



March 19, 2024

The Honorable Aric Putnam, Chair  
Senate Agriculture, Broadband, and Rural Development Committee  
Minnesota Senate Building  
95 University Avenue W  
St. Paul, MN 55155

**Re: SF 4152 Weakens a Minnesota Law that Protects the Cervid Population**

Dear Chairperson Putnam and Esteemed Members of the Senate Agriculture, Broadband, and Rural Development Committee,

On behalf of our Minnesota members and supporters, the Humane Society of the United States opposes SF 4152 to allow the importation of live cervidae by facilities accredited by the Zoological Association of America. Currently, Minnesota restricts imports on cervids, such as white-tailed deer and elk, to protect the state's cervid population from chronic wasting disease (CWD). CWD is fatal to animals and, according to the Centers for Disease Control and Prevention, "may also be a risk to people."<sup>1</sup>

Minnesota law provides an exemption for the interstate transfer of cervids between two facilities accredited by the Association of Zoos and Aquariums (AZA). HF 4065 would add an exemption for another zoo trade organization called the Zoological Association of America (ZAA). A similar attempt to exempt ZAA from a Minnesota law restricting the possession of dangerous wild animals failed in 2022.

In Wisconsin, ZAA is seeking an exemption from state permitting requirements for native wildlife. Wisconsin's AZA-accredited zoos oppose the exemption, writing "there is no parity between the two existing accreditation standards (ZAA and AZA)"<sup>2</sup> and "ZAA animal welfare and safety standards are not sufficient."<sup>3</sup> In 2019, the Wisconsin Department of Agriculture, Trade, and Consumer Protection determined that ZAA accreditation standards were inferior to AZA accreditation when the agency approved AZA exemption but explicitly declined to exempt ZAA from rules relating to animal importation. After analyzing the two standards, the department concluded that "current documented ZAA accreditation standards do not include sufficient requirements for veterinary oversight and disease prevention to warrant exempting ZAA accredited facilities."<sup>4</sup>

Despite claims to the contrary, ZAA's standards, and its implementation of standards, are far weaker than those of the AZA. In fact, numerous facilities that failed AZA accreditation due to serious problems such as financial instability, failing infrastructure, misuse of zoo resources for personal profit by zoo

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<sup>1</sup> The Centers for Disease Control and Prevention: Chronic Wasting Disease (CWD).

<https://www.cdc.gov/prions/cwd/index.html>

<sup>2</sup> Racine Zoo, memo to Wisconsin Assembly Committee on Tourism, "In Opposition to Assembly Bill 124," September 6, 2023.

<sup>3</sup> Murach, Carmen, NEW Zoo & Adventure Park, Letter to Chair Magnafici and members of the Wisconsin Assembly Committee on Tourism, September 5, 2023.

<sup>4</sup> Wisconsin State Legislature at

[https://docs.legis.wisconsin.gov/code/register/2020/772a1/register/cr/cr\\_18\\_085\\_rule\\_text/cr\\_18\\_085\\_rule\\_text/\\_385?up=1](https://docs.legis.wisconsin.gov/code/register/2020/772a1/register/cr/cr_18_085_rule_text/cr_18_085_rule_text/_385?up=1)

executives, plummeting attendance, federal Animal Welfare Act violations, insufficient staffing, and inadequate animal care were subsequently awarded ZAA accreditation. And some facilities that refused to comply with AZA's stronger safety standards switched their accreditation from AZA to ZAA.

ZAA accredits facilities with troubling records. Between 2010 and 2023, combined USDA enforcement actions against 32 facilities accredited by ZAA include more than \$191,000 in fines, 21 official warnings, and 58 direct and critical citations (those issued when inspectors find serious conditions that adversely affect the health and well-being of an animal). At least 12 facilities that were once accredited by ZAA have closed.

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.<sup>5</sup> The incident resulted in a \$1,357 fine from the USDA.

Hemker Park and Zoo in Freeport is currently the only ZAA-accredited facility in Minnesota. If Hemker Zoo wants to be exempt from import restrictions on cervids, the zoo should seek AZA accreditation. The state should not jeopardize the health of its cervid population by weakening existing law. In 2004, putting its own interests above the community, Hemker Zoo objected to a federal ban on the import of ruminants from Canada after mad cow disease was found on a Canadian farm because the zoo wanted Canadian-bred reindeer for breeding purposes.<sup>6</sup>

We urge the committee to vote no on SF 4152. Thank you for giving this matter your consideration.

Sincerely,

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The Humane Society of the United States  
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<sup>5</sup> Enger, John. "Zoo bear cub escaped as northern Minn. Man stopped for snack." MPR News, February 24, 2016 at <https://www.mprnews.org/story/2016/02/24/minnesota-lost-zoo-bear-cub-fine>.

<sup>6</sup> "Mad cow threatens baby reindeer." *Reuters*, January 28, 2004.  
[https://money.cnn.com/2004/01/28/news/funny/canada\\_zoos/index.htm](https://money.cnn.com/2004/01/28/news/funny/canada_zoos/index.htm)