child. The USDA later fined Santa's Land for this incident.

**September 9, 2012/Sanford, Florida:** A 4-year-old macaque, Zeke, escaped from a backyard cage and ran around a central Florida neighborhood. He jumped on top of cars and trucks, charged at someone's legs, and gave two people minor injuries from scratching and biting. He was loose for about two hours before his owner, Jeff Jacques, got him into his truck.

### **September 3, 2012/Paso Robles,**

**California:** A woman went to the hospital with severe wounds after a Java macaque bit her. The owner was likely the woman's boyfriend, and it was believed that he had raised the monkey since the animal was 2 weeks old. The monkey was being kept as a "pet" illegally and lived in a small dog kennel inside the couple's trailer. The animal weighed twice as much as he or she should have.

**August 18, 2012/Honolulu, Hawaii:** Elvis, a 14-year-old siamang gibbon, escaped from an enclosure at the Honolulu Zoo. He grabbed a volunteer and scratched the man's left leg. Carbon dioxide dispensers were used to direct Elvis back to the cage.

### **August 15, 2012/Martin County, Florida:**

JayJay, a 9-year-old macaque kept as a "pet," attacked his owner, Jimmy Schwall, ripping the tendons from his hand. Schwall's friend fatally shot JayJay to stop the attack. Schwall sustained bites to his buttocks and thigh in addition to the seven tendons and one nerve, resulting in two three-hour surgeries on his hand.

**August 11, 2012/Las Vegas, Nevada:** C.J., a chimpanzee who had escaped from her home the previous month, escaped again. Police and animal control set up a perimeter in the neighborhood to contain her, and she was eventually shot with a tranquilizer and moved to a facility better equipped to handle her until a plan for her future could be made.

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**August 2012/Fort Lauderdale, Florida:** A battalion chief handling a motorcycle accident was bitten by a marmoset who was in a bag attached to the bike. The owner was issued a warning for “failing to label the monkey bag with what was in it.”

**July 12, 2012/Las Vegas, Nevada:** Two chimpanzees escaped from their owner’s home, which led to a nearly two-hour attempt by police to recapture them in a residential area. During this time, residents were advised to stay indoors or in their vehicles. Police shot and killed Buddy, a male chimpanzee, but were able to tranquilize and recapture C.J., Buddy’s female companion.

**July 10, 2012/Winston-Salem, North Carolina:** The USDA cited Wake Forest Baptist Medical Center for violating the federal Animal Welfare Act after a monkey escaped from the facility. The animal released a double-latch device to escape from the housing unit.

**June 17, 2012/Galveston, Texas:** A woman was bitten and scratched by two cotton-top tamarins at the rainforest attraction of the Moody Gardens Hotel. She was seeking damages and court costs of no more than \$100,000.

**June 2012/Florida:** During filming for the movie *Rock of Ages*, Mickey, who played the part of Tom Cruise’s “pet” baboon, ran off during a crowd scene. Mickey’s handler yelled, “The monkey is loose, don’t move or he’ll maul your face.” He was lured back to his trainer with food.

**May 24, 2012/New York, New York:** A monkey got out of an enclosure in an Air China airplane’s cargo hold. The flight was delayed until workers at the John F. Kennedy International Airport captured the animal, who was part of a shipment of about

50 to 60 animals going to China to be used for medical experiments.

**May 14, 2012/Mission, Texas:** A patas monkey was on the loose for weeks until he was captured by animal control. He was taken to Gladys Porter Zoo in Brownsville.

**May 12, 2012/Bordentown, New Jersey:** One of three spider monkeys bit a child who was able to get through a split-rail barrier fence around the animals’ exhibit at the Animal Kingdom Zoo.

**May 12, 2012/Dexter, Iowa:** A child was scratched on the hand by a “pet” capuchin monkey at a home daycare center. The girl was taken to the hospital and advised to undergo rabies shots.

**May 4, 2012/Hamilton County, Tennessee:** Residents of Chattanooga spotted Molly, a Brazilian marmoset, on the loose. The Chattanooga police trapped her in a cage and waited for the owner to provide her license and paperwork before releasing Molly back to her.

**May 2012/Asheville, North Carolina:** A marmoset got loose and bit three people in an Asheville neighborhood. Animal control officers found the animal, along with several illegal drug items, in the home of Charles Bradley Winecoff.

**April 29, 2012/Oviedo, Florida:** Two people reported that they saw a monkey near the downtown area, but the animal was gone by the time police arrived. No one had reported missing a monkey.

**April 25, 2012/Boston, Massachusetts:** A monkey escaped from an enclosure at Harvard Medical School and injured another monkey. (See October 7 and December 18, 2011, entries.)



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**April 17, 2012/Gainesville, Florida:** A woman's stepson spotted a patas monkey when his ball landed near the animal in a ditch. After that, multiple people saw the monkey behind and between houses. A trap was set up two days later to catch the animal, but he wasn't seen again.

**April 2012/Pender County, North Carolina:** A macaque named Elvis was euthanized by animal control after the owner's neighbor said he had bitten her.

**April 5, 2012/Pasco County, Florida:** A "pet" monkey jumped out of his owner's car at a gas station and ran into the woods.

**April 2012/Rolla, Missouri:** A vervet monkey named Abu bit or scratched a girl at the Cub Creek Science Camp. The animal was on a leash when he jumped onto the girl, leaving a cut. The girl received stitches and antibiotics. The monkey's owner, Lori Martin, has numerous exotic animals she uses at the camp.

**March 22, 2012/Levy County, Florida:** Residents reported seeing three monkeys. A police lieutenant spent hours attempting to locate the animals but couldn't find them. He asked state wildlife officers to set traps for them.

**March 19, 2012/Buffalo, New York:** A 24-year-old 400-pound male gorilla named Koga escaped from a cage at the Buffalo Zoo and bit a zookeeper on the hand and calf. Police locked down the zoo, and Koga was tranquilized and captured in a zookeepers' lounge.

**March 19, 2012/Ashley, Pennsylvania:** A monkey ran off when his owner, Jeff Arnott, fled into the woods after being chased by police on a stolen ATV. Arnott's father recaptured the monkey on a porch four hours later. Arnott had had the monkey as a "pet" for about 15 years, and according to

his neighbor, "He always had it on a leash or in a cage." It was illegal to possess individuals of that species.

**March 2012/Bradenton, Florida:** A capuchin monkey was caught on video going through a dumpster at the Lakewood Business Park. According to a woman who works there, the discovery explained "a lot of mysterious happenings around that park for the past six months." Linda Craig of Manatee Operation Troop Support suspected that the monkey was "squeezing through the mail slot in the door to get to the crackers inside the office." No one had reported a missing monkey. Gary Morse, a spokesperson for the Florida Fish and Wildlife Conservation Commission, noted that dealing with the invasive species in the state is costing taxpayers hundreds of millions of dollars and that one monkey could establish a colony if he or she found another monkey.

**February 19, 2012/Kansas City, Missouri:** Two 19-year-old 400-pound gorillas escaped from enclosures at the Kansas City Zoo. Handlers used ladders to scale the retaining wall in order to escape to safety. Mbundi and Ntongo were guided back to the holding area with water hoses.

**January 2012/Chesapeake, Virginia:** A capuchin escaped from an exotic-animal business, Spellbound, after his enclosure door was left open during feeding. Animal control recaptured the capuchin more than a month later.

**January 2, 2012/Southern Pines, North Carolina:** A 2-year-old "pet" rhesus monkey named Toby ran away from home by squeezing out of a collar and opening a door. His owners had not found him two days later.

**December 30, 2011/San Francisco, California:** A passerby spotted a squirrel

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monkey in a park, coaxed the animal into his backpack, and called the authorities. The monkey had been stolen from the San Francisco Zoo the day before.

**December 18, 2011/Boston, Massachusetts:** Several monkeys escaped from an enclosure at the Harvard Medical School when a food hopper had not been properly secured. (See October 7, 2011, and April 25, 2012, entries.)

**November 7, 2011/Dallas, Texas:** A spider monkey got out of a primary enclosure at the Dallas Zoo and was outside it for about 20 minutes. This was the second time in less than two weeks that an animal had escaped from the zoo's primate habitat.

**November 2011/Los Angeles, California:** The USDA cited the Los Angeles Zoo for not having structurally sound enclosures, after a 6-year-old orangutan, Berani, escaped from an exhibit through a small hole in the steel mesh. The animal was shot with a dart and recaptured. A previous escape occurred in an adjacent enclosure in 2008.

**October 25, 2011/Dallas, Texas:** A chimpanzee named Koko escaped from a primary enclosure at the Dallas Zoo. She remained in an area that wasn't open to the public. Authorities closed an area of the zoo and moved visitors elsewhere while zoo workers tranquilized her.

**October 18, 2011/Zanesville, Ohio:** A macaque monkey who was "highly likely" to be infected with herpes B virus went missing when Terry Thompson released over 70 animals from the cages of his preserve. According to the National Primate Research Center, herpes B can lead to fatal brain infections when passed to humans.

**October 15, 2011/Lakehills, Texas:** Obie, a 30-year-old capuchin monkey kept as a

"pet," escaped from an enclosure. A nearby homeowner saw him and tried to shoot him, but he evaded the shots. None of his other four cagemates escaped.

**October 7, 2011/Boston, Massachusetts:** A monkey escaped from an enclosure at Harvard Medical School. The animal was recaptured using a hand-held net. (See December 18, 2011, and April 25, 2012, entries.)

**September 29, 2011/St. Cloud, Florida:** A 4-foot-tall monkey who was on the loose for weeks in Osceola County was finally caught after being spotted swinging from trees by a sheriff's helicopter. No one had reported a missing or stolen monkey.

**September 26, 2011/Doniphan, Missouri:** A 10-pound grivet monkey was missing for three days after he escaped through a doggie door at a home. He had been retired from use as a "therapy" monkey.

**September 14, 2011/Hempstead, Texas:** Ten capuchin monkeys were freed from cages in a sanctuary when a wildfire forced the establishment to evacuate. It was difficult to recapture the elusive monkeys, and one bit a Texas state game warden who was trying to lure him with candy. The warden was hospitalized, and the capuchin was euthanized and tested for rabies. Of the remaining nine, seven returned on their own and two remained on the loose.

**August 12, 2011/Springfield, Missouri:** A macaque monkey named Charlie bit an 8-year-old girl in a Walmart parking lot. Her family had parked next to a vehicle in which Charlie and the humans who kept him as a "pet" were parked. The girl reached in to pet Charlie, and he jumped up and bit her on the head. He was being tested for any diseases while the girl was treated with antibiotics and antivirals.

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### **August 4, 2011/Shelbyville, Tennessee:**

Yoshi, a Japanese snow macaque, bit a woman and a police officer. He had bitten the same officer a year and a half earlier, and the sheriff said that the cage didn't have a lock. The owner was serving a sentence for making methamphetamine and had left her husband to care for five monkeys, including Yoshi. The sheriff said this about Yoshi: "He's not quite as big as a chimp, but he is close, and he is solid muscle, and he has extremely long canines. I mean this is an animal that could very easily kill a person." Yoshi was shot and killed.

**July 30, 2011/Las Vegas, Nevada:** The Nevada Occupational Safety and Health Administration (NVOSHA) noted that the owner of the Southern Nevada Zoological-Botanical Park expected employees to enter the Barbary apes' enclosure to feed, water, and clean them with no protection from a possible attack. When the apes were being moved from one enclosure to another, an ape scratched an employee. Later, that same employee along with two others "were asked to walk around the interior of the enclosure to simulate the animal's [sic] troop," again with no protection. In February 2012, NVOSHA marked the direct contact with primates as a serious violation and fined the facility \$4,200, which it ultimately paid.

**July 6, 2011/Elk River, Minnesota:** A 9-year-old girl was bitten by a "service" monkey who had been brought by a park visitor to the Wapiti Park Campground. The girl was bitten when she approached the monkey's cage.

**July 2, 2011/Jasper, New Jersey:** A baboon claimed by the Six Flags Great Adventure theme park evaded capture by local officials for three days before being caught 10 miles away from the facility on a farm. Police received reports of more than a

dozen sightings and warned residents to stay indoors during that time.

**June 22, 2011/Lawrenceville, Georgia:** A 2-year-old monkey went missing from Yerkes National Primate Research Center.

**June 2011/Fremont, Ohio:** A "pet" grivet monkey escaped from his or her the home and scratched two children. The animal was recaptured outside the Fremont police station.

**May 21, 2011/Kansas City, Missouri:** Kansas City Zoo patrons were kept inside a building when a red-capped mangabey escaped from an enclosure. Animal health staff tranquilized and recaptured the monkey.

**April 2011/Surry County, Virginia:** According to local news station WTKR, a Java macaque attacked his owner, injuring the man's nose and wrist. Authorities were not notified until the man checked himself into a local hospital. The report also noted that in a separate incident in 2010, another man had lost both of his thumbs after his "pet" capuchin monkey attacked him.

**March 15, 2011/West Knoxville, Tennessee:** Three police officers, an animal control officer, and a crime-scene technician were dispatched to a local residence after a report that a "pet" capuchin monkey had been found in a backyard tree. The 4-pound, 46-year-old monkey was recaptured when her caretaker eventually arrived on the scene.

**March 11, 2011/Salt Lake City, Utah:** All four spider monkeys at the Hogle Zoo escaped from an enclosure and were seen climbing trees and approaching local wildlife, all while in close proximity to the public, before keepers recaptured them.

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### **March 2, 2011/Fort Madison, Iowa:**

Authorities discovered that a 10-year-old child who had been taken to the Fort Madison Hospital for a cat bite had actually been bitten by a “pet” macaque.

### **January 14, 2011/Scottsbluff, Nebraska:**

A keeper at the Riverside Discovery Center was attacked by an adult chimpanzee when she attempted to pet the animal. When the chimpanzee grabbed the woman’s hand, the woman began screaming, which attracted another chimpanzee, who also grabbed her hand. The keeper’s index and ring fingers on one hand were bitten off at the knuckles, and the middle finger was lacerated. She was taken to a hospital for treatment.

### **January 10, 2011/Meigs, Georgia:**

A capuchin with Brian Staples’ traveling exhibit escaped while he was being transferred from his primary enclosure. Sven was missing for two days in temperatures that ranged from 35 to 43 degrees Fahrenheit.

**December 22, 2010/Miami, Florida:** A “pet” capuchin monkey escaped and bit a person, who was taken to the hospital. The Florida Fish and Wildlife Conservation Commission took possession of the monkey to determine if the animal had rabies.

### **November 7, 2010/Oneida Castle, New**

**York:** Robert Jones’ 8-year-old “pet” capuchin monkey, Jada, escaped from Jones’ home by opening a screen door. The animal wandered into a neighbor’s yard and attacked a woman who was outside playing with her son. Jada jumped onto the woman’s arm and then bit her finger when she reached out to keep the monkey away from the child. The woman was taken to the hospital for puncture wounds. The fire department, state police, and sheriff were called to the scene. Jada was captured and killed in order to be tested for rabies.

**November 2010/Phoenix, Arizona:** A “pet” rhesus macaque bit a person on the hand and was subsequently killed.

### **October 19, 2010/Kansas City, Missouri:**

Mark Archigo’s adult “pet” chimpanzee, Sueko, escaped from a cage inside a truck and rampaged through a Kansas City neighborhood for 40 minutes. Sueko charged at two young girls who were out for a morning walk, opened the passenger door of a sport utility vehicle that drove into the neighborhood, broke a gate and a fence, and pounded on parked vehicles, passing cars, and the front door of a house. As authorities attempted to tranquilize the animal, Sueko charged a police car, pushed a trash can against its front bumper, climbed onto the car’s hood, pounded on the roof, and kicked the windshield, breaking it. Sueko was finally recaptured when she walked into Archigo’s van. Archigo has been in and out of legal trouble over Sueko since 1995. (See the “2000/Jackson County, Missouri,” and “1995/Kansas City, Missouri” entries.)

**September 2010/San Antonio, Texas:** A spider monkey escaped from Primarily Primates after an enclosure was damaged by a tropical storm. The monkey traveled at least 6 miles in one day and was on the loose for nine days before being tranquilized and recaptured.

**August 28, 2010/Miami, Florida:** A white-handed gibbon escaped an enclosure at Jungle Island after a worker left the gate open. The gibbon jumped into a tiger enclosure, and a 500-pound tiger jumped over a fence and escaped into the park while chasing the ape. At one point, the tiger came face to face with a 2-year-old toddler. More than 100 park visitors were ushered into a dark barn for protection. Four people were hurt during the chaos and were treated for minor injuries. A fifth person was transported to a hospital after suffering a



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panic attack. The gibbon was later found on a picnic table and recaptured.

**July 31, 2010/Greenwich, New York:** A lemur at the Ashville Game Farm bit a 7-year-old boy. The boy was petting the lemur as other people were feeding the animal when the boy was bitten on the thumb. The victim received a series of rabies shots, and a judge ordered that three lemurs at the facility be killed and tested for rabies.

**July 21, 2010/Hamilton County, Indiana:** A 40-pound, 3-foot-tall “pet” patas monkey injured a teenage boy and bit a family dog on the ear after escaping from a cage and running through the family’s house for 20 minutes. Someone in the house called 911 and told the dispatcher that the monkey was a dangerous wild animal. A witness to the attack on the boy remarked that he had “never seen any animal jump on top of somebody and just start attacking him.” Family members locked themselves in different rooms to avoid the monkey until police, paramedics, and animal control responded to the 911 call.

**July 21, 2010/Mechanicsville, Virginia:** Six chimpanzees escaped an enclosure at Windy Oaks Animal Farm when a gate was left open. Two male chimpanzees were still on the loose when animal control received a call about the incident. Upon arriving at the scene, the animal control officer was advised by Curtis Shepperson, owner of Windy Oaks, to stay in his car in order to avoid further agitating the chimpanzees. Windy Oaks did not have knowledgeable staff or equipment on site to tranquilize the escaped chimpanzees. At least two hours after animal control was first called to the scene, a sheriff’s deputy shot one of the chimpanzees with a dart, and the animal was returned to the enclosure. Animal control officials and sheriff’s deputies searched the compound for the second chimpanzee but could not find him. He was

recaptured the next day. According to Windy Oaks’ veterinarian, this escape was the third such incident at the facility.

**July 18, 2010/Catskill, New York:** A woman was mauled by a “pet” capuchin monkey who was being kept at the Kaaterskill Lodge. The victim was taking photographs of the monkey when the animal jumped out of the enclosure and attacked her. The woman was left with a scar down her cheek and had to receive rabies shots because Allen Hirsch, the owner of the lodge, disappeared with the monkey after the attack.

**July 17, 2010/Wichita, Kansas:** Nine chimpanzees escaped an enclosure at the Sedgwick County Zoo and were found in a maintenance area when keepers arrived at work in the morning. Eight of the chimpanzees were returned to the enclosure, but one adult male was loose for two hours before being tranquilized and recaptured.

**April 25, 2010/Clearwater, Florida:** A 5-year-old girl spotted two ring-tailed lemurs walking down the street. Her mother called a local wildlife rescue group, which caught the animals and said that a man from the same neighborhood had called the organization earlier and claimed to be their owner.

**March 29, 2010/Chesapeake, Virginia:** Babe Hamerick was attacked for the second time in two weeks by Noah, his “pet” capuchin monkey. The monkey reportedly went “berserk” and attacked Hamerick’s legs and bit his left hand, severing his pinky finger. Police, animal control, and paramedics were called to the scene, and the victim was taken to a hospital, where he underwent surgery for his injuries.

**March 17, 2010/Chesapeake, Virginia:** Babe Hamerick was attacked by his “pet”

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capuchin monkey, Noah, when he accidentally stepped on the monkey's foot. The man described the attack as worse than war, which he claimed was "a breeze compared to my little fight with [Noah, which] cut the vein, tore ligaments out of my wrists. I'm pumping blood all over." His injuries were treated at a hospital.

**March 4, 2010/St. Petersburg, Florida:** A rhesus macaque was shot twice with tranquilizer darts but managed to elude wildlife officials who were attempting to capture the animal. The monkey had been on the loose for more than a year.

**February 9, 2010/Carencro, Louisiana:** A 3-year-old girl was bitten on the hand by a 35-pound Japanese snow macaque while she was visiting a friend's house. The child went to an after-hours clinic to receive treatment, and the macaque was euthanized to be tested for rabies and the herpes B virus.

**February 2010/Palm Harbor, Florida:** Two chimpanzees at Suncoast Primate Sanctuary, a roadside zoo, escaped from a cage that was not properly secured. One of the animals, described as typically gentle, relentlessly attacked and chased a female volunteer. The victim, who escaped the attack by locking herself in a bathroom, was hospitalized for treatment of serious injuries, including a deep laceration on the back of her head, damaged tendons in her right hand, and bite wounds on her thigh, back, and abdomen. When a sheriff's deputy responded to the incident, he was denied access and reported that zoo staff were "very uncooperative and intentionally deceptive and evasive."

**2010/Jacksonville, North Carolina:** A pigtail macaque at the Lynnwood Park Zoo was shot to death after biting the roadside zoo's owner.

**November 25, 2009/Hollywood, Florida:**

Simon, a 1-year-old marmoset kept as a "pet," disappeared when his owner was preparing to move from the area. He was found two days later by the Florida Fish and Wildlife Conservation Commission after the agency discovered that another man had trapped and sold him. Officials gave him back to the original owner.

**November 22, 2009/LaPorte, Indiana:**

A 10-month-old girl was attacked by a "pet" Java macaque belonging to Richard and Laura Burlos. The attack occurred when the girl was held too close to the cage. The monkey grabbed the hood of the infant's coat, as well as her hair, causing the baby's head to strike the metal cage repeatedly. The baby sustained a "rope burn" to her neck that was caused by the drawstring on her coat and had red marks on the back of her head because her head had hit the cage.

**November 22, 2009/Oldsmar, Florida:**

A 30-pound monkey was spotted near an apartment complex, and officers unsuccessfully tried to chase the animal down. The authorities called off the search and warned residents that the monkey was likely a macaque and could be aggressive.

**November 12, 2009/Tampa, Florida:**

A macaque got loose in a residential neighborhood. It was not known where the monkey escaped from or how the animal got loose.

**November 7, 2009/Foley, Alabama:**

A capuchin monkey was spotted by a zookeeper and his wife at their beach house, and the man tried unsuccessfully to capture the animal. Officials with the Alabama Gulf Coast Zoo searched but couldn't find the monkey. Someone claiming to be the owner came and searched as well, telling searchers that if he was unsuccessful, he would leave his contact

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information. The following morning, there was no note from the owner, so zoo officials hoped the owner had located the capuchin, especially as a tropical storm was bearing down on the area.

**October 2009/Pine Mountain, Georgia:** A mangabey at Wild Animal Safari escaped while staff members were moving the animal from one enclosure to another. The monkey was shot and killed by zookeepers after climbing the zoo's perimeter fence.

**September 6, 2009/Scottsbluff, Nebraska:** Four spider monkeys escaped from an enclosure at the Riverside Zoo while they were being fed. One of the monkeys attacked a zookeeper, who sustained bites to her arms and legs. The bites required multiple stitches. Three of the monkeys were quickly recaptured, but the fourth monkey remained loose on zoo grounds for approximately five hours.

**September 1, 2009/Los Angeles, California:** Two chimpanzees escaped from their crates while they were being unloaded at the Los Angeles Zoo following their transfer from Wildlife Waystation, which had been threatened by a wildfire. One chimpanzee climbed over the fence and into Griffith Park, where she was spotted approximately an hour later and secured in the back of a truck. The other chimpanzee remained loose on zoo grounds for 20 minutes before being tranquilized.

**August 20, 2009/Denver, Colorado:** Charlie, a 12-year-old gorilla at the Denver Zoo, broke through the metal mesh of the enclosure that he was confined to and entered a private, behind-the-scenes area of the primate house. He was returned to his enclosure after a few minutes.

**June 20, 2009/Foley, Alabama:** Someone called the county sheriff's office to report seeing a monkey at 6 a.m. near a church. A

deputy was sent out but was unable to locate the animal. An official with the sheriff's department said that the deputies probably wouldn't know what to do if they did find a monkey. "I'm not sure how to apprehend a monkey," he said.

**June 12, 2009/Columbia, South Carolina:** A 390-pound gorilla at the Riverbanks Zoo and Garden escaped by grabbing some low-hanging bamboo, scaling the 12-foot-4-inch wall of the enclosure, and climbing over two high-voltage security wires. The animal rushed at two food-service employees, pushing one aside and knocking the other down before jumping back into the enclosure. One of the employees was taken to a hospital, where he was treated for cuts and bruises.

**June 5, 2009/Candia, New Hampshire:** A macaque escaped from an enclosure at Charmingfare Farm when a worker left two doors unlocked. The worker was bitten on his calf as he tried to recapture the animal. As a result of his injuries, the worker required medical attention.

**May 26, 2009/Columbus, Ohio:** A gorilla at the Columbus Zoo and Aquarium escaped from an enclosure through a door that was improperly secured and walked into a hallway used by zookeepers. Visitors were evacuated from the area, and the zoo's entrance was closed for approximately 45 minutes. While the entrance was closed, the gorilla was coaxed back into the enclosure.

**May 8, 2009/Pleasant Hope, Missouri:** Two monkeys escaped from enclosures at a refuge when a tree limb fell on the cage during a storm. One was quickly recaptured, but the other was found dead nearly a month later after apparently having been hit by a car.

**May 2009/Calabasas, California:** Two 10-year-old boys spotted a lemur running loose

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in one of their backyards. The animal ran off and wasn't seen again.

**April 21, 2009/Corpus Christi, Texas:** A squirrel monkey bit a man who was transporting the animal to Michigan. Animal control officers planned to quarantine the monkey for three months to test for diseases.

**April 18, 2009/Salem, Oregon:** A man's "pet" monkey bit a 6-year-old girl at a park. The monkey lunged at the girl, grabbed her hair, scratched her, and bit her under the left eye, leaving two puncture marks. The man left the park before authorities arrived. The girl was taken to an urgent-care facility, where she was treated.

**April 14, 2009/Springfield, Missouri:** A rhesus macaque escaped from an exotic-animal menagerie owned by Debby Rose. The macaque went to a nearby home, and when the homeowner knocked on a window to scare the animal off, the macaque lunged at the window.

**April 3, 2009/Portland, Oregon:** Nine macaques escaped from the Oregon Health & Science University when a worker left the cage unlocked. It took almost three days to recapture all the monkeys.

**March 30, 2009/Winston, Missouri:** A 9-year-old chimpanzee named Timmy escaped from a cage (which measured 10 feet by 6 feet) at a private residence and ran loose on a nearby state highway. Sheriff's deputies were dispatched to help recapture the chimpanzee, who at one point opened a deputy's patrol car door, grabbed the deputy's leg, and tried to strike him. When the chimpanzee attempted to attack the man again, the chimpanzee was shot and killed. The deputy sustained minor injuries, and the owners of the chimpanzee sustained cuts and scratches.

**March 13, 2009/Fruitland Park, Florida:** A spider monkey named Reggie escaped from the Liebling Family Circus when the circus owner failed to latch a leash correctly. The monkey fled into nearby woods and was not recaptured until nearly five weeks later.

**February 25, 2009/East Ridge, Tennessee:** An obese "pet" spider monkey was found wandering through someone's yard and was captured by animal control officials.

**February 25, 2009/Athens, Georgia:** An animal-care technician at the University of Georgia suffered a severe bite to her thumb while cleaning the cage of a capuchin monkey. She was taken by ambulance to the hospital and later transferred to a hand specialist in Atlanta for additional treatment.

**February 19, 2009/Oklahoma City, Oklahoma:** An orangutan named Elok escaped from an enclosure at the Oklahoma City Zoo by climbing into the moat and then over the exhibit wall. Twenty zoo visitors were ushered into buildings until Elok was recaptured approximately 100 feet from the enclosure.

**February 19, 2009/Seattle, Washington:** A De Brazza's monkey at the Woodland Park Zoo escaped from an enclosure by swimming across a moat and climbing a rock wall. The zoo was evacuated, and the monkey was on the loose for approximately 25 minutes before being tranquilized and recaptured. Other monkeys had previously escaped from the same enclosure.

**February 16, 2009/Stamford, Connecticut:** Sandra Herold's 200-pound, 14-year-old "pet" chimpanzee named Travis escaped from the house and attacked a woman, inflicting massive injuries to her face and hands. The woman required more than seven hours of stabilizing surgery by four teams of doctors. She reportedly lost



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her hands, nose, lips, and eyelids in the attack. The bone structure of her face was also damaged, and she might have lost her vision and suffered brain damage. In 2011 she had a face transplant. At least three other people—including two police officers—were injured during the fracas. In an effort to stop the attack, Herold stabbed the chimpanzee repeatedly with a butcher knife. Police officers shot him numerous times before he made his way back into the house where he died. Neighbors reported that they often saw Travis roaming the streets in the neighborhood, sometimes unleashed, and that he frequently rode around in trucks with his owners. Travis had been involved in at least two previous incidents. (See the October 19, 2003, and “1996/Stamford, Connecticut” entries

**February 2, 2009/Flour Bluff, Texas:** An escaped or abandoned ring-tailed lemur was discovered when children were seen playing with the animal outdoors. The animal, who had a hurt arm and reportedly had possibly gotten a little nippy with the children, was seized by authorities, and the owners were ticketed for illegally possessing an exotic animal.

**January 30, 2009/New Orleans, Louisiana:** An orangutan named Berani escaped from an enclosure at the Audubon Zoo by stretching a T-shirt to help him scale a 10½-foot wall. He then wrapped the shirt around an electric wire surrounding the exhibit and finally swung out of the exhibit. The orangutan stood on a boardwalk with zoo visitors nearby for approximately 10 minutes before returning to the exhibit.

**January 24, 2009/Naples, Florida:** A worker at Gary's Paradise Gardens was attacked by a capuchin monkey. The monkey escaped through a space that was created when the worker removed the food bowl from the side of the cage. The woman was bitten on her right leg, lower arm, and

hand and required stitches for some of the wounds.

### **2009/Mechanicsville, Virginia:**

Chimpanzees at Windy Oaks Animal Farm broke some welds on an enclosure, and two male chimpanzees pushed through a wire panel, opened a door, and escaped.

### **November 10, 2008/Carbon County,**

**Montana:** A woman was taken to a hospital for treatment after a chimpanzee named Conner latched on to her arm with his teeth. The woman lost 6 to 8 inches of skin. Conner was one of two chimpanzees who escaped from the home of Jeanne Rizzotto and ran to a neighbor's yard, where they were seen chasing cats up trees, swinging from the roof of the house, and getting into cars and trucks. One of the chimpanzees was also seen crossing a highway. The bite victim had been trying to prevent Conner from entering a home. The animals were recaptured, and Conner was quarantined at Rizzotto's home.

### **September 24, 2008/Pittsburgh,**

**Pennsylvania:** An 18-pound macaque monkey bit and then mauled the hand of a University of Pittsburgh laboratory technician. The macaque grabbed a pole that the technician was using to test the animal's water system, pulled the woman's hand into the cage, and bit her palm. “My hand was in its mouth,” the woman said. “It was clamping down on it and munching on it for up to a minute. I had no choice but to pull my hand out in shreds.” The animal's teeth penetrated to the bone, and the woman sustained bone, tendon, and nerve damage. She underwent three surgeries to treat recurring infections and was released from the hospital after eight days, at which time she still had no feeling in two fingers and was awaiting results of blood tests on the monkey to determine if she had been exposed to hepatitis B or other infections.

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### **August 14, 2008/Michigan City, Indiana:**

Police responded to a call that a baboon was running at large. Upon arriving at the scene, the officer learned that the escaped animal wasn't a baboon but a monkey kept at a house near the complainant's. The monkey had learned how to unlock a window, and by the time police arrived, the animal had returned home and was sitting in an open second-floor window.

**August 8, 2008/Bend, Oregon:** A 120-pound chimpanzee at Chimps, Inc., escaped from an unlocked enclosure and bit an intern. The intern was treated at the scene by firefighters and then driven to a hospital.

**August 2008/Cincinnati, Ohio:** A white-handed gibbon escaped from a cage at the Cincinnati Zoo and made his way to the parking lot where he bit a visitor on the leg. The gibbon was quarantined, and the zoo decided that he would no longer be allowed outdoors.

**July 17, 2008/Las Vegas, Nevada:** A teller at Washington Mutual invited a man inside the bank with his "pet" spider monkey. The animal "scaled an employee, ran across tables, dangled off a room divider, and clung to the chair of a customer." According to the owner, the only way to remove the monkey without risking being bitten was to wait until the animal got bored.

**July 2008/Orange Park, Florida:** A Japanese macaque was spotted running loose in a subdivision. Wildlife officials attempted to capture the animal with a trap and warned the public that macaques have sharp teeth and are prone to biting.

**July 4, 2008/Richmond, Virginia:** A "pet" monkey bit a teenage girl during Fourth of July festivities at Byrd Park. The owner or anyone who had knowledge of the monkey was asked to contact the Richmond Public

Health Department so that a course of treatment could be planned for the victim.

**July 4, 2008/Columbia, Missouri:** A young woman was bitten on the hand by a "pet" Japanese macaque who was owned by an acquaintance. She went to the hospital for treatment. Although she and her friends refused to provide the name of the monkey's owner, the animal was eventually surrendered to a veterinarian for testing.

**June 27, 2008/Devore, California:** A chimpanzee named Moe escaped from a cage at Jungle Exotics, surprised construction workers when he wandered into a house next-door, and then continued on into the San Bernardino National Forest. After more than a month, search efforts were called off because of mounting expenses. Eight months later, Moe had still not been found.

**June 11, 2008/Michigan City, Indiana:** A spider monkey escaped from an enclosure at the Washington Park Zoo by using a garden hose to scale the wall of the moat. The moat had been emptied of water and was being cleaned by workers. The monkey was recaptured at a nearby boat dealership.

**June 5, 2008/Queens, New York:** A 22-month-old girl had her finger bitten off by a neighbor's "pet" capuchin monkey when she stuck her fingers through her backyard fence and into the pen of the monkey who was caged next to the fence. Doctors worked for 12 hours attempting to reattach the girl's finger but were unsuccessful. The monkey was euthanized in order to be tested for rabies.

**May 17, 2008/Los Angeles, California:** A 29-year-old orangutan at the Los Angeles Zoo punched a hole in the mesh of an exhibit and escaped into a holding area behind a cage. Zoo officials ushered visitors

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to the zoo exit while the orangutan was sedated by zookeepers.

**May 17, 2008/Tampa, Florida:** A 10-year-old orangutan escaped from an enclosure at Busch Gardens by scaling a 12-foot wall and climbing onto the roof of an exhibit, where she was just feet away from zoo visitors. The public, including a group of nearby children, was evacuated from the area. The orangutan was lured back to the enclosure nearly one hour after she escaped.

**April 21, 2008/Polk County, Florida:** Fifteen patas monkeys escaped from Safari Wild by swimming across a 60-foot-wide moat and then climbing a 28-foot fence. One monkey was shot to death, and it took nearly eight months to recapture the rest of them.

**April 11, 2008/Trenton, Michigan:** A 6-year-old girl was bitten on the finger by a “pet” Java macaque who was being walked on a leash near the church where the girl was playing. The girl had to undergo several tests as a result of the bite, and the monkey was expected to be euthanized.

**April 5, 2008/Addison, Texas:** Two lemurs at the Trager Snake Farm were quarantined after biting or scratching a child.

**April 4, 2008/Orlando, Florida:** Prada, a diaper-wearing 4-year-old “pet” brown-and-gray capuchin, escaped from a cage, entered a condominium through a window, and chased after residents at the complex. They fled, running into the street and oncoming traffic. The police department trapped the animal by luring her into a cage with a banana. Her future was uncertain since her owner didn’t have a permit to have a capuchin.

**March 21, 2008/Fresno, California:** A black-and-white colobus monkey escaped

from an enclosure at the Fresno Chaffee Zoo. The eastern portion of the zoo was closed to the public as zoo staff members attempted to recapture the monkey. Two and a half hours after the escape, he was shot with a tranquilizer dart and taken to the zoo hospital to recover.

**March 14, 2008/Virginia:** A 6-year-old chimpanzee named Mikey, taken by Party Safari Zoo to a studio to appear in a commercial, injured a woman by biting and/or scratching her face and shoulder. Mikey had bitten another woman five months earlier. (See the October 23, 2007, entry.)

**March 12, 2008/Bastrop, Texas:** Tony, an 18-year-old chimpanzee used in experiments, was shot and killed after he escaped from an enclosure at the MD Anderson Cancer Center facility. A team wasn’t able to capture him for 45 minutes. This was the second escape within a year. In November, another chimpanzee, Jake, escaped and was sedated after a search that lasted several hours.

**March 8, 2008/Spokane, Washington:** Chico, a “pet” Java macaque, bit three people after escaping from his owner’s home. The victims had been walking in the area when they were attacked. They were treated for bite wounds by medics. Three years earlier, officers had visited the same house for another matter, and Chico had thrown feces at them. An animal shelter held him while his fate was being determined.

**March 2008/New Albany, Indiana:** A child visiting a home was bitten by the owner’s “pet” capuchin monkey. The monkey was quarantined while county officials worked to obtain information about the animal’s health.

**February 29, 2008/Gilbert, Arizona:** A 3-year-old boy was bitten on the wrist by his

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family's "pet" lemur. According to a local official, the emergency crew that responded to the incident reported that the bite was down to the bone. The boy was taken to a hospital for treatment.

**February 28, 2008/Spokane, Washington:**

A "pet" macaque monkey who escaped from his owners' home chased some boys who were walking a dog and bit one of the boys on the thumb; charged at a woman, grabbed her leg, and bit it; and bit an 18-year-old girl on the leg. The monkey was quarantined to be monitored for disease and ultimately euthanized to be tested for rabies.

