

March 30, 2022

Senate Agriculture and Rural Development Finance and Policy Committee
95 University Avenue W. Minnesota Senate Bldg., Room 3201
St. Paul, MN 55155

Re: Senate File 4019 A-1 DE Amendment

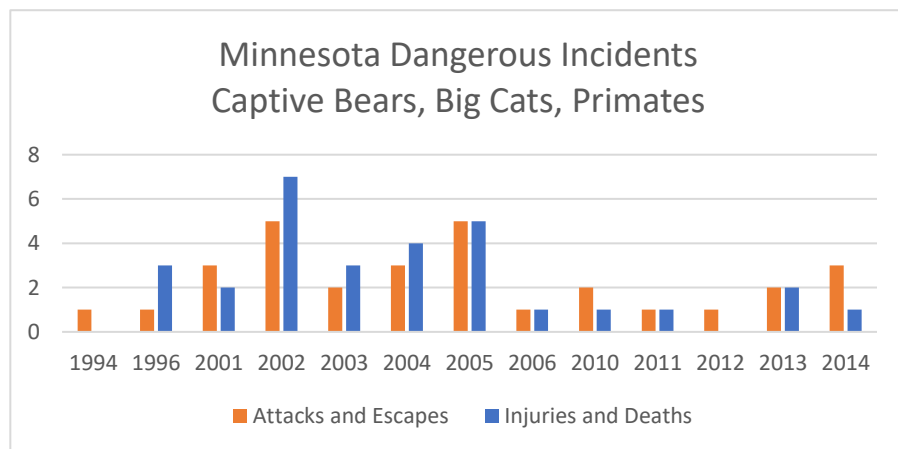
Dear Chair Westrom and members of the committee:

On behalf of the Humane Society of the United States and our organization's members and supporters in Minnesota, I am writing to express opposition to exempting Zoological Association of America-accredited facilities from Minnesota's regulated animal law, as this exemption jeopardizes public safety and animal welfare.

Senate File 4019 A-1 DE Amendment, Article 3, Section 15 exempts entities accredited by the Zoological Association of America (ZAA) from current law that restricts the possession of dangerous wild animals. The Florida-based ZAA accredits poorly run roadside zoos and private menageries with a history of public safety and animal welfare violations. At ZAA-accredited facilities around the country people have been injured by captive wild animals and facilities have been cited, warned, and fined by authorities for unsafe handling of animals, inadequate public safety barriers, animal escapes, inadequate veterinary care, enclosures in disrepair, and other issues.

Two of the ZAA representatives who testified at the House and Senate hearings on this bill illustrate these concerns. Both of their facilities were fined by the Occupational Safety Health Administration following dangerous incidents in 2018. At Charlie Sammut's zoo in California, a keeper was hospitalized following an elephant attack and at Mindy Stinner's zoo in North Carolina, an intern was mauled to death by an African lion. More incidents at ZAA facilities are listed below.

Background: After a series of dangerous incidents involving bears, big cats and primates, Minnesota passed a law to restrict possession of these species, which resulted in a significant decline in dangerous incidents. The law went into effect January 1, 2005.



Current law: MN

Regulated Animal Law 346.155 prohibits private ownership of big cats, primates and bears. Exemptions include zoos accredited by the Association of Zoos and Aquariums (AZA), bona fide wildlife sanctuaries, research facilities, licensed game farms, U.S. Department of Agriculture (USDA) licensed traveling shows that are temporarily in the state, and persons permitted by the commissioner of natural resources to possess native captive wildlife for exhibition. Historically, it has been common throughout the country to include exemptions for traveling shows, such as circuses, in laws restricting possession of dangerous wild animals because the laws focus on permanent facilities rather than transitory exhibitors that are in the state temporarily.

Minnesota's existing exemption for AZA is sensible because the AZA is a highly regarded and established zoo trade organization with 6,000 zoo and aquarium professionals, organizations, and suppliers worldwide and approximately 240 accredited facilities. Accreditation by the AZA ensures that knowledgeable and experienced professionals provide care for animals in a safe environment at modern facilities.

Under SF 4019 A-1 DE Amendment, ZAA-accredited facilities would no longer have to register regulated animals with local authorities, alert local law enforcement if their big cats, bears or primates escape, or comply with other state safety, animal care, and recordkeeping requirements for regulated animals.

