

July 22, 2019

USDA/APHIS/Animal Care
Eastern Region

Via e-mail: aceast@aphis.usda.gov

Re: Urgent Request for Investigation of Apparent Animal Welfare Act Violations at Union County Sportsmen's Club Inc. (License No. 23-C-0176)

Dear AC East:

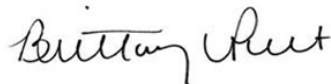
I am writing on behalf of PETA to request that the USDA urgently investigate Union County Sportsmen's Club Inc. ("UCSC"; license number 23-C-0176), for the following apparent Animal Welfare Act (AWA) violations, detailed in the attached appendix, which were documented by concerned citizens on July 10, 11, and 18:

- A morbidly obese Asiatic black bear is in urgent need of veterinary evaluation:
 - The bear appeared to be missing or to have fractured multiple teeth and had significant gum recession and root exposure, which is likely causing pain and could be life threatening. (*See Photos 1-3, Video 1 and Video 2.*)
 - The bear appears to be morbidly obese. (*See Video 3.*)
 - The bear was confined on concrete, which can lead to serious physical maladies. (*See Photo 4 and Video 1.*)
 - The bear was exhibiting apparent stereotypic rocking behavior, indicating psychological distress. (*See Video 1, Video 4, and Video 5, Video 6, and Video 7.*)
- An overweight raccoon was panting and appeared to be suffering from heat stress. (*See Video 8 and Video 9.*)
- A bobcat was obese. (*See Photos 5-6.*)
- A quail had feather loss on the head. (*See Photo 7.*)
- Many of the cages were unsanitary, with excessive feces and algae buildup on the concrete walls and floor, and in the troughs containing their water. (*See Photos 5, 8-13, Video 2, Video 5, Video 7 and Video 10.*)

Please ensure that all the animals at UCSC are provided with adequate veterinary care, shelter, space, food, and water and are otherwise handled in accordance with the AWA. Please hold the facility fully accountable for any violations that your investigation reveals.

Thank you for your attention to this important matter. Please inform me of the complaint number that your agency assigns to this correspondence.

Very truly yours,



Brittany Peet, Esq.
Director, Captive Animal Law Enforcement

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-PETA

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- PETA Asia
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- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Appendix

a. A Morbidly Obese Asiatic Black Bear is in Urgent Need of Veterinary Evaluation

i. The Bear Has Significant Gum Recession and Root Exposure and Has Missing or Fractured Teeth

On July 11 and 18, witnesses observed and documented a morbidly obese Asiatic black bear, named Dillan, who had exposed tooth roots on two of his lower incisors. There is also significant gum recession around the lower right canine tooth, which appears blunted and discolored. (*See* Photos 1-3.) The teeth on the lower left mandible appear to be either ground, fractured, or missing, and both maxillary canines may be missing as well. (*See* Video 1 and Video 2.)

According to wildlife veterinarian Dr. Heather Rally, severely exposed tooth roots are extremely painful and the discoloration of all three of these teeth is a likely indicator of tooth decay and/or devitalization. Dr. Rally opined that these are indications of advanced gum and dental disease and this bear appears to be in need to urgent evaluation by a qualified veterinarian with experience dealing with difficult dental cases in bears, as these types of conditions can be linked to other systemic diseases that may be life-threatening.

The USDA cited UCSC twice for inadequate veterinary care regarding this bear's broken tooth, stating that "[b]roken canines can be very painful and lead to infections that are potentially life threatening."¹ The USDA has also cited the facility for feeding Dillan restaurant left overs including donuts, muffins, pasta, bread and fries,² which is likely contributing to the dental wear.

Please ensure that Dillan has been evaluated by a veterinarian pursuant to 9 C.F.R. § 2.40. Please also ensure that he is receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a), which states that "[t]he food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health."

ii. The Bear Appears to be Morbidly Obese

On July 11 and 18, witnesses observed and documented that Dillan appears to be morbidly obese. (*See* Video 3.) The USDA has previously noted Dillan's obesity and cited UCSC for feeding Dillan restaurant left overs, stating that "[t]hese types of food are poor nutritive value while containing excessive calories that contributes to the bear's excessive weight. Obesity poses a significant risk to the health of the animal and it is imperative that a diet that is nutritious and an appropriate quantity is fed daily as directed by the attending veterinarian