**2008/Los Angeles, California:** During filming of the movie *Speed Racer*, Kenzie, a chimpanzee playing Chim-Chim, was startled by a loud sound, leapt across a table, and grabbed hard onto actor Christina Ricci's left breast. Another actor, Kick Gurry, said that Willy, another chimpanzee on the set "looked at us like he was ready to beat our [butts]" after Gurry laughed at him for wearing a diaper and carrying a bottle.

**December 2, 2007/Rutherford College, North Carolina:** A grocery store clerk was bitten by a customer's 18-inch-tall "pet" monkey when she reached out to pet the animal. The monkey bit and scratched her right cheek just below the eye. The victim was treated at a local hospital for the bite and put on strong antibiotics.

**November 8, 2007/Columbia County, Georgia:** A 17-month-old boy was bitten by a baboon with the Eudora Farms petting zoo at the Columbia County Fair. The boy's father lifted him to feed the animal through the cage, and the baboon bit the child's hand.

**November 6, 2007/Dripping Springs, Texas:** A worker at Sunrise Exotic Ranch, a chimpanzee-breeding facility, was bitten by a chimpanzee named Ginny while she was

handing blankets to the animals through a feeding tray. Ginny reached through a rusted hole in the tray and grabbed the worker's hand. When the woman was able to pull her hand out of the cage, one of her fingers was gone and two others were nearly severed. After multiple surgeries, including transplants and skin grafts, her hand is still disfigured and curls into a ball. The victim amassed more than \$100,000 in medical bills.

**November 2007/Glen St. Mary, Florida:**

Multiple residents heard and saw a loose ape that some believed was an orangutan. The animal was last seen when a Florida Fish and Wildlife Conservation Commission investigator tried to lure him down from a tree with doughnuts. Officials said that no one in Baker County was licensed to own an orangutan.

**October 23, 2007/Maryland:** A 5½ -year-old chimpanzee named Mikey, taken by Party Safari Zoo to a studio to appear in a commercial, bit a woman's arm while posing for photographs with studio employees.

**September 28, 2007/Dallas, Texas:** An elderly spider monkey escaped the enclosure that she shared with two other monkeys at the Dallas Zoo. The monkey was loose for approximately 20 minutes.

**September 22, 2007/Columbia, Missouri:** A woman known for carrying her "pet" rhesus macaque into stores and to public events took the animal to a local park where the macaque bit a 7-year-old boy and an 11-year-old girl. The woman quickly left the park and was sought by local health officials for questioning.

**September 2, 2007/Nashville, Tennessee:** Dixon, a gibbon held at the Nashville Zoo, escaped from an exhibit by jumping off a railing, landing on a zookeeper's shoulders, and leaping into a wooded area. The zoo



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called a “code red,” and visitors were hurried to shelter. He was recaptured 45 minutes later. Zoo officials placed him in lockdown while zookeepers attempted to find a way to prevent another escape.

**August 13, 2007/Tupelo, Mississippi:** For the second time in two weeks, a white-faced capuchin monkey named Oliver escaped from the Tupelo Buffalo Park and Zoo. He was found the following day, approximately 4 miles from the park, and returned to the zoo. One man was bitten on the hand during the attempt to capture Oliver. This was Oliver’s third escape. (See the July 31, 2007, and 2001 entries.)

**August 8, 2007/Madison, Wisconsin:** A 1-year-old “pet” capuchin monkey bit a 21-year-old woman on the thumb at a beer garden and then eluded police for an hour before being recaptured. The monkey was declared dangerous by the Madison Environmental Health Services Department and was quarantined to be monitored for disease, and the owner was ordered to remove the animal from the city upon release from quarantine. The monkey had previously bitten at least one other person. (See the July 11, 2007, entry.)

**July 31, 2007/Tupelo, Mississippi:** A capuchin monkey named Oliver escaped from a cage at Tupelo Buffalo Park and Zoo and eluded capture for nearly a week before being recaptured. Zoo staff warned the public that Oliver would bite. This was Oliver’s second escape. (See the 2001 entry.)

**July 11, 2007/Madison, Wisconsin:** A “pet” capuchin monkey was placed under home quarantine after biting someone.

**June 30, 2007/Cherokee, North Carolina:** A capuchin monkey at Santa’s Land theme park escaped from the island where the monkeys were kept and was loose

overnight before being recaptured the next evening. It was believed that the animal used low-hanging tree limbs to scale the wall and the high-voltage wire that surrounded the island.

**June 19, 2007/St. Charles County, Missouri:** Tobi, a 42-year-old “pet” capuchin monkey, escaped from her owner’s home and was roaming around a residential neighborhood. She was still missing six days later. She had escaped once before around eight or nine years prior and didn’t come back for three months.

**June 5, 2007/Rockwell, North Carolina:** A colobus monkey escaped from an enclosure at the Metrolina Wildlife Park by running past a worker as she entered the cage. The monkey was chased around the zoo grounds by the zoo owner before being recaptured.

**April 24, 2007/Rankin County, Mississippi:** A “pet” macaque monkey attacked an IRS agent. Although the monkey’s canine teeth had been removed, the agent sustained bites and scratches on her face and arms.

**April 8, 2007/Otis, Oregon:** A 12-year-old “pet” capuchin monkey escaped from a cage, ran through the neighborhood, attempted to attack residents, and cornered one man in his garage before being recaptured.

**March 6, 2007/San Diego, California:** An employee at the San Diego Zoo lost the tip of his index finger when a chimpanzee reached through the cage bars, grabbed his wrist, and bit off the tip of his finger.

**January 16, 2007/Little Rock, Arkansas:** Judy, a 37-year-old, 120-pound chimpanzee, escaped from an enclosure at the Little Rock Zoo. She raided a kitchen cupboard, opening and drinking juice and

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soft drinks, then she went into a bathroom and cleaned the toilet with a toilet brush. She was sedated and recaptured.

**2007/Olmsted Falls, Ohio:** A rhesus macaque scratched a girl at Burnette's Pet Farm. According to Inspector Stacey Short of the Cuyahoga County Board of Health, 80 to 90 percent of macaque monkeys carry the herpes simian B virus, a disease that can be spread through scratches and is almost always fatal to humans.

**December 25, 2006/French Settlement, Louisiana:** An 8-year-old boy was bitten twice on the arm and shoulder and suffered cuts and bruises when a "pet" ring-tailed lemur leapt from a roof and attacked him. The lemur was kept on a large estate, where the animal roamed freely and could not be located after the attack. The boy underwent four rounds of injections to prevent rabies and more than two weeks after the incident still had a fever and periodic headaches.

**December 1, 2006/Nahunta, North Carolina:** A "pet" Japanese macaque belonging to Frankie Piscopo escaped from Piscopo's home and was on the loose for almost two months before being recaptured more than 11 miles away.

**October 30, 2006/Liberty Township, Ohio:** After a 12-hour flight from Idaho, a monkey named Jake bit his new owner instead of a marshmallow. Officials with Butler County, where the county health regulation forbids people from owning exotic animals, became aware of Jake's existence because of the incident, so the new owner planned to move to an area that didn't have a ban.

**October 28, 2006/Marquette County, Wisconsin:** A woman was taken to the hospital after being bitten by a lemur at an exotic animal farm.

**September 22, 2006/Horn Lake, Mississippi:** A "pet" bonnet macaque knocked out the window frame of a cage and escaped into the neighborhood. He ran for one and a half blocks and attacked an animal control officer before being recaptured.

**August 28, 2006/Chicago, Illinois:** A 15-year-old girl was hospitalized in serious condition after being attacked by a "pet" rhesus macaque monkey. The girl's arm was reportedly "bitten to the bone." The agitated monkey attempted to escape from the house as animal control officers worked to recapture him.

**August 8, 2006/Brownsville, Texas:** Two spider monkeys escaped from an island exhibit at Gladys Porter Zoo when keepers were trying to capture them for annual physicals. One was captured shortly afterward. The other, Pita, dog-paddled to shore, leapt onto the visitor walkway, scaled the Macaw Canyon fence, ran through the exhibit, and disappeared. She got to the zoo's perimeter road and was recaptured more than two hours after her initial escape. A primate keeper said, "We completely lost control."

**July 30, 2006/Orange County, California:** Gucci, a capuchin monkey, escaped from the Orange County Fairgrounds. He was from a small circus that was part of the annual fair. He was recaptured after he was lured back by the smell of food.

**July 2, 2006/Roanoke, Virginia:** Oops, an 11-year-old Japanese macaque, "slipped through an unlocked door ... during cage-cleaning time at Mill Mountain Zoo." The animal was recaptured a week later.

**June 27, 2006/East Palo Alto, California:** A tufted-ear marmoset ran loose through a residential neighborhood. Animal control was able to capture him, and he was taken

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to the humane society. It was assumed that he was kept as a “pet,” even though it was illegal to have exotic animals.

**June 1, 2006/Naples, Florida:** A mustached guenon at the Naples Zoo swam from the island where she and a male companion were housed and escaped to a wooded area of the zoo.

**June 2006/Sikeston, Missouri:** Residents of the Aspen Trace neighborhood presented a petition with 51 names to the Sikeston City Council. They alleged that a neighbor had a monkey she took outside and was unable to control, and they were tired of putting up with attacks. A shirt was also presented that had belonged to a resident’s grandson—it had been damaged during one of the attacks.

**March 8, 2006/Bell County, Texas:** A person bitten by a “pet” rhesus macaque was taken to the hospital for treatment. The monkey was killed to be tested for rabies.

**February 3, 2006/Columbus, Ohio:** A zookeeper at the Columbus Zoo was bitten while feeding a grape to an adult bonobo, also known as a “pygmy chimpanzee.” The zookeeper lost the tip of her finger and was treated at a hospital. All the zoo’s bonobos were isolated for 14 days to be monitored for health issues.

**December 29, 2005/unknown location:** A capuchin monkey who was being exhibited by Patricia Dawdy bit and/or scratched an 8-year-old boy, causing one or more injuries that required ongoing medical attention.

**December 2, 2005/Davis, California:** An employee at the UC-Davis California National Primate Research Center was bitten by a rhesus monkey while unstrapping the animal from a chair. Although the employee was treated that day, he went to the hospital the following

day because he was suffering from finger pain. Two days later during a re-examination, it was discovered that the wound had become infected. He was hospitalized for four days and underwent two surgeries.

**December 1, 2005/Covington, Kentucky:** A “pet” monkey escaped and led authorities on a two-day chase through the neighborhood before being recaptured. A primate expert was concerned that the animal might suffer from frostbite while on the loose, and an animal control officer noted that the animal appeared to suffer from a cough. A monkey had been loose on the same block one year earlier.

**November 14, 2005/Arizona:** Several children were attacked and two were bitten when a “pet” monkey escaped from a cage and tore through a neighbor’s birthday party.

**October 6, 2005/Eureka, California:** Bill, the solitary chimpanzee at the Sequoia Park Zoo, escaped from a cage and wandered one and a half blocks from the zoo before it was discovered that he was missing. Bill was coaxed back to the cage by one of the zookeepers. This was Bill’s second escape from the zoo—about 10 years previously, the door to Bill’s cage was left open and he wandered off.

**September 10, 2005/Royal, Nebraska:** Workers at Zoo Nebraska failed to properly lock a chimpanzee cage after cleaning, and all four animals in the cage made a break for freedom. The chimpanzees confronted zoo visitors, and at least one of the animals—possibly all four—walked into the town of Royal, where they attempted to enter businesses and where one chimp allegedly chased a 15-year-old boy into his home and another threw a grill at a van. When the animals tried to enter the building where zoo visitors and employees had

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taken refuge, three of the four chimpanzees were shot and killed. The surviving chimpanzee was transferred to an exotic-animal dealer in Missouri.

**August 29, 2005/Springdale, Ohio:** A monkey with the Hendricks Bros. Circus was frightened by a train whistle and fled into a nearby wooded area. He was found the next day, damp and hungry, huddled in the roof area of a picnic pavilion at a park.

**August 27, 2005/San Antonio, Texas:** A young chimpanzee escaped through a hole in the chain-link fencing of a cage at Primarily Primates, where many of the cages for the more than 600 primates were secured with only a small piece of wire.

**July 20, 2005/Racine, Wisconsin:** Max, a 19-year-old orangutan at the Racine Zoo, escaped into a hallway that connected to other zoo exhibits and three hours later was lured back to a cage with food.

**July 11, 2005/Caldwell, Ohio:** Two “pet” monkeys belonging to Hollis McIntiurff escaped their cage. One was recaptured after running loose for several hours. The second, a rhesus macaque, attacked a 20-year-old man who stopped his truck in order to avoid hitting the monkey on the road. The monkey jumped in the truck and bit him on the leg. The man was treated at a hospital and received a tetanus shot. Ten days after escaping, the monkey remained on the loose.

**July 5, 2005/Chicago, Illinois:** A 350-pound male silverback gorilla attacked an intern working in a habitat at the Lincoln Park Zoo. The gorilla shoved the woman down and “mouthed” her, pressing his lips and teeth against her back. She sustained puncture wounds and scratches as well as a sprained ankle and was treated by paramedics before being taken to the hospital.

**July 2005/Elgin, Illinois:** At least four people reported seeing a monkey on the loose. Police searched but didn’t find the animal.

**June 2005/Morehead, Kentucky:** A monkey reached through a car window and grabbed and bit a clerk’s hand at the drive-thru window of a Viking BP Mart while his owner, Jamie Dehart, was picking up an order.

**May 7, 2005/Huntington, West Virginia:** A leashed “pet” monkey who had been taken to a shopping center bit a 13-year-old girl in the parking lot. A woman holding the leash had indicated that the animal was friendly, but when the girl and her father approached to pet the monkey, the monkey jumped on the girl’s leg and bit her kneecap and finger. She was treated at a hospital.

**March 18, 2005/Wichita, Kansas:** Alley, a colobus monkey at the Sedgwick County Zoo, escaped from a cage through a small hole in the roof of the netting surrounding her outdoor area. She was tranquilized and returned to the enclosure.

**March 3, 2005/Caliente, California:** Four adult chimpanzees escaped from their cage at Animal Haven Ranch. The two male chimpanzees attacked a couple who were visiting their “pet” chimpanzee at the facility. The woman’s thumb was bitten off, and her husband was severely mauled. The chimpanzees bit off his nose, an eye, part of his cheek, lips, most of his fingers, both testicles, and much of the flesh from his buttocks, face, and left foot. According to a medic at the scene, “His face was gone.” The chimpanzees who attacked, both former “show biz” chimps raised at Bob Dunn’s Animal Services, were shot and killed. The gunfire frightened the two female chimpanzees who ran into the hills and were on the loose for several hours before being recaptured. Three months and a



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dozen surgeries later, the man was pulled out of a medically induced coma.

**December 9, 2004/Detroit, Michigan:** A student was bitten by a cinnamon ringtail cebus monkey at a wildlife show-and-tell at Wayne State University. The monkey was part of a menagerie brought by Chicago-based Bill Hoffman's Animal Rentals.

**November 26, 2004/Evansville, Indiana:** An ambulance was called to the Hadi Shrine Circus at Roberts Stadium after a circusgoer was bitten on the cheek by a chimpanzee belonging to Zoppe-Rosaire Chimpanzees while posing for pictures. The patron was treated at the hospital for a puncture wound.

**November 12, 2004/Palm Springs, California:** A 16-year-old chimpanzee from Dan Westfall's private menagerie escaped and ran loose in a residential neighborhood, banging on windows and pounding on doors. Police steered him back to Westfall's home.

**November 11, 2004/Houston, Texas:** A pregnant baboon escaped while being loaded onto an airplane at George Bush Intercontinental Airport. She was being shipped to a zoo in the San Francisco area. She climbed into the rafters below a terminal concourse, and airport workers were able to contain her.

**October 14, 2004/Fresno, California:** The Chaffee Zoo evacuated visitors after an orangutan unraveled the netting on a cage and crawled out. She was loose for 10 minutes.

**October 9, 2004/Gentry, Arkansas:** A woman feeding animals at the Wild Wilderness Drive-Thru Safari was bitten by a chimpanzee who reached through the bars of the cage, grabbed her, and bit off much of her hand, including two fingers.

**August 1, 2004/Brooklyn, New York:** A 5-year-old macaque, used as a so-called "service animal," attacked and bit a 2-year-old boy being wheeled by his grandparents in a shopping cart at a grocery store.

**July 14, 2004/St. Louis, Missouri:** A zookeeper at the Saint Louis Zoo was taken to the hospital after she was bitten by an orangutan while feeding the animal.

**July 6, 2004/St. Charles, Minnesota:** Two people agreed to undergo a series of rabies shots after they were bitten by a capuchin monkey who escaped from the Staples Safari Zoo during an appearance at the Winona County fairgrounds. The monkey was quarantined for 28 days.

**July 3, 2004/Columbus, Ohio:** Seven gorillas escaped from an enclosure at the Columbus Zoo when a door was accidentally left open. They wandered around the ape house for several hours and were coaxed back into the enclosure.

**May 26, 2004/Rochester, New York:** A baboon at the Seneca Park Zoo escaped from a cage and climbed into nearby trees before he was tranquilized.

**March 18, 2004/Dallas, Texas:** A 300-pound gorilla named Jabari escaped from an enclosure surrounded by a 16-foot concave wall at the Dallas Zoo and attacked four people. A 3-year-old boy was critically injured as a result of multiple bites to his head and chest. The gorilla bit the boy's mother on her legs and threw her and the toddler against the wall. Another woman suffered injuries to her arms when she shielded several children from the gorilla. The fourth injured person was a child who was treated at the scene. Police evacuated 300 people and fatally shot the gorilla after he charged at officers. Some children had reportedly been teasing Jabari before the incident.

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**January 19, 2004/Los Angeles, California:** The Los Angeles Zoo evacuated 9,000 visitors after an 80-pound chimpanzee named Gracie escaped from her enclosure for the fifth time. She was loose for 45 minutes before being tranquilized and recaptured.

**January 8, 2004/Denver, Colorado:** A gorilla named Evelyn escaped from an enclosure at the Denver Zoo and entered the keepers' area, where she spent 45 minutes before being tranquilized. Evelyn was originally from the Los Angeles Zoo and had escaped several times while at that facility.

**December 27, 2003/St. Leonard, Maryland:** A man was taken to the hospital for treatment after being bitten on the thumb by a pigtailed macaque who was being kept as a house "pet."

**October 30, 2003/Savannah, Georgia:** Exhibitor Brian Staples was cited by the U.S. Department of Agriculture for the escape of a spider monkey at the Georgia Coastal Fair. The monkey ran through the fair midway, a public area, before being recaptured.

**October 19, 2003/Stamford, Connecticut:** A 170-pound "pet" chimpanzee bolted from his owner's sport utility vehicle in a busy downtown street. A dozen police cruisers were called to the scene as the chimpanzee charged officers and the crowds. He was recaptured two hours later.

**September 30, 2003/Miami, Florida:** Thelma, an orangutan held at Miami MetroZoo who was being treated for a small wound, bit a veterinarian's forearm and hand. The veterinarian went to the hospital, where she was listed in stable but serious condition and underwent surgery on her arm.

**September 28, 2003/Boston, Massachusetts:** A gorilla named Little Joe escaped from an enclosure in Boston's Franklin Park Zoo, grabbed a toddler from a young woman's arms, then threw the child to the ground and jumped on her. Little Joe led more than 50 police officers and zoo staff members on a massive two-hour chase through darkened woods and along a nearby street outside the zoo. He finally collapsed after being shot repeatedly with tranquilizer darts and was returned to the zoo. The toddler required several stitches for a gash in her head. The gorilla also bit a zoo visitor on the back and attempted to attack other zoo staff members who were huddled in fear inside the ticket booth. Little Joe had also escaped during the previous month.

**August 26, 2003/Rochester, New York:** The Seneca Park Zoo evacuated visitors after a 300-pound orangutan escaped from a cage. During his 15-minute escape, the orangutan picked up a zoo volunteer, carried him into the cage, and then pushed him back out.

**August 13, 2003/Boston, Massachusetts:** Little Joe, a gorilla at Boston's Franklin Park Zoo, scaled a 20-foot rock wall and escaped from the ape enclosure. He was recaptured 10 minutes later.

**August 8, 2003/Chicago, Illinois:** A "pet" monkey who escaped from her home was chased for much of the day by police and animal control officers before being cornered in a stairwell and captured in a net. An animal control officer was bitten by the monkey during the capture.

**July 27, 2003/Fort Wayne, Indiana:** While trying to feed two spectacled langurs at the Fort Wayne Children's Zoo, an employee was bitten by one of them. The employee was treated at a hospital and released.

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**July 11, 2003/Southborough, Massachusetts:** A squirrel monkey escaped from the New England Primate Research Center and was found 17 days later having been struck and killed on a road 10 miles away.

**July 2003/Buckhannon, West Virginia:** A lemur escaped from a residence while the owner was out of state. The animal was spotted near West Virginia Wesleyan College, and an animal control officer caught the animal with a noose.

**May 3, 2003/Fountain Hills, Arizona:** A “pet” capuchin monkey broke out of a cage, turned the key on the front door, and took off on a three-day rampage. He was spotted by neighbors in the trees, in garages, and inside several cars.

**April 19, 2003/Green Bay, Wisconsin:** A “pet” capuchin monkey purchased on the Internet escaped when the owner brought him, perched on her shoulder, into a tavern.

**January 9, 2003/Raceland, Louisiana:** Ebi, a capuchin monkey, escaped from a cage when his caretaker was getting food for him. He had been given to this current caretakers by a couple who claimed to have had him for a “pet” for eight years but could no longer keep him because they had children and were concerned for their safety. They said they’d shoot him if the people wouldn’t take him. The current caretakers contacted Jungle Friends Primate Sanctuary and planned for him to go there. Two volunteers from the center headed to Raceland to help with the search.

**September 20, 2002/Alexandria, Alabama:** Skipper, a 6-year-old black-capped monkey, escaped from a home where he was kept as a “pet.”

**September 10, 2002/Northwest Montana:** A “pet” macaque taken to malls bit at least

three people. One incident occurred at a restaurant, a second at a fruit stand, and a third at the owner’s residence. The monkey was quarantined, and two victims went for medical treatment.

**September 8, 2002/Hillsboro, Oregon:** A female rhesus macaque escaped from the Oregon National Primate Research Center while being transferred between buildings. Police warned area residents not to approach the animal. She was recaptured two days later.

**August 7, 2002/Racine, Minnesota:** A volunteer at BEARCAT Hollow animal park was attacked by a monkey as she entered the cage. The monkey grabbed her hair and bit her on the finger. The volunteer needed five stitches and rabies shots.

**August 4, 2002/Davenport, Iowa:** A monkey with the Texas-based Gerald Eppel’s Monkey Business act performing at the Mississippi Valley Fair went berserk and jumped on a woman, hitting her head and biting her as she posed for a photograph. The woman filed a \$5,000 lawsuit against the fair and the animal exhibitor.

**June 23, 2002/Magnolia, Texas:** A “pet” Java macaque attacked and bit a 9-year-old boy and a woman and severely scratched a firefighter, sending all three to the hospital for treatment.

**May 13, 2002/Frankfort, Indiana:** A lemur jumped on and scratched a keeper’s arm as she retrieved a food dish from a cage at a petting zoo at the TPA park. The keeper needed seven stitches in her arm, and the monkey was quarantined.

**April 3, 2002/Honolulu, Hawaii:** A Honolulu Zoo employee was attacked by a Siamang gibbon as she cleaned the animal’s sleeping area. The woman suffered

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cuts and bites to both legs and received 45 stitches.

### **March 23, 2002/Boynton Beach, Florida:**

Jake, a capuchin monkey, was missing for four days after he escaped from his foster family. The family worked for Helping Hands, an organization that breeds and trains monkeys as helpers for people who need help with tasks such as picking up out-of-reach items. Jake was found in someone's treehouse a mile away.

**March 2002/Thorntown, Indiana:** Rascal, a spider monkey kept as a "pet," escaped. He was spotted by a passerby who called the police. Officers tried to lure him with Girl Scout cookies, but he snatched the box and fled into a wooded area. Three days later, he took shelter in a garage. The owner of the garage contacted authorities, and Rascal was caught.

**January 10, 2002/Knox County, Tennessee:** A "pet" Japanese snow macaque escaped from a backyard cage and attacked a neighbor, biting his back and hand.

**November 23, 2001/Cleveland, Ohio:** A "pet" capuchin monkey who had been taken to a restaurant attacked, bit, and scratched a patron, inflicting 16 puncture wounds. A subsequent lawsuit seeking more than \$25,000 in damages for injuries and anxiety described the monkey as mischievous, ferocious, and/or vicious.

**September 10, 2001/Danville, New Hampshire:** A search party was organized after at least 10 monkey sightings were reported, including by the fire chief. The monkey, believed to be an escaped "pet," was seen running across streets and into bushes and was described as being 8 feet long from his tail to his hands. Experts feared that the monkey would perish if not captured before winter.

**August 18, 2001/London, Kentucky:** An 8-month-old Mandarin monkey on display at a county fair bit a 6-year-old girl. The monkey was killed to be tested for rabies, and the results came back negative.

### **July 27, 2001/Martinsburg, West Virginia:**

A "pet" monkey kept in a trailer park, believed to be a rhesus macaque, escaped and bit two children and a teenager. The bite victims underwent testing for herpes, tuberculosis, HIV, and other conditions.

### **June 14, 2001/Seattle, Washington:**

Woodland Park Zoo officials euthanized a 20-year-old lion-tailed macaque who tested positive for the herpes B virus.

**June 9, 2001/Omaha, Nebraska:** A squirrel monkey roaming freely and mingling with zoo visitors in an exhibit at Henry Doorly Zoo bit a woman's finger, causing an infection, after she offered the animal a cookie.

### **June 7, 2001/Los Angeles, California:**

A crested capuchin monkey at the Los Angeles Zoo squeezed through a small opening in a cage and was in a public area for about an hour. Patrons had to leave the area until the animal was recaptured.

**May 12, 2001/Lakeland, Florida:** Health officials searched in vain for a woman who brought a "pet" monkey on a leash to a festival after the monkey bit and scratched a man on the arm. The man was treated for herpes B for fear that he might have contracted the deadly virus.

### **April 22, 2001/Ventura, California:**

According to a Ventura County Animal Bite Record, a 2½-year-old male chimpanzee named Mr. P belonging to Sid Yost's Amazing Animal Actors was ordered to be quarantined for 30 days after lunging at and biting a 12-year-old boy on the left hand.



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**April 19, 2001/Jefferson County,**

**Missouri:** Three chimpanzees with Chimparty, a company owned by Connie and Mike Casey that supplies primates for parties and TV commercials, escaped from an unlocked cage. A teenage boy shot and killed one of the chimpanzees.

**February 4, 2001/Pittsburgh,**

**Pennsylvania:** A crowd of 250 people cowered for 45 minutes inside a building at the Pittsburgh Zoo & Aquarium after a 150-pound female gorilla crossed a moat, scaled a 14-foot wall, and began to wander around the zoo. Zookeepers lured the gorilla into a restroom and tranquilized her.

**January 30, 2001/Las Vegas, Nevada:** A 1-year-old female chimpanzee named C.J., belonging to Monica Riddell's Xotic Stars of Las Vegas, bit a person on the finger during a public exhibition.

**2001/Tupelo, Mississippi:** A capuchin monkey named Oliver escaped and ran amok on the grounds of Tupelo Country Club before being captured and returned to the Tupelo Buffalo Park and Zoo.

**December 2, 2000/Oklahoma City,**  
**Oklahoma:** A 5-year-old "pet" capuchin, who was taken on a shopping trip to Home Depot, attacked and bit a teenage shopper on the leg.

**October 11, 2000/Los Angeles,**  
**California:** Evelyn, a 300-pound, 24-year-old gorilla, escaped from an enclosure at the Los Angeles Zoo. A zookeeper yelled, "Please leave as quickly as possible! There's a serious safety condition here!" Everyone in the zoo was ushered into the parking lot. Evelyn wandered around the zoo for about an hour and 15 minutes.

**September 29, 2000/Tulsa, Oklahoma:** A 4-year-old girl required hospital treatment after she was bitten or scratched on the

cheek by a monkey who had been brought to a motel.

**September 25, 2000/Maryville,**

**Tennessee:** A girl was treated at a hospital for a bite wound to her arm inflicted by her stepfather's "pet" Japanese snow macaque.

**September 23, 2000/Jarratt, Virginia:**

Three escaped monkeys threw fruit at vehicles traveling the interstate. After police arrived at the scene, the monkeys dashed across the interstate and disappeared into the woods.

**August 29, 2000/Washington, D.C.: A**

260-pound orangutan, Junior, climbed down a tower at the National Zoo and wandered the zoo grounds for 45 minutes while nearly 100 zoo visitors were herded into buildings. He was shot with a tranquilizer dart and recaptured.

**August 15, 2000/Sprague, West Virginia:**

A "pet" chimpanzee escaped from a cage for three hours, biting a teenager on the hand and biting a neighbor who had tried to restrain the 150-pound animal. The same chimpanzee had escaped in July 1998 and attacked a postal truck, forcing the driver to flee and causing the truck to crash.

**August 12, 2000/Jessamine County,**

**Kentucky:** A woman who was eight months pregnant was hospitalized after one of her two "pet" rhesus macaques suddenly turned violent while a cage was being cleaned and bit the woman's nose. The woman was given an anti-viral medication, which was a hazard to her pregnancy, in case the monkey tested positive for herpes B. She had been inspired to purchase "pet" monkeys when, as a child, she saw monkeys riding bicycles in a circus.

**August 8, 2000/San Angelo, Texas: A**

capuchin "went crazy" and bit his owner. The owner shot the monkey seven or eight

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times, killing him. This is the same monkey who bit a neighbor on January 9, 1998.

**August 3, 2000/Southwest Ranches, Florida:** A “pet” spider monkey escaped from a cage and attacked two teenage girls. The girls were treated at the hospital for scratch and bite wounds to their faces, heads, and arms. The monkey was captured the next day. The same monkey had attacked a woman six months earlier.

**August 1, 2000/Dover, Wisconsin:** A “pet” Japanese macaque got loose and attacked two people. The monkey grabbed a neighbor around the waist and inflicted four bite wounds to the leg. Moments later, the monkey bit a postal carrier on the hand. The monkey was captured and killed.

**July 24, 2000/Dallas, Texas:** A chimpanzee was electrocuted after escaping from a habitat at the Dallas Zoo. She scratched a zookeeper, who required hospital treatment, and climbed a telephone pole. The zookeeper fired at the great ape with a shotgun, and a veterinarian fired a tranquilizer at the animal, causing her to fall. She was electrocuted as she grabbed for a power line.

**July 18, 2000/Jefferson City, Missouri:** A 7-year-old boy, riding his bicycle, was attacked by a neighbor’s “pet” rhesus macaque, who jumped from a tree and bit the boy’s arm. The child was subjected to a two-month ordeal involving doctors, needles, tests, and the fear of contracting the deadly herpes B virus. The boy later received a \$148,000 settlement from a lawsuit filed by his family.

**July 2000/Los Angeles, California:** Jim, a 350-pound 12-year-old gorilla, jumped across the 12-foot moat in an exhibit at the Los Angeles Zoo. He started to walk toward a group of schoolchildren and was squirted

with water to steer him into another enclosure.

**June 1, 2000/Columbia, Maryland:** An escaped 2½-foot-tall spider monkey chased a woman who had just stepped outside her home and bit her on the thigh, then ran away.

**May 31, 2000/Pensacola, Florida:** An orangutan at The Zoo escaped from an unlocked cage and attacked a zookeeper. The keeper was treated at a hospital for bruises and five bite wounds. The orangutan was lured back to the cage 45 minutes later with food.

**May 2000/Tulsa, Oklahoma:** A monkey bit a boy in a pet store.

**Summer 2000/Chicago, Illinois:** Oliver, a “pet” monkey, emptied perfume bottles onto his hands, flung the contents of a dresser all over the room, and grabbed a knife and ran around with it. At one point, he held a knife while he jumped on his owner’s daughter’s neck. He grabbed a gallon of deck sealant, and when the owner told him to put it down, the animal leapt on him and bit his stomach, making him bleed. Oliver was eventually placed in a sanctuary in Texas.

**April 9, 2000/Franklin, Tennessee:** A chimpanzee named Angel, brought by Sid Yost (also known as Ranger Rick Kelly) to Blockbuster Video for photo ops and to promote a *Critter Gitters* movie, fiercely bit a 9-year-old girl on the hand after posing for a photograph. The girl’s hand swelled and required stitches. Yost left the state before the chimpanzee could be quarantined and was issued a citation for violating Tennessee’s exotic-animal law. Yost failed to show up in court and never paid the fine. The girl’s parents filed a \$50,000 lawsuit against Yost, *Critter Gitters*, and Blockbuster, claiming that the defendants should have been aware of the danger

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inherent in subjecting Angel to a crowded area with so many children. None of the parties named in the lawsuit offered to pay for medical expenses.

**February 13, 2000/Lansing, Illinois:** A “pet” Java macaque attacked his owner, inflicting 6-inch-deep bites and cuts on her head, arms, and legs and causing her to lose 1½ pints of blood. She underwent three hours of surgery and 12 weeks of physical therapy. The monkey was killed for rabies tests.

**January 14, 2000/Palm Harbor, Florida:** A “pet” spider monkey escaped from a backyard cage and attacked a dog who was being walked by a neighbor. The dog went into shock and suffered serious artery and tendon damage.

**2000/Jackson County, Missouri:** Mark Archigo’s adult “pet” chimpanzee, Sueko, injured a teenage girl by lifting her by the ankles and tossing her to the ground.

**December 28, 1999/Des Moines, Iowa:** A rhesus macaque found wandering the streets on November 23, 1999, bit an animal control officer.

**December 15, 1999/Rancho Bernardo, California:** An escaped 3-foot-tall spider monkey led police on a two-hour chase, frightened residents, and bit a police officer.

**November 1, 1999/Euless, Texas:** A “pet” capuchin monkey attacked and bit an elderly woman.

**October 4, 1999/Evansville, Indiana:** A child was bitten on his finger by a macaque at Mesker Park Zoo. Two of the zoo’s six macaque monkeys selected at random tested positive for the herpes B virus.

**September 1, 1999/West Covina, California:** A “pet” chimpanzee bit off the

fingertip of a woman visiting the owner’s home. This is the same chimpanzee who attacked four people on August 19, 1998.

**August 5, 1999/Bellevue, Nebraska:** A police officer was sent to the hospital after a macaque with a history of biting people bit him on the leg.

**September 1999/Los Angeles, California:** A chimpanzee named Gracie broke out of an enclosure at the Los Angeles Zoo. This was the third time she had escaped.

**July 31, 1999/Kissimmee, Florida:** A “pet” capuchin escaped and attacked a boy, scratching his leg. The monkey bit one police officer on the leg and pulled the hair of another before he was recaptured.

**June 20, 1999/Philadelphia, Pennsylvania:** An orangutan at the Philadelphia Zoo escaped from the exhibit he was in and ran loose in the zoo for 25 minutes before he was tranquilized by a veterinarian.

**June 2, 1999/Mesa, Arizona:** A monkey escaped from a residence and lunged at a neighbor. Animal control officers tranquilized and returned the animal to the owner.

**May 11, 1999/Idaho Falls, Idaho:** A woman went to the hospital after a caged “pet” monkey bit her.

**April 15, 1999/Punta Gorda Isles, Florida:** A police officer used a 12-gauge shotgun to shoot and kill a 2-foot-tall rhesus macaque. The monkey had been running loose and acting aggressively toward residents for a month.

**April 1, 1999/Glen Burnie, Maryland:** A 2-year-old bonnet macaque bit a woman on the lip at a tavern, touching off a brawl in which two other people were bitten. Animal

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control had instances on file in which seven other people had been bitten or scratched by the 9-pound “pet” monkey. The owners ignored animal control orders not to take the monkey out in public. One of the injured parties filed a \$25,000 lawsuit.

### **February 27, 1999/Salt Lake City, Utah:**

Chip, Happy, and Tammy, chimpanzees at Hogle Zoo, escaped from a cage and attacked two zoo staff members. One employee, who was in serious condition, was hospitalized for nearly four weeks after one finger, part of a second finger, and part of his nose were bitten off. His left ear was also partially severed, and he suffered severe lacerations on his face, head, arms, and chest. A second employee was treated for cuts and scrapes. Chip and Happy were shot with shotguns by zoo employees and later euthanized. The USDA issued an official warning against the zoo for failure to securely contain primates. The zoo later settled a lawsuit brought by the seriously injured employee.

**January 13, 1999/Hillsborough, Florida:** A “pet” capuchin attacked her owner, biting her 50 times on the hands and legs.

### **December 7, 1998/Kansas City, Missouri:**

A male orangutan, Joe, used a tire to climb over the wall of an outdoor pen and escape from an exhibit at the Kansas City Zoo. Zoo visitors noticed him after he made his way to the sheep barn. He was tranquilized and recaptured.

**November 28, 1998/Dallas, Texas:** A 340-pound gorilla, Hercules, escaped from an open cage at the Dallas Zoo and attacked a zookeeper, dragging her down a hallway and biting her on her arm and side. Hercules was shot with a tranquilizer dart, and the zookeeper was hospitalized. The USDA fined the zoo \$25,000 for violations of the federal Animal Welfare Act.

### **November 1, 1998/Eules, Texas:**

A spider monkey bit a student at an elementary school.

### **October 4, 1998/Slidell, Louisiana:**

An escaped “pet” vervet ran wild in a house, knocking over a lamp and attacking two women, biting one on the arm and slashing the legs of the other with teeth and claws. A police officer who responded to the frantic 911 call was also attacked. The monkey threw a picture frame at him, then jumped on him and bit him. Both women needed stitches. The monkey was killed.