ZAA has a troubling safety record. At ZAA-accredited facilities around the country, people have been injured by animals, including an orangutan, pygmy hippopotamus, guenon, lemur, tiger, lion cubs, bear, jaguar and camel. Please consider the following examples of U.S. Department of Agriculture (USDA) enforcement actions against ZAA-accredited facilities:

- The USDA issued an \$857 fine after an unsupervised encounter in Florida with a bull elephant resulted in a woman being attacked and hospitalized for months with life-threatening injuries.
- The owner of two ZAA-accredited facilities was fined nearly \$100,000 by the USDA for charges that included unmonitored public contact that resulted in a child being severely bitten by a camel, repeated failure to prevent and treat illnesses and diseases, and drowning a wallaby with an eye injury.
- The USDA issued two warnings to a Kansas facility after a child was bitten by a pygmy hippo and for subjecting three 20 day-old lynx kittens to stressful transport conditions. The facility was also cited for allowing a lemur to perch on the head of a human infant.
- The USDA issued a critical citation against an Alabama facility after a visitor was allegedly bitten by a kangaroo during a public encounter.
- The USDA issued a warning to a Washington facility for failure to provide veterinary care to a severely underweight reindeer.
- The USDA fined a Maryland facility \$12,000 after an inexperienced keeper was mauled by two jaguars and other issues.
- The USDA issued a warning against a California facility for failure to provide adequate veterinary care, enclosures in disrepair and failure to separate incompatible animals.
- The USDA issued a critical citation against an Arizona facility after a visitor was able to cross an inadequate safety barrier and was clawed by a caged jaguar.
- The USDA issued a critical citation against a Montana facility after a snow leopard apparently bit or tore off two-thirds of the tail of another snow leopard in an adjacent cage and previously had issued an official warning for declawing a tiger cub which can cause "ongoing pain, discomfort, or other pathological conditions in the animals." The same facility was cited in 2021 for multiple animal welfare violations and a rusted vertical structural support pole in a wolf enclosure that could lead to injury of the enclosed animal or potential escape.
- The USDA cited a Florida facility 31 times since 2015, including for unsafe handling after an eight year-old boy was attacked by a lemur.

ZAA emphasizes the parity of standards between ZAA and AZA. If that were the case, there would be no need for two separate zoo trade organizations. But copying portions from one group's standards so that a side-by-side comparison looks impressive on paper is very different than implementing those standards. AZA has a proven track record of prioritizing safety and welfare whereas ZAA does not. The AZA was founded in 1924, has a 118-page accreditation standards manual and 238 accredited facilities, including the Minnesota Zoo, Como Zoo and Lake Superior Zoo. In contrast, the ZAA was founded in

2005, has a 33-page accreditation standards manual and 64 accredited facilities, several of which failed AZA accreditation and many of which have animal welfare and public safety violations of the federal Animal Welfare Act.

ZAA has apparently developed no animal care manuals detailing professional standards. The AZA's biologists, veterinarians, nutritionists, reproduction physiologists, behaviorists and researchers have developed nearly three dozen species-specific animal care manuals that are often more than 100 pages. In some cases, such as for lions and sun bears, ZAA's space requirements are just four percent of the space that AZA requires for these species. And AZA has a strong disposition policy to ensure that wild animals are not sold into the exotic pet trade. ZAA has no policy prohibiting the sale of exotic animals at auctions, where animals can be purchased by anyone and used in unscrupulous ways.

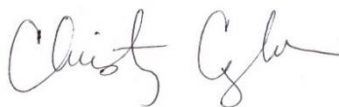
If the organizations were truly comparable, ZAA would not be accrediting zoos that fail to meet AZA's high standards. Several facilities that lost AZA accreditation for serious problems such as financial instability, failing infrastructure, plummeting attendance, federal Animal Welfare Act violations, insufficient staffing and inadequate animal care were subsequently accredited by ZAA. And some facilities that refused to comply with AZA's stronger safety standards switched their accreditation from AZA to ZAA. Since 2011, at least eight facilities that were once accredited by ZAA have closed.

Notably, 228 out of 238 AZA-accredited facilities have chosen *not* to also become ZAA accredited. A handful of AZA zoos may have obtained accreditation from ZAA and other trade groups because they think multiple accreditations will be impressive to a public that does not know the difference.

ZAA facilities present threats to public safety and headaches for local authorities. For example, at one time, Kevin Vogel, who operates sites in Brainerd and Sanford, was accredited by ZAA. In 2014, a Syrian brown bear cub escaped as Vogel was transporting the animal between his two facilities. The bear got out of an improperly latched sky kennel inside the transport trailer and then broke through the sliding window of the trailer when Vogel stopped at a restaurant in Clearwater. *Vogel was unaware that the bear had escaped until he reached the final destination.* In the meantime, the bear encountered people in the parking lot of the restaurant and was ultimately recovered by local authorities. The incident resulted in \$1,357 fine from the USDA. Media reports indicate Vogel is currently seeking ZAA accreditation, meaning he would not have to notify local authorities about regulated animals in his possession, nor would he have to alert them if the animals escape. This endangers the public.

Minnesota should not jeopardize the safety of its citizens, burden law enforcement or compromise animal welfare by weakening a law that has served the state well since 2005, and I urge you to delete Section 15 in Article 3 of SF 4019 A1 DE Amendment. I would be happy to provide documentation of the public safety and animal welfare problems cited above and to discuss this issue in more depth at any time. Thank you for your time.

Sincerely,



Christine Coughlin
Minnesota State Director
Humane Society of the United States
ccoughlin@humanesociety.org