### **August 19, 1998/West Covina, California:**

A “pet” chimpanzee escaped from a cage and went berserk, biting four people and denting a police car with his fists during a three-hour rampage. One officer required three surgeries on his hand at a cost of \$250,000.

### **July 6, 1998/Sprague, West Virginia:**

A “pet” chimpanzee escaped from an enclosure and attacked a postal truck, forcing the driver to flee and causing the truck to crash.

**May 1, 1998/Wichita, Kansas:** A macaque bit a child and a teenager at a store during a promotional event.

**April 13, 1998/Atlanta, Georgia:** The U.S. Centers for Disease Control and Prevention found that four lab workers who handled monkeys had become infected with monkey viruses.

### **January 28, 1998/Los Angeles, California:**

An employee was bitten by an orangutan at the Los Angeles Zoo. As the keeper stooped down to speak to the animal, she held onto the chain-link fence between them. The orangutan grabbed her finger and bit the tip, which subsequently required amputation.



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**January 9, 1998/San Angelo, Texas:** A “pet” capuchin bit a 19-year-old neighbor, who underwent rabies shots.

**January 5, 1998/Madison, Wisconsin:** Henry Vilas Zoo announced that its 150 macaques had been exposed to herpes B. One-third of them were infectious carriers and were considered to pose a public health risk.

**December 28, 1997/Charlotte County, Florida:** A 6-year-old girl visiting Octagon Exotics was attacked by a caged baboon, who pulled out chunks of her hair and attempted to bite her.

**December 10, 1997/Atlanta, Georgia:** A Yerkes primate researcher died of herpes B after she was splashed in the eye with bodily fluids from a rhesus macaque.

**October 6, 1997/South Barrington, Illinois:** A baboon at a petting zoo bit a 4-year-old girl.

**August 15, 1997/Elburn, Illinois:** A baboon with a traveling zoo scratched a 15-year-old girl’s leg during a parade.

**August 7, 1997/Salt Lake City, Utah:** Tino, a 450-pound male western lowland gorilla, attacked and bit a worker at Utah’s Hogle Zoo. The victim sustained five puncture wounds and was taken by ambulance to the hospital. Tino had gained access to the area where the worker was cleaning.

**August 8, 1997/Hartford, Connecticut:** A “pet” Java macaque got away while being taken for a walk and attacked an elderly neighbor, grabbing her hair and biting her arm.

**July 12, 1997/Glen Burnie, Maryland:** A 6-year-old girl who had been bitten in the face by a “pet” bonnet macaque while at a carnival was treated at a nearby hospital for

her wound and received six shots to her face, arms, and legs.

**July 7, 1997/Bridgton, Maine:** State game wardens seized a “pet” squirrel monkey after the animal bit and scratched a woman standing in a supermarket checkout line. This same monkey had bitten a child the previous year. (See the February 1, 1996, entry.)

**June 29, 1997/Bourbonnais, Illinois:** A vervet with a traveling zoo bit a 3-year-old girl’s face at a festival.

**May 27, 1997/Little Rock, Arkansas:** A 375-pound gorilla, Rocky, and a 180-pound gorilla, Tammy, escaped from a cage and entered a work area at the Little Rock Zoo.

**April 24, 1997/Rockwell, North Carolina:** A chimpanzee named Sydney pried back a steel bar on a cage and escaped from the Charlotte Metro Zoo, scaring neighbors as he roamed free for a week. Animal control officers spent 115 hours searching for the great ape. Sydney was finally captured in a neighbor’s yard and taken back to the zoo, but as he was being returned to the cage, he broke free and bit a television news camera operator twice on the arm. The bite went through the man’s wrist to the bone, severing tendons and damaging nerves; the photographer was permanently injured and suffered excruciating pain for a year.

**March 1, 1997/Houston, Texas:** An 8-year-old capuchin turned on his owner and nearly killed her, severing her thumb and part of her index finger and cutting her legs.

**September 28, 1996/Los Angeles, California:** Actor Elizabeth Hurley reeled back in shock when she was bitten on the ear by a chimpanzee while appearing on Jay Leno’s *Tonight Show*.

## Primate Incidents in the United States

### **September 22, 1996/Palm Beach, Florida:**

A pigtailed macaque who tested positive for herpes B bit a 4-year-old girl on the shoulder while he was being taken for a walk. The “pet” monkey had been kissed and held by hundreds of people. Authorities confiscated the animal.

### **August 1996/Wichita, Kansas:**

Two orangutans escaped from mesh cages at the Sedgwick County Zoo. They returned to the exhibit on their own.

### **June 6, 1996/Manorville, New York:**

Barney, a 19-year-old chimpanzee, escaped from a cage at the Long Island Game Farm after workers accidentally left one of the three locks unfastened. He grabbed a child’s leg, and a zoo worker hit him with a piece of wood to get him away from the child. The zoo’s owner tried to lure him with milk and cookies, but Barney bit him on the head and arms, leaving a 3-inch laceration. The chimpanzee scratched two teachers and was eventually shot and killed. There were 500 children in the zoo at the time.

### **May 18, 1996/Staten Island, New York:**

Four heavily armed emergency service police officers chased a capuchin monkey through a residential neighborhood for 45 minutes. The monkey escaped, fleeing into woods near the Staten Island mall.

### **April 1996/Dahlonoga, Georgia:**

A zoo visitor was bitten by a lemur after being allowed to enter the enclosure that was holding lemurs at the Chestatee Wildlife Preserve.

### **April 6, 1996/Alice, Texas:**

Two monkeys imported into a research facility were infected with the deadly Ebola virus. One monkey died, and the other was killed.

### **March 24, 1996/Gainesville, Florida:**

Residents were warned not to catch, feed, or touch a rhesus macaque who had been

exposed to the herpes B virus. The macaque had escaped from a research farm.

### **February 28, 1996/Metairie, Louisiana:**

A “pet” vervet was impounded after biting an animal control officer during a home inspection. The monkey had earlier scratched the owner’s 2-year-old son.

### **February 12, 1996/Tulsa, Oklahoma:**

Six chimpanzees at the Tulsa Zoo escaped by scaling a wall, forcing an evacuation of the zoo that lasted five hours.

### **February 1, 1996/Bridgton, Maine:**

A squirrel monkey bit a child during a school demonstration.

### **1996/Stamford, Connecticut:**

Sandra Herold’s “pet” chimpanzee, Travis, bit a woman and tried to pull her into a car. The woman had to get rabies shots.

### **November 14, 1995/Acadiana, Louisiana:**

A zoo worker at the Zoo of Acadiana was attacked and bitten on the leg by a monkey who escaped during a medical exam. The employee was off work for several days with an infected leg.

### **September 8, 1995/Royal Oak, Michigan:**

The owner of a 3-year-old spider monkey received 17 stitches in his lower lip after the monkey attacked him.

### **July 16, 1995/Los Angeles, California:**

A Los Angeles Zoo volunteer was placing popcorn in the monkey exhibit when a monkey mauled her. She sustained lacerations, puncture wounds, and deep cuts, leaving her disfigured and permanently disabled. A lawsuit was filed against the zoo.

### **July 1995/Hauppauge, New York:**

Two rhesus monkeys, Jennifer and Clyde, escaped from a house where they were

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illegally kept as “pets.” Clyde bit an animal control officer on the arm during an attempt to capture him.

### **June 3, 1995/Hollidaysburg,**

**Pennsylvania:** An escaped “pet” monkey grabbed a kitchen knife and cigarette lighter, holding police at bay for nearly two hours. The monkey ran through the house and bit two women. Animal control caught the monkey with a snare. The monkey later died in a cage.

### **April 10, 1995/Asheboro, North Carolina:**

Tammy, a chimpanzee at the North Carolina Zoological Park, escaped from an enclosure that was surrounded by moats and a 12-foot concrete wall. The zoo was evacuated as Tammy walked around for 20 minutes before being coaxed back to the enclosure.

### **January 7, 1995/Baton Rouge, Louisiana:**

A chimpanzee, Reggie, escaped by pulling a wire on a cage at the Baton Rouge Zoo. Reggie was being transferred to another exhibit after he had been attacked and injured by another chimpanzee. He was tranquilized and recaptured.

### **January 1, 1995/Kansas City, Missouri:**

A “pet” chimpanzee bit a 7-year-old girl, causing her to have to undergo rabies treatment. Authorities had received numerous complaints that the chimpanzee ran loose and had attacked several people.

### **1995/Kansas City, Missouri:**

Mark Archigo’s “pet” chimpanzee, Sueko, was taken into custody by Kansas City animal control officials after they investigated reports that she had bitten humans.

### **November 30, 1994/Boca Raton, Florida:**

A 5-inch “pet” marmoset, smuggled into a restaurant in a bag, escaped and bit a diner on the ear.

### **November 11, 1994/San Francisco,**

**California:** The San Francisco Zoo alerted area residents to be on the watch for an escaped patas monkey.

### **Fall of 1994/Festus, Missouri:**

A chimpanzee escaped from James Michael “Mike” and Connie Casey’s chimpanzee-breeding compound and attacked a dog before entering a home in which four adults and three children were sitting on a couch looking at photos. The chimpanzee grabbed a 2-year-old girl by her ponytail and dragged her across the floor. A man who attempted to retrieve the girl from the chimpanzee resorted to beating the animal on the head with a skillet. The man and the girl were both scratched and bruised and were treated at the hospital.

### **August 20, 1994/Covington, Louisiana:**

Residents began calling authorities after spotting monkeys near their homes. The monkeys were among 28 pigtailed macaques who had escaped from the Delta Regional Primate Research Center.

### **August 9, 1994/Surprise, Arizona:**

A 4-year-old boy developed an eye infection after being bitten and scratched by two macaques. The boy’s mother had obtained the monkeys as “pets” three weeks earlier.

### **August 2, 1994/Knoxville, Tennessee:**

Residents were warned that an escaped “pet” spider monkey might bite. The animal got loose in the Great Smoky Mountains National Park.

### **August 2, 1994/New Smyrna Beach,**

**Florida:** Five Japanese macaques donated to Ashby Acres Wildlife Park by the Pittsburgh Zoo were found to be infected with herpes B.

### **June 30, 1994/Phoenix, Arizona:**

A “pet” Java macaque escaped from a backyard cage and ran throughout a residential

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neighborhood for 17 hours before he was recaptured.

**May 13, 1994/St. Paul, Minnesota:** Casey, a 400-pound gorilla, scaled a 15-foot concrete wall and wandered around the Como Zoo for 45 minutes while a group of kindergarten students were ushered to safety. Casey was shot with a tranquilizer and returned to the enclosure.

**February 1, 1994/Kansas City, Missouri:** A “pet” chimpanzee jumped on a man and bit him, causing injuries that needed medical treatment.

**July 11, 1993/Rolling Meadows, Illinois:** A leashed guenon grabbed an 11-year-old girl’s leg and inflicted three bite wounds that required stitches. Animal control had tried unsuccessfully to confiscate the monkey years earlier after police alleged that the animal had bitten several people.

**July 9, 1993/Niagara, New York:** A man was taken by ambulance to a nearby hospital, where he received stitches to close bite wounds from his “pet” patas monkey.

**June 18, 1993/San Diego, California:** An orangutan, Indah, climbed a wall in an enclosure and entered a viewing deck containing about 30 zoo visitors at the San Diego Zoo. Indah was tranquilized and recaptured 30 minutes later.

**May 17, 1993/Seattle, Washington:** A 300-pound orangutan, Towan, escaped from an enclosure at the Woodland Park Zoo and remained in a holding area. He was recaptured nearly two hours later, after being shot with a tranquilizer dart.

**January 21, 1993/Los Angeles, California:** Three chimpanzees, Toto, Bonnie, and Gracie, escaped from an enclosure at the Los Angeles Zoo by scaling a moat using a rope that had been tossed

into the enclosure by a visitor. Frightened zoo visitors fled to safety. Two of the chimpanzees were coaxed back into their cage within 45 minutes, and the third was tranquilized and recaptured.

**October 12, 1992/Dripping Springs, Texas:** A 180-pound chimpanzee bent the bars of a cage and escaped from Sunrise Exotic Ranch, a chimpanzee-breeding facility. The animal bit a 15-year-old boy and threw a 77-year-old woman to the ground. Sheriff’s deputies and an animal control officer returned the chimpanzee to the ranch. The boy was treated for a bite to the hand at a minor-emergency clinic, and the elderly woman suffered facial injuries.

**September 28, 1992/Bronx, New York:** Kongo, a 500-pound gorilla at the Bronx Zoo, escaped while he was being transferred from one cage to another. He bit one keeper on the thigh and a second on the shoulder. Both keepers required hospitalization. The gorilla was tranquilized and dragged back into the cage.

**September 28, 1992/Miami, Florida:** A 400-pound gorilla named Jimmy at the Miami Metrozoo unlatched a lock on a cage, entered a holding area, and harassed and bit a keeper, who required hospital treatment.

**August 24, 1992/Welford, South Carolina:** A 78-year-old woman hanging sheets on a clothesline in her backyard was attacked twice by one of three chimpanzees who had escaped from Hollywild Animal Park. The woman was repeatedly knocked to the ground and rolled around by the 100-pound chimp. She was treated for minor injuries at a medical center.

**July 15, 1992/New York, New York:** A leashed monkey slapped and scratched a subway clerk on the head when a man



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attempted to bring him into the subway station.

**July 6, 1992/Miami, Florida:** Police warned area residents of rogue rhesus and Java macaques who had bitten a toddler, attacked a police officer, and terrorized a suburban parking lot. One monkey was shot and killed.

**June 22, 1992/San Diego, California:** Mema, a 400-pound gorilla, escaped from an enclosure through a door that had been left open at the San Diego Zoo and roamed free for two and a half hours before he was tranquilized.

**May 8, 1992/Norcross, Georgia:** A 2-year-old squirrel monkey kept in a cage at a pet shop bit a teenager.

**March 23, 1992/Los Angeles, California:** For the second time in three days, chimpanzees Pandora, Tota, Judeo, Gerrard, and Bonnie used a tree limb to escape from an enclosure at the Los Angeles Zoo. The chimps were recaptured within an hour.

**March 21, 1992/Los Angeles, California:** Chimpanzees Pandora, Tota, Judeo, and Gerrard used a tree limb to escape from an enclosure at the Los Angeles Zoo. The zoo was closed for an hour while the chimps were recaptured.

**February 1, 1992/Fashion Island, California:** A man's "pet" monkey bit a woman. The man was accused of trying to sell tiger and lion cubs from the back of a convertible.

**1992/Festus, Missouri:** James Michael "Mike" Casey was attacked by an adult chimpanzee when he entered a cage at his chimpanzee-breeding compound. The chimpanzee grabbed the back of Casey's head, hit him twice on the shoulders, and bit

off a good portion of his nose. Casey was treated at a hospital, where his nose had to be reconstructed by grafting part of his forehead onto it.

**December 29, 1991/Baton Rouge, Louisiana:** An 80-pound chimpanzee named Candy escaped from a local amusement park for an hour, disrupted traffic, and injured two people. She was shot with a tranquilizer gun.

**October 24, 1991/Seattle, Washington:** Three frightened Woodland Park Zoo volunteers were trapped for 40 minutes in an exhibit with a 300-pound male orangutan named Towan after he, three female orangutans, and a baby orangutan escaped from a pen. The volunteers escaped, and the five orangutans climbed onto the roof of the exhibit, where they stayed for two hours before being tranquilized and recaptured. Zoo visitors, including 55 children from a local elementary school, were evacuated.

**July 25, 1991/Jefferson, Arkansas:** An animal handler filed a \$100 million claim against the U.S. Department of Health and Human Services because he allegedly contracted a deadly virus when he was scratched by a macaque while working at the National Center for Toxicological Research.

**June 26, 1991/Tampa, Florida:** Nearly 100 spectators were evacuated from the Lowry Park Zoo after Rudy, an 80-pound orangutan, scaled the wall of an exhibit, bounded over a ledge, crossed a sidewalk, and climbed to a nearby rooftop during an escape that lasted 10 minutes. Zookeepers coaxed her from the roof.

**June 10, 1991/Little Rock, Arkansas:** At the Little Rock Zoo, two chimpanzees named Kim and Jodie escaped from a cage through an unlocked door. About 800 zoo

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visitors had to be evacuated from the premises for an hour.

**October 23, 1990/St. Petersburg, Florida:**

An escaped “pet” capuchin ran into a neighbor’s home, grabbed food in the kitchen, darted outside, and bit a woman as she grabbed him.

**July 7, 1990/Southeast Portland, Oregon:**

Two leashed and collared chimpanzees went out of control during a Circus Gatti performance. They dragged the trainer into the stands and pulled a child from her seat and onto the arena floor, then mauled her.

**June 6, 1990/Kansas City, Missouri:**

A 127-pound orangutan named Cheyenne unscrewed four bolts to escape from a cage at the Kansas City Zoo. Visitors screamed as mothers pushed their children in strollers to safety. Cheyenne was tranquilized and taken back to the cage 20 minutes later.

**June 1990/Detroit, Michigan:**

A chimpanzee escaped from an exhibit at the Detroit Zoo. Zoo visitors had to be evacuated from the premises for an hour while staff members attempted to recapture her.

# Wildlife-pet markets in a one-health context

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## Abstract

**Background and Aim:** Wildlife markets are centers of trade involving live animals and their derivatives from wild-caught and captive-bred non-domesticated animals, including for the culinary, fashion, traditional medicine, curio, and pet sectors. These markets occur in Southeast Asia, India, North America, Latin America, Europe, Africa, and elsewhere. This study aims to address a diversity of related issues that have a one-health bearing while focusing on wildlife markets in relation to the pet trade. Across relevant regions and countries, all major animal classes are traded at wildlife-pet markets. Wildlife markets, in general, are considered distinct from so-called “wet markets” at which domesticated animals, fish, and other “seafood” are offered only for consumption. Several aspects of wildlife markets have attracted scientific and popular scrutiny, including animal welfare concerns, species conservation threats, legality, ecological alteration, introduction of invasive alien species, presence of undescribed species, and public and agricultural animal health issues.

**Materials and Methods:** Onsite inspections were conducted for markets in the United States, Spain, Germany, The Netherlands, and the UK, as well as observational research of visual imagery of market conditions, and we compared these conditions with evidence-based standards for animal welfare and public health management.

**Results:** Wildlife markets globally shared common similar structures and practices including the presence of sick, injured, or stressed animals; mixing of animals of uncertain origin and health state; and no specific or any hygiene protocols, with issues of animal welfare, public health and safety, agricultural animal health, and other one-health concerns being inherently involved.

**Conclusion:** We conclude that wildlife markets are incompatible with responsible standards and practices, and we recommend that such events are banned globally to ameliorate inherent major problems.

**Keywords:** animal welfare, disease, exotic pet, one-health, pathogen, public health, wildlife market, zoonoses.

## Introduction

Wildlife markets are centers of trade involving live animals and their derivatives from wild-caught and captive-bred non-domesticated animals, including for the culinary, fashion, traditional medicine, curio, and pet sectors [1-8]. These markets occur in Southeast Asia, India, North America, Latin America, Europe, Africa, and elsewhere. Definitions of “wild” and “non-domesticated” animals vary, although for this study we have adopted the position that these refer to species other than traditional domesticated forms such as household dogs and cats. The character of wildlife markets and the types of species displayed and sold are highly variable, and the fate of animals differs according to the intention of the purchaser; thus trading entities may be regarded as multi-purpose sellers. Across relevant regions and countries, all major animal classes (invertebrates, fishes, amphibians, reptiles, birds, and mammals) are traded at wildlife markets [1-4,6-37]. Wildlife markets are considered

distinct from so-called “wet markets” at which domesticated animals, fish, and other “seafood” are offered only for consumption, even though some of these animals (fish and other seafood) are also effectively “wildlife.” Wildlife markets include both static centers in which animals are displayed and sold through semi-permanent or permanent stalls and floorspaces, as well as itinerant events for which animals are transported regionally or across international borders to be displayed and sold at periodic venues [1,2,4,38].

Several aspects of wildlife markets have attracted scientific and popular scrutiny and criticism, including their association with use of large numbers of individual animals, species conservation threats arising from uncontrolled or poorly monitored and regulated trade, legality, ecological alteration due to removal of large numbers of animals from indigenous habitats, introduction of invasive alien species, presence of undescribed species, and in particular, animal welfare due to abusive handling and husbandry practices, and public and agricultural animal health due to the presence of diverse pathogens and epidemiologic outbreaks and pandemics [2,4,5,34,35,39,40]. All these issues are relevant to this report, although in particular, we will focus on animal welfare and public health implications of wildlife markets in relation to the pet trade. Wildlife-pet markets involve diverse yet often interrelated issues that collectively assume one-health

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importance; thus the present study includes various subjects with impacts relevant to these events.

Wildlife-pet markets are a global phenomenon that attracts multifactorial concerns. Accordingly, this study is significant because it investigates both the interrelatedness of these concerns as well as their implications across animal, human, and environmental health domains.

This study aims to address a diversity of related issues that have a one-health bearing while focusing on wildlife markets in relation to the pet trade. In particular, implications of wildlife-pet markets in relation to animal, human, and environmental health are examined, and recommendations are offered to remedy ongoing concerns.

## Materials and Methods

### Ethical approval

Ethical approval is not need for this study.

### Databases search criteria

A literature search was conducted using online engines Google, Google Scholar, and PubMed databases, including the following key terms individually: “Wildlife markets,” “exotic pet market,” “live animal market,” “wildlife markets”/“exotic pet market”/“live animal market”/+ “zoonoses,” “pathogen,” “virus,” “bacteria,” “infection,” “disease,” “pet fair,” “invertebrate expo,” “invertebrate show,” “koi fish fair,” “koi fish expo,” “koi fish show,” “amphibian fair,” “amphibian expo,” “amphibian show,” “reptile fair,” “reptile expo,” “reptile show,” “bird expo,” “bird fair,” “bird show,” “mammal fair,” “mammal expo,” and “mammal show.”

### Inclusion and exclusion criteria

The search returned 143 results, which included both scientific and semi-scientific reports, of which 38 were directly relevant to wildlife markets after exclusion of references dealing exclusively with domesticated animals and traditional wet market venues. Several journalistic articles were also included due to their value as visual resources for identifying which classes of animals were on sale at certain venues. On-file library database resources were also used in respect of zoonoses and public health information.

### Categorization of wildlife markets

Categorization of wildlife markets by region or country and character (Table-1) [1-4,6,8,11-13,15-36,41,42] was determined by onsite inspections of wildlife-pet markets in the US, Spain, Germany, The Netherlands, and UK, from descriptions within published reports, and from visual assessment of imagery within published reports. Comparison of similarities and differences in husbandry and animal welfare, hygiene, and public access at wildlife markets by region or country (Table-2) [2-4,6,7,12,15,18,26,27,29-32,34-36,43-49] was based on onsite observations at markets in the US, Spain, Germany, The Netherlands, and UK, and of publicly

available (photographic and film) images pertaining to wildlife markets for all relevant regions and countries. Evaluations of standards were based on scientific guidelines for global pet animal husbandry in commercial establishments [43] (Table-2). Reported minimum number and class of potential human pathogens associated with wild-pet animals (Table-3) [26,27,44,45,50-59], and for example, wildlife-associated infections and zoonotic epidemics or pandemics (Table-4) [60-89], were developed from the search-based published literature results. We also circulated drafts of Tables-1 and 2 to eight authors of published scientific investigations into wildlife markets to obtain experiential comments and/or verification. Seven responses were received, all of which provided valuable insight and information that was subsequently added to the tables.

## Results and Discussion

### Character and distribution of wildlife-pet markets

Southeast Asian wildlife markets and related cultural wildlife markets in other regions, such as “Chinatowns” in North America, and Europe, commonly share similar structures and practices such as: Disorderly and arbitrary husbandry and display of animals; presence of diseased, injured, or stressed animals; mixing of animals of uncertain origin and condition; and no specific or any hygiene protocols [30-32]. North American and European wildlife markets typically present as more orderly and many include specific hygiene protocols, such as recommendations for hand-washing and provision of antimicrobial cleansers [2]. However, issues such as the presence of sick, injured, or stressed animals; mixing of animals of uncertain origin and health state; and no specific or any hygiene protocols also remain common to Western (occurring in the western global hemisphere) wildlife-pet markets. Thus, whereas husbandry standards may appear better (or less poor) and involve a greater degree of operational hygiene at Western-pet wildlife markets than at Latin American, Southeast Asian, Indian, and African markets, problematic issues differ by degree but remain implied. Table-1 provides examples of wildlife-pet markets by region or country, and character.

### Animal welfare

Animal welfare is a globally recognized evidence-based scientific discipline. Despite profound morphological, behavioral and other characteristic differences between species and classes, issues of variation regarding sentience (e.g., pain perception, emotions, consciousness, stress, and other factors) appear similarly common to both human and non-human animal biology, including among studied invertebrates, fishes, amphibians, reptiles, birds, and mammals [90-116].

Relatedly, these and many other reports confirm that, for example, habitat variation, species-relevant spatial ranges and requirements, expression of normal behaviors, sociality, control over environment, and preference selection are biological needs associated with positive physiological, psychological, and



**Table-1:** Example wildlife-pet markets by region or country, and character.

| Region or country                                                                                                                                               | Animals by class                                            | Common character of events          | Sample references                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------|----------------------------------|
| Southeast Asia<br>For example, China, Cambodia, Japan, Thailand, Vietnam, Philippines, Indonesia                                                                | Invertebrates, fishes, amphibians, reptiles, birds, mammals | Static centers/<br>itinerant events | [1,3,4,6,8,11,15,17,28,29,33,41] |
| Cultural (e.g., Toronto, San Francisco, New York, European "Chinatowns")<br>For example, Canada (Toronto), USA (San Francisco, New York, Illinois) "Chinatowns" | Invertebrates, fishes, amphibians, reptiles, birds, mammals | Static centers                      | [12,30-32]                       |
| North America<br>Canada                                                                                                                                         | Invertebrates, fishes, amphibians, reptiles, birds, mammals | Itinerant events                    | [22,24,25,36,42]                 |
| USA                                                                                                                                                             | Invertebrates, fishes, amphibians, reptiles, birds, mammals | Itinerant events                    | [19,20,23,26,27]                 |
| Europe<br>For example, United Kingdom, Germany, Czech Republic, The Netherlands, Spain                                                                          | Invertebrates, fishes, amphibians, reptiles, birds, mammals | Itinerant events                    | [2,21,26,27,34,35]               |
| Latin America<br>For example, Bolivia, El Salvador, Mexico, Peru                                                                                                | Invertebrates, fishes, amphibians, reptiles, birds, mammals | Static centers                      | [13,14,37]                       |
| Africa<br>For example, Congo, Mali, Nigeria, Togo                                                                                                               | Invertebrates, fishes, amphibians, reptiles, birds, mammals | Static centers                      | [7,9,10,13,16,18,26]             |

Static centers=Animals displayed and sold through semi-permanent or permanent stalls and floor spaces. Itinerant events=Animals transported regionally or across international borders to be displayed and sold at periodic venues

behavioral health states and good welfare. Conversely, deprivations of any or all of these biological needs are implicit in multifactorially poor health and welfare. Furthermore, factors such as capture, handling; transportation; confinement; inappropriate temperatures and thermal gradients; inappropriate humidity and light; noise and vibration disturbance; inappropriate diets; and inappropriate or deficient enrichment, constitute additional imposed stressors associated with negative physiological, psychological, and behavioral health states and poor welfare [43,90-114,117,118].

Commerce in animals as pets through wildlife markets raises several particular welfare issues. The following examples provide a relevant summary: Spatial provisions – minimum spatial standards determine that animals should be able to fully stretch, perform a range of normal behaviors, and exercise, and that all animals must be able to access any provision (such as drinking bowls, food bowls, bathing pools, basking sites, and shelters) at any one time [43]. Food and water provisions – nutritional materials and drinking fluids should be of balanced values where appropriate, stored, and prepared in suitably hygienic conditions, offered in suitable containers, and provided in adequate amounts and at regular frequencies [43]. Enrichment provisions – environmental enrichment should be present and reflect the relevant habitat and behavioral needs of animals [43]. Handling – animals should be handled considerately and in a “fear-free”

manner [119]. Positioning of animals and cages – enclosures should be rationally positioned, cage stacking (e.g., cage on cage) should be avoided due to risks of descending waste contamination, predator and prey species should not be kept proximally, and cages generally should not be positioned on floors or other vulnerable areas [43]. Welfare assessments – regular examinations should be conducted for signs of stress, injury, or disease [43].

However, wildlife-pet markets typically involve conditions that severely deprive animals of all the above-stated husbandry protocols and welfare needs [2,7,26,27,34,35,44-47,77,120]. Indeed, objective investigations of animal welfare at wildlife-pet markets appear to involve universally negative descriptions (Table-2). Conditions typically involve a series of stalls at which animals are highly restrictively confined and crowded together in various wire cages, glass vivaria, large bowls, trays, buckets, nets, wooden boxes, or plastic tubs that are frequently positioned on the ground or on floor areas, or stacked onto each other [15]. Hygiene is commonly poor, and cage-stacking allows animal waste to descend to lower enclosures, increasing contamination [15]. Positioning of wire cages on streets [15] or on table-tops [2,35] causes animals to be exposed to passers-by, and this potential stressor combined with a generalized lack of seclusion contributes to probable stress factors. Often animals are exposed to direct sunlight [15],

**Table-2:** Similarities and differences in husbandry and animal welfare, hygiene, and public access between Southeast Asian, Indian, Cultural, Western (USA, Canada, Europe), Latin American, and African wildlife-pet markets.**Southeast Asian wildlife-pet markets (e.g., China, Cambodia, Thailand, Vietnam, the Philippines, and Indonesia)**

| Husbandry and animal welfare           |                                     | Hygiene | Proximity to public/access  | Figures | Sample references                                                                  |
|----------------------------------------|-------------------------------------|---------|-----------------------------|---------|------------------------------------------------------------------------------------|
| <b>Criteria</b>                        | <b>Determination</b>                | Poor    | Proximal and direct contact | 1,2,3,4 | [15,29,34,43] and visual material observations based on Warwick <i>et al.</i> [43] |
| Spatial provisions                     | Overly restrictive/overcrowded/poor |         |                             |         |                                                                                    |
| Food and water provisions              | None/poor                           |         |                             |         |                                                                                    |
| Enrichment provisions                  | None                                |         |                             |         |                                                                                    |
| Handling frequency                     | Common                              |         |                             |         |                                                                                    |
| Handling (considerate/abusive)         | Abusive/poor                        |         |                             |         |                                                                                    |
| Number of proximal animals             | High                                |         |                             |         |                                                                                    |
| Positioning of animals and cages       | Extremely poor                      |         |                             |         |                                                                                    |
| (e.g., floor, table top, cage on cage) | Direct/close                        |         |                             |         |                                                                                    |
| Proximity to other animals/species     | Common                              |         |                             |         |                                                                                    |
| Signs of stress, injury or disease     | High/extreme                        |         |                             |         |                                                                                    |
| Animal welfare concerns                |                                     |         |                             |         |                                                                                    |

**Cultural wildlife-pet markets (e.g., Toronto, San Francisco, New York "Chinatowns")**

| Husbandry and animal welfare           |                                     | Hygiene | Proximity to public/access  | Sample references |                                                                      |
|----------------------------------------|-------------------------------------|---------|-----------------------------|-------------------|----------------------------------------------------------------------|
| <b>Criteria</b>                        | <b>Determination</b>                | Poor    | Proximal and direct contact | [12,30-32]        | and visual material observations based on Warwick <i>et al.</i> [43] |
| Spatial provisions                     | Overly restrictive/overcrowded/poor |         |                             |                   |                                                                      |
| Food and water provisions              | None/infrequent/poor                |         |                             |                   |                                                                      |
| Enrichment provisions                  | None/poor                           |         |                             |                   |                                                                      |
| Handling frequency                     | Common                              |         |                             |                   |                                                                      |
| Handling (considerate/abusive)         | Abusive/poor                        |         |                             |                   |                                                                      |
| Number of proximal animals             | High                                |         |                             |                   |                                                                      |
| Positioning of animals and cages       | Poor                                |         |                             |                   |                                                                      |
| (e.g., floor, table top, cage on cage) | Direct/close                        |         |                             |                   |                                                                      |
| Proximity to other animals/species     | Common                              |         |                             |                   |                                                                      |
| signs of stress, injury or disease     | High/extreme                        |         |                             |                   |                                                                      |
| Animal welfare concerns                |                                     |         |                             |                   |                                                                      |

**North American and European wildlife-pet markets (e.g., Canada, USA, and Europe)**

| Husbandry and animal welfare           |                                     | Hygiene                | Proximity to public/access  | Figures   | Sample references                                                                          |
|----------------------------------------|-------------------------------------|------------------------|-----------------------------|-----------|--------------------------------------------------------------------------------------------|
| <b>Criteria</b>                        | <b>Determination</b>                | Variable: Low/moderate | Proximal and direct contact | 5,6,7,8,9 | [2,26,27,34-36,44-49] and visual material observations based on Warwick <i>et al.</i> [43] |
| Spatial provisions                     | Overly restrictive/overcrowded/poor |                        |                             |           |                                                                                            |
| Food and water provisions              | None/infrequent/poor                |                        |                             |           |                                                                                            |
| Enrichment provisions                  | None/infrequent/poor                |                        |                             |           |                                                                                            |
| Handling frequency                     | Common                              |                        |                             |           |                                                                                            |
| Handling (considerate/abusive)         | Poor/considerate                    |                        |                             |           |                                                                                            |
| Number of proximal animals             | High                                |                        |                             |           |                                                                                            |
| Positioning of animals and cages       | Poor                                |                        |                             |           |                                                                                            |
| (e.g., floor, table top, cage on cage) | Direct/close                        |                        |                             |           |                                                                                            |
| Proximity to other animals/species     | Common                              |                        |                             |           |                                                                                            |
| Signs of stress, injury or disease     | High                                |                        |                             |           |                                                                                            |
| Animal welfare concerns                |                                     |                        |                             |           |                                                                                            |

(Contd...)

**Table-2:** (Continued).**Latin American wildlife-pet markets (e.g., Bolivia, El Salvador, Mexico, and Peru)**

| Husbandry and animal welfare           |                                     | Hygiene | Proximity to public/access  | Sample references                                                |
|----------------------------------------|-------------------------------------|---------|-----------------------------|------------------------------------------------------------------|
| <b>Criteria</b>                        | <b>Determination</b>                | Poor    | Proximal and direct contact | Visual material observations based on Warwick <i>et al.</i> [43] |
| Spatial provisions                     | Overly restrictive/overcrowded/poor |         |                             |                                                                  |
| Food and water provisions              | None/poor                           |         |                             |                                                                  |
| Enrichment provisions                  | None/poor                           |         |                             |                                                                  |
| Handling frequency                     | Common                              |         |                             |                                                                  |
| Handling (considerate/abusive)         | Abusive/poor                        |         |                             |                                                                  |
| Number of proximal animals             | High                                |         |                             |                                                                  |
| Positioning of animals and cages       | Poor                                |         |                             |                                                                  |
| (e.g., floor, table top, cage on cage) | Direct/close                        |         |                             |                                                                  |
| Proximity to other animals/species     | Common                              |         |                             |                                                                  |
| Signs of stress, injury or disease     | High/extreme                        |         |                             |                                                                  |
| Animal welfare concerns                |                                     |         |                             |                                                                  |

**African wildlife-pet markets (e.g., Congo, Mali, Nigeria, and Togo)**

| Husbandry and animal welfare           |                                     | Hygiene | Proximity to public/access  | Figures | Sample references                                                           |
|----------------------------------------|-------------------------------------|---------|-----------------------------|---------|-----------------------------------------------------------------------------|
| <b>Criteria</b>                        | <b>Determination</b>                | Poor    | Proximal and direct contact | 10      | [7,27] and visual material observations based on Warwick <i>et al.</i> [43] |
| Spatial provisions                     | Overly restrictive/overcrowded/poor |         |                             |         |                                                                             |
| Food and water provisions              | None/poor                           |         |                             |         |                                                                             |
| Enrichment provisions                  | None/poor                           |         |                             |         |                                                                             |
| Handling frequency                     | Common                              |         |                             |         |                                                                             |
| Handling (considerate/abusive)         | Abusive/poor                        |         |                             |         |                                                                             |
| Number of proximal animals             | High                                |         |                             |         |                                                                             |
| Positioning of animals and cages       | Poor                                |         |                             |         |                                                                             |
| (e.g., floor, table top, cage on cage) | Direct/close                        |         |                             |         |                                                                             |
| Proximity to other animals/species     | Common                              |         |                             |         |                                                                             |
| Signs of stress, injury or disease     | High/extreme                        |         |                             |         |                                                                             |
| Animal welfare concerns                |                                     |         |                             |         |                                                                             |

Resources for imagery analysis: [2-4,6,7,15,18,27,29-32,35]

increasing potential for heat stress. Predator and prey species are frequently held in close visual and olfactory proximity [15,35], which presents additional possible causes of stress. Food and water provision is subject to stall-holder habits and may be regularly, occasionally, rarely or never provided [2,15,35], and husbandry in general is poor [2,7,15,27,35]. Frequent inconsiderate and abusive handling are also a major concern [2,7,15,27,35,121]. Meta-issues regarding stress are also commonly reported as associated with “behind scenes” capture, transportation, and storage – with some animals being held captive or displayed for days or weeks [2,7,15,18,26,27,35]. Observations of stress-related behavior, morbidity, and injury are also often reported [2,7,15,27,35], indicating frequent poor physiological, psychological, and behavioral condition.

Animals used for their derivatives are commonly subject to live-boiling [29-32,121-123], live evisceration and dismemberment [29-32,124], and

live decapitation [7,29-32,125]. Live-boiling of any animal across all classes can be considered inhumane [126-129]. Live-evisceration of any animal across all classes can be considered inhumane, and live-decapitation of fishes, amphibians, and reptiles has been shown to involve long periods (commonly 30 min to over 1 h) of post-severance consciousness, and thus exposure to pain and stress, due to inherent resistance of neurological tissue to hypoxia, a feature also probably relevant to invertebrates [126-130]. Therefore, none of the commonly used methods for killing animals at wildlife markets can be considered humane or acceptable.

Accordingly, husbandry practices and treatment of animals in a welfare context at wildlife markets can probably be objectively regarded as inherently inconsiderate to extreme abuse. The following figures provide examples of wildlife-pet markets globally: Figures-1-4 Southeast Asia (Indonesia); Figure-5 North America (United States); Figures-6-9 Europe





**Figure-1:** Wildlife market (birds and mammals), Jatinegara, Jakarta. (Credit: Aaron Gekoski, World Animal Protection).



**Figure-2:** Wildlife market (fishes), Yogyakarta, Indonesia. (Credit: Satya Putra Shutterstock).

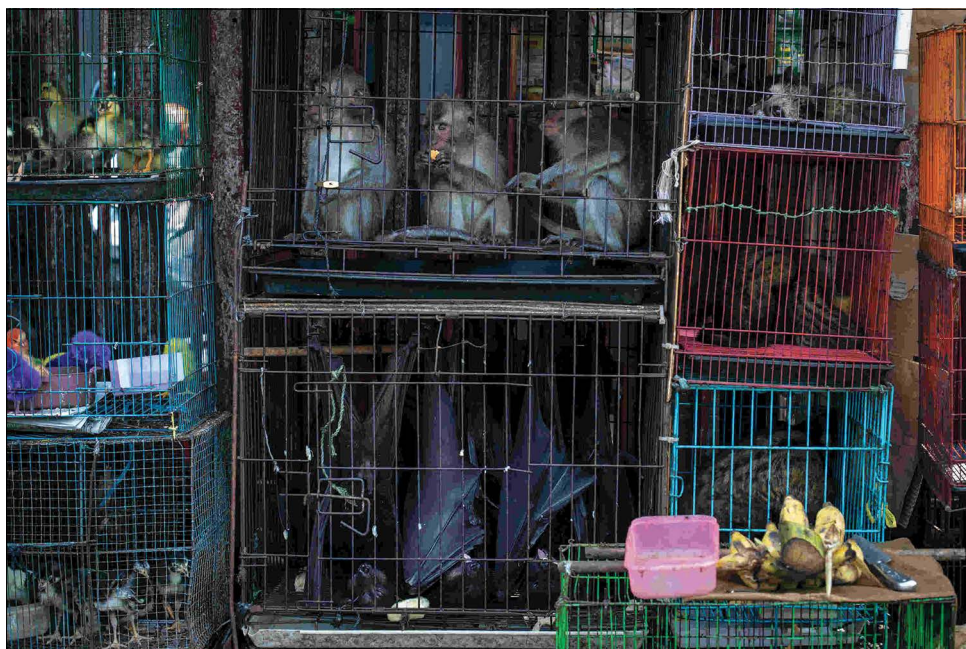
(United Kingdom and Germany); and Figure-10 Africa (Egypt).

#### Public health

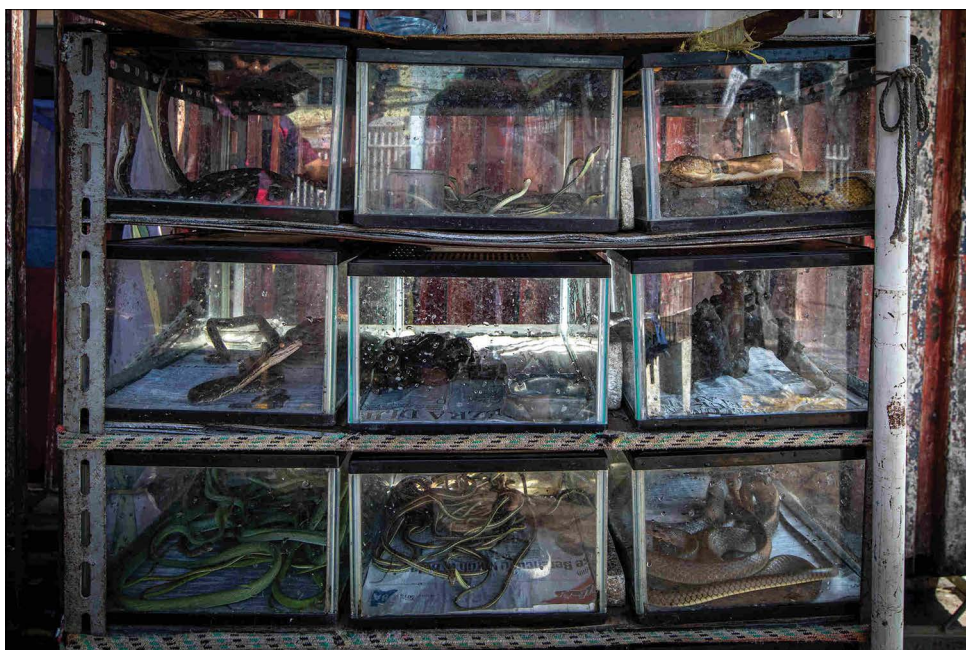
Wildlife-associated human infections and infestations involve both strictly zoonotic diseases in which infections or infestations from diseased individuals are passed in either direction between animals and people (trans-species diseases) [131,132], such as rabies [133], and animal-associated human infections or infestations in which commensal or opportunistic microbes are passed from unaffected animals to people (trans-species pathogens) [44], such as reptile-associated salmonellosis [134]. Over 200 animal-associated human infections, infestations, and zoonoses are known [135], of which at least 70 are associated with exotic pets [44]. Wildlife-associated pathogens constitute significant sources of disease in humans.

For example, 75% of global emerging human infections are linked to wildlife [131], and of more than 1400 surveyed human diseases, 61% were found to be of potentially zoonotic origin [11]. Animal-associated human infections and infestations involve all classes of pathogenic agent (viral, bacterial, mycotic, micro-parasitic, macroparasitic, and prion) [44]. While much is known regarding epidemiology and management for some diseases and pathogens (e.g., reptile-associated salmonellosis [*Salmonella* spp.] and rabies [*Rhabdovirus* spp.]), comprehensive data regarding incidence and prevalence for most zoonotic and related issues are lacking [40,50,132,136]. In addition, concern has been raised that wildlife market-acquired infections may be routinely under-ascertained in both primary [137] and secondary [138] care environments due to temporal disassociation between





**Figure-3:** Wildlife market (birds and mammals), Jatinegara, Jakarta. (Credit: Aaron Gekoski, World Animal Protection).



**Figure-4:** Wildlife market (reptiles), Jatinegara, Jakarta. (Credit: Aaron Gekoski, World Animal Protection).

attendance and onset of signs and symptoms, and because health-care professionals frequently do not enquire about possible contact between patients and zoonotic sources [137].

Many potentially pathogenic agents have been isolated from wild and captive animal gut and other tissue (Table-3). Furthermore, specific studies of diverse commercial captive breeding operations identified a range of pathogens, for example: *Salmonella* bacteria associated with pet turtle ranching [139]; *Salmonella* bacteria, *Kalichephalus*, *Capillaria*, *Pinworm*, *Strongyloides* ova, and *Ascarid* ova parasites associated with the wholesale pet trade environment [140]; *Pseudomonas* bacteria associated with marine turtle farming [141]; *Salmonella* bacteria associated with

green iguana (*Iguana iguana*) farming [142]; and *Acinetobacter*, *Aeromonas*, *Anaplasma*, *Bacteroides*, *Bordetella*, *Chlamydomphila*, *Citrobacter*, *Clostridium*, *Elizabethkingia*, *Enterobacter*, *Enterococcus*, *Escherichia*, *Klebsiella*, *Leptospira*, *Lysobacter*, *Moraxella*, *Morganella*, *Mycoplasma*, *Proteus*, *Providencia*, *Pseudomonas*, *Salmonella*, *Serratia*, *Staphylococcus*, *Stenotrophomonas*, *Tsukamurella* bacteria associated with pet ball python ranching [26]. A study of fecal samples from 741 zoo animals of 40 species of carnivores, hoofed mammals, primates, ratites, and reptiles found that 45% contained intestinal parasites, all of which were zoonotic [51]. Therefore, whether animals are wild-caught or captive-bred, pathogenic reservoirs remain important considerations.





**Figure-5:** Wildlife market (reptiles), Memphis, USA. (Credit: Aaron Gekoski, World Animal Protection).



**Figure-6:** Wildlife/reptile market, Doncaster, UK. (Credit: Animal Protection Agency).

In addition, at least 138 viral infections are associated with pet animals [50]. Many potential human pathogenic micro-organisms, particles and parasites are inherently normal and commensal among other animal species [44], and practicably non-eradicable [44]. For example, commensal *Salmonella* bacteria in prey mice are known to harmlessly invade snake guts to be excreted and become human pathogens through fecal-oral transmission [143,144]. A survey of *Salmonella* at a wildlife-pet market in Germany found novel reptile-associated *S. ramatgan* and *S. subspecies-V* to be

present on door handles [44]. Despite use of liberal guidance on preventing infection, and provision of hand sanitizers to the public by organizers of Western pet markets, control of contaminants was found to be unresolvable [2,44,45].

Many human and nonhuman animal diseases are vector-borne and have generated large epidemics, for example, West Nile virus (*Flaviviridae* spp.) is noted in amphibians and reptiles that originated in Africa and caused over 15,000 human deaths in United States alone [60]. Reasonably, many potentially pathogenic agents





**Figure-7:** Wildlife/reptile market, Doncaster, UK. (Credit: Animal Protection Agency).



**Figure-8:** Wildlife market (birds), Stafford, UK. (Credit: Animal Protection Agency).

could transcend diverse hosts, for example, from invertebrates through to humans through the predator-prey food chain. Accordingly, microbial human pathogens and macroparasites may be presumed to occupy any animal from any world region or supply source, not least given the cross-contamination implications of wildlife markets and meta sectors (Figure-11).

Furthermore, many non-commensal and novel human pathogens may feasibly become introduced to

wild-caught predatory animals that ingest diverse prey along with their microbiome and virome loads. For example, severe acute respiratory syndrome coronavirus 2 (SARS-Cov-2) coronavirus, or potentially a more serious pathogen such as Ebola virus, could become present in the guts of snakes that prey on virus-carrying bats. Although the role of snakes as a focal link in transmission of SARS-Cov-2 is ambiguous [145], their potential role continues to be scrutinized [146]. Thus,





**Figure-9:** Wildlife market (reptiles/others), Hamm, Germany. (Credit: none).



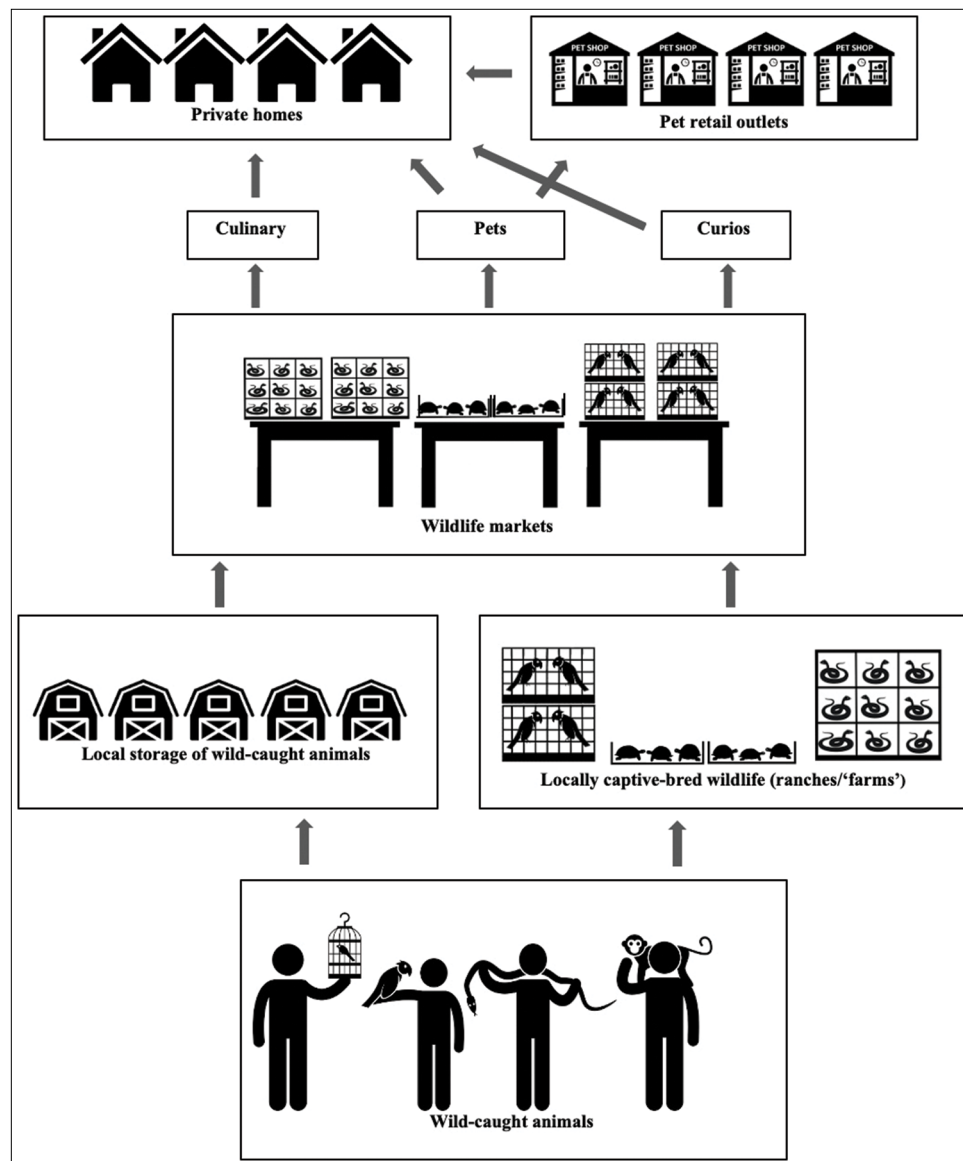
**Figure-10:** Wildlife market (birds), Cairo, Egypt. (Credit: Emily Marie Wilson shutterstock.jpg).

**Table-3:** Reported minimum number and class of potential human pathogens associated with animal wildlife.

| Animal class  | Human pathogen class |           |         |                |                |       | Sample references      |
|---------------|----------------------|-----------|---------|----------------|----------------|-------|------------------------|
|               | Viral                | Bacterial | Mycotic | Microparasitic | Macroparasitic | Prion |                        |
| Invertebrates | 2                    | 13        | 1       | 1              | 2              | -     | [53-56]                |
| Fishes        | 6                    | 10        | -       | 1              | 7              | 1     | [44,45,50,57]          |
| Amphibians    | 3                    | 34        | 3       | 2              | 5              | -     | [44,45]                |
| Reptiles      | 5                    | 36        | 3       | 5              | 10             | -     | [26,27,44,45,51,58,59] |
| Birds         | 40                   | 28        | 3       | 2              | 4              | -     | [44,45,50]             |
| Mammals       | 96                   | 27        | 5       | 11             | 17             | 1     | [44,45,51,52]          |

whether or not snakes have a direct relationship as a transmitter of SARS-Cov-2, they could nevertheless act as an incidental harbinger and excreter of the virus, as has been reported possible for felines [147] and





**Figure-11:** Basic guide to handling, transport, and storage dynamics regarding animals and wildlife markets, inferring significant recurrent stressful conditions for animals, and many opportunities for cross-contamination of potential pathogens. The reader should follow the diagram from the bottom ("Wild-caught animals") to top ("Private homes" and "Retail outlets").

humans [145]. It is unclear whether intermediary animals may act as transmitters of Ebola virus disease to humans [61,62]. However, Ebola virus is endemic in Africa [63] and Thailand [148], which are hubs of wildlife trade and international distributors to various global markets, including pets.

On a precautionary basis it cannot be ruled out that a wide range of potentially pathogenic prey-derived agents may long survive gut occupation in many animals, and thus viably persist lengthy storage, transportation, and housing conditions resulting in global distribution of established and novel entities from infection hubs to other (including naïve) regions [11,39,44,52,149]. Therefore, any animal (such as a snake) may be regarded as a potential atypical epidemiological source for pandemics. In addition, domesticated and other animals, including dogs, cats, chickens, and rabbits, could also become

contaminated at wildlife markets by wild animals and potentially also act as *ad hoc* infection reservoirs (Li and Jiang, unpublished).

Both culinary-based wet markets and wildlife markets involve direct and indirect handling of potentially infectious live animals and their derivatives. It is arguable that human and non-human animal exposure to body fluids due to handling of potentially infectious materials arising from butchering practices at wet markets may involve greater direct and indirect contamination risks than handling associated with wildlife markets. However, it is also arguable that human exposure to live animals at wildlife markets may involve proportionately significant coexisting risks in certain respects. For example, at wet markets, handling-associated contamination factors for potentially infectious animals and their derivatives are more intensive and shorter-term, whereas at wildlife markets such factors

are less intensive but longer-term [2,45]. Furthermore, because pet animals acquired at wildlife markets are transferred to domestic environments, those animals may occupy households indefinitely, involving greater contact and exposure. Regardless, operators of market stalls frequently handle diverse animals, their derivatives, enclosures, and related materials, as well as engage with public visitors [45]. Accordingly, operator-environment-public interactions are commonplace and imply multiple significant opportunities for cross-contamination.

Table-3 provides a basic list of reported minimum number and class of potential pathogens associated with wildlife-pet animals. While reasonable data exist for vector-borne diseases [150], little specific investigatory work appears to have been done on invertebrate pet zoonoses, thus these animals are minimally represented in Table-3. Table-3 includes only potential pathogens and diseases that are frequently tabulated in published reports rather than all known potential pathogens and diseases. As indicated elsewhere, large numbers of viral, bacterial, mycotic, microparasitic, and macroparasitic agents are also known, for which benign or pathogenic nature has not been well determined. Table-4 provides a summary of example wildlife-associated infections and zoonotic epidemics or pandemics.

#### **Agricultural animal health**

Although agricultural animal health is not directly salient to this report, the issue is often strongly associated with animal-human cross-contamination epidemics and outbreaks, thus we provide brief mention and examples. Several pathogenic threats to agriculture from, especially imported, wildlife are well established. For example, since 1926, Newcastle disease (*Paramyxovirus* spp.) has been recognized as a viral infection typically associated with poultry [151]. The disease results in respiratory, neurological, and gastro-intestinal signs leading to loss of productivity or mortality variably up to 100% of animals; thus it is of significance to the agricultural industry, and its quarantine surveillance is mandatory [151]. Since 2000, heartwater disease or ehrlichiosis (*Ehrlichia* spp.) was identified as a vector-borne bacterial infection typically associated with ruminants [152] and was introduced to the United States through ticks (*Amblyomma* spp.) hosted by imported African wild pet tortoises [153]. The disease results in debilitation, loss of productivity, or mortality variably up to 100% of animals; thus its potential to become endemic in the US and invade large-scale cattle production remains highly concerning, and its potential impact has been managed using a combination of species bans and passports [152,154]. Since at least 1996, avian influenza H5N1 has affected regions globally, having originated from wild birds in Asia [155]. The disease results in various inflammatory, respiratory, gastro-intestinal, and other signs in birds, leading to

loss of productivity or mortality, or imposed destruction of variably up to 100% of animals; thus its significance to the agricultural industry, and its quarantine surveillance is mandatory [156]. Relatedly, in 2005, an outbreak of avian influenza H5N1 was identified in imported consignments of quarantined pet birds of several species from Taiwan, bringing avian influenza to the United Kingdom [157]. Despite the imported consignments of wild pet birds having been deliberately isolated proximal to control specimens, the sentinel birds were unaffected, demonstrating that quarantine protocols must be considered circumspect even for well-known infectious agents.

Importantly, intensive animal production can involve significant stress and animal welfare-related issues that may increase susceptibility to introduce potentially pathogenic agents [115]. However, potential impacts on agricultural animal species from many wildlife-borne diseases are under-ascertained or unknown. Of current relevance, SARS-Cov-2 has recently been found in farmed mink in The Netherlands, resulting in the proactive culling of all animals [158].

#### **Quarantine and screening**

While quarantine of selected animals occurs for specific pathogens and diseases in some nations, the scope of such measures is minimalistic and arguably of low significance to the prevention or control for a myriad of possible wildlife-borne human and agricultural animal diseases. In addition, quarantine protocols for ectothermic animals (invertebrates, fishes, amphibians, and reptiles) are typically minimalistic or absent, which compounds prevention and control deficits. Quarantine screening for disease symptoms in wild or domesticated animals is usually limited to 30 days [159,160]. However, incubation times and disease onset latency for many infections and infestations (commonly associated with ectothermic animals) greatly exceeds this period [51], and infers minimum quarantine periods of 6 months are warranted for all wild as well as many domesticated animals [161-163], thus commonly shorter screening protocols of, for example, 30 days can be considered inadequate and involve disproportionate epidemiological risk. In addition, invertebrate vectors may harbor viable pathogens for several years [164], further raising risk concerns. These risks are well identified, for example, a United States government report on zoonotic disease and home security concluded that collaborative incongruities between official departments provided open gateways to importing disease [165].

Furthermore, deficiencies among microbial databases and technical processes, as well as application impracticalities, severely limit generalized screening abilities for both non-quarantined and quarantined animals. Accordingly, animals of uncertain origin and health state (which includes most examples of both wild-caught and captive-bred organisms) should be

**Table-4:** Example wildlife-associated infections and zoonotic epidemics or pandemics.

| Period    | Epidemic/pandemic                 | Pathogen                                                        | Originating region | Source                                           | Impact                         | Reported cases   | Mortalities      | References (e.g.) |
|-----------|-----------------------------------|-----------------------------------------------------------------|--------------------|--------------------------------------------------|--------------------------------|------------------|------------------|-------------------|
| 1918      | Spanish flu                       | H1N1                                                            | ?                  | Wild birds/poultry                               | Global                         | 500 m            | >50 m            | [60,64]           |
| 1957-1958 | Asian flu                         | H2N2                                                            | China              | Wild birds/poultry                               | Global                         | 9 m              | 1.1 m            | [60,65,66]        |
| 1968      | Hong Kong flu                     | H3N3                                                            | Asia/Hong Kong     | Wild birds/poultry                               | Global                         | ?                | 1 m              | [60,67]           |
| 1976      | Ebola virus disease               | Ebola virus                                                     | Africa             | Bats/primates/antelope/porcupines/bushmeat?      | Africa                         | 602              | 280              | [61,62,68,69]     |
| 1981      | HIV/AIDS                          | HIV                                                             | Africa             | Primates/bushmeat?                               | Global                         | ≥60 m            | 30 m             | [60,70]           |
| 1995      | Ebola virus disease               | Ebola virus                                                     | Africa             | Bats/other/bushmeat?                             | Africa                         | 315              | 254              | [61,62,68]        |
| 1996-1997 | Monkeypox                         | Poxvirus                                                        | Africa             | Contact with wildlife/bushmeat?                  | Africa                         | 338              | 33               | [71,72]           |
| 1997      | Avian influenza                   | H5N1                                                            | Asia/Hong Kong     | Wild birds/poultry                               | Southeast Asia                 | ?                | ≥371             | [60,73]           |
| 2000      | Ebola virus disease               | Ebola virus                                                     | Africa             | Bats/other bushmeat? nosocomial                  | Africa                         | 425              | 224              | [61-63]           |
| 2002      | Ebola virus disease               | Ebola virus                                                     | Africa             | Bats/contact with wildlife/bushmeat?             | Africa                         | 143              | 128              | [61,62,74]        |
| 2002-2003 | Severe acute respiratory syndrome | Coronavirus (Severe acute respiratory syndrome - coronavirus)   | China              | Bats/civets/contact with wildlife/bushmeat?      | Global                         | 8096             | ≥774             | [60,75,76]        |
| 2003      | Monkeypox                         | Poxvirus                                                        | Africa             | African rodents/prairie dogs/exotic pets         | Africa, United States, Britain | 50               | -                | [72,77-79]        |
| 2004-2007 | Avian influenza                   | H5N1                                                            | China              | Wild birds/poultry                               | Global                         | 341              | 213              | [80,81]           |
| 2007      | Ebola virus disease               | Ebola virus                                                     | Africa             | Bats/bushmeat?                                   | Africa                         | 264              | 187              | [61,62,82]        |
| 2009      | Swine flu                         | H1N1                                                            | Mexico             | Wild birds/swine?                                | Global                         | 60-700 m         | 150,000-575,000  | [60,83,84]        |
| 2012-2013 | Middle-East respiratory syndrome  | Coronavirus (middle-east respiratory syndrome)                  | Saudi Arabia       | Bats/dromedary camels                            | Global                         | 2494             | 858              | [60,85,86]        |
| 2013-2016 | Ebola virus disease               | Ebola virus                                                     | Africa             | Bats/bushmeat/pets?                              | Africa, Europe, United States  | 15261            | 11325            | [61,62,87]        |
| 2018-2019 | Ebola virus disease               | Ebola virus                                                     | Africa             | Bats/primates/antelope/porcupines/bushmeat/pets? | Africa                         | >2500            | >1500            | [61,62]           |
| 2019-2020 | Coronavirus disease-2019          | Coronavirus (severe acute respiratory syndrome - coronavirus-2) | China              | Bats/pangolins/other/bushmeat?                   | Global                         | >114 m (current) | >2.5 m (current) | [75,88,89]        |

cautiously considered as contaminated with potentially relevant epidemic and pandemic agents. Relatedly, because wildlife-pet markets are regularly implicated in the supply chain for high street and online suppliers of wildlife as pets to private homes, endpoint acquirers should also be regarded as potentially naïve and vulnerable custodians of epidemiologically suspicious animals – a concern known as the “Trojan horse” factor [149].

#### **Wildlife trade scale and diversity**

Exact data regarding the number of wild-caught and captive-bred wild animals and species involved in trade are incomplete. In terms of legal trade, various reports offer some insight. For example, a study of Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed vertebrates identified 5579 species (amphibians = 609 [9% of extant amphibian species], reptiles = 1184 [12% of extant reptile species], birds = 2345 [23% of extant bird species], and mammals = 1441 [27% of extant mammal species]) in international trade or 18% of globally known vertebrate species [166]. However, across all animal classes, including invertebrates and fishes, tens of thousands of animal species are thought to be traded globally [167,168]. At least 13,000 wildlife species are known to be included in the international exotic pet trade alone, with most species and individuals being wild-caught [5,169]. A study of CITES-listed species found that between 1975 and 2014 trade in plants, invertebrates, reptiles, birds, and mammals quadrupled from 25 million to 100 million whole organism equivalents annually [170]. A study of Southeast Asian wildlife exports over a 10-year period found that more than 35 million CITES-listed animals alone were shipped abroad, including to other Asian countries, as well as to Canada, United States, and Europe, of which approximately 30 million were wild-caught [171]. A 2017 study of imports to the United States for the years 2000-2013 found that 11 billion wildlife specimens, and further 977 million kilograms of wildlife were involved, mostly for the pet trade, of which 77.8% were wild-caught [5]. The USA is the single largest consumer of wildlife and may import over 224 million live animals annually [172].

Volume of animals traded at wildlife markets is unknown, although some examples are reported. A 2003 Chinese government raid of wildlife markets in Guangzhou removed over 838,000 wild animals [11]. A market in North Sulawesi, Indonesia, reportedly sold as many as 90,000 mammals annually [173]. Another survey of one market in Thailand conducted over 25 weekends found that more than 70,000 birds of 276 species were sold [174]. A 2014 study of seven cities in Guangdong and Guangxi Provinces in China identified more than 7000 animals and 97 species of (in majority order) reptiles (51%), birds (21%), and mammals (10%) [4].

A 2012 survey of wildlife-pet markets selling amphibians and reptiles in Europe (Germany, Spain,

and the United Kingdom) identified at least 179 species at three itinerant events [2]. A 2019 survey of wildlife markets in Togo, Africa, selling various animals found at least 286 species were involved [7]. In terms of illegal trade, more than 350 million wild plants and animals are exploited annually [175] (= 25% of total trade [11]), with an estimated economic value of 8-20 bn USD [166]. Some sectors of wildlife trade (i.e., amphibians and reptiles) may involve 44% illegal activity [176]. Accordingly, although potentially a single individual animal may causally introduce novel pathogens to a region or country leading to outbreaks, the vastness and poorly regulated nature of both legal and illegal wildlife trade involves unprecedented endemic pathogenic opportunities of scale and species diversity reservoirs for further epidemics or pandemics [11,37].

#### **Legality, regulation, and enforcement at wildlife markets**

Wildlife markets are subject to varying degrees of legal regulation and enforcement. For example, in China wildlife markets are illegal and enforcement intermittent [177]. Since the SARS-CoV-2 coronavirus disease-2019 (COVID-19) outbreak, China, has reputedly increased monitoring and enforcement measures to maintain an effective ban [177]. In North America (Canada and the United States) wildlife markets are subject to variable regulation, in that cultural markets, based on overseas traditional culinary habits, are endemic and permitted in numerous areas, but are subject to limited public health conditions, although greater regulation on both animal welfare and public health grounds is being pursued in some cases. In Europe (e.g., Germany, Czech Republic, The Netherlands, and Spain) despite wildlife markets being typically legal, illegalities occur involving sale of protected species [2,34,35]. In the United Kingdom, the trading of any vertebrate animals as pets at markets is unlawful, and in recent decade's occurrence has been largely eliminated, although some British local authorities continue to fail to act to curtail illegal and open selling [2].

#### **Global one-health dynamics**

Animals for wildlife markets may be wild-caught or captive-bred within their country of origin and sold locally, nationally, or globally [1,2,4,6,7,9,12-18,26,28,33-35,37]. Welfare of animals at all points in the exploitative chain can be described as poor to abusively brutal, and such treatment is known to impact immunocompetence, susceptibility to infection, and pathogen shedding issues among affected animals [113,115,178-183]. Relatedly, direct mixing of diverse species and individual animals, as well as their confinement in close proximity, probably propagates cross-pollination of commensal, opportunistic and pathogenic micro-organisms and particles, presenting many opportunities for spill-over of potentially infectious agents [11,40,60,140,184,185].



Pathogen spill-over invites manifest risks of generating epidemics and pandemics of highly diverse backgrounds.

Identification of wild-caught versus captive-bred animals is challenging and false and misleading claims regarding origin are a matter of concern [186]. Regardless, even where animals may be identifiable as captive-bred and locally sourced, common prior mixing with animals of uncertain origin and health-state increases contamination or infection risk and complicates biosecurity and the tracing of epidemiological origins [140,149]. These dynamics infer that the multiple handling, transportation, and disturbance events endemic to wildlife markets are relevant to animal welfare and to potentially diverse wildlife-associated pathogens, which should be considered viably present in all animals regardless of apparent source and their endpoint sale circumstances (Figure-11).

Modern transportation allows worldwide distribution of animals within very short periods after capture, handling, and storage, thus also enabling rapid global dispersal of large numbers of probably stressed, immunocompromised, or diseased individuals as well as harbored pathogens [11,39,44,149,184]. Moreover, wildlife markets and associated trade hubs, being dependent on high footfall business generally occupy centers of significant human population densities, encouraging possibly rapid liberal dissemination of pathogenic agents [2,44,45]. Disease and human population modeling indicate that emerging infectious diseases are more likely to occur in more densely populated areas, and where there is greater diversity of wildlife [40]. Around 1.7 million viruses [187,188], and many additional bacterial, mycotic, parasitic, and other potentially pathogenic entities are thought to exist in wildlife reservoirs that could invade humans [44,189,190]. Extant human behavior and practices are currently and regularly narrowing historically protective distances between atypical pathogens and naïve human or agricultural populations [150]. As indicated earlier, major animal, and public health outbreaks have already been linked to wildlife markets as their probable originating sources, including avian influenza, swine flu, monkeypox, SARS-CoV-1, and most recently SARS-CoV-2/COVID-19. Other possible and perhaps anticipated, outbreaks from wildlife markets include further novel coronaviruses, and arguably far more seriously, ebolaviruses, and hantaviruses.

Warnings have enduringly persisted regarding anthropogenic deforestation and other habitat destruction; commercial exploitation of wildlife biodiversity; abusive practices towards animals; the role of modern globalized transportation in allowing easy encroachment of humans into relatively naïve ecosystems as well as the facilitation of rapid pathogen spread from remote areas to domestic environments; and threats from emergent diseases associated with wildlife trade and wet/wildlife market conditions

[2,11,39,40,44,52,60,131,132,149,185,191-194]. Accordingly, animal, human, and environmental health and welfare are intimately connected within the “one health, one welfare, and one biology” concept [15,60,115,192,193,195].

A raft of recent calls has arisen from scientific, animal welfare, conservation, international governmental, and popular communities for closure of existing wildlife markets for all purposes, and prohibitions against their future emergence [13,120,48,196-201]. Some have argued that bans on wildlife trade could be of limited effect regarding prevention and control of future epidemics and pandemics, and also counter-productive against biodiversity conservation [202,203]. However, complete well-enforced wildlife trade bans are the accepted and proven gold-standard mechanism for prevention and control of animal welfare abuses, public health epidemics and pandemics, and threats to biodiversity conservation [134,204-210].

Governments are traditionally locked-in to protocols that allow disproportionate weight and strong influence to commercial interests on the presumed basis of their local, regional, international or global value, without taking proportionate account of animal welfare, public health, environmental and economic harms and implications inherent to wildlife trade practices or relevant opposing perspectives [211-213]. This disproportionality of representative weight reflects a paradigm responsible for historical and current inaction to resolve global issues with serious problematic outcomes and extensive amelioratory costs. A major paradigmatic shift is warranted in which precautionary principles constitute the mainstay of government actions, inferring that wildlife exploitative practices are barred until or unless independently and scientifically verified as possessing low or no negative impacts [214]. This precautionary principle of operation is enshrined in the concept of “positive lists” (also known as “green lists,” “reverse lists” or “white lists”) that provide the normal foundation for almost all accepted responsible commercial and other practices (e.g., medicine, dentistry, drug development, pilotage, vehicle or vessel safety, and construction) and have been demonstrated to be effective and economic measures for regulating wild animals in captivity [214].

## Conclusion

Wildlife-pet markets, although standalone phenomena, also have ties to the endpoints of wider relevant issues, including anthropogenic habitat loss, ecological disturbance, encroachment, globalization, transport facilitation, trade, wildlife capture, captive-breeding, culinary habits, and wildlife-pet keeping. These elements involve a range of negative factors from poorly moderated introductions of humans to atypical environments, through to removal of wildlife from ecologically stable systems, to placement of animals into abnormal conditions of captivity in commerce and the home. Individually and cumulatively,

these factors, and the diversity of divisional elements within each, probably constitute the primary causes of suffering, morbidity, and mortality among wildlife-pet animals and the emergence of wildlife-associated human and agricultural epidemics and pandemics.

Epidemiological trace-back indicates that the majority of human and key agricultural epidemic and pandemic diseases are directly or indirectly causally linked to wildlife (whether direct, indirect, or vector-borne) [150]. However, it is important to iterate that primary or incidental involvement of wildlife species in human or agricultural epidemics and pandemic should not be considered a reason for their demonization [215]. Although particular species groups may be correctly regarded as primary focal reservoirs of human pathogenic agents (e.g., bat-associated viruses and reptile-associated bacteria), all wild animals including invertebrates (e.g., arthropods, molluscs, and crustaceans), fishes (fishes, eels, and rays), amphibians (e.g., frogs, toads, and caecilians), reptiles (e.g., chelonian, lizards, and snakes), birds (e.g., parrots, finches, and hawks), and mammals (e.g., rodents, marsupials, and primates) may act as primary or secondary sources of emerging infectious and zoonotic disease.

Southeast Asian, Indian, cultural, North American, Latin American, European, and African wildlife markets have long been associated with both animal welfare and public health concerns, regarding inconsiderate and abusive conditions of captivity and epidemiological risk and manifest emergent disease – including specific outbreaks and national epidemics and global pandemics. Whether or not the recent example of SARS-Cov-2 virus may have emerged only at Southeast Asian wildlife markets or potentially from elsewhere, it remains probable that alternative infectious agents across all pathogenic classes viably occupy wildlife markets globally.

While there are notable degrees of variability in less versus more developed countries and regions regarding aesthetics, animal husbandry, animal sourcing, hygiene, and regulation across and between Southeast Asian, cultural, Western and African wildlife markets, this variation is, in our view, operationally modest. Accordingly, key problematic features, including: Sourcing wild animals (whether wild-caught or captive-bred), unacceptable standards of animal welfare, extent and diversity of potentially pathogenic animal biomes and viromes, interspecies cross-contamination, major quarantine and screening inabilities, and complexities of microbial transmission, remain intact to all types of wildlife market. Therefore, in our view, there are no significant grounds for regarding events in well-developed areas as harboring significantly lower risks to animal welfare or public health compared with other hosting areas, and that these problems are incapable of amelioration within a permissive control system.

Wildlife markets constitute a relatively small component of wildlife culinary consumption [177], in

that they may involve hundreds of thousands to several millions of animals annually, whereas wildlife trade overall involves hundreds of millions of animals annually (see also “Wildlife trade scale and diversity”) and comprise a relatively low component of overall trade in wildlife for pets. Historical and current permissive regulation, as well as poorly enforced prohibitive regulation at all levels, has failed to provide reasonable control of wildlife markets and the prevention of common regional or global major and catastrophic animal welfare and public health problems.

China has been variously criticized concerning inadequate historical action to maintain domestic bans imposed on wildlife markets because of their role in poor animal welfare and as potential hubs of emergent disease. However, such criticisms can also be levied at all globally relevant regions in which wildlife markets occur – perhaps most ironically at the China-accusatorial Western commentators and governments that have themselves failed to act decisively against wildlife markets within their own domains. Arguably, governments of regions that continue to accommodate wildlife markets should strive to set exemplary measures for managing animal welfare and controlling emergent diseases. Western-nation failings of example are arguably similarly responsible for coexisting issues of international concern including gross animal welfare abuses [2,140,205,216,217]; public health matters endemic to wildlife trade generally [5,11,44,45,131,132,134,184,218-223], antimicrobial resistance [224-226]; and ecological matters including threats to species conservation, habitat loss and shifts from natural habitat to agricultural land use, invasive alien organisms, and negative economic impacts [40,49,190,196,227-233].

### Recommendations

We have considered three elements in our recommendations: (1) Animal welfare: Prevention of abuses; (2) Public health: Prevention of epidemics and pandemics at source; and (3) Wildlife trade dependents: Supporting local people. Although our proposed measures are similar and overlapping for elements 1 and 2, we have itemized these separately because particular readers and actors may wish to consider each subject independently.

#### 1. Animal welfare: Prevention of abuses

We propose that the only pragmatic amelioratory measures for prevention and control of inadequate husbandry or extreme and brutal abusive treatment of animals inherent to wildlife markets are government sanctioned bans on the collection, transportation, storage, keeping, sale, or slaughter of wild-caught or captive-bred wildlife at markets for pet, culinary, medicinal, and other purposes. It is administratively imperative, and economically prudent that bans are emboldened with strong monitoring and enforcement.

#### 2. Public health: Prevention of epidemics and pandemics at source

We propose that the only pragmatic amelioratory measures for prevention and control of future anthropogenic wildlife-market-associated epidemics and pandemics from originating hubs of contamination are government sanctioned bans on the collection, transportation, storage, keeping, sale, or slaughter of wild-caught or captive-bred wild animals for pet, medicinal, culinary, and other commercial purposes. It is administratively imperative, and economically prudent that bans are emboldened with strong monitoring and enforcement.

### 3. Wildlife trade dependents: Supporting local people

Bans may have significant impacts on at least some former economic dependents within local wildlife supply sectors. Arguably, such impacts may be comparable to any sector that faces disbenefits from income reduction or collapse of corresponding commercial activities from bans that affect diverse businesses and cottage industries. Whether such commercial activities inherently fail or are curtailed by government is not new, and support for those formerly dependent on local wildlife can be considered in accordance with existing formal remedies. However, proportionate essential support for previous dependents of wildlife trade can be viewed as a potentially important investment against novel disease outbreaks as well as a deterrence from illegal activity.

### Authors' Contributions

CW: Conceptualization, methodology, supervision, drafted the manuscript. CW and CS: Conducted the research, data preparation, drafted and revised the manuscript. Both authors have read and approved the final manuscript.

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### Competing Interests

The authors declare that they have no competing interests.

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AN INTERNATIONAL ORGANIZATION DEDICATED TO PROTECTING THE RIGHTS OF ALL ANIMALS



November 18, 2019

Joseph Therrien  
Special Licenses Unit  
NYSDEC, Division of Fish and Wildlife  
625 Broadway  
Albany, NY 12233-4754

**Via electronic submission:** [wildliferegs@dec.ny.gov](mailto:wildliferegs@dec.ny.gov);  
[SpecialLicenses@dec.ny.gov](mailto:SpecialLicenses@dec.ny.gov)

Re: Comments on Animals Considered Dangerous to Health or  
Welfare Rulemaking

Dear Mr. Therrien,

On behalf of PETA and its more than 6.5 million members and supporters worldwide, including over 300,000 in New York state, I hereby submit the following comments on the New York State Department of Environmental Conservation (NYSDEC) proposed rulemaking to amend 6 NYCRR Section 180.1.

Dangerous wild animals pose inherent public safety risks and should only be kept by institutions with sufficient expertise, staff, resources, and facilities to provide the highest standards of welfare and safety. Not only should the NYSDEC prohibit private possession of dangerous wild animals, but the agency should also more stringently regulate commercial exhibition. Accordingly, PETA supports the broad prohibition on the possession of dangerous wild animals outlined in Alternative 2. However, PETA would recommend exempting facilities accredited or verified by the Association of Zoos and Aquariums or the Global Federation of Animal Sanctuaries from that prohibition.

Additionally, PETA recommends that the NYSDEC incorporate a strict prohibition on direct contact with all dangerous wild animals into the proposed regulation.

PETA fully supports classifying the identified species as dangerous wild animals, but recommends that the agency consider including camels, otters, kangaroos, and wallabies to 6 NYCRR Section 180.1, due to these species inherent danger to the public.

Thank you for your consideration of PETA's comments.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michelle Sinnott".

Michelle Sinnott  
Counsel, Captive Animal Law Enforcement

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## PETA's Comments on Animals Considered Dangerous (6 NYCRR Section 180.1)

### Introduction

In Section 11-0511 of New York's Environmental Conservation Law, the Legislature authorizes the New York State Department of Environmental Conservation (NYSDEC) to determine what species of "native or non-native live wildlife or fish" are dangerous to the "health or welfare of the people of the state."<sup>1</sup> Pursuant to this statutory authority, NYSDEC has determined that "all subspecies of the lion (*Panthera leo*), the raccoon dog (*Nyctereutes procyonides*), and any animal, the overall appearance of which makes it difficult or impossible to distinguish it from a wolf (*Canis lupus*) or a coyote (*Canis latrans*)" are dangerous.<sup>2</sup> As NYSDEC has recognized, this list is not comprehensive and excludes particularly dangerous wild animals, such as elephants, primates, bears, reptiles, and many species of wild felids and wild canids. Incidents involving these particularly dangerous wild animals are well documented.

Countless people across the country have been injured or even killed by wild animals that are not currently listed in 6 NYCRR Section 180.1 as dangerous:

- Nondomestic felids have killed at least 25 people and injured more than 280 in the United States alone since 1990.<sup>3</sup>
- Captive bears have killed at least 6 people and injured more than 60 in the United States alone since 1990.<sup>4</sup>
- Great apes and other large primates have injured over 280 humans in the United States alone since 1990.<sup>5</sup>
- Since 1987, captive elephants have killed at least 20 people and injured more than 140 in North America alone.<sup>6</sup>

In just New York, there are numerous examples of people being injured or killed by wild animals not currently included in 6 NYCRR Section 180.1 as dangerous:

- In January 2017, a woman in Buffalo was bitten by her 2-foot-long ball python, whose teeth and body were still wrapped around her hand when police arrived.<sup>7</sup>
- In September 2016, a man in West Babylon had to be airlifted to a hospital after being bitten by his Egyptian saw-scaled viper.<sup>8</sup>

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<sup>1</sup> N.Y. Env'tl. Conserv. Law § 11-0511.

<sup>2</sup> 6 NYCRR § 180.1(b).

<sup>3</sup>Ex. 1, PETA, *Big-Cat Incidents in the United States*, available at <https://www.peta.org/wp-content/uploads/2021/06/BigCatIncidentList.pdf>.

<sup>4</sup>Ex. 2, PETA, *Bear Incidents in the United States*, available at <https://www.peta.org/wp-content/uploads/2021/06/Bear-Incident-List-US-only.pdf>.

<sup>5</sup>Ex. 3, PETA, *Primate Incidents in the United States*, available at <https://www.peta.org/wp-content/uploads/2021/06/Primate-Incident-List-US-only.pdf>.

<sup>6</sup>Ex. 4, PETA, *Elephant Incidents in the United States*, available at <https://www.peta.org/wp-content/uploads/2021/06/Elephant-Incident-List-US-only.pdf>.

<sup>7</sup> Ex. 5, *Woman bit by bathtime-hating python is healing well*, The Buffalo News, Jan. 27, 2017.

<sup>8</sup> Ex. 6, *Long Island Man Says He's 'Lucky to Be Alive' After Venomous Snake Bite*, CBS New York, Sept. 6, 2016.

- In July 2016, the owner of Hidden Valley Animal Adventure—an exotic animal park in Varysburg—was trampled to death by an antelope.<sup>9</sup>
- In November 2010, a pet capuchin monkey escaped and attacked a woman in Oneida Castle while she was playing in her yard with her son.<sup>10</sup>
- In June 2008, a neighbor’s pet capuchin monkey nearly bit off a toddler’s pinkie finger in Queens.<sup>11</sup>

PETA agrees with the NYSDEC that the current regulation does not adequately protect the public from dangerous wild animals and fully supports amending the regulation.

# **I. PETA SUPPORTS ALTERNATIVE 2 WITH AN ADDED EXEMPTION FOR AZA AND GFAS ACCREDITED FACILITIES**

One alternative proposal considered by the NYSDEC—Alternative 2—was to “[p]rohibit possession of dangerous animals by any person or entity [for any purpose] in New York State.”<sup>12</sup> The main concern with this broad prohibition was that “facilities such as the Bronx Zoo which are accredited by the Association of Zoos and Aquariums (AZA)” would be prohibited from exhibiting dangerous animals.<sup>13</sup> As a result, the NYSDEC selected Alternative 3, which expands the list of dangerous animals and allows possession of those animals for specified purposes—purposes that any facility exhibiting wild animals would easily meet.

There are only 10 AZA accredited facilities in New York State that possess the dangerous wild animals proposed for listing: (1) Bronx Zoo, (2) Buffalo Zoo, (3) Central Park Zoo, (4) Prospect Park Zoo, (5) Queens Zoo, (6) Rosamond Gifford Zoo at Burnet Park, (7) Seneca Park Zoo, (8) Staten Island Zoo, (9) Trevor Zoo, and (10) Utica Zoo.<sup>14</sup> Whereas, there are over 50 USDA licensed exhibitors within the state in possession of dangerous wild animals, which does not take into account the traveling exhibitors that bring dangerous wild animals into New York from other states.<sup>15</sup> Unaccredited roadside zoos and traveling animal exhibitors are precisely the type of facilities most likely to house, transport, or exhibit dangerous animals in conditions that pose a risk to the public.<sup>16</sup> The NYSDEC’s narrow concern was about ensuring that the 10 AZA

<sup>9</sup> Ex. 7, *Upstate New York animal park owner trampled to death while feeding antelope*, Fox 61, July 19, 2016.

<sup>10</sup> Ex. 8, *Pet monkey euthanized after biting NY woman*, Associated Press, Nov. 12, 2010.

<sup>11</sup> Ex. 9, *Monkey nip nearly takes off tot’s finger*, Daily News, June 6, 2008.

<sup>12</sup> NYSDEC Regulatory Impact Statement, 5-6.

<sup>13</sup> *Id.* at 6.

<sup>14</sup> See Currently Accredited Zoos and Aquariums, AZA, Sept. 2019, available here <https://www.aza.org/current-accreditation-list>. The Aquarium of Niagara and New York Aquarium are also AZA accredited, but do not appear to house any dangerous wild animals.

<sup>15</sup> Ex. 10, Excerpt of New York exhibitors and dealers, USDA List of Regulated Entities, Nov. 1, 2019, available here [https://www.aphis.usda.gov/animal\\_welfare/downloads/List-of-Active-Licensees-and-Registrants.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/List-of-Active-Licensees-and-Registrants.pdf).

According to recent inventories attached to the USDA inspection reports available for licensed exhibitors in New York, approximately 50 of the unaccredited USDA regulated entities possess mammals proposed for listing as dangerous. See USDA Inspection Reports Online Database, available here <https://acis.aphis.edc.usda.gov/ords/f?p=118:203> (search for “Exhibitor” under License/Registration Type and limit state to “New York”).

<sup>16</sup> See e.g., Ex. 11, Letter from Occupational Safety and Health Administration to Bailiwick Animal Park in Catskill New York (Nov. 15, 2016) (“The employees of Bailiwick Animal Park, Inc. are exposed to the hazards of free contact with captive animals such as Syrian Brown and American Black Bears” while employees “enter bear



accredited and verified facilities in New York would be allowed to continue to possess certain species. The agency’s proposed solution, however, will sweep much more broadly, likely ensuring that *all* facilities—including those unaccredited roadside zoos that are the least qualified to possess dangerous wild animals—can continue to possess dangerous wild animals with an easily obtainable license.

The broad prohibition proposed in Alternative 2, combined with an added exemption for AZA and Global Federation of Animal Sanctuaries (GFAS)<sup>17</sup> accredited and verified facilities would address the NYSDEC’s concern while ensuring that only “qualified entities”<sup>18</sup> are possessing dangerous wild animals.

### A. Specific Language Proposed

In order to implement a broad prohibition on the possession of dangerous animals with an exemption for AZA and GFAS accredited facilities, PETA recommends the following:

(1) Keep the following prohibition identified in Section 180.1(b) of the current proposal:

Notwithstanding any other provision of this Chapter, and except as provided in subdivision (d) of this section, no person shall import, transport, possess, purchase, barter, transfer, sell, offer for sale, exchange, propagate or release or cause to be released within New York State any of the following live native or non-native dangerous animals including those which are captive bred in any of the following orders, families and individual species or subspecies including all subspecies and hybrids thereof. . .

(2) Remove the following provision in Section 180.1(c) that allows for licensing:

Licenses issued pursuant to this section may contain terms, conditions and standards designed to protect the public, individual residents, and indigenous wildlife populations of the State, as well as terms and requirements regarding food, shelter, care and caging to ensure humane treatment and safe captive conditions of the listed species. Such licenses may be issued only for scientific, educational, exhibition, zoological, or propagation purposes as defined in 6 NYCRR Part 175,

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enclosures to perform cleaning, feeding (at times by hand), and interacting with bears as small performances. . .”); Ex. 12, *Saratoga County Fair, and a bear-inflicted injury*, The Post Star, July 24, 2017 (describing a bear show in Saratoga County by a traveling exhibitor called ‘A Grizzly Experience’: “I looked away for a split second, but looked up when I heard ‘oohs and ahhs’ and heard the bear starting to make a weird noise. The handler was holding his face, blood streaming from it. . .as I watched the show before the injury, I thought of all the things that could go wrong when you take a 500-pound omnivore and treat it like a circus freak.”); Ex. 13, Order, In the Matter re; Jeffrey Ash (DEC Case No. OHMS 2013-68434) (upholding NYSDEC’s decision not to renew Jeffrey Ash—dba the Ashville Game Farm in Greenwich New York—license for “a number of serious incidents that occurred including, but not limited to, an individual being bitten by a bear cub, the escape of a wolf and a tiger from the game farm, a four year old boy being cut by a tiger, ownership of animals not authorized by the licenses, and a seven year old child being bitten by a lemur”).

<sup>17</sup> There are currently five GFAS accredited facilities in New York and none of them possess dangerous wild animals proposed for listing in 6 NYCRR 180.1: (1) Catskill Animal Sanctuary, (2) Equine Advocates Rescue and Sanctuary, (3) Farm Sanctuary, (4) Lucky Orphans Horse Rescue, and (5) Woodstock Farm Sanctuary. See GFAS Sanctuaries, New York, available here <https://www.sanctuaryfederation.org/find-a-sanctuary/?animal=any&region=NA&state=NY&accredited=true>.

<sup>18</sup> NYSDEC Regulatory Impact Statement, 4.

and shall be effective for one year only and shall not be transferable. Applications for, or renewal of, a license must be made on forms provided by the department. Each licensee shall make a report of his or her operations on forms provided by the department upon renewal of and prior to the expiration of the license.

- (3) Add the following to the provision in Section 180.1(d) that identifies exemptions to the broad prohibitions in Section 180.1(b):

Any facility accredited or verified by either the Association of Zoos and Aquariums or the Global Federation of Animal Sanctuaries.

These simple changes would allow AZA and GFAS accredited and verified facilities to continue to exhibit dangerous wild animals, while preventing unqualified individuals—such as unaccredited roadside zoos, circuses, and traveling animal acts—from possessing dangerous wild animals.

**B. An Exemption for AZA and GFAS Accredited Institutions Ensures Dangerous Wild Animals Are Housed at Facilities Capable of Handling Them**

The NYSDEC has previously expressed concern that “[i]ssuing permits for the possession of wild animals. . . is outside the mission of the Department” and that the agency “lacks the expertise to promulgate standards of care” for wild animals held in captivity.<sup>19</sup> Those concerns are on full display with the NYSDEC’s proposed rule. Despite wanting a rule that “would provide the department with the necessary means to allow qualified entities to possess such animals,”<sup>20</sup> the proposed regulation does not provide any substantive requirements that the agency could use to assess whether an exhibitor is qualified to care for, handle, and possess dangerous wild animals. The proposed regulation is simply administrative, designed for the NYSDEC to issue licenses for any facility exhibiting dangerous animals that fills out the proper paperwork.

Accreditation or certification by the AZA or the GFAS, means that a recognized and respected accrediting body has certified that a facility possesses the requisite expertise and meets the highest professional standards. Accreditation and certification for both organizations involves a comprehensive review process to verify that a facility meets professionally designed animal care and public safety standards, and fulfills the overarching philosophies of the accrediting body, among other things.

Accreditation provides the NYSDEC with a professional standard of care benchmark that is administratively easy to verify. Indeed, New York has already recognized the value of relying on such accreditation.<sup>21</sup> For example, the New York Department of Agriculture prohibited the

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<sup>19</sup> New York Bill Jacket, 2004 S.B. 7616, Ch. 692.

<sup>20</sup> NYSDEC Regulatory Impact Statement, 4.

<sup>21</sup> See N.Y. Comp. Codes R. & Regs. tit. 1, § 68.3(b) (“All movements of [chronic wasting disease] susceptible cervids into New York State are prohibited until August 1, 2023, except movements to a zoo accredited by the Association of Zoos and Aquariums”); N.Y. Agric. & Mkts. Law § 380 (3) (prohibiting the use of elephants in entertainment acts except “[t]he provisions of this section shall not apply to (a) institutions accredited by the Association of Zoos and Aquariums; and (b) wildlife sanctuaries as defined in subdivision thirty-two of section 11-0103 of the environmental conservation law”).

movement of cervids susceptible to chronic wasting disease—“a progressive, uniformly fatal, degenerative neurological disease of captive and free-ranging susceptible cervid species”<sup>22</sup>—into New York in an effort to control the disease.<sup>23</sup> The *only* exemption to this across the board prohibition was for “movements to a zoo accredited by the Association of Zoos and Aquariums.”<sup>24</sup> In explaining its reasoning for this narrow exemption, the Department of Agriculture explained:

AZA (Association of Zoos and Aquariums) zoos are an entirely different level of risk than the average captive deer business. AZA zoos have smaller collections of CWD susceptible species, the animals are monitored throughout the day, escapes are extremely rare, there is a perimeter fence in addition to the animals’ primary enclosure, the amount of primary enclosure fence that must be maintained is much less, there is careful veterinary oversight, there are post mortem exams on nearly all mortalities, and CWD sampling opportunities are very seldom missed.<sup>25</sup>

The New York Legislature also used AZA accreditation as a basis to exempt facilities from the complete prohibition on using “elephants in any type of entertainment act.”<sup>26</sup> Other states have also used AZA accreditation as a basis to exempt facilities from prohibitions or ensure that only qualified facilities obtain certain licenses:

- Colorado only allows AZA accredited or certified facilities to “possess animals from the families *Canidae*, *Felidae* and *Ursidae*.”<sup>27</sup>
- Washington state prohibits the importation and possession of certain deleterious exotic wildlife, but allows licenses for “display by zoos or aquariums who are accredited institutional members of the association of zoos and aquariums (AZA).”<sup>28</sup>
- Oklahoma prohibits the importation and possession of exotic swine, however exceptions may be granted only for zoos accredited by the AZA.<sup>29</sup>

The AZA and the GFAS provide the highest professional standards for animals, as well as public health and safety. Using accreditation as a basis to identify facilities that are qualified to possess,

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<sup>22</sup> 2018 NY REG TEXT 501499 (NS) (Dec. 26, 2018).

<sup>23</sup> *Id.* (“Presently, the State’s cervid population is believed to be to be free of [chronic wasting disease] CWD. However, CWD has been detected in both captive and free-ranging cervids in other states and, if an infected cervid were to be imported into New York, that cervid could, in turn, infect other cervids. The proposed rule, by extending the prohibition upon the importation of CWD-susceptible cervids, will not provide a guarantee but will significantly lessen the possibility that the State’s cervid population will contract CWD; indeed, since the prohibition was initially promulgated (i.e., August 1, 2013), no CWD-infected cervid has been found in the State.”); *see also* N.Y. Comp. Codes R. & Regs. tit. 1, § 68.3(b) (regulatory prohibition)

<sup>24</sup> N.Y. Comp. Codes R. & Regs. tit. 1, § 68.3(b).

<sup>25</sup> 2014 NY REG TEXT 341344 (NS) (April 16, 2014).

<sup>26</sup> N.Y. Agric. & Mkts. Law § 380(3).

<sup>27</sup> 2 Colo. Code Regs. § 406-11:1102.

<sup>28</sup> Wash. Admin. Code 220-640-200(3).

<sup>29</sup> Okla. Stat. Ann. tit. 2, § 6-6.

handle, and house dangerous wild animals is reasonable and consistent with how New York—and other states—have structured wild animal prohibitions.

## 1. AZA

The AZA’s accreditation and certification standards are rigorous.<sup>30</sup> Fewer than ten percent of exhibitors in the United States meet the AZA’s rigorous standards for accreditation or certification.<sup>31</sup> In order to secure AZA accreditation, applicants must possess “extraordinary vision and leadership, and a comprehensive team effort to attain excellence in all areas of operations and management.”<sup>32</sup> The accreditation process involves a lengthy “institutional stakeholders study” and peer-evaluation undertaken by other AZA-accredited facilities that examines the entirety of the applicant’s operation, including: their animal care, welfare, and well-being, veterinary care, conservation and scientific advancement, governance, finance, staff, safety and security, physical facilities, and institutional partnerships.<sup>33</sup>

The distinguishing characteristics of AZA-accredited institutions include:

- Extraordinary focus on animal care, welfare, and well-being
- Modern facilities and practices for comprehensive veterinary care
- Scientific advancement in animal care and conservation
- Focus and participation to support sustainable animal populations
- Exhibit aesthetics and habitat studies, planning, and design
- Economic development and community partnerships
- Dynamic and mission-driven strategic and master planning
- Professional staff development and training<sup>34</sup>

## 2. GFAS

The GFAS is a non-profit organization founded by nationally and globally recognized leaders in the animal welfare field. The GFAS provides accreditation and certification for animal sanctuaries, rescue centers, and rehabilitation centers through its programs of accreditation and verification.<sup>35</sup> GFAS accredits and verifies organizations based on substantial compliance with

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<sup>30</sup> Ex. 14, Association of Zoos & Aquariums, *Accreditation Basics*, AZA.ORG (“The Accreditation Commission evaluates every zoo . . . to make sure it meets AZA’s standards for animal management and care, including living environments, social groupings, health, and nutrition.....The Accreditation Commission also evaluates the veterinary program, involvement in conservation and research, education programs, safety policies and procedures, security, physical facilities, guest services, and the quality of the institution’s staff ..... [A]ccreditation also evaluates each institution’s finances, its governing authority, and its support organization.”).

<sup>31</sup> Ex. 15, Association of Zoos & Aquariums, *FAQs*, AZA.ORG (noting that “[o]f the approximately 2,800 animal exhibitors licensed by the USDA across the country, less than 10% are AZA accredited”).

<sup>32</sup> Ex. 16, Association of Zoos & Aquariums, *The Accreditation Standards & Related Policies* 8 (2019 ed.), available at <https://www.speakcdn.com/assets/2332/aza-accreditation-standards.pdf>.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 9. The AZA certification process is just as rigorous as the accreditation process. *See id.* at 3 (noting that for certification, “an education program is not required, nor are [the accreditation] standards directly related to the presence of the visiting public”); *see also id.* at 4 (noting that AZA certification is “[a] process similar to accreditation” and involves “review and assessment of facilities that operate in support of zoos and aquariums, but are typically not open to the public on a regular basis”).

<sup>35</sup> Ex. 17, Global Federation of Animal Sanctuaries, *Accreditation FAQ*.



the GFAS Standards of Excellence. These standards are species specific, and each set of standards outlines requirements for, among other criteria:

- Housing
- Physical facilities and administration
- Nutritional requirements
- Veterinary care
- Well-being and handling
- General staffing
- Safety policies, protocols, and training
- Financial records and stability
- Public contact and restriction on use and handling<sup>36</sup>

**C. A Broad Prohibition is Consistent with Legislative Intent and Would Address the Problem of Roadside Zoos like the Ashville Game Farm**

In 2004, the New York Legislature—recognizing the dangers associated with unqualified people possessing captive wild animals—prohibited the possession of exotic animals as pets finding that “these animals and other wild animals are inherently dangerous and unsuited to domesticated life, [a]s evidenced by the burgeoning number of privately owned wild animal attacks on humans.”<sup>37</sup> The Legislature noted that “[a]cross the country, children have been mauled by large cats, asphyxiated by snakes, and bitten by monkeys” and the “[r]ecapture of escaped wild animals is an expensive and dangerous endeavor for municipalities.”<sup>38</sup> Further, the Legislature found that “[f]orcing wild animals to live in unnatural confinement among humans is both cruel and contrary to the interest of public health and security.”<sup>39</sup> Despite these findings, the Legislature included a grandfather provision in the new law that allowed “[p]ersons in possession of wild animals as pets at the time” the law took effect to “retain possession of those animals.”<sup>40</sup>

The NYSDEC agreed with the Legislature that “keeping exotic animals as pets pose[d] a serious threat to the health and public safety of New York State residents.”<sup>41</sup> However, the agency recommended disapproval of the bill because it fell short of accomplishing its goal of ensuring protection of the public “by allowing those that already posse[d] wild animals to continue to possess such animals under a permit system.”<sup>42</sup> The NYSDEC argued that a “complete prohibition on the sale and possession of these animals would be a more appropriate response to [the] threat.”<sup>43</sup> From the NYSDEC’s perspective, “it is difficult to understand how the stated object of the bill, which is to protect people from being injured, will be accomplished by ensuring that these animals will be around for many years to come.”<sup>44</sup> The NYSDEC felt

<sup>36</sup> Ex. 18, Global Federation of Animal Sanctuaries, Standards of Excellence.

<sup>37</sup> New York Bill Jacket, 2004 S.B. 7616, Ch. 692.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

strongly that “permitting [could not] make these animals safe to the public or ensure the humane treatment of these animals which by their nature cannot appropriately be kept as pets.”<sup>45</sup>

Almost 15 years after New York enacted the ban on ownership of exotic animals as pets, the NYSDEC’s concerns that a permitting system would not protect the public from dangerous wild animals has proven to be true:

The ban on ownership of exotic animals as pets in New York State has not prevented the threat that these animals pose to the public or indigenous fish or wildlife as evidenced by the escape of and, injury from dangerous animals *held at facilities licensed by the department under the current regulatory scheme to possess such animals for exhibition*.<sup>46</sup>

The NYSDEC’s regulatory impact statement identified five incidents in New York where wild animals in captivity have caused serious injury to humans. Two of those incidents—Suffolk County and Putnam Lake—were attacks from unpermitted “pet” snakes the private possession of which is already prohibited by state law.<sup>47</sup> One incident—Catskill—was an attack by a grandfathered “pet” capuchin monkey that would be prohibited by the proposed regulation. The other two New York incidents occurred at an unaccredited roadside zoo.

- Washington County, 2010: A seven-year-old boy was bitten by a lemur at the Ashville Game Farm.<sup>48</sup> An NYSDEC investigation into this incident led to the owner of the facility being arrested on a 29-count indictment.<sup>49</sup>
- Saratoga, 2006: A four-year-old boy was clawed in the head by a white Bengal tiger on display at the Saratoga County Fair. The tiger was owned and exhibited by the Ashville Game Farm.<sup>50</sup>

There is nothing in the NYSDEC’s proposed regulation that would have prevented the Ashville Game Farm from obtaining the necessary permits to exhibit the dangerous wild animals involved in the above incidents. Because the Ashville Game Farm is unaccredited, a complete ban with an exemption for AZA and GFAS accredited facilities *would* have prevented this facility from possessing dangerous wild animals.

Unaccredited facilities and traveling animal acts pose grave risks to the public. According to a database of exotic animal incidents maintained by Born Free USA, out of the five recorded incidents in New York that resulted in a human death, one occurred at an unaccredited facility, one occurred at a circus, and three were caused by exotic animals kept as “pets.”<sup>51</sup> The same database identifies 36 exotic animal incidents in New York that resulted in human injury, and the

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<sup>45</sup> *Id.*

<sup>46</sup> NYSDEC Regulatory Impact Statement, 3 (emphasis added).

<sup>47</sup> N.Y. Envtl. Conserv. Law § 11-0512 (1)(a) (“It shall be prohibited for any person to knowingly possess, harbor, sell, barter, transfer, exchange or import any wild animal for use as a pet in New York state . . .”).

<sup>48</sup> Ex. 19, *Officials Seek Court Order to Kill Lemurs*, The Wall Street Journal, Aug. 13, 2010.

<sup>49</sup> Ex. 20, *Ashville Game Farm owner indicated, arrested*, The Post Star, Dec. 17, 2010.

<sup>50</sup> Ex. 21, *Owner of tiger that clawed NY boy faces forgery charge*, The Post Star, Jan. 28, 2007.

<sup>51</sup> Ex 22, Born Free USA Exotic Incident Database, New York Deaths, *also available here*, [https://www.bornfreeusa.org/?post\\_type=exotic\\_incidents&state=NY&category=HD&s](https://www.bornfreeusa.org/?post_type=exotic_incidents&state=NY&category=HD&s).

majority of those incidents were either caused by “pets” or occurred at unaccredited facilities.<sup>52</sup> Unaccredited roadside zoos and traveling shows are a primary cause of the public safety dangers that NYSDEC is trying to address. As the NYSDEC has aptly noted before, “permitting cannot make these animals safe to the public” and a “complete prohibition” is a more appropriate response to the threat.<sup>53</sup>

## **II. THE REGULATION SHOULD INCLUDE A STRICT PROHIBITION ON DIRECT CONTACT WITH DANGEROUS WILD ANIMALS**

Wild animals are subjected to unnecessary stress when they are used for public contact. Exhibitors often mislead members of the public into believing that touching a wild animal will somehow help ‘save’ or preserve the species because it inspires a human-animal bond, which is scientifically untrue,<sup>54</sup> fails to consider the welfare of the animals, and ignores the risks for the people involved in public contact. The public is often duped into thinking that holding a baby wild animal is acceptable, without realizing that the animal was taken from his or her mother, and will likely suffer during training to be used for just a few short weeks for photo opportunities. Parents and children ride elephants or camels without realizing the inhumane handling practices that exhibitors use in order for these animals to be used in public contact. These various settings pose inherent risks of physical injury, zoonotic disease transmission, and long-term social, behavioral, and psychological issues to animals. Thus, permitting public contact with *any* wild animal is inherently dangerous, but in order to safeguard human safety, direct contact with dangerous wild animals should be prohibited.

### **A. The Problems with Direct Contact**

Permitting direct contact with any wild animal is inherently dangerous for both animals and humans, as demonstrated by the examples provided throughout these comments. Exhibitors who encourage and facilitate public contact with wild animals routinely use cruel training methods (which go unmonitored), and expose animals to conditions that are detrimental to their physical and psychological well-being. Humans have been attacked, injured, and even killed by wild animals who were subjected to public contact.

Captivity does not take away a wild animal’s potential to inflict harm on human beings. This is because wild animals have evolved certain instincts and remain genetically and behaviorally identical to their wild counterparts (unlike domesticated species). Captivity does not change what these animals are hard-wired to do, and it cannot domesticate a wild animal.<sup>55</sup> Discussing the

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<sup>52</sup> Ex. 23, Born Free USA Exotic Incident Database, New York Injuries, *also available here*, [https://www.bornfreeusa.org/?post\\_type=exotic\\_incidents&state=NY&category=HI&s](https://www.bornfreeusa.org/?post_type=exotic_incidents&state=NY&category=HI&s) (10 occurred at unaccredited facilities and circuses, and 22 were caused by “pets”).

<sup>53</sup> New York Bill Jacket, 2004 S.B. 7616, Ch. 692.

<sup>54</sup> Ex. 24, Ross S.R., et al. (2011). Specific Image Characteristics Influence Attitudes About Chimpanzee Conservation and Use as Pets. *PLoS ONE* 6(7).

<sup>55</sup> Ex. 25, Diamond, J. (2002). Evolution, consequences and future of plant and animal domestication. *Nature*, 418, 700–707 (explaining that even though “domestication of wolves began around 100,000 years ago. . . morphological differences between wolves and dogs (which should be easily detectable in fossilized skeletons) do not appear until about 11,000 years ago”); Ex. 26, *Domestic animals, explained*, National Geographic, July 4, 2019 (explaining that domesticated animals are “genetically distinct from their wild ancestors or cousins” and it is “a generations-long journey from wild animal to domesticated pet or livestock”).

captivity of big cats and other animals, Marc Bekoff, a former Professor of Ecology and Evolutionary Biology at the University of Colorado, Boulder, a Fellow of the Animal Behavior Society, and a past Guggenheim Fellow, cautioned:

In my courses that I teach in animal behavior I always tell people when you've got these hard-wired behavior patterns, like predatory behavior, or hunting, or maternal behavior, or anti-predatory behavior — it doesn't take much to trip them. And I myself, who supposedly knows a lot about carnivores, was almost killed by a mountain lion and almost killed by a wolf because I did something unbeknownst to me that triggered something really hard-wired in their brain. The animal does what the animal does.<sup>56</sup>

*1. Risk of disease transmission between animals and humans*

Several zoonotic diseases, including tuberculosis, herpes, rabies, smallpox, leptospirosis, salmonellosis, E. coli, and dermatomycosis, can be transmitted between animals and members of the public who come in contact with exhibited animals. For example, elephants and primates are both known carriers of deadly and highly transmissible tuberculosis.<sup>57</sup> Animals used for petting zoos frequently contract parasitic diseases, which can be transmitted to humans during public handling and feeding and have resulted in major disease outbreaks and death.<sup>58</sup>

Wild animals such as big cats who are used for public handling as cubs are at risk of contracting disease because infant animals have weakened immune systems when they are taken from their mothers to be used for public interactions.<sup>59</sup> Exposing infant animals to unnecessary handling can lead to the transmission of contagious diseases that the cubs are ill-equipped to fend off.

*2. Abusive training techniques are common for animals used for public interactions*

Regardless of the size or strength of a wild animal, unaccredited exhibitors routinely use physical abuse to control animals during or when training for public interactions. For larger wild animals, abusive tools designed to inflict pain and instill fear, such as whips, bullhooks, and electric prods or hotshots, are used. Small or young wild animals may also be struck with whips, or are simply physically overpowered by handlers. These types of physically abusive training methods do *not* make wild animals safe to handle and do not remove the possibility of aggressive and unpredictable behavior.

Unaccredited exhibitors who use wild animals for public interactions routinely use abusive training tactics, for example:

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<sup>56</sup>Ex. 27, *They're Natural Born Killers: Wild Animals in Captivity Inherently Dangerous*, ABC News, Dec. 28, 2007.

<sup>57</sup>Ex. 28, Montali, R.J., et al. (2001). *Mycobacterium tuberculosis* in zoo and wildlife species. *Rev Sci Tech*, 20(1), 291–303.

<sup>58</sup>Ex. 29, PETA, Health Hazards of Petting Zoos, *also available at* <https://www.peta.org/wp-content/uploads/2021/02/petting-zoo-factsheet.pdf>.

<sup>59</sup>Ex. 30, USDA's Tech Note, *Handling and Husbandry of Neonatal Nondomestic Cats* (2016) (prohibits exhibitors from exposing neonatal cubs to public handling because of their inability to thermoregulate and because they “lack a fully functioning immune system to fight off disease and infection”).



- Sidney Yost, the owner of Amazing Animal Actors in California has been repeatedly documented using physical abuse to train animals for public exhibition, including the use of a stick to control a capuchin monkey, a lion, and tigers.<sup>60</sup>
- Michael Hackenberger—the owner of the Bowmanville Zoo in Ontario Canada—used animals for movie and TV productions, public zoo exhibitions, circuses, and public interactions. He was filmed repeatedly whipping a tiger and discussed the different techniques the facility uses to train animals, including hitting the animals with sticks.<sup>61</sup>

Exhibitors have also been caught depriving animals used for public contact of food and/or water:

- During a 2014 investigation of the Natural Bridge Zoo in Virginia, the Humane Society of the United States learned that cubs used for photo shoots were deprived of food so that they would be hungry for visitors to bottle feed them while posing for photos.<sup>62</sup>
- A whistleblower reported that if animals did not perform perfectly, circus exhibitor Zachary Garden regularly directed employees to “withhold food and water from the baby camels and the zebra, which would be provided only after the next performance was completed without incident. This could be as long as 24 hours.”<sup>63</sup>
- Whistleblowers reported that the Barry R. Kirshner Wildlife Foundation—a roadside zoo in California—regularly deprived animals of food for two days each week. According to the whistleblowers, even animals who were underweight—including a tiger whose hip bones were visibly protruding—were fasted twice a week. Kirshner apparently used food deprivation as a tool to make the animals work for food.<sup>64</sup>

### *3. Direct contact with wild animals is dangerous for employees and the public*

The Occupational Safety and Health Administration (OSHA) has repeatedly found that allowing employees to engage in direct contact with big cats, bears, elephants, and primates violates the general duty clause of the Occupational Safety and Health Act. If the governing agency protecting *employees* has determined that direct contact is not safe for employees, it certainly is not safe for the public either. Examples of citations and warnings include:

- November 15, 2016: The Bailiwick Animal Park in Catskill New York was warned to take steps to protect its employees after employees were allowed to enter the Syrian

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<sup>60</sup>Ex. 31, USDA Complaint In re: Sidney Jay Yost, AWA Dckt No. 12-0294 (March 12, 2012); Ex. 32, Testimony of Sarah Baeckler (Oct. 14, 2003).

<sup>61</sup>Ex. 33, [New PETA video allegedly shows Bowmanville Zoo owner explaining tactics](#), CityNews Toronto, Jan. 7, 2016 (Hackenberger was caught saying, “At the end of the day, it’s only through disincentives that you can absolutely force an animal into something”)

<sup>62</sup>Ex. 34, HSUS, *The HSUS Investigates: Natural Bridge Zoo in Natural Bridge, Virginia* (Jan. 2015).

<sup>63</sup>Ex. 35, Affidavit of Piccadilly Circus whistleblower (operated under Zachary Garden, from 2012-2013).

<sup>64</sup>Ex. 36, USDA Complaint No. W13-188, Jul. 31, 2013 (detailing a whistleblower report from a volunteer who worked at Kirshner from 2011-2012).

brown and American black bear enclosures “to performing cleaning, feeding (at times by hand), and interacting with bears a[t] small performances.”<sup>65</sup>

- January 27, 2016: The Mobile Zoo in Alabama was assessed a penalty of \$2,000 for failing to protect employees from serious injury by allowing a chimpanzee to hold an employee’s arm and reach her face through the cage.<sup>66</sup>
- May 19, 2014: Yellow River Game Ranch in Georgia was assessed a penalty of \$2,800 for allowing its employees to have direct contact and enter cages with black bears, bobcats, and a mountain lion.<sup>67</sup>
- March 31, 2014: The Garold Wayne Interactive Zoological Foundation in Oklahoma, operated by licensee Joe Maldonado (Schriebvogel) was assessed a penalty of \$2,800 for failing to protect employees from the “recognized hazards” of possible death or serious injury from direct contact with tigers, lions, ligers, and bears after an employee nearly had her arm ripped off by a tiger.<sup>68</sup> The citation was issued after a tiger severely mauled the arm of an employee who reached into the enclosure confining the animals. The woman lost most of the arm.
- January 8, 2014: Cherokee Bear Zoo in North Carolina was assessed a penalty of \$2,000 for allowing its employees to have regular unprotected contact and entering enclosures with black and Syrian brown bears.<sup>69</sup>
- April 29, 2013: After a bear mauled an employee to death at Animals of Montana in Montana, the exhibitor was assessed a penalty of \$7,000.<sup>70</sup> The keeper sustained several injuries during the mauling and died from bite and claw wounds to the keeper’s major arteries.
- July 14, 2009: Following an incident in which a volunteer was hospitalized after a tiger grabbed him by the arm, pulled him against the cage, and bit him at Big Cats of Serenity Springs in Colorado, the exhibitor was assessed a penalty of \$7,000 for repeatedly exposing employees to risk of death or serious harm from direct contact with non-domestic felines.<sup>71</sup>

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<sup>65</sup> Ex. 11, Letter from Occupational Safety and Health Administration to Bailiwick Animal Park in Catskill New York (Nov. 15, 2016)

<sup>66</sup>Ex. 37, OSHA Citation and Notification of Penalty No. 1104985, The Mobile Zoo, Jan. 27, 2016.

<sup>67</sup>Ex. 38, OSHA Citation and Notification of Penalty No. 953969, Stone Mountain Game Ranch, May 19, 2014.

<sup>68</sup>Ex. 39, OSHA Citation and Notification of Penalty No. 952924, G.W. Interactive Zoological Foundation, Mar. 31, 2014.

<sup>69</sup>Ex. 40, OSHA Citation and Notification of Penalty No. 943926, Cherokee Bear Zoo, Dec. 30, 2013.

<sup>70</sup>Ex. 41, OSHA Citation and Notification of Penalty No. 724901, Animals of Montana, Apr. 29, 2013.

<sup>71</sup>Ex. 42, OSHA Citation and Notification of Penalty No. 312140445, Serenity Springs Wildlife Center, Jul. 14, 2009.

Incidents like these are one of the many reasons that the GFAS has restrictive standards, broken down by species, relating to public contact, including the following:<sup>72</sup>

- Felids, feliforms, canids, caniforms, and bears: “Direct physical interaction is limited to protected forms of contact, by experienced personnel, to minimize the risk of injury” and “No direct contact between the public and [felids, feliforms, canids, caniforms, and bears] occurs.”
- Primates: “No direct contact between the public and primates occurs.”
  - Specifically for great apes, “Direct physical interaction is limited to protected forms of contact, by experienced personnel, to minimize the risk of injury.”
  - Specifically for monkeys, “With few exceptions, humans do not enter enclosures with primates or engage in direct physical interaction to minimize the risk of injury.”
- Elephants: “Direct physical interaction is, with few exceptions, limited to protected forms of contact, by experienced personnel, to minimize the risk of injury,” and also “[n]o direct contact between the public and elephants occurs.”
- Ruminants: “No direct contact between the public and wild ruminants occurs.”

#### 4. *Further animal welfare considerations*

Animals used for public handling are often taken from their mothers when they are very young, which has negative implications for their physical and psychological health. Depriving social animals of the mother-infant bond, as well as the essential nutritional sustenance they require from nursing, can lead to illness or death, as well as long-term social, behavioral, and psychological consequences.

Public handling itself takes a toll on a wild animal’s physical and psychological well-being. Tiger cubs used for photo ops have fallen ill following interactions with the public,<sup>73</sup> and many exhibitors have been caught using cubs who are too young, unable to thermoregulate, and not yet immunocompetent for public contact.<sup>74</sup>

The demands of public contact deprive animals of their natural behavioral, eating, and sleeping patterns, and this disruption can lead to exhaustion or psychological distress. For captive wild animals, the simplicity of their environment, constraints on space, and isolation from conspecifics directly conflict with their natural behavior. Restrictions that clash with an animal’s

<sup>72</sup>See GFAS, *Operation Standards and Animal Care Standards*, available by specific animal groups at <http://www.sanctuaryfederation.org/gfas/for-sanctuaries/standards/>.

<sup>73</sup>See, e.g., Ex. 43, USDA Complaint No. W11-009, Oct. 26, 2010 (reporting a cub exhibited by Beth Corley in Oklahoma who became seriously ill after, according to the handler, the animal licked hand sanitizer from a public member’s hands); Ex. 44, *Inside Edition Investigates Tigers as Shopping Mall Attractions*, Inside Edition, Nov. 28, 2011, which describes a reporter posing with a cub from G.W. Exotics who was “obviously sick and barely moved,” and when asked why the cub was sick, the handler stated “I don’t know. Maybe he’s just tired or stressed.”).

<sup>74</sup>Ex. 45, PETA, *Tiger Cub Incidents in the United States*, also available [here](#).  
see also, Ex. 30, USDA’s Tech Note.

normal behavior can lead to stereotypic behaviors, which is a sign of poor welfare and stress.<sup>75</sup> Forcing animals to be handled by strangers for a photo opportunity or confined to a small arena where they are made to walk in circles giving rides for hours on end is in direct conflict with their instinctual behavior.

## **B. A Broad Regulatory Prohibition is Necessary to Reach Facilities and Individuals Exempted from Licensing Requirements**

In 2014, the New York Legislature enacted the so-called “Tiger Selfie” law, which prohibited direct contact between the public and big cats.<sup>76</sup> The Legislature found that “throughout the United States, several roadside zoo exhibitors and traveling menageries allow members of the public to hold[,] take photos with, and otherwise interact with wild animals” and that “[t]his activity severely harms the welfare of the animals, endangers the public, and is a heavy burden on law enforcement.”<sup>77</sup> The Legislature further noted that “[t]here is no safe or humane result when direct contact with wild animals is allowed.”<sup>78</sup>

In supporting the Tiger-Selfie law, the NYSDEC expressed concern that the provision was too narrow and “prefer[ed] that the bill prohibit contact between the public and any species listed as a wild animal in ECL § 11-0103(6)(e), which are all potentially harmful to members of the public.”<sup>79</sup> The NYSDEC acknowledged that under “existing permit or license conditions, DEC prohibits contact with regulated animals,” but the agency felt that a broad prohibition was the best way “to protect the general public from the risks associated with exposure to dangerous wild animals.”<sup>80</sup>

The proposed regulation exempts a number of entities from licensing requirements. Thus, without a specific prohibition on direct contact in the regulation, these exempt entities are not subject to license conditions that prohibit public contact. PETA recommends adding a provision

<sup>75</sup>Ex. 46, Mason, G.J. (2010). Species differences in responses to captivity: stress, welfare, and the comparative method. *Trends in Ecology and Evolution*, 25(12), 713–721.

<sup>76</sup>N.Y. Env'tl. Conserv. Law § 11-0538 (Tiger Selfie law); N.Y. Env'tl. Conserv. Law § 11-0538(1)(a) (defining big cat as “any live species of lion (*panthera leo*), tiger (*panthera tigris*), leopard (*panthera pardus*) (with the exception of clouded leopards (*neofelis nebulosa*)), jaguar (*panthera onca*), mountain lion, sometimes called cougar (*felis concolor*) or any hybrid of such species”).

<sup>77</sup>New York Bill Jacket, 2014 S.B. 6903C, Ch. 307.

<sup>78</sup>*Id.*

<sup>79</sup>*Id.*; see also N.Y. Env'tl. Conserv. Law § 11-0103(6)(e) (defining wild animal as “any or all of the following orders and families: (1) Nonhuman primates and prosimians, (2) Felidae and all hybrids thereof, with the exception of the species *Felis catus* (domesticated and feral cats, which shall mean domesticated cats that were formerly owned and that have been abandoned and that are no longer socialized, as well as offspring of such cats) and hybrids of *Felis catus* that are registered by the American Cat Fanciers Association or the International Cat Association provided that such cats be without any wild felid parentage for a minimum of five generations, (3) Canidae (with the exception of domesticated dogs and captive bred fennec foxes (*vulpes zerda*)), (4) Ursidae, (5) All reptiles that are venomous by nature, pursuant to department regulation, and the following species and orders: Burmese Python (*Python m. bivittatus*), Reticulated Python (*Python reticulatus*), African Rock Python (*Python sabae*), Green Anaconda (*Eunectes maurinus*), Yellow Anaconda (*Eunectes notaeus*), Australian Amethystine Python (*Morelia amethystina* and *Morelia kinghorni*), Indian Python (*Python molurus*), Asiatic (water) Monitor ( *Varanus salvator*), Nile Monitor (*Varanus niloticus*), White Throat Monitor ( *Varanus albigularis*), Black Throat Monitor ( *Varanus albigularis ionides*) and Crocodile Monitor ( *Varanus salvadori*), Komodo Dragon (*Varanus komodensis*) and any hybrid thereof, (6) Crocodylia”).

<sup>80</sup>New York Bill Jacket, 2014 S.B. 6903C, Ch. 307.



that states: “It shall be unlawful for any person to knowingly allow the public to have direct contact with any wild animal identified in Section 180.1(b).” The NYSDEC should adopt the definition of direct contact used in the Tiger-Selfie law: “‘Direct contact’ means physical contact or proximity where physical contact is possible, including, but not limited to, allowing a photograph [or video] to be taken without a permanent physical barrier designed to prevent physical contact.....”<sup>81</sup>

### C. Traveling Animal Shows Cannot Effectively Prevent Direct Contact

Close encounters with dangerous wild animals, especially from behind a flimsy barrier, have the potential to create an artificial sense of safety and can encourage people to seek direct contact. Traveling exhibitors tend to get away with inadequate public barriers due to the “temporary” nature of the exhibits. The GFAS and the AZA standards require strong welded wire mesh caging for big cats, bears, and primates, and massive reinforced steel barriers for elephants—yet a rope, pop-up fence, or leash is often considered sufficient for these same species when they are on the road.

For example, CJ’s Great Cats World Park was cited by the USDA for restraining two leopards and a tiger with only a leash and chain collar during a public performance.<sup>82</sup> Aside from the fact that a determined, strong, and aggressive cat could easily escape from this restraint, a single rope barrier is more of a visual barrier than a physical one, and humans could easily cross the roped off area to have direct contact with a large cat.

Grant Kemmerer—an unaccredited traveling animal exhibitor based in Pennsylvania—frequently exhibits animals on television shows filmed in New York City. During these talk shows, the show’s host is routinely encouraged and allowed to have direct contact with the exhibited animals, most of whom are completely unrestrained.<sup>83</sup> This type of direct contact—while prohibited by NYSDEC’s permit conditions—appears to be a regular occurrence on talk shows filmed in New York:

- June 6, 2019: The hosts of Good Morning America [engage in direct contact with clouded leopard cubs and kangaroos](#)
- May 29, 2019: Wendy Williams engages in [direct contact with a black bear](#)
- December 9, 2018: The hosts of Good Morning America [engage in direct contact with a civet](#)
- May 16, 2018: Wendy Williams [engages in direct contact](#) with a python
- October 31, 2017: Wendy Williams [engages in direct contact](#) with a blood python and leopard cubs

<sup>81</sup> N.Y. Env’tl. Conserv. Law § 11-0538 (1)(b).

<sup>82</sup>Ex. 47, USDA Inspection Reports, CJ’s Great Cats World Park, Inc., Jul. 7, 2011; Jul. 20, 2013; and Sep. 21, 2013 for failure to exhibit dangerous animals with sufficient distance between the animals and the general public. The big cats were restrained by a hand-held leash during performances during all of these inspections; *see also* Ex. 48, *Federal watchdogs eye the Catman*, KUSA-TV, Jul. 7, 2016, *available here* <https://www.9news.com/article/news/investigations/federal-watchdogs-eye-the-catman/73-266823488>.

<sup>83</sup> Ex. 49, Request to Investigate Grant Kemmerer for Violations of New York State Law (Oct 17, 2019).

### III. SPECIES CONSIDERED TO BE DANGEROUS TO HUMAN HEALTH AND WELFARE

The purpose of 6 NYCRR Section 180.1 “is to list species of wildlife which present a danger to the health or welfare of the people of the State, individual residents, or indigenous wildlife populations.”<sup>84</sup> Currently, this regulation only identifies a few species: (1) lion, (2) raccoon dog, and (3) any animal similar in appear to a wolf or coyote.<sup>85</sup> The NYSDEC is proposing to expand this list to include the following:

- Canines in the Family Canidae (except domestic dogs and captive bred fennec foxes)
- Wolverines
- Badgers
- Raccoons
- Skunks
- Bears
- Cats in the Family Felidae (except domestic cats, feral cats, and certain hybrids)
- Non-human primates
- Elephants
- Rhinoceroses
- Crocodilians
- Certain species of monitor lizards
- Certain species anacondas and pythons
- Certain species of venomous reptiles

PETA fully supports expanding the list of dangerous wild animals to encompass all the species identified in the NYSDEC’s proposed rule, and recommends that the agency include additional species that are not currently under consideration, but pose similar risks to public safety.

#### A. PETA Supports Adding the Proposed Species to 6 NYCRR Section 180.1

Wild animals are unpredictable, and under stress *any* animal can pose a physical danger to humans. Animals instinctually will act to protect themselves against a perceived threat, and may claw at, bite, or kick an unfamiliar person, or flee from the situation.<sup>86</sup> For large and strong wild animals, their sheer size and strength alone can kill or cause severe injury to humans, even if unintentional. The predatory nature of many wild animals and the “fight or flight” instinct of all wild animals places any person at risk of bodily harm when handling or coming in close contact with them.<sup>87</sup>

In addition to physical harm, several zoonotic diseases, including tuberculosis, herpes, rabies, smallpox, leptospirosis, salmonellosis, E. coli, and dermatomycosis, can be transmitted between animals and members of the public who come in contact with exhibited animals. The Centers for Disease Control and Prevention (CDC) recognizes animal bites as one of the most common

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<sup>84</sup> 6 NYCRR § 180.1(a).

<sup>85</sup> 6 NYCRR § 180.1(b).

<sup>86</sup>Ex. 27, *They're Natural Born Killers: Wild Animals in Captivity Inherently Dangerous*, ABC News, Dec. 28, 2007.

<sup>87</sup>Ex. 50, *Death of elephant handler is ruled an accident*, Associated Press, Jan. 23, 2003 (quoting one zoo official who attributed an elephant handler’s death as possibly due to the elephant’s “flight or fight” instinct).

sources of zoonotic disease exposure and infection, which often requires treatment and hospitalization in humans.<sup>88</sup>

While all wild animals pose a risk, some species because of their size, strength, instinctual behaviors, or potential to be a disease vector are more dangerous than others. Particularly dangerous wild animals include nondomestic felids, nondomestic canids, bears, non-human primates, and elephants—all of which the NYSDEC is proposing to include in 6 NYCRR Section 180.1.<sup>89</sup>

### 1. *Nondomestic felids*

All nondomestic felids and any felid hybrids are dangerous, including but not limited to lions, tigers, leopards, snow leopards, clouded leopards, cougars, cheetahs, hyenas, lynxes, servals, caracals, bobcats, ocelots, wildcats, and hybrids thereof. Since 1990, nondomestic felids have killed at least 25 people and injured more than 280 in the United States alone—and these are only the known, documented reports.<sup>90</sup> “Despite the appearance of pseudo-domestication in some trained tigers, these animals retain their predatory instincts and neural-visceral reflexes, and they can inflict serious wounds using their teeth or claws suddenly and without forewarning.”<sup>91</sup> Further, “[t]igers (and other large cats) have the ability to cause significant trauma and hidden injuries. The most common location for these injuries is the nape of the neck—tigers and other large cats can realign their jaws so that they can bite down between a victim’s vertebrae and into the spinal cord. Bite wounds can also result in significant bacterial infections.”<sup>92</sup>

Even before a felid is full-grown, they present a danger to the public. Wild felid cubs have caused injuries to humans.<sup>93</sup> Felid hybrids, such as savannah cats and Bengal cats, are just as dangerous,<sup>94</sup> and in recent years have become popular exotic “pets.”<sup>95</sup>

### 2. *Nondomestic canids*

All nondomestic canids—including wolves, foxes, jackals, coyotes, and more—are dangerous animals. Like wild felids, canids have a predatory nature coupled with fast reflexes, high energy, piercing claws, strong jaws, and sharp teeth. There are numerous examples of wolf hybrids

<sup>88</sup>Ex. 51, CDC, *Compendium of Measures To Prevent Disease Associated with Animals in Public Settings* (2005).

<sup>89</sup> Even the United States Department of Agriculture identifies “lions, tigers, wolves, bears, [and] elephants” as dangerous animals. 9 C.F.R. § 2.131(d)(3).

<sup>90</sup>Ex. 1, PETA, *Big-Cat Incidents in the United States*.

<sup>91</sup>Ex. 52, Nyhus, P.J., et al. (2003). *Dangerous Animals in Captivity: Ex Situ Tiger Conflict and Implications for Private Ownership of Exotic Animals*. *Zoo Biology*, 22, 573–579.

<sup>92</sup>*Id.*

<sup>93</sup>Ex. 45, PETA, *Tiger Cub Incidents in the United States*.

<sup>94</sup> Ex 53, *Hybrid Wild Cat Stalks Two Children in North London*, International Business Times, Sept. 30, 2019; Ex. 54, *Exotic cat breaks into home, attacks family pet outside infant’s bedroom*, NBC 10, Nov. 22, 2017; Ex. 55, *First they heard a shriek, then saw the terror cat*, Providence Journal, Nov. 21, 2017.

<sup>95</sup> Ex. 56, *Wild Cat Hybrid Fad In California Concerning to Pet Experts*, CBS, Nov. 5, 2013 (“An exotic hybrid is the result of crossbreeding a domestic cat with an exotic ‘wild’ cat, like a wild African serval or an Asian leopard cat. You can’t privately own wild cats like a serval in California, but you can take home the next best thing: a hybrid.”); Ex. 57, *Exotic animals gain popularity, but owners, experts advise researching before you adopt or buy*, Herald & Review, July 6, 2019.

attacking and killing people.<sup>96</sup> Urban-dwelling coyotes have attacked humans outside their homes or in the street and are unpredictable, aggressive, and are even capable of killing children.<sup>97</sup> The majority of documented coyote attacks are categorized as predatory attacks.<sup>98</sup> Wild canid species are also known to carry rabies.<sup>99</sup> Rabies is not only a dangerously transmissible disease, it can cause the host to become more aggressive and likely to attack.<sup>100</sup>

### 3. Bears

Bears are dangerous wild animals who are capable of severely mauling and killing humans, as evidenced by a recent incident in which a woman's arm was torn off by two captive bears when she tried to feed them through their cage.<sup>101</sup> Captive bears have killed at least 6 humans and injured more than 60 in the United States since 1990, according to documented reports.<sup>102</sup> Captivity, combined with lack of space and environmental complexity typically found in roadside zoos and traveling exhibits, causes extreme psychological distress to these highly active and intelligent carnivores, which can manifest as or exacerbate aggression in bears.<sup>103</sup>

### 4. Nonhuman primates

Great apes and other large primates are known to be extremely strong and dangerous, and have injured over 280 humans in the United States alone since 1990.<sup>104</sup> All primates, not only large-bodied apes and macaques, are dangerous. Primates have sharp teeth, are naturally aggressive, and have complex social hierarchies.<sup>105</sup> To establish dominance within a group, primates may bite other group members. "Pet" primates may have their teeth removed because of their propensity to bite and injure humans.<sup>106</sup>

<sup>96</sup> Ex. 58, *8-day-old baby mauled to death by family's wolf-hybrid dog*, ABC 7, March 11, 2018; Ex. 59, *Wolf hybrid kills Nye County woman*, Associated Press, Oct. 6, 2007; Ex. 60, *Attacked in his sleep by a wolf dog: Five-year-old boy died after he was 'partially eaten' by hybrid*, Daily Mail, June 29, 2011.

<sup>97</sup> Ex. 61, Howell, R.G. (1982). The Urban Coyote Problem in Los Angeles County. *Proc. Tenth Vertebrate Pest Conf*, 22; Ex. 62, White, L.A. & Gehrt, S.D. (2009). Coyote Attacks on Humans in the United States and Canada. *Human Dimensions of Wildlife*, 14, 419–432.

<sup>98</sup> Ex. 62, White & Gehrt (2009).

<sup>99</sup> Ex. 63, World Health Organization (2013). *WHO Expert Consultation on Rabies: Second report*. Geneva: WHO Press.

<sup>100</sup> Ex. 64, *Fox suspected in attack Lake Harriet caught; woman grabbed jaws to free herself*, Star Tribune, Aug. 17, 2016 ("Incidents in Minneapolis of mammals having rabies are rare, and it's unusual for a fox to venture so close to a human, Hairfield said. 'This one was very aggressive,' Hairfield said. 'This one came out and attacked, unprovoked, two people; one was jogging down the road and the other was taking a bicycle off a car.'")

<sup>101</sup> Ex. 65, *Camper has her arm ripped off by two bears after reaching into a cage to feed the animals at a private zoo in Russia*, Daily Mail, April 10, 2019; see also Ex 66, *Man mauled to death by captive grizzly in Montana*, Fox News, Nov. 5, 2012; Ex. 67, *Bear mauls caretaker to death in Ohio*, Associated Press, Aug. 20, 2010.

<sup>102</sup> Ex. 2, PETA, *Bear Incidents in the United States*.

<sup>103</sup> Ex. 68, Decl. of Else Poulsen, Sept. 20, 2010, at ¶ 17.

<sup>104</sup> Ex. 3, PETA, *Primate Incidents in the United States*.

<sup>105</sup> Ex. 69, Bernstein, I., & Gordon, T. (1974). The Function of Aggression in Primate Societies: Uncontrolled aggression may threaten human survival, but aggression may be vital to the establishment and regulation of primate societies and sociality. *American Scientist*, 62(3), 304–311.

<sup>106</sup> Ex. 70, *The Perils of Keeping Monkeys as Pets*, National Geographic, Sept. 16, 2003.



The close evolutionary relationship between human beings and nonhuman primates increases the risk of sharing communicable zoonotic diseases.<sup>107</sup> Indeed, some of the most significant infectious diseases of human beings have been traced back to zoonotic transmission from primates, including HIV/AIDS and malaria. Though these are some of the more devastating examples, there are numerous other viral, bacterial, and parasitic disease agents of nonhuman primates that cause disease in humans.

Herpes B virus can be carried by a number of nonhuman primate species.<sup>108</sup> Macaques often exhibit no overt symptoms of disease when infected with Herpes B and yet can pass the virus to humans, which is often fatal unless treated early.<sup>109</sup> For example, in 1997, a worker at a primate facility became infected and died after a macaque splashed water contaminated with fecal matter into her eye.<sup>110</sup> Other viral agents capable of being carried and transmitted by nonhuman primates include measles, monkeypox, and viral hepatitis.<sup>111</sup> For many viral agents, infection can be serious and even deadly in human patients while remaining undetected in nonhuman primates.<sup>112</sup>

A few bacterial pathogens shared between nonhuman primates and human beings are particularly dangerous to human health. Similar to elephants, human tuberculosis is a common disease of captive nonhuman primates. Tuberculosis is prevalent in nonhuman primates in the United States.<sup>113</sup>

## 5. *Elephants*

Elephants have a propensity to attack, and documented reports indicate that they have killed at least 20 people and injured more than 140 in the United States alone since 1987.<sup>114</sup>

Elephants also carry and succumb to the same strain of tuberculosis as humans: *M. tuberculosis* (TB). Despite being difficult to detect, TB is well documented as a common disease of captive elephants. Between 1994 and 2010, tuberculosis was confirmed by culture in 50 U.S.

<sup>107</sup>Ex. 71, Gillespie, T.R., et al. (2008). Integrative Approaches to the Study of Primate Infectious Disease: Implications for Biodiversity Conservation and Global Health. *Yearbook of Physical Anthropology*, 51, 53–69.

<sup>108</sup>Ex. 72, Coulibaly, C., et al. (2004). A natural asymptomatic herpes B virus infection in a colony of laboratory brown capuchin monkeys (*Cebus apella*). *Laboratory Animals*, 38, 432–438.

<sup>109</sup>Ex. 73, Weigler, B.J. (1992). Biology of B Virus in Macaque and Human Hosts: A Review. *Clinical Infectious Diseases*, 14(2), 555–567.

<sup>110</sup>Ex. 74, CDC, *Fatal Cercopithecine herpesvirus 1 (B Virus) Infection Following a Mucocutaneous Exposure and Interim Recommendations for Worker Protection*, MMWR Weekly, Dec. 18, 1998.

<sup>111</sup>Ex. 75, Renquist, D.M. & Whitney, R.A. (1987). Zoonoses acquired from pet primates. *Veterinary Clinics of North America: Small Animal Practice*, 17(1) 219–240.

<sup>112</sup>Ex. 76, Smetana, H.F. & Felsenfeld, A.D. (1969). Viral hepatitis in subhuman primates and its relationship to human viral hepatitis. *Virchows Arch. Abt. A Path. Anat.*, 348(4), 309–327; see also Ex. 75, Renquist & Whitney (1987).

<sup>113</sup>Ex. 77, Merck Vet Manual, *Bacterial Diseases of Nonhuman Primates* (2014); see also Ex. 78, CDC, *Tuberculosis in imported nonhuman primates – United States June 1990 to May 1993*. MMWR Weekly, Jul. 30, 1993 (The CDC determined that 7 percent of nonhuman primate imports into the U.S. between 1990 and 1993 had evidence of tuberculosis infection).

<sup>114</sup>Ex. 4, PETA, *Elephant Incidents in the United States*.

elephants—approximately 12 percent of the country’s elephant population during that period.<sup>115</sup> Transmission of TB between elephants and humans has been documented in the literature, including cases of known elephant-to-human transmission.<sup>116</sup> TB is predominantly a disease of humans and is the leading cause of death by infectious disease, globally.<sup>117</sup>

Between the potential for serious injury or death from attacks and because elephants are known to carry and transmit tuberculosis, elephant keeping is often considered one of the most dangerous jobs in America.<sup>118</sup>

## **B. PETA Proposes Including Additional Special to 6 NYCRR Section 180.1**

In addition to the species that the NYSDEC is proposing to add to 6 NYCRR Section 180.1 as dangerous, the agency should also consider including the following species.

### *1. Camels*

Bactrian (*Camelus bactrianus*) and dromedary (*Camelus dromedaries*) camels are long-lived, large ruminants who can be extremely dangerous due to their massive size, unique physical traits, and unpredictable, skittish behavior. Bactrian camels reach a height of 6 feet and can exceed 2,000 pounds, while dromedaries reach a height of 6.5 feet and can exceed 1,000 pounds. Males in particular can be extremely dangerous and will attack people and other animals without warning.<sup>119</sup> Camels are capable of bucking, kicking, stomping, and trampling with their very strong, long legs. They can use their massive bodies to push, shove, or crush a person instantly.

The GFAS has strict standards on the handling of ruminants, including camels, which it considers to be “large, potentially dangerous species, with an ability to kick out in multiple directions. Camels can also inflict serious bite wounds.”<sup>120</sup> The following incidents demonstrate the danger of camels:

- July 2017: A camel who was part of the Lewis and Clark Circus attacked a handler while being unloaded from a trailer at the Charles County fairgrounds in Maryland. The employee was airlifted to a hospital with severe head and leg injuries.<sup>121</sup>

<sup>115</sup>Ex. 79, Mikota, S. K. & Maslow, J.N. (2011). Tuberculosis at the human–animal interface: An emerging disease of elephants. *Tuberculosis*, 91(3), 208–211.

<sup>116</sup>Ex. 80, Zlot, A., et al. (2016). Diagnosis of Tuberculosis in Three Zoo Elephants and a Human Contact—Oregon, 2013. *Morbidity and Mortality Weekly Report*, 64(52), 1398–1402; Ex. 81, Murphree, R., et al. (2011). Elephant-to-human transmission of tuberculosis, 2009. *Emerging Infectious Diseases*, 17(3), 366–371; Ex. 82, Michalak, K., et al. (1998). *Mycobacterium tuberculosis* infection as a zoonotic disease: transmission between humans and elephants. *Emerging Infectious Diseases*, 4(2), 283–287.

<sup>117</sup>Ex. 83, Mikota, S.K. (2009). Stress, Disease, and Tuberculosis in Elephants. In D.L. Forthman (Ed.), *An Elephant In The Room: The Science And Well-Being Of Elephants In Captivity*. (pp. 74–84).

<sup>118</sup>Ex. 84, Toscano, G. (1997). Safety and Health: Dangerous Jobs. *Compensation and Working Conditions*. 57–60.

<sup>119</sup> Ex. 85, Aubè L, Fatnassi M, Monaco D, Khorchani T, Lacalandra GM, Hammadi M, Padalino B. (2017) Daily rhythms of behavioral and hormonal patterns in male dromedary camels housed in boxes. *PeerJ* 5:e3074.

<sup>120</sup> Ex. 86, Global Federation of Animal Sanctuaries, Standards for Ruminant Sanctuaries, April 2019, at 46.

<sup>121</sup> Ex. 87, *Camel Attacks Man at Maryland Fairgrounds*, WFMY News 2, July 14, 2017.

- May 2016: The owner of a camel in India was attacked, mauled and killed after leaving the animal exposed outside in the heat all day. The camel reportedly lifted the man by the neck and threw him to the ground when the man tried to untie the animal. The camel subsequently “chewed the body and severed the head” and was unable to be calmed down for six hours.<sup>122</sup>
- May 30, 2015: A 10-year-old girl suffered serious injuries to her arm during a drive-thru public feeding interaction with a camel at the Virginia Safari Park. The family filed a lawsuit against the zoo and reached a \$155,000 settlement for the injuries the girl sustained.<sup>123</sup>
- January 11, 2015: A camel trampled two men to death at the Camel Kisses Farm in Texas. When they arrived at the scene, police had to shoot the camel.<sup>124</sup>
- April 22, 2007: A woman was crushed to death by a 4-year-old camel at Mini-Akers Exotic Animals in Florida after the animal kicked her and then sat on her.<sup>125</sup>

## 2. *Otters*

Otters have been known to bite humans who infringe on their territory, both in the wild and in captivity.<sup>126</sup> Like many other marine mammals, otters are predatory in nature, have sharp teeth, and a strong jaw. Despite their small size, otters are not “placid, cuddly creature[s]” and have been observed hunting alligators.<sup>127</sup> The following incidents demonstrate the danger of otters:

- June 19, 2019: SeaQuest—a petting zoo and roadside aquarium with locations nationwide—was cited by the USDA after an otter used for public interactions had bitten visitors on multiple occasions. The USDA noted that “[o]tters can be aggressive and have strong teeth and a powerful bite. They have the potential to cause serious injury to a person.”<sup>128</sup>

<sup>122</sup> Ex. 88, *Tied in Heat All Day, Angry Camel Severs Owner's Head*, The Times of India, May 23, 2016.

<sup>123</sup> Ex. 89, *Girl bitten by camel to receive settlement from Rockbridge safari park*, Roanoke Times, Aug. 18, 2016.

<sup>124</sup> Ex. 90, *Texas camel tramples 2 people to death*, Las Vegas Review-Journal, Jan. 11, 2015.

<sup>125</sup> Ex. 91, *Camel Sits On, Kills owner of Florida exotic animal farm*, Ocala Star Banner, Apr. 25, 2007.

<sup>126</sup> Ex. 92, Belanger, M., et al. (2011). *A review of violent or fatal otter attacks*, IUCN Otter Spec. Group Bull, 28(1) (“A total of 39 instances of wild otter attacks were found in news articles (Table 1) with almost all of these involving the river otter (*Lontra canadensis*). Within these cases, the number of victims for each otter interaction ranged from 1 to 12 individuals. The age of victims ranged from an infant to a 96-year-old. Injuries ranged from a nip on the finger to deep gashes with some requiring as many as 200 stitches. Rabies was confirmed in 24 to 66% of the cases.”).

<sup>127</sup> Ex. 93, *Can an Otter Take Down a Human?* Outside Online, Mar. 21, 2014 (“Otters boast a sharp set of canines and crushing molars. And theirs is a formidable bite, roughly comparable in force to a German shepherd’s, which can break hand bones but mostly punctures or bruises skin.”).

<sup>128</sup> Ex. 94, USDA Inspection Report for SeaQuest Aquarium, June 19, 2019; *see also* Ex 95, *SeaQuest Fort Worth at Ridgmar Mall cited after animals bite visitors*, Culture Map Fort Worth, Aug. 2, 2019.

- January 2019: A rabid otter attacked multiple people in Florida before police located and shot the animal. The otter latched on to one woman's leg and would not release despite the woman running for approximately 25 yards.<sup>129</sup>
- March 2018: A 77-year-old kayaker was attacked by an otter in Florida who jumped onto her boat and began biting and clawing her face. The woman received stitches and treatment for rabies.<sup>130</sup>
- August 2016: Between three and five otters attacked two teenage boys swimming in a lake in California resulting in injuries to their necks, legs, and feet, which required treatment and resulted in the boys receiving rabies shots.<sup>131</sup>
- July 31, 2014: A woman and her 8-year-old grandson were attacked in Washington state by an otter while swimming—the woman sustained a significant injury to her eye and required “hundreds of stitches” while her grandson had nine staples in his head and was covered in cuts and scrapes.<sup>132</sup>

### 3. *Kangaroos and Wallabies*

Kangaroos and wallabies have a propensity to bite, kick, and “punch.” They have powerful hind legs with sharp claws and will instinctually kick as a defense mechanism. Kangaroos often fight each other for dominance, so it is within their nature to show aggression.<sup>133</sup> Both in the wild and in captivity, kangaroos have attacked humans, resulting in serious and extensive injuries.

- March 4, 2015: The USDA cited Patrick Clancy—dba Jungle Habitat in Tennessee—for exhibiting a kangaroo for public photo-ops, after the inspector was nearly bitten by the animal.<sup>134</sup>
- November 2013: Visitors at the Riverbanks Zoo in South Carolina filmed as a kangaroo started lunging at a keeper, who called out for help when it became clear he wasn't able to fend off the animal.<sup>135</sup>
- May 2012: A woman in Australia was attacked by a kangaroo while walking to a bus stop to pick up her children. The woman sustained a 12-inch gash on her back and had to recover in the hospital.<sup>136</sup>

<sup>129</sup> Ex. 96, *Maitland cop fatally shoots rabid otter after multiple people bitten – ‘It hung on for a long time,’* Orlando Sentinel, Jan. 15, 2019.

<sup>130</sup> Ex. 97, *Wild otter attacks 77-year-old Florida kayaker: ‘It didn’t want to come off,’* Fox News, March 7, 2018.

<sup>131</sup> Ex. 98, *Otter family attack two teenage boys swimming in California lake*, The Independent, Aug. 20, 2016.

<sup>132</sup> Ex. 99, *8-year-old boy, grandmother survive vicious otter attack*, KOMO4 News, Aug. 1, 2014.

<sup>133</sup> Ex. 100, *Kangaroos clash on camera in fight for dominance over the other*, ABC News, April 29, 2018.

<sup>134</sup> Ex. 101, *USDA Inspection Report, Patrick Clancy*, Mar. 4, 2015.

<sup>135</sup> Ex. 102, *Zookeeper throws punches at boxing kangaroo*, 9News Australia, Nov. 25, 2013.

<sup>136</sup> Ex. 103, *Woman stalked by rogue kangaroo for TWO DAYS before vicious attack which left her with 12 inch scar*, Daily Mail, May 29, 2012.



- September 2011: An 80-year-old man was left in fair condition and rushed to the hospital after being attacked for 15 minutes by a 6-foot-tall, 200-pound male kangaroo at Kokas Exotics in Ohio.<sup>137</sup>
- November 2009: In Australia, a wallaby jumped out of the bushes, grabbed a 2-year-old toddler's head, and pummeled the girl's body repeatedly with their back legs. The left side of the toddler's face and body was covered in wounds.<sup>138</sup>

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<sup>137</sup> Ex. 104, *Kangaroo at farm injures man*, 80, The Blade, Sept. 21, 2011.

<sup>138</sup> Ex. 105, *Girl, 2, battered in savage attack by wallaby that sprang from bushes at Australian home*, The Daily Mail, Nov. 20, 2009.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PEOPLE FOR THE ETHICAL TREATMENT  
OF ANIMALS, INC., and ANIMAL LEGAL  
DEFENSE FUND,

*Plaintiffs,*

v.

Case No. 2:21-cv-488

REIGLEMAN ENTERPRISES, INC. D/B/A  
PYMATUNING DEER PARK, and RACHELLE  
SANKEY as an individual and D/B/A  
PYMATUNING DEER PARK, INC.

*Defendants.*

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

**I. INTRODUCTION**

1. Plaintiffs, People for the Ethical Treatment of Animals, Inc. (“PETA”) and Animal Legal Defense Fund (“ALDF”), bring this suit to address the ongoing mistreatment of more than two hundred animals held at an unaccredited Jamestown, Pennsylvania roadside zoo called Pymatuning Deer Park. These animals include lions, tigers, ring-tailed lemurs, a military macaw, and a Mikado pheasant, all of whom are listed under the Endangered Species Act (“ESA”), 16 U.S.C. §§ 1531-44. They also include many other unlisted animals—such as a black bear named Bosco confined for more than two decades in a concrete pit—who are maintained in conditions so egregious that they are unlawful, and Defendants’ unlawful conduct has produced a long-lasting effect that Defendants know or have reason to know significantly interferes with the public right, and therefore constitute a public nuisance.

2. Pymatuning Deer Park is owned and operated by Defendant Rachelle Sankey, who also owns Defendant Reigleman Enterprises, Inc., Pymatuning Deer Park’s parent company, and Pymatuning Deer Park, Inc., a fictitious business name registered with the state of Pennsylvania (collectively, “Pymatuning” or “Defendants”).

3. At Pymatuning Deer Park, the animals suffer physically and psychologically because they are confined to undersized, virtually barren enclosures and are denied care that meets even their most basic needs. As further detailed below and in Plaintiffs’ statutory notice of intent to sue letter (“Notice of Intent”), attached here as **Exhibit A**, Defendants’ treatment of these animals falls below generally accepted husbandry practices and violates federal and state animal protection laws, including Pennsylvania’s animal welfare regulations, 58 Pennsylvania Code Sections 147.281-.287.

4. By subjecting the endangered or threatened animals at Pymatuning Deer Park to these substandard conditions, Defendants significantly disrupt and impair the animals’ ability to carry out their natural behaviors, cause them psychological distress and injury, and put them at risk of further injury, thereby “harming” and “harassing” them in violation of the ESA’s “take” prohibition.

5. By inflicting needless suffering on these and the other animals kept at Pymatuning Deer Park, in repeated violation of state and federal wildlife protection laws, Defendants have created a public nuisance that is contrary and repugnant to the interests of the Pennsylvania public. Plaintiffs bring this suit on their own behalf, on behalf of their members, and on behalf of the public at large, to ask the Court to enjoin Defendants’ unlawful conduct.

## **II. JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction pursuant to the citizen suit provision of the ESA, 16 U.S.C. § 1540(g), and has federal question jurisdiction under 28 U.S.C. § 1331.

7. The requested relief is proper under 16 U.S.C. § 1540(g)(1)(A) and 28 U.S.C. §§ 2201-02 (injunctive relief and declaratory relief).

8. Plaintiffs provided notice regarding the violations alleged in this Complaint in their December 1, 2020, Notice of Intent, which was sent to Defendants, the Secretary of the Interior, and the Principal Deputy Director of the United States Fish and Wildlife Service (“FWS”) more than sixty days prior to the filing of this action. 16 U.S.C. § 1540(g)(2)(A)(i).

9. Defendants have not remedied the violations set out in the Notice of Intent nor have they applied for or received any permit to lawfully “take” any federally listed species.

10. The Secretary of the Interior has not commenced an action against Defendants to impose a penalty pursuant to the ESA or its implementing regulations, and the United States has not commenced a criminal prosecution against Defendants to redress a violation of the ESA or its implementing regulations. 16 U.S.C. § 1540(g)(2)(A)(ii)–(iii).

11. The Court has personal jurisdiction over the Defendant Rachelle Sankey because she resides in the Western District of Pennsylvania and conducts her business, using the fictitious business name Pymatuning Deer Park, Inc., within this District. This Court also has personal jurisdiction over Reigleman Enterprises, Inc., because it is a Pennsylvania Corporation with its principal place of business in this District.

12. Venue is proper in the Western District of Pennsylvania because the violations of the ESA alleged in this Complaint have occurred, and continue to occur, within this judicial district. 16 U.S.C. § 1540(g)(3)(A).

13. This Court has supplemental jurisdiction over the Pennsylvania state law claims under 28 U.S.C. § 1367(a) because this Court has original jurisdiction under 16 U.S.C. § 1540(g),



and 28 U.S.C. § 1331, and the state law claims are so related to the underlying federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

### **III. THE PARTIES**

14. Plaintiff PETA is a Virginia non-stock corporation and animal protection charity pursuant to Section 501(c)(3) of the Internal Revenue Code. PETA's headquarters are in Norfolk, Virginia.

15. Plaintiff ALDF is a California non-stock corporation and animal protection charity pursuant to Section 501(c)(3) of the Internal Revenue Code. ALDF's headquarters are in Cotati, California.

16. Defendant Reigleman Enterprises, Inc., is a Pennsylvania corporation located at 102 Aspen Way, Jamestown, Pennsylvania. Reigleman Enterprises, Inc., does business as Pymatuning Deer Park, which is located at 804 East Jamestown Road, Jamestown, Pennsylvania.

17. Defendant Rachelle Sankey owns Reigleman Enterprises, Inc., Pymatuning Deer Park, Inc., and Pymatuning Deer Park, which she also operates. On information and belief, she oversees the day-to-day operations at Pymatuning Deer Park and is responsible for managing animal care, providing animal care, supervising staff and volunteers, and participating in United States Department of Agriculture ("USDA") and Pennsylvania Game Commission ("Commission") inspections. She is a citizen of Pennsylvania and resides at 842 East Jamestown Road, Jamestown, Pennsylvania. On information and belief, Rachelle Sankey owns, either directly or through these corporate entities, the animals at issue in this suit. Plaintiffs sue her individually and in her corporate capacities.

#### IV. STATUTORY BACKGROUND

##### A. The Endangered Species Act

18. The ESA defines an “endangered species” as “any species which is in danger of extinction,” 16 U.S.C. § 1532(6), and a “threatened species” as “any species which is likely to become an endangered species within the foreseeable future,” *id.* § 1532(20).

19. The ESA prohibits the “take” of any endangered species within the United States. *Id.* § 1538(a)(1)(B); 50 C.F.R. § 17.21. It likewise prohibits the taking of any threatened species within the United States unless otherwise provided by a special rule. 16 U.S.C. § 1538(a)(1)(G); 50 C.F.R. § 17.31(a).

20. The term “take” is defined to include “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” 16 U.S.C. § 1532(19).

21. The term “harm” is defined by regulation as an act which “kills or injures” an endangered or threatened animal. 50 C.F.R. § 17.3.

22. The term “harass” is defined by regulation to include an “intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.” 50 C.F.R. § 17.3.

23. The ESA also prohibits the possession of any endangered species, or any threatened species unless otherwise provided by a Section 4(d) special rule, that has been unlawfully taken. 16 U.S.C. § 1538(a)(1)(D), (G); 50 C.F.R. §§ 17.21(d), 17.31(a).

24. The ESA authorizes the Secretary of the Interior to issue a permit for any act that is otherwise prohibited by 16 U.S.C. § 1538, but only if such act is “for scientific purposes or to enhance the propagation or survival of the affected species” and other strict requirements are met. 16 U.S.C. § 1539(a)(1)(A), (c), (d).

25. Defendants do not have a permit to lawfully “take” any federally listed species.

26. The ESA allows citizens to bring suit to enjoin “any person . . . who is alleged to be in violation” of the “take” provisions of the statute or of a regulation promulgated under the statute. 16 U.S.C. § 1540(g)(1)(A).

27. Tigers (*Panthera tigris*), all lemurs, including ring-tailed lemurs (*Lemur catta*), military macaws (*Ara militaris*), and Mikado pheasants (*Syrmaticus mikado*) are listed as “endangered” under the ESA. 50 C.F.R. § 17.11(h). Lions (*Panthera leo*) are listed as either “endangered” or “threatened” depending upon their subspecies—the subspecies *Panthera leo leo* is listed as “endangered” and the subspecies *Panthera leo melanochaita* is listed as “threatened.” *Id.* §§ 17.11(h), 17.40(r). The prohibitions against “take” and the possession of unlawfully taken members apply equally to both lion subspecies. *Id.* §§ 17.21, 17.31(a), 17.40(r).

#### **B. Pennsylvania Animal Protection Laws**

28. In Pennsylvania, a public nuisance is an unreasonable interference with a right common to the general public. This includes conduct that is proscribed by a statute, ordinance, or administrative regulation; conduct that involves a significant interference with the public health, safety, peace, comfort, or convenience; or conduct of a continuing nature or that has produced a long-lasting effect where the actor knows, or has reason to know, that the conduct has a significant effect upon the public right.

29. In Pennsylvania, it is a crime against public order and decency to “fail[] to provide for the basic needs of each animal to which the person has a duty of care.” 18 Pa. Stat. § 5532(a). At minimum, animals must be provided “necessary sustenance and potable water”; clean and sanitary shelter and protection from the weather”; and “necessary veterinary care.” *Id.*

30. Regulations promulgated by the Pennsylvania Game Commission require the “humane care and treatment” of exhibited wildlife. 58 Pa. Code § 147.281(a).

31. The Commission requires that captive wildlife be provided proper nutrition and prohibits confining wildlife in an “an unsanitary or unsafe condition or in a manner which results in maltreatment, mistreatment or neglect.” 58 Pa. Code § 147.281(a)-(b).

32. Exhibitors must “adequately protect the public from [captive] wildlife.” 58 Pa. Code § 147.281(c).

33. Pennsylvania prohibits “[p]ublic human contact” with all the captive wildlife at issue here. 58 Pa. Code § 147.282(c)-(d).

34. Exhibitors must prevent the public from “annoying the wildlife.” 58 Pa. Code § 147.284(c).

35. Captive wildlife must be “kept in a sanitary manner” with “[c]lean, fresh water” that is “provided daily” in containers that are “cleaned and disinfected daily.” 58 Pa. Code § 147.283(a)-(b).

36. “Fecal and food waste shall be removed . . . daily.” 58 Pa. Code § 147.283(d). Enclosures with “[h]ard floors shall be scrubbed and disinfected at least weekly” and enclosures with dirt floors shall be raked every 3 days and the waste removed.” *Id.*

37. The state further requires that “[c]ages, pens and paddocks shall be designed to provide adequate drainage of the enclosure.” 58 Pa. Code § 147.283(e).

38. Animals must be provided “bedding required for the comfort and protection from inclement weather” and “provisions shall be made to adjust holding conditions to the natural habitat” of wildlife whose “natural climate . . . differs from the climate of the area” where they are held. 58 Pa. Code § 147.284(b).

39. Captive “[w]ildlife shall be kept free from parasites, sickness or disease.” 58 Pa. Code § 147.287. If they become sick, they must “be removed from public display and



immediately given professional medical attention” or be provided “humane” euthanasia. *Id.*

40. Pennsylvania state law further provides that “[n]o animal shall be destroyed by means of . . . [u]nacceptable agents and methods published in the most current version of the American Veterinary Medical Association’s Guidelines on Euthanasia.” 3 Pa. Stat. § 328.301.

## **V. FACTUAL BACKGROUND**

41. Pymatuning Deer Park is a roadside zoo in Jamestown, Pennsylvania.

42. Pymatuning Deer Park is not accredited as a zoo or sanctuary. It does not hold, for example, an accreditation from the Association of Zoos & Aquariums (“AZA”) or the Global Federation of Animal Sanctuaries (“GFAS”).

43. At Pymatuning Deer Park, Defendants exhibit more than two hundred animals and charge the public a fee to view and interact with the animals.

44. Several of the animals who Defendants exhibit at Pymatuning Deer Park are protected under the ESA, including two lions (named Buddy and Missy), two tigers (named Snowy and Nila), two ring-tailed lemurs, a military macaw, and a Mikado pheasant.

45. Defendants also exhibit Bosco, a North American black bear confined primarily to a concrete pit.

46. In addition, Defendants exhibit one or more members of the following mammal species: common marmoset, tufted capuchin, golden-backed squirrel monkey, black spider monkey, African green monkey, olive baboon, small spotted genet, cougar, bobcat, gray wolf or wolf-dog hybrid, New Guinea singing dog, fennec fox, African crusted porcupine, North American porcupine, South American coatimundi, red kangaroo, black-tailed prairie dog, Patagonia cavy, Reeves’ muntjac, dromedary camel, zebra, yak, nilgai, elk, zebu, zedonk, white-tailed deer, fallow deer, sika deer, cow, ox, donkey, mini horse, paint pony, goat, sheep, pig, and rabbit. Defendants also exhibit three sulcata tortoises, approximately one hundred parakeets, and a variety of other

birds, including a blue and gold macaw and one or more of the following: Eurasian eagle owls, tawny owls, African crowned cranes, silver pheasants, ring-necked pheasants, trumpeter hornbills, kookaburras, rheas, emus, ostriches, blue pied peacocks, whooper swan, turkeys, ducks, and geese.

**VI. DEFENDANTS TAKE ENDANGERED ANIMALS IN VIOLATION OF THE ENDANGERED SPECIES ACT**

**A. Pymatuning Harms and Harasses Big Cats by Denying Them Appropriate Housing, Adequate Environmental Enrichment, Necessary Veterinary Care, Basic Sanitation, Proper Nutrition, and the Supervision of Qualified Staff**

47. In the wild, lions and tigers (“Big Cats”) range vast territories across many miles where they are free to engage in natural behaviors such as climbing, stalking, and predation. A lion’s natural habitat includes open woodlands, thick brush, scrub, and tall grassy areas. Tigers occupy a variety of habitats, which typically have dense vegetative cover, sufficient prey populations, and access to water.

48. Given their natural needs, Big Cats require large, environmentally rich, natural spaces that allow them to express a wide range of behaviors. Captive environments that do not provide the environmental enrichment necessary to promote the expression of a full range of species-typical behaviors have a detrimental effect on the animals’ physical and psychological well-being. In sterile environments, which are devoid of natural features, accessories, and species-appropriate enrichment activities, like the enclosures at Pymatuning Deer Park, Big Cats experience long periods of inactivity or mindless activity, which result in permanent long-term changes to the body, brain, neural, and endocrine systems. Psychological distress can often leave Big Cats with higher blood cortisol levels, which can trigger apathy, learned helplessness, or displacement behaviors—activities animals engage in when they are prevented from performing behaviors they are highly motivated to perform. Higher blood cortisol levels from psychological distress can also lead to and suppression of the immune system, which increases the likelihood of

contracting disease. Appropriately implemented species-appropriate enrichment is necessary to deter harmful behaviors such as self-mutilation and abnormal repetitive behaviors such as pacing. In the wild or in a reputable sanctuary, Big Cats would have the ability to exercise, explore, and engage in other species-typical behaviors.

49. Enrichment plans for captive carnivores, including lions and tigers, are difficult to develop due to these animals' natural feeding and hunting behaviors and spatial needs. In inadequate captive conditions, the inability to engage in hunting behaviors, such as stalking and pouncing, causes carnivores like lions and tigers to suffer distress, which causes physical and psychological injury. Accordingly, enrichment plans should include natural and complex enclosures and environmental enrichment that includes whole-carass feeding, novel toys or objects, scratch logs, introduction of new smells, platforms and vertical space, pools or ponds, adequate space to run, and places to retreat from view. Further, enrichment should be rotated on a consistent and frequent basis to retain the Big Cats' interest and to better reflect the varied experiences Big Cats would have in natural settings.

50. The AZA recommends providing lions with "large spacious enclosures designed to encourage species appropriate behaviors such as resting, walking, [simulated] hunting, stalking, grooming, playing, breeding, etc." Ass'n of Zoos & Aquariums, *Lion Care Manual* 18 (2012). Enclosures should also allow lions to retreat from conspecifics and provide visual privacy from humans "through the use of visual barriers, such as rock outcroppings, hills, and foliage." *Id.* According to the AZA, a majority of lion exhibits are over 10,000 square feet, which should be considered the minimum size for new exhibits, and the typical tiger exhibit is between 2,500 and 10,000 square feet, with an average of 5,500 square feet. Ass'n of Zoos & Aquariums, *Tiger Care Manual* 12 (2016).

51. In addition to providing social privacy, enclosures should provide shade and include “various substrates, surfaces to mark, deadfall for scratching, and other aspects in their enclosure that will change their pathways and create complex behavioral opportunities.” Ass’n of Zoos & Aquariums, *Lion Care Manual* at 18.

52. Defendants harm and harass protected Big Cats by confining them to small, virtually barren enclosures, denying them appropriate, natural and complex housing, and frustrating their natural instincts.

53. Defendants also harm and harass Big Cats by depriving them of adequate enrichment. Inadequate enrichment thwarts the expression of a range of natural behaviors, including, for example, predatory and investigatory behaviors.

54. The enclosures at Pymatuning Deer Park do not comply with generally accepted husbandry practices as they do not encourage the Big Cats to engage in instinctual and species-specific behaviors, including exercising, retreating from view, and simulated natural hunting behaviors such as stalking and predation. The enclosures are therefore inadequate to provide for the animals’ physiological and psychological well-being. As a result, the Big Cats at Pymatuning Deer Park suffer and show signs of suffering, including through abnormal repetitive pacing.

55. By denying Big Cats adequate space, complex enclosures, and novel enrichment, Defendants deny them the opportunity to engage in species-typical behavior, cause them psychological injury, and increase the likelihood of injury. Thus, Defendants harm and harass Big Cats in violation of the ESA.

56. Defendants also have a pattern of denying Big Cats proper veterinary care, including preventative care. This pattern is documented in part in USDA inspection reports.



Pymatuning was cited in 2015 after denying an ailing tiger named Scruffy appropriate veterinary care, including a proper examination from a qualified veterinarian. The USDA cited Pymatuning for killing Scruffy by gunshot, a form of euthanasia reserved only for emergency situations. The USDA noted while “diagnostics may have provided a medically manageable diagnosis for this animal,” Pymatuning’s veterinarian did not conduct anything other than visual inspection despite the fact that the “ability [to] conduct appropriate diagnostics is vital for adequate veterinary care for the animal.”

57. The August 2015 USDA inspection report also shows that when Scruffy was shot, a younger male lion, presumably Buddy, was trapped in an adjacent enclosure where he was “unable to escape the sound of the firearm,” which was fired three times. The inability to retreat from the sound would have inflicted distress, discomfort, and physical injury, with the USDA noting the “discharge of the firearm may have caused trauma to the ear drums, and unnecessary discomfort for the juvenile lion.” The inspection report cautioned that animals have been shown to suffer from stress from the exposure to another animal’s euthanasia, finding “another method of euthanizing the tiger should have been taken into consideration” by Pymatuning.

58. The USDA cited Pymatuning in July 2015 for denying this lion adequate veterinary care after the adult female lion, presumably Missy, injured him on his hindquarters in May 2015, reportedly during his introduction into her enclosure. Pymatuning did not have a veterinarian assess the lion to determine the extent of his injury and then confined him for two months to an “extremely soiled” and “unsanitary” holding area where there was not enough lighting to determine if his injury was healing well. Pymatuning was also cited because the lack of light denied the lion “a diurnal light cycle” and prevented proper “cleaning, routine husbandry practices, and [] inspection,” which is required under the (“AWA”), 7 U.S.C. §§ 2131-59.

59. The USDA cited Pymatuning in October 2017 for denying the male lion adequate veterinary care after the female lion once again injured him on his hindquarters, reportedly during feeding. Pymatuning did not provide this lion with a proper veterinary examination after the incident, leaving the lion to suffer continued physical decline without ever contacting a veterinarian for reevaluation of his injuries. The USDA report described the lion's condition weeks after his only veterinary evaluation for the injury, noting he was limping, appeared ataxic with "decreased muscle mass in the hind-end," and suffered from a "pink and moist" lesion "that was 1 inch by 1 inch in size." The USDA demanded Pymatuning have a licensed veterinarian visit the lion within a week of the USDA's inspection.

60. By denying Big Cats adequate veterinary care, including preventative care, contrary to generally accepted husbandry practices, Defendants cause them physical and psychological injury and increase the likelihood of injury. Thus, Defendants harm and harass Big Cats in violation of the ESA.

61. Defendants also have a pattern of denying the Big Cats proper sanitation. For instance, in 2015, the USDA cited Pymatuning for confining the injured male lion to a holding area that "was extremely soiled" and "unsanitary" because Pymatuning had "been unable to enter the enclosure to remove food and fecal waste" for nearly two months. At the same time, the female lion was not "receiving appropriate cleaning and sanitation" because she could not be moved into the holding area to allow the outdoor enclosure to be cleaned. In 2016, the USDA cited Pymatuning for failing to clean the Big Cats' water receptacles for so long that they became "covered in algae and debris." In 2017, the USDA found the "feeding pans used to feed the lions raw meat need to be cleaned more frequently," as the pans "are in essence contaminated with raw chicken each time the pans are used." The USDA has also cited Pymatuning for allowing algae and grime to

accumulate on the concrete floors of the lions' enclosure and failing to adequately ventilate the Big Cats' indoor housing areas, allowing a strong ammonia smell to permeate the enclosures. In October 2020, the USDA also found that Pymatuning allowed a bird to nest "in the rafters of the indoor area of the tiger enclosure," which exposed the tigers to the "[b]ird droppings" that were "on the wall and floor below this nest."

62. By denying Big Cats adequate sanitation, contrary to generally accepted husbandry practices, Defendants deny them the opportunity to engage in species-typical behavior, including avoiding heavily soiled areas, and increase the likelihood of injury. Thus, Defendants harass Big Cats in violation of the ESA.

63. Defendants also have a pattern of denying Big Cats proper nutrition. For instance, the USDA cited Pymatuning for failing to have the facility's veterinarian re-evaluate the diet plan for a white tiger, presumably Snowy, who appeared to be obese then and remains obese now. Pymatuning was also cited for feeding the tigers and lions a diet composed primarily of frozen chickens that were not only improperly thawed by the facility but which may be nutritionally unbalanced according to industry guidelines. U.S. Dep't of Agric., *Handling Frozen/Thawed Meat and Prey Items Fed to Captive Exotic Animals* at 6-7 (May 2001); Global Federation of Animal Sanctuaries, *Standards for Felid Sanctuaries* § N-2.m (July 2013). On information and belief, Defendants continue to feed the Big Cats a nutritionally imbalanced diet composed primarily of frozen chickens.

64. By denying Big Cats adequate nutrition, contrary to generally accepted husbandry practices, Defendants deny them the opportunity to engage in species-typical behavior, including consuming large prey, cause them physical and psychological injury, and increase the likelihood of injury. Thus, Defendants harm and harass Big Cats in violation of the ESA.

65. Defendants' pattern of failing to provide the Big Cats with appropriate space, novel enrichment, adequate veterinary care, including preventative care, proper sanitation, and appropriate nutrition further demonstrates that Defendants' staff do not have adequate training or expertise to work with Big Cats. Denying Big Cats the care of properly trained staff does not comport with generally accepted husbandry practices, causes the Big Cats injuries as described above, and increases the likelihood of further injury. Thus, Defendants harm and harass Big Cats in violation of the ESA.

66. Because these conditions do not comply with generally accepted husbandry practices, and they impair the Big Cats' ability to engage in normal behavioral patterns, cause them psychological and physical injury, and place them at risk of further injury, Defendants have taken and continue to take Big Cats by harming and harassing them in violation of the ESA.

**B. Pymatuning Harms and Harasses Ring-Tailed Lemurs by Denying Them Appropriate Housing, Adequate Environmental Enrichment, Adequate Socialization, Basic Sanitation, and the Supervision of Qualified Staff**

67. Lemurs, including ring-tailed lemurs, are highly social animals with advanced cognitive abilities. In nature, ring-tailed lemurs live in large social groups ranging in size from eight to twenty individuals. Traveling in groups, they roam about their range each day foraging for food. In the wild, the territories of ring-tailed lemurs range from fourteen to fifty-six acres in size. Ring-tailed lemurs spend a portion of their time on the ground, but they are known to spend time climbing and foraging in trees. Lemurs communicate with each other in many different ways, with olfactory communication as one of the most important. Lemurs produce unique scents for this purpose.

68. In order to ensure their physical and psychological health, captive lemurs must be provided with appropriate space, which includes a varied environment that allows foraging and



climbing opportunities, enrichment that creates complexity for mental stimulation, and enough room to allow scent marking.

69. Captive lemurs must also be provided with the opportunity to socialize with other lemurs and with extensive, varied, and well-planned environmental enrichment to provide the opportunity to engage in species-typical behavior.

70. In recognition of the unique social, psychological, and physical needs of primates, regulations issued by the USDA expressly require exhibitors of primates to “develop, document, and follow an appropriate plan for environmental enhancement adequate to promote the psychological well-being of nonhuman primates” that is “in accordance with the currently accepted professional standards as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian.” 9 C.F.R. § 3.81. These plans “must include specific provisions to address the social needs of nonhuman primates of species known to exist in social groups in nature.” *Id.* § 3.81(a).

71. Despite the well-established scientific literature documenting the environmental needs of ring-tailed lemurs and the minimum standards provided by the AWA and its implementing regulations, Defendants continue to confine endangered ring-tailed lemurs in an inappropriate, static environment without appropriate enrichment, environmental novelty, or opportunities for cognitive challenge or control. Defendants deny these lemurs the opportunity to engage in species-typical behavior, including foraging, climbing, roaming, and deriving intellectual stimulation from a varied habitat. Defendants’ care therefore wholly fails to meet the lemurs’ complex cognitive needs and does not comply with generally accepted husbandry practices. Depriving the ring-tailed lemurs of appropriate environmental enhancement injures them by creating psychological distress and harasses them by significant disrupting their normal

behaviors in a way that is likely to result in injury. Thus, Defendants harm and harass ring-tailed lemurs in violation of the ESA.

72. Defendants deny lemurs appropriate space to engage in species-typical behaviors, including climbing in trees, retreating from view, and leaving and detecting scent marks. To better simulate the lemurs' natural environment, captive enclosures should provide access to ample vertical space, with climbing ropes of varying sizes, substantial perches, and visual barriers to allow retreat from conspecifics and the public. At Pymatuning Deer Park, the lemurs are unable to climb higher than a few feet, where they must perch on narrow branches, and where they are unable to hide from each other or the public. Unable to access the limited vertical space, the lemurs spend the majority of their time on the small, barren floor of the enclosure. The functional space that is available to the lemurs is reduced by the presence of inappropriate equipment, including ropes that contain dangerous slack and that do not lead to places to perch. Depriving the ring-tailed lemurs of appropriate space injures them by creating psychological distress and harasses them by significantly disrupting their normal climbing and foraging behaviors in a way that is likely to result in injury. Thus, Defendants harm and harass ring-tailed lemurs in violation of the ESA.

73. In addition, Defendants hold lemurs with hazards that may injure them. For example, in 2015, the USDA cited Pymatuning for failing to fix a cracked swing in an enclosure confining lemurs, thereby creating a risk of injury. By depriving the lemurs of safe conditions, Defendants create a likelihood of injury. Thus, Defendants harass lemurs in violation of the ESA.

74. Defendants also have a pattern of denying lemurs adequate sanitation. In 2016, the USDA cited Pymatuning for a "build-up of food waste and fecal material" in the lemurs' enclosures caused by the failure to properly clean and sanitize the space. Unsanitary conditions in, near, or surrounding lemurs' enclosures create a risk of disease, including by attracting

free-roaming animals, like raccoons, possums, and feral cats, who can transmit diseases including toxoplasmosis, which is spread through parasites and can be fatal to ring-tailed lemurs. By denying lemurs adequate sanitation, contrary to generally accepted husbandry practices, Defendants increase the likelihood of injury by putting the lemurs' health and welfare at risk. Thus, Defendants harass lemurs in violation of the ESA.

75. Defendants also operate an inappropriate and largely unsupervised feeding program that permits and encourages visitors to feed the captive animals, including the ring-tailed lemurs, unsuitable foods including crackers, fruity cereal, and food made for chimpanzees. Visitors drop these foods into the lemur enclosure through a tube that deposits the food on the floor of the enclosure, sometimes resulting in a pile of uneaten food. The availability of large quantities of inappropriate and potentially contaminated food creates the likelihood of injury through the overconsumption of food, which could lead to obesity or other body condition issues. The displacement of more appropriate foods could lead to nutritional imbalance, which can lead to diseases, such as iron storage disease, that can lead to chronic illness and even death. The lack of opportunity to engage in species-typical feeding methods, including foraging, could lead to psychological distress and abnormal repetitive behaviors. The consumption of potentially contaminated food could lead to disease. Pymatuning's inappropriate and unsupervised ring-tailed lemur feeding program therefore creates the likelihood of injury and thus harasses the lemurs in violation of the ESA.

76. On information and belief, Defendants' staff is not properly trained or experienced to care for lemurs, which further places the ring-tailed lemurs at risk of injury. For instance, on information and belief, Defendants' staff lacks sufficient training and expertise to construct appropriate social groups, to assess whether their lemur groups are meeting the needs of the lemurs,

or to successfully blend lemur groups. Blending groups of lemurs requires expertise and if lemur introductions are attempted by inexperienced staff, the lemurs are at risk of psychological distress, severe injury, or death. Defendants' staff's inexperience in lemur population management is evidenced by the 2015 USDA citation issued for "still hous[ing]" two of five ring-tailed lemurs in a "holding area" that lacked "cage complexity or foraging opportunities." The inspector noted that "[o]ne of the lemurs was bouncing off the enclosure sides in an agitated state," which is an abnormal repetitive behavior indicative of psychological distress and inadequate space and enrichment. Prolonged segregation of lemurs in barren holding areas is contrary to generally accepted husbandry practices. It denied these lemurs the opportunity to engage in species-typical behavior, including foraging, and it caused these lemurs psychological injury and increased the likelihood of further injury. Thus, Defendants harmed and harassed these lemurs in violation of the ESA.

77. The absence of knowledge and training necessary to create and maintain appropriate social groups is further evidenced by the fact that Defendants held an endangered black-and-white ruffed lemur named Lola in prolonged social isolation, where she could not see or hear other primates. By keeping Lola in prolonged social isolation away from other primates, Defendants failed to comply with generally accepted husbandry practices and denied her the opportunity to engage in species-typical behavior, including interacting with other members of her species. This prolonged isolation thereby deprived her of appropriate socialization with compatible lemur companions that would allow her to express a wide range of normal lemur behaviors, including socializing, bonding, exploring, playing, as well as other social interaction and adjustments. Depriving Lola of an appropriate social group injured her by denying her companionship that was fundamental to her physical and psychological well-being and harassed



her by significantly disrupting her normal behaviors in a way that was likely to result in injury. This prolonged social isolation also caused her psychological injury. Thus, Defendants harmed and harassed this black-and-white ruffed lemur in violation of the ESA.

78. Lola died on February 8, 2020, along with a bearcat, in a fire sparked by an electrical heater at Pymatuning Deer Park. Defendants exposed Lola and the bearcat to the risk of fire, including by failing to provide a safe heating system in the winter holding area where they were trapped, constructing the holding area out of fire resistant materials, or providing a functional fire suppression system. Defendants consequently caused their deaths, thereby harming Lola in violation of the ESA.

79. Pymatuning's failure to provide staff with appropriate skills to properly care for the ring-tailed lemurs, as evidenced above, creates the likelihood of injury and thus harasses the lemurs in violation of the ESA.

80. Because these conditions do not comply with generally accepted husbandry practices, and they impair the lemurs' ability to engage in normal behavioral patterns, cause them psychological and physical injury, and place them at risk of further injury, Defendants have taken and continue to take lemurs by harming and harassing them in violation of the ESA.

### **C. Pymatuning Harms and Harasses Endangered Birds**

#### ***1. Pymatuning Harms and Harasses a Military Macaw by Denying the Macaw Appropriate Housing, Adequate Environmental Enrichment, Conspecific Companionship, and the Supervision of Qualified Staff***

81. Macaws, including military macaws, are highly intelligent and inquisitive animals with advanced cognitive abilities. Military macaws are "strong flyers" and travel up to twelve miles per day. *Endangered and Threatened Wildlife and Plants; Two Foreign Macaw Species*, 80 Fed. Reg. 59976-01, 59978 (Oct. 2, 2015). They are believed to require a home range of 1,359 acres. *Id.* at 60002. Military macaws are also highly social. In nature, they mate for life and

have large communal roosts, often on cliff faces. *Id.* at 59979, 59989. They forage in groups, feeding largely on fruit and nuts, and migrate seasonally, based on food availability. *Id.* at 59978. They have been observed feeding on the fruits of thirty-seven different tree species. *Id.* at 60001. They prefer to live in wet temperate forests in mountainous areas, but are also found in seasonally dry, semi-deciduous tropical forests, deciduous tropical forests, and slopes of pine-oak forest. *Id.* at 59978.

82. In order to ensure their physical and psychological health, captive macaws “need a huge amount of space” and should be provided “stimulating environmental enrichment” with “toys, social interaction and foraging opportunities.” Ass’n of Avian Veterinarians, *Macaws* 2 (2018), available at <https://amccorona.com/wp-content/uploads/2018/03/Macaws-AAV.pdf> (last visited Apr. 12, 2021).

83. Despite the environmental and psychological needs of military macaws, Defendants confine a military macaw together with a blue and gold macaw, to a small, virtually barren enclosure, without appropriate enrichment, conspecific companionship, or room to fly, contrary to generally accepted husbandry practices. Defendants therefore wholly fail to meet the macaw’s complex cognitive needs and deny the macaw the ability to engage in normal behavioral patterns, including flying, exploring varied environments, and foraging for food. When deprived the opportunity to fly, macaws are at higher risk of cardiovascular disease and atherosclerosis. Denying the military macaw proper space and enrichment injures the bird psychologically and creates the likelihood that the bird will suffer further injury. Defendants thereby harm and harass the military macaw in violation of the ESA.

84. Macaws are “susceptible to many bacterial, parasitic, and viral diseases, particularly in captive environments.” 80 Fed. Reg. at 59991. Common diseases that captive

macaws should be screened for include psittacosis, polyomavirus, circovirus, and avian bornavirus, which causes macaw wasting syndrome and which macaws may carry for years without symptoms, spreading the virus through their stool. Macaws are also at risk of paramyxovirus and Pacheco's parrot disease, which is "highly fatal" and causes death "suddenly without apparent sign of sickness other than some mild nasal discharge and lethargy." *Id.* Since "transmission of this disease is mainly through nasal discharge and feces, it is less likely to happen in open habitat in the wild than in a confined aviary." *Id.* "[C]aptive conditions . . . make birds more susceptible to disease" because "the stress of confinement combined with inadequate diet can reduce the ability of birds to fight disease." *Id.*

85. On information and belief, Pymatuning's staff is not properly trained or experienced to care for macaws, which further places the bird at risk of injury. For instance, staff who care for macaws at reputable facilities are trained on proper nutrition, including crafting an individually tailored and varied diet with fresh foods, proper husbandry to prevent the spread of disease, including psittacosis, and proper enrichment for cognitive stimulation. Because psittacosis is a zoonotic disease, it can spread to people, including those who breathe in the dust from an infected macaw's waste products. Once infected, people are at risk of developing pneumonia. Macaws infected with Exotic Newcastle Disease, a fatal paramyxovirus, can likewise spread the disease to people, who could develop fever, headaches, and encephalitis. In addition, people who work with macaws must be trained in safe handling, including to facilitate the provision of preventative veterinary care, such as annual exams to test for parasites or blood markers that signal the development of heart disease. Improper handling can result in injury to the caretakers or the macaws, who are at risk of suffocation if held too tightly. Pymatuning's failure to provide staff with appropriate skills to properly care for the military macaw is contrary to generally accepted

husbandry practices and creates the likelihood of injury and thus harasses the macaw in violation of the ESA.

86. Because these conditions do not comply with generally accepted husbandry practices, and they impair the military macaw's ability to engage in normal behavioral patterns, cause the bird psychological and physical injury, and place the macaw at risk of further injury, Defendants have taken and continue to take the military macaw by harming and harassing the bird in violation of the ESA.

***2. Defendants Harm and Harass a Mikado Pheasant by Denying the Pheasant Appropriate Housing, Adequate Environmental Enrichment, and the Supervision of Qualified Staff***

87. In the wild, Mikado pheasants often walk and forage for food, including various fruit, leaves, vegetation, seeds, and invertebrates. When disturbed, Mikado pheasants seek out shelter within surrounding shrubs.

88. In order to ensure their physical and psychological health, captive Mikado pheasants should be provided a well-planted and grassy enclosure with plenty of shade and a separate shelter.

89. Despite the environmental and psychological needs of the Mikado pheasant, Defendants confine the pheasant to a virtually barren enclosure, crowded with other birds, that offers limited enrichment, in conditions that fall short of generally accepted husbandry practices. Defendants therefore wholly fail to meet the pheasant's needs and deny the pheasant the ability to engage in normal behavioral patterns, including foraging for food and enjoying conspecific companionship. Denying the Mikado pheasant proper space and enrichment injures the bird psychologically and creates the likelihood that the bird will be further injured and subjected to chronic stress, which weakens the immune system and predisposes the pheasant to suffer injury or



creates a likelihood the pheasant will be injured. Defendants thereby harm and harass the Mikado pheasant in violation of the ESA.

90. On information and belief, Pymatuning's staff is not properly trained or experienced to care for Mikado pheasants, which further places the bird at risk of injury. This lack of experience is evidenced by the fact that in July 2020, Defendants' staff confined the pheasant with a peacock who had a potentially infectious and apparently untreated eye condition. Pymatuning's lack of a proper infectious disease prevention and quarantine protocol predisposes the pheasant to a wide variety of infectious diseases that can be spread between the peacock and the pheasant. Pymatuning's failure to provide staff with appropriate skills to quarantine sick birds or otherwise properly care for the Mikado pheasant creates the likelihood of injury and thus harasses the Mikado pheasant in violation of the ESA.

91. Because these conditions do not comply with generally accepted husbandry practices, and they impair the Mikado pheasant's ability to engage in normal behavioral patterns, cause the bird psychological and physical injury, and place the pheasant at risk of further injury, Defendants have taken and continue to take the Mikado pheasant by harming and harassing the bird in violation of the ESA.

**VII. PYMATUNING'S MISTREATMENT OF ANIMALS CONSTITUTES A PUBLIC NUISANCE BY VIOLATING THE LAW AND SIGNIFICANTLY INTERFERING WITH THE PUBLIC RIGHT**

92. In addition to failing to provide adequate care to the federally listed animals discussed above, Pymatuning fails to provide adequate care to the other mammals, reptiles, and birds it confines and exhibits.

93. Defendants also operate an inappropriate and largely unsupervised feeding program that permits and encourages visitors to feed the captive animals unsuitable foods, including food made for humans, like crackers and fruity cereal, and foods made for chimpanzees.

94. Defendants deny many of the animals at Pymatuning Deer Park the most basic necessities, including sufficient space, appropriate substrates, sufficient environmental enrichment, proper nutrition, clean water, shelter from the elements, timely and adequate veterinary care, and daily care by staff experienced in animal care and husbandry.

95. Pennsylvania requires the “humane care and treatment” of exhibited wildlife, 58 Pa. Code § 147.281(a), and criminalizes the failure to provide for an animal’s basic needs, including the need for proper food, clean water, sanitary shelter with protection from the elements, and necessary veterinary care, 18 Pa. Stat. § 5532(a). These laws reflect the public policy of treating captive wild animals humanely.

96. The AWA likewise reflects the public policy of treating exhibited animals humanely, as it is explicitly intended to ensure the “humane care and treatment” of animals used “for exhibition purposes.” 7 U.S.C. § 2131.

97. The AWA establishes bare minimum federal protections for certain categories of animals in captivity and provides protection from animal neglect similar to Pennsylvania’s criminal code and wildlife regulations.

98. Pymatuning has been cited on inspection reports by the USDA for dozens of violations of the AWA over the years. Because the USDA enjoys enforcement discretion, these inspection reports do not capture all violations of the AWA at Defendants’ facility. They also wholly omit Defendants’ treatment of several of animals at the facility, including those that the AWA does not protect, including horses and reptiles, 7 U.S.C. § 2132(g), and those the USDA does not actively regulate, including birds.

99. The USDA inspection reports detail Defendants’ pattern of disregarding animal welfare and demonstrated failure to provide proper care for animals. These violations concern

issues of serious neglect, including, for example, failure to provide adequate veterinary care, nutrition, and sanitation.

100. Pymatuning's history of violating the AWA is so egregious that in February 2016, the USDA took a rare enforcement action against them, issuing Pymatuning a warning for over a dozen violations found during inspections in the year prior. These violations included failing to clean up animal waste, failure to maintain a current veterinary program, failing to have a sufficient number of adequately trained employees, and confining visibly ailing bears to concrete pits, with no opportunities to swim, climb, dig, den, or engage in other natural behaviors.

101. Pymatuning's pattern and practice of mistreatment of the animals in its custody violates federal and state laws, including Pennsylvania's regulations that require the "humane care and treatment" of wildlife and prohibit their "maltreatment, mistreatment or neglect." 58 Pa. Code § 147.281.

102. Defendants' continuous mistreatment and neglect of the animals held at Pymatuning Deer Park violates federal and state laws, which are indicative of public policy concerning animal welfare and the corresponding moral prohibition against causing animals to suffer. Pymatuning's violations of these laws are legally actionable because they violate public policy and thus unreasonably interfere with a right common to the general public—the right to be free of unlawful animal neglect—and constitute a public nuisance. *See Pa. Soc. for Prevention of Cruelty to Animals v. Bravo Enters., Inc.*, 237 A.2d 342, 348 (Pa. 1968) ("A legislative proscription, such as that found in [a] cruelty to animals statute, is declarative of the public policy and is tantamount to calling the proscribed matter prejudicial to the interests of the public" and such "[i]njury to the public is the essence of a public nuisance.").

**A. Pymatuning confines Bosco the bear in conditions that constitute a public nuisance**

103. For more than two decades, Bosco, the North American black bear kept at Pymatuning, has been confined primarily to a virtually barren concrete pit that inhibits his every natural instinct. Pymatuning's mistreatment of Bosco violates the Commission's regulations, as described below, and also creates a long-lasting effect, and Defendants know or have reason to know that this unlawful conduct has a significant effect upon the public right and thus constitutes a public nuisance.

***1. Pymatuning fails to provide timely medical attention to Bosco, violating state law***

104. Defendants have a pattern and practice of denying bears held at Pymatuning Deer Park adequate veterinary care, including preventative care, in violation of 18 Pennsylvania Statute Section 5532(a), which provides that the failure to provide animals with "necessary veterinary care" constitutes criminal neglect, and 58 Pennsylvania Code Section 147.287, which requires that "sick or unsightly" wildlife "be removed from public display and immediately given professional medical attention."

105. Contrary to these clear statutory and regulatory requirements, Bosco shows signs of arthritis, such as walking stiffly, yet he remains on public display and, on information and belief, Defendants are not providing him with appropriate medical attention. Instead, Defendants confine him primarily to concrete, which is a well-known cause of arthritis in large mammals, including bears, and which exacerbates existing arthritis.

106. Indicative of Defendants' pattern and practice of denying bears veterinary care, the USDA cited Pymatuning in July 2015 for failing to provide adequate veterinary care to another bear, named Mama Bear, who was confined with Bosco in the concrete pit prior to her death. She "was reluctant to walk on her front left leg" and "she crawled using her elbow" while gathering



food. Pymatuning's staff admitted she had "seemed arthritic for a while" and she "had difficulty walking," yet they failed to "contact the veterinarian to determine the cause or to develop a treatment plan" for her debility.

107. By failing to provide Bosco timely and adequate medical care, Defendants mistreat and neglect him, violating state law and creating a public nuisance by producing a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right.

***2. Pymatuning mistreats and neglects Bosco by providing him inadequate space, enrichment, and comfort, violating state law***

108. Defendants have a pattern and practice of denying bears held at Pymatuning Deer Park adequate space, enrichment, and comfort, in violation of 58 Pennsylvania Code Sections 147.281(b) and 147.284(b), which prohibit confining wildlife "in a manner which results in maltreatment, mistreatment or neglect" and require that enclosures "have bedding required for the [animals'] comfort and protection from inclement weather."

109. Contrary to this clear regulatory requirement, Defendants hold Bosco in a barren concrete pit with virtually no enrichment. The only alternative substrates available to Bosco are a small area of natural ground, which is adjacent to the pit and which appears to be hard-packed dirt, and a tiny wooden platform Defendants added to the concrete pit in the past few years. Bosco has shown difficulty navigating up and over the step to access the outdoor area, and, on information and belief, climbing onto the wooden platform will become increasingly challenging, if not impossible, for Bosco as his apparent arthritis progresses. These conditions fall short of the standard set by state law.

110. Indicative of this pattern and practice, the USDA has cited Pymatuning for its failure to address the inadequate bear enclosure. For example, Pymatuning was cited in July 2015 for violating the AWA after the USDA's inspector saw that the "bears still ha[d] much of their

winter coat because there [wa]s nothing for them to rub against to remove the excess fur” and their only water source was “a small pool” that was not big enough for both bears. As a result, Mama Bear “was breathing heavily while resting possibly indicating she was hot.” She was also seen dragging herself, “moving forward on her front limbs and elbows and she was very slow to stand.” Her “movements appeared painful when she stood up and laid down” and Pymatuning staff believed she had arthritis. The inspector noted that her signs of debility were “consistent with being housed exclusively on concrete.” Bosco has endured the same conditions as Mama Bear and shows similar signs of debility. In addition, Pymatuning has been repeatedly cited for not having soft areas or hay or anything in the enclosure that would allow a bear to rub against to shed excess fur. Nevertheless, Defendants continue to force Bosco to live in an almost totally barren, concrete pit, without soft areas, hay, or sufficient surfaces to rub against to shed his fur.

111. As a result of these improper conditions, Bosco and Mama Bear have been observed engaging in abnormal repetitive behavior, including repeated pacing, spinning in circles, and biting the cage on the perimeter of the enclosure. These abnormal repetitive behaviors indicate psychological distress and inadequate space and enrichment.

112. In addition, through Defendants’ inappropriate and largely unsupervised feeding program, they permit and encourage visitors to feed Bosco by throwing white bread and other low-quality foods into the concrete pit, where they land on the floor of the enclosure. The availability of large quantities of inappropriate food can contribute to obesity or other body condition issues, which are of particular concern for an arthritic bear held on concrete. The consumption of inappropriate food can also result in nutritional imbalance or deficiencies. In addition, public feeding places Bosco at risk of the transmission of disease from people, particularly due to the lack of staff supervision and since there are no handwashing stations near

Bosco's enclosure. Public feeding also denies Bosco the opportunity to engage in species-typical feeding methods, including foraging, and encourages him to sit up and solicit food from visitors instead. This unnatural body position adds further stress on his joints and the need to solicit food from the public can cause psychological distress and can cause or exacerbate abnormal repetitive behaviors.

113. By forcing Bosco to live in an inadequate enclosure devoid of proper space, enrichment, comfort, or even basic substrate, Defendants mistreat and neglect him, violating state law and creating a public nuisance by producing a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right.

***3. Pymatuning confines Bosco in an unsanitary manner, violating state law***

114. Defendants have a pattern and practice of denying bears held at Pymatuning Deer Park adequate space, enrichment, and comfort, in violation of 58 Pennsylvania Code Section 147.283(a), (c), which requires that wildlife "be kept in a sanitary manner," that "[c]lean, fresh water shall be provided daily," and that "[w]ater containers shall be cleaned and disinfected daily."

115. Contrary to this clear regulatory requirement, Defendants hold Bosco in an enclosure that is unsanitary and threatens his health.

116. Indicative of this pattern and practice, the USDA cited Pymatuning for allowing excessive green to black algae and organic buildup in the bear pit's only water source. The USDA further cited Pymatuning for failing to clean the bear pit for months, creating an accumulation of algae along the walls.

117. In addition, because Defendants allow the public to feed Bosco by throwing food into his pit, and this food frequently lands in the slanted portion of the pit, where, on information and belief, Bosco's urine and fecal matter drains, Defendants create a risk of contamination. Further, Pymatuning's staff has allowed feces from a free-roaming apparently wild animal to

accumulate on the ledge formed by the top of the wall around the concrete pit, creating a risk of disease transmission.

118. By failing to provide Bosco adequate sanitation, Defendants mistreat and neglect him, violating state law and creating a public nuisance by producing a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right.

**B. Pymatuning’s mistreatment and neglect of cubs, joeys, and other young animals constitutes a public nuisance**

119. Defendants have a pattern and practice of confining and exhibiting young animals in conditions that violate 58 Pennsylvania Code Section 147.281(b), which prohibits “maintain[ing] wildlife . . . in a manner which results in maltreatment, mistreatment or neglect.”

120. Contrary to this clear regulatory requirement, Defendants hold young animals in enclosures for public viewing, which causes harm to the animals at a critical juncture in their development. Separating infant animals from their mothers, well before they would naturally be weaned, causes distress to the young animals and their mothers, prevents the young animals from engaging in normal feeding behaviors, and alters their development, including by preventing them from learning behaviors from their mothers, and creating a risk of injury in the form of weakened immune systems and abnormal behavioral development. The young animals suffer further distress when they are subjected to public display, including from sleep deprivation and from inadequate conditions of confinement.

121. Indicative of this pattern and practice, the USDA cited Pymatuning in August 2015 for failing to recognize the signs of distress in a pair of five-month-old bear cubs who Defendants were exhibiting. The USDA’s inspector observed the cubs engaged in “paw sucking and ear sucking,” which is “an abnormal behavior pattern that can be attributed to stress and how the cubs cope with stress,” and which “can cause physical hot spots.” One cub’s ear was “soaked” and



missing hair, and the sucking put the cub at risk of ear infection. According to the inspection report, Defendants' staff admitted to the USDA's inspector that "all of their hand reared cubs do this behavior and they were not concerned with it." Because the "facility did not recognize that this was an abnormal behavior pattern," they did not alert the facility's attending veterinarian. The USDA's inspector instructed Defendants to have the veterinarian "assess the cubs['] behavior and assist the facility with a plan to encourage normal behavior patterns for their health and well-being."

122. Further, the USDA cited Pymatuning for failing to have "a diet plan to transition" a pair of six-week-old tiger cubs on "to solid foods over the next few months." As the USDA's inspector noted in the May 2015 report, "[t]iger cubs area at high risk for developing vitamin and calcium deficiency problems like metabolic bone disease if [they are] not given an appropriate diet at his critical time period." The USDA ordered the facility to implement a diet plan approved by the facility's attending veterinarian.

123. In addition, changes in Pymatuning's inventory indicate that Defendants routinely acquire new animals, including immature animals, before Pymatuning Deer Park opens each year, and then dispose of animals after the facility closes each year. By routinely acquiring immature animals, Defendants create a demand that causes the animals to be separated from their mothers as infants, well before they would naturally be weaned. This increases the number of animals who suffer distress caused by premature maternal separation and public display.

124. By acquiring immature animals and confining them to and exhibiting them in inadequate conditions that cause them harm, Defendants mistreat and neglect them, violating state law and creating a public nuisance by producing a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right.

**C. Pymatuning confines animals to conditions that constitute a public nuisance**

125. Defendants have a pattern and practice of confining animals to conditions that violate the state’s prohibition against depriving an animal of proper food, clean water, sanitary shelter with protection from the elements, and necessary veterinary care, 18 Pennsylvania Statute Section 5532(a), and the Commission’s regulations that provide “safeguards for . . . [the] humane care and treatment, adequate housing and nutrition, sanitation, [and] safety” of captive wildlife, 58 Pennsylvania Code Section 147.281(a).

126. Contrary to these clear statutory and regulatory requirements, Defendants provide animals with inhumane care, confine them to inadequate housing, and provide them inadequate nutrition, sanitation, and safety.

127. Indicative of this pattern and practice, the USDA has cited Pymatuning for violating the bare minimum requirements for animal care set forth under the AWA, standards that overlap in part with Pennsylvania’s regulatory requirements. These citations, which are detailed in the Notice of Intent, include citations for depriving animals of adequate nutrition, proper sanitation, and protection from the elements—conditions that also violated the Commission’s regulations, including 58 Pennsylvania Code Sections 147.281(a)-(b), 147.284(b), and 147.287.

128. Defendants mistreat several animals by confining them to inadequate conditions where they are denied everything that is natural and important to them. For instance, pigs at Pymatuning Deer Park are confined exclusively to concrete where they cannot wallow. Cows and other grazing animals are confined to muddy enclosures without grass to graze on. A blue and gold macaw is confined to the same inadequate enclosure as the military macaw and suffers in the same ways, including from being denied adequate enrichment or space to fly, as detailed above. The cougar is held in a small enclosure without space to roam or climb and without the opportunity

to retreat from public view. Primates, including the baboons, are denied proper enrichment, sanitation, and space.

129. By confining these animals to inhumane conditions, Defendants mistreat and neglect them, violating state law and creating a public nuisance by producing a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right.

130. Defendants also mistreat sulcata tortoises by confining them to a barren dirt plot. This enclosure does not ensure that the tortoises will be able to maintain proper body temperatures that support optimal functioning of their digestive and immune systems, which is necessary to prevent distress, disease, or even death. Since tortoises cannot regulate their own body temperatures, ambient temperature gradients must be provided in their enclosures. The best source of heat is overhead radiant heat, which is lacking at Pymatuning. Instead, the tortoises are forced to compete for a single heat pad, which means they are unable to retreat from each other and even when huddled, they are unable to simultaneously maintain a proper temperature. The tortoises are also not provided adequate shade or protection from the rain. In addition, according to generally accepted husbandry practices, sulcata tortoises should be held in conditions that allow them to dig and burrow, should have regular access to hay or grass to feed on, and should be provided enrichment, such as balls to push around. On information and belief, the barren dirt pit is hard packed and does not allow the tortoises to dig or burrow, and Pymatuning fails to provide the tortoises with regular access to hay or grass or any enrichment.

131. By confining the tortoises to inhumane conditions, Defendants mistreat and neglect them, violating state law and creating a public nuisance by producing a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right.

**D. Pymatuning's practice of allowing direct public contact with animals endangers both the animals' and the public's safety and constitutes a public nuisance**

132. Defendants have a pattern and practice of allowing direct public contact with animals, including unsupervised feeding, in violation of 58 Pennsylvania Code Sections 147.281(a)-(c), 147.282(c)-(d), 147.284(c), which provide “safeguards for public safety” including by prohibiting conduct that “results in maltreatment, mistreatment or neglect,” requiring exhibitors to “adequately protect the public from [captive] wildlife,” prohibiting “[p]ublic human contact” with non-ruminant animals such as those exhibited at Pymatuning Deer Park, and requiring exhibitors to prevent the public from “annoying the wildlife.”

133. Contrary to these clear regulatory requirements, Defendants allow their customers to feed the animals confined at Pymatuning Deer Park in an unregulated environment lacking staff supervision and proper sanitation. Defendants provide food that is unsuitable for the various species and enclose the animals with improper perimeter fencing, which allows customers to touch them. On information and belief, Pymatuning does not provide adequate sanitation measures, such as foot baths or hand washing stations, to prevent the spread of zoonotic disease to the public. Allowing the public to feed and touch the animals without supervision or proper sanitation creates a risk of disease transmission between the people and the animals as well as between animals through cross-contamination caused by customers touching many animals in succession without washing their hands in between.

134. Indicative of this pattern and practice, the USDA has cited Pymatuning for conditions that allowed, or could allow, public contact with a variety of animals, including cougars and a coatimundi, and for gaps in fences that could allow animals to escape. The USDA has also cited Pymatuning for inadequately supervising public feeding of animals at the facility.

135. Defendants also confine as many as one hundred parakeets to the “Budgie Barn,” a crowded indoor barn where the parakeets are subjected to unsupervised public feeding, screaming children, and trampling by members of the public. These chaotic conditions, including the loud noise, can cause psychological distress in the birds. Moreover, the enclosure is constructed out of wood, which cannot be sanitized, and is designed so that the birds perch above the public walkway, putting customers at risk of contact with fecal material from which they could contract contagious zoonotic diseases including psittacosis. On information and belief, Pymatuning does not provide adequate sanitation measures, such as foot baths or hand washing stations, to prevent the spread of zoonotic disease to the public. In addition, by holding so many birds in a single enclosure, Defendants make it difficult, if not impossible, for their staff to monitor the birds for illness or to implement an effective quarantine protocol as needed, which increases the likelihood of disease transmission among the birds and with the public. Holding so many birds in close proximity also makes it difficult, if not impossible, to evacuate the birds if the wooden structure caught fire, leaving the birds at risk of psychological distress, physical injury, and death.

136. In addition to violating state law by allowing public contact with animals, including by encouraging public feeding, Defendants violate the AWA, which is intended to ensure the “humane care and treatment” of animals used “for exhibition purposes,” 7 U.S.C. § 2131, and which requires that exhibited animals “be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public,” 9 C.F.R. § 2.131(c)(1). This practice also violates generally accepted husbandry practices. For example, the AZA advises that “hand-feeding in free contact situations is not recommended.”



137. By allowing unsupervised public feeding, Defendants jeopardize both the animals' and the public's safety, violating state law and creating a public nuisance by producing a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right.

**E. Pymatuning's failure to provide animals with adequate veterinary care constitutes a public nuisance**

138. Defendants have a pattern and practice of failing to provide animals with adequate veterinary care, including preventative care, in violation of 18 Pennsylvania Statute Section 5532(a), which provides that the failure to provide animals with "necessary veterinary care" constitutes criminal neglect, and they display animals in need of veterinary care, in violation of 58 Pennsylvania Code Section 147.287, which requires that "sick or unsightly" wildlife "be removed from public display and immediately given professional medical attention."

139. Contrary to these clear statutory and regulatory requirements, Defendants fail to provide animals at Pymatuning Deer Park with necessary veterinary care, including preventative care.

140. Indicative of this pattern and practice, the USDA has cited Pymatuning for depriving animals of timely and appropriate medical attention.

141. In July 2017, the USDA cited Pymatuning for the inadequacy of its veterinary care when fallow deer and fennec foxes appeared sick, unsightly, and untreated by a licensed veterinarian. The USDA noted that despite hair loss and an unkept coat, Pymatuning's fennec foxes "had not been assessed by a veterinarian and had not been treated by park staff for the most recent hair loss re-occurrence." The same inspection report described a fallow deer whose "left eye was clouded, blue colored and was bulging," but which Pymatuning's staff "had not noticed" so "no treatment had been given to the animal."

142. Further, in July 2020, Defendants confined many birds with a peacock who had a persistent and apparently painful eye condition that, on information and belief, went untreated and was potentially infectious. Pymatuning's lack of a proper infectious disease prevention and quarantine protocol predisposes birds to a wide variety of infectious diseases. Because inadequate sanitation also facilitates the spread of disease, the peacock's eye condition may indicate a failure to provide proper sanitation in the enclosure, which further exposes the birds to a variety of contagious diseases.

143. In addition, Pymatuning's use of gunshot in place of proper euthanasia is prohibited by Pennsylvania Statute Section 328.301, which provides that "[n]o animal shall be destroyed by means of . . . [u]nacceptable agents and methods published in the most current version of the American Veterinary Medical Association's Guidelines on Euthanasia."

144. Contrary to this clear statutory requirement, Defendants have killed at least one animal by gunshot. The USDA cited Pymatuning for killing Scruffy, an adult tiger, by gunshot, which was, on information and belief, not an isolated incident since Pymatuning's program of veterinary care provided for gunshot and barbiturate overdose as primary forms of euthanasia.

145. The most recent American Veterinary Medical Association guidelines indicate that gunshot is only acceptable in an emergency situation, and "should not be used when other methods are available and practicable." On information and belief, Scruffy's death was not an emergency situation, nor were other methods unavailable and impracticable. Moreover, killing a big cat by gunshot requires "highly skilled personnel trained in the use of firearms," appropriate firearms and bullets, and well-maintained equipment, and can create suffering if more than one shot is required. On information and belief, Pymatuning staff lacks the requisite skill and training in firearms, as is evident by the fact that they shot at Scruffy three times.

146. By depriving animals of necessary veterinary care, including preventative care, Defendants jeopardize their health, violating state law and creating a public nuisance by producing a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right.

### **VIII. DEFENDANTS' ACTIONS HARM PETA BY FRUSTRATING ITS MISSION AND WASTING ITS RESOURCES**

147. PETA has over 6.5 million members and supporters worldwide and is dedicated to protecting animals, including animals used in entertainment, from abuse, neglect, and cruelty. PETA's mission statement reads, in relevant part: "Animals are not ours to . . . use for entertainment."

148. By unlawfully harming and harassing ESA-listed animals and confining them and other animals to unlawful conditions, Defendants directly frustrate PETA's mission to eliminate the abuse and neglect of animals for entertainment. Unlawfully harming and harassing animals and confining animals to unlawful conditions increases the number of animals subject to abuse and neglect in entertainment.

149. To achieve its objectives of ending the abuse and neglect of animals used for entertainment, PETA pursues several programs, including public education, cruelty investigation, research, animal rescue, legislation, special events, celebrity involvement, and protest campaigns. It brings this suit on its own behalf to protect its programs, which have been perceptibly impaired by Pymatuning's actions.

150. Continuing to harm and harass and otherwise mistreat the animals who are the subject of this action without repercussion creates the incorrect public impression that the conditions in which these animals are kept are humane and lawful and that Defendants can lawfully abuse, neglect, and mistreat animals.

151. As a result, PETA has been forced to divert resources in order to counteract the public impression that Pymatuning's practices are consistent with the ESA and animal welfare. Among other activities, in order to counteract this public impression, PETA has been, and continues to be, forced to: submit complaints about Pymatuning to government agencies; post multiple posts on the PETA.org blog; review and respond to complaints from the public about Pymatuning; compile and publish information on PETA's website about Pymatuning's history of animal welfare violations; and distribute press releases on Pymatuning's AWA violations.

152. In order to compile accurate information about Pymatuning to share with the public and its members, as well as to counteract the public impression that Pymatuning's practices are consistent with the ESA and animal welfare, PETA has been, and continues to be, forced to: track and gather Pymatuning's USDA inspection reports; arrange for staff and activists to visit Pymatuning; monitor Pymatuning's social media pages and website; and submit multiple public records requests related to the facility and review and analyze numerous responsive documents.

153. Despite the resources PETA has expended, Defendants have failed to significantly improve the conditions at Pymatuning Deer Park, which has rendered PETA's expenditures effectively wasted.

154. PETA has also been, and continues to be, forced to undertake all of the actions listed in the preceding two paragraphs, and is therefore compelled to divert resources, to address Defendants' unlawful mistreatment of the animals who are the subject of this action.

155. PETA's ongoing need to expend resources to investigate and counteract Defendants' unlawful harm and harassment of animals has perceptibly impaired PETA's ability to advance its mission. Specifically, the expenses incurred identifying and counteracting Defendants' illegal activity has forced PETA to divert resources away from campaigns against other

unaccredited roadside zoos and traveling animal shows with egregious records of animal neglect and abuse, and from funding animal rescues, among other efforts.

156. If PETA prevails in this action, Defendants will no longer be able to maintain the animals at issue in conditions that are inconsistent with the ESA and animal welfare, and PETA will no longer have to divert resources to counteract the incorrect public impression caused by Defendants' unlawful acts or to counteract the unlawful acts themselves.

157. PETA's additional efforts and the resulting expenditures would not be necessary but for Defendants' unlawful mistreatment of animals.

158. PETA suffers an injury different in kind and degree than the general public due to the perceptible frustration of its programs caused by Defendants' unlawful mistreatment and neglect of animals and the public nuisance thereby created by Defendants. Unlike other members of the public, PETA has been forced to, and continues to be forced to, expend resources to investigate and counteract Defendants' unlawful treatment and neglect of animals, and to counteract the public impression that Defendants' treatment of animals is lawful and consistent with animal welfare, when it is in fact illegal, cruel, and offensive to public decency.

#### **IX. PLAINTIFFS' MEMBERS SUFFER AESTHETIC INJURIES CAUSED BY VIEWING DEFENDANTS' MISTREATMENT OF ANIMALS**

159. As set forth above, PETA's organizational mission is focused on animal protection and it brings this lawsuit to vindicate its interests and the interests of its members who have visited Pymatuning Deer Park.

160. Likewise, ALDF's organizational mission is focused on animal protection and it brings this lawsuit to vindicate its interests and the interests of its members who have visited Pymatuning Deer Park.



161. ALDF has over 300,000 members and supporters nationwide and pursues its mission of protecting the lives and advancing the interests of animals by persistently advocating for the protection of animals used and sold in commercial enterprises. ALDF frequently focuses on animal husbandry practices and the confinement of animals used for entertainment and exhibition purposes.

162. By unlawfully harming and harassing ESA-listed animals and confining them and other animals to unlawful conditions, Defendants directly frustrate ALDF's mission to protect animals used and sold in commercial enterprises. Unlawfully harming and harassing animals and confining animals to unlawful conditions increases the number of animals subject to abuse and neglect in commercial enterprises.

163. When Plaintiffs' members visited Pymatuning Deer Park, they observed and developed aesthetic and emotional connections to the animals at the facility, including Bosco and the other animals at issue in this suit. Plaintiffs' members became distressed and upset due to the animal mistreatment and suffering that they witnessed at Pymatuning Deer Park, including the suffering of animals kept on inappropriate substrates like concrete, or in mud; animals confined to undersized enclosures without adequate enrichment; and animals subject to public feeding without sufficient supervision, barriers, or sanitary precautions. The inhumane and inadequate conditions prevented Plaintiffs' members who visited Pymatuning Deer Park from viewing and enjoying the animals kept there in appropriate conditions. Members of the public have expressed similar concerns about the conditions at Defendants' facility.

164. Plaintiffs' members' aesthetic injuries continue and even magnify when Pymatuning acquires additional animals who will be held in inadequate enclosures and denied the nutrition, enrichment, and veterinary care they need.

165. Plaintiffs' members wish to view the animals they met at Pymatuning Deer Park in appropriate and humane conditions but are unable to do so because of the current inappropriate and inhumane conditions in which Defendants confine the animals.

166. Plaintiffs' members would view the animals they met at Pymatuning Deer Park if the animals were transferred to reputable facilities or sanctuaries and held in appropriate and humane conditions.

167. Plaintiffs bring this action on PETA's own behalf, and on behalf of both Plaintiffs' members, as well as the public at large. The interests that Plaintiffs' members have in observing and otherwise enjoying animals at Pymatuning Deer Park have been, and will continue to be, harmed by the mistreatment of animals by the operation and management of Defendants' facility. Additionally, the ongoing conditions and mistreatment of animals at Pymatuning Deer Park is a nuisance repugnant to the interests of the Pennsylvania public at large. The relief sought in this lawsuit—including, but not limited to, the transfer of animals to reputable facilities or sanctuaries—would redress Plaintiffs' and their members' ongoing harms caused by Defendants' unlawful activities.

168. Plaintiffs' members who visited Pymatuning Deer Park suffer an injury different in kind and degree than the general public. Unlike other members of the public who suffer a general moral injury, Plaintiffs' members who visited Pymatuning Deer Park witnessed the mistreatment and suffering of animals and as a result experienced significant distress. Accordingly, their aesthetic, recreational, educational, and personal interests, including the desire to observe animals, were harmed and diminished by seeing animals in inhumane conditions. Further, Plaintiffs' members desire to return and enjoy viewing the animals at Pymatuning Deer Park in appropriate and humane conditions but are unable to do so while the current inadequate and inhumane

conditions persist. Thus, Plaintiffs' members' interests in observing and enjoying animals at Pymatuning Deer Park have been, and will continue to be, harmed by Defendants' mistreatment and neglect of animals.

## **X. CLAIMS FOR RELIEF**

### **Count I—Unlawful “Take” of Protected Species**

1. Plaintiffs incorporate by reference all allegations of the Complaint.
2. The Endangered Species Act, 16 U.S.C. § 1538(a)(1)(B), (G), and its implementing regulations, 50 C.F.R. §§ 17.21, 17.31(a), prohibit the “take” of “any [listed] species” not otherwise provided for by a Section 4(d) special rule, within the United States without a permit.
3. Defendants have violated and continue to violate the ESA and its implementing regulations by taking lions, tigers, ring-tailed lemurs, a military macaw, and a Mikado pheasant, by harming and harassing them at Pymatuning Deer Park without a permit.
4. This Court has the authority to issue an injunction prohibiting Defendants from committing further violations of the ESA and ordering them to relinquish possession of the lions, tigers, ring-tailed lemurs, military macaw, and Mikado pheasant to reputable facilities or sanctuaries. 16 U.S.C. § 1540(g)(1)(a).

### **Count II—Unlawful Possession of Protected Species**

5. Plaintiffs incorporate by reference all allegations of the Complaint.
6. The Endangered Species Act, 16 U.S.C. § 1538(a)(1)(D), (G), and implementing regulations, 50 C.F.R. §§ 17.21(d), 17.31(a), prohibit the possession, by any means whatsoever, of any species taken in violation of the ESA.
7. Defendants have violated and continue to violate the ESA and its implementing regulations by possessing and continuing to possess unlawfully taken species, including two lions,

two tigers, two ring-tailed lemurs, a military macaw, and a Mikado pheasant, within the meaning of 16 U.S.C. § 1538(a)(1)(D) and (G).

8. This Court has the authority to issue an injunction prohibiting Defendants from continuing to possess the lions, tigers, ring-tailed lemurs, military macaw, and Mikado pheasant, in violation of 16 U.S.C. § 1538(a)(1)(D) and (G), and 50 C.F.R. §§ 17.21(d), 17.31(a), 17.40(r), and ordering them to relinquish possession of these animals to reputable facilities or sanctuaries. 16 U.S.C. § 1540(g)(1)(A).

### **Count III—Public Nuisance**

9. Plaintiffs incorporate by reference all allegations of the Complaint.

10. Defendants' operation of Pymatuning Deer Park, including the treatment of animals confined therein, unreasonably interferes with the rights of the general public and constitutes a public nuisance.

11. In Pennsylvania, a public nuisance is a significant interference with a right common to the general public, including conduct that is proscribed by a statute, ordinance, or administrative regulation, or conduct that has a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right.

12. Injury to the public is the essence of a public nuisance. Where the government has proscribed certain conduct, such as the inhumane treatment of animals, such a prohibition reflects public policy and is tantamount to a declaration that the proscribed conduct is prejudicial to the interests of the public. Defendants' conduct violates statutes and regulations and has caused, and continues to cause, a long-lasting effect that Defendants know or have reason to know has a significant effect on the public right to have animals treated humanely.

13. Defendants' conduct violates state animal welfare regulations and federal animal welfare standards, which require the humane care and treatment of exhibited animals. 58 Pa. Code § 147.281; 7 U.S.C. §§ 2131-59.

14. These violations of law support a finding of public nuisance under Pennsylvania law.

15. As a direct and proximate result of Defendants' creation of a public nuisance, PETA and Plaintiffs' members have suffered harm different in kind and degree than that suffered by members of the public.

16. Defendants' mistreatment of animals has harmed PETA by frustrating its mission and causing it economic damages incurred when it is forced to divert its resources to investigate and counteract Defendants' unlawful conduct and to counteract the incorrect public impression caused by Defendants' unlawful acts.

17. PETA's expenditures have been rendered wasted as a result of Defendants' failure to significantly improve the conditions of Pymatuning Deer Park.

18. Plaintiffs' members have suffered an injury caused by Defendants' creation of a public nuisance that different in kind and degree than that suffered by the general public. Plaintiffs' respective members incurred an injury including but not limited to their aesthetic, recreational, educational, and personal interest in seeing the animals in a humane, safe, and psychologically enriching setting.

19. Plaintiffs' respective members visited Pymatuning Deer Park to view the animals, they formed emotional attachments to these animals, and they became distressed and upset due to the animal mistreatment and suffering that they witnessed. Plaintiffs' members' interests in observing and otherwise enjoying animals at Pymatuning Deer Park have been, and will continue



to be, harmed by Defendants' mistreatment of animals through their operation and management of Pymatuning Deer Park.

20. Plaintiffs' respective members would view the animals they met at Pymatuning Deer Park if the animals were transferred to reputable facilities or sanctuaries and held in appropriate and humane conditions.

21. If unabated, Defendants' conduct will continue to harm PETA and threaten the rights of the general public and Plaintiffs' members' rights. Equitable relief, including an order to transfer the animals to reputable facilities or sanctuaries and an injunction prohibiting Defendants from obtaining other animals, would redress ongoing harms to PETA and Plaintiffs' members by Defendants' conduct at Pymatuning Deer Park.

22. The relief sought in this lawsuit—including, but not limited to, an order to transfer of animals to reputable facilities or sanctuaries—would redress PETA's and Plaintiffs' members' ongoing harms from Pymatuning's activities at Pymatuning Deer Park. Specifically, PETA would cease incurring costs related to investigating and counteracting Defendants' unlawful conduct and the public misperceptions thereby created and Plaintiffs' members would either return to Pymatuning Deer Park if the treatment and conditions substantially improved to be humane and in compliance with law, or would otherwise visit the animals if they are moved to reputable facilities or sanctuaries.

### **Relief Requested**

WHEREFORE, Plaintiffs respectfully request that this Court:

A. Declare that Defendants are violating the ESA by illegally taking lions, tigers, ring-tailed lemurs, a military macaw, and a Mikado pheasant. 16 U.S.C. § 1538(a)(1)(B); 50 C.F.R. §§ 17.21(c), 17.31(a), 17.40(r);

B. Declare that Defendants have violated and continue to violate the ESA by possessing lions, tigers, ring-tailed lemurs, a military macaw, and a Mikado pheasant who have been illegally taken, 16 U.S.C. § 1538(a)(1)(D), (G); 50 C.F.R. §§ 17.21(d), 17.31(a), 17.40(r);

C. Enjoin Defendants from continuing to violate the ESA and its implementing regulations with respect to lions, tigers, ring-tailed lemurs, a military macaw, and a Mikado pheasant, including the prohibitions on taking a listed species and possessing a listed species that has been unlawfully taken;

D. Enjoin Defendants from owning or possessing endangered or threatened species in the future;

E. Enjoin Defendants from maintaining a public nuisance, namely by confining endangered, threatened, and non-endangered animals in inhumane and unsafe conditions;

F. Enter a permanent injunction against Defendants that terminates all Defendants' ownership and possessory rights in its animals;

G. Order the animals transferred to reputable facilities or sanctuaries that the Court determines are the most appropriate placements for the forfeited animals, consistent with the animals' best interests;

H. Enter a permanent injunction prohibiting Defendants from obtaining other wild animals;

I. Award Plaintiffs reasonable attorneys' fees and litigation costs for this action, 16 U.S.C. § 1540(g)(4); and

J. Grant Plaintiffs such other and further relief as the Court deems just and proper.

Date April 14, 2021  
Pittsburgh, Pennsylvania

Respectfully submitted,

**K&L GATES LLP**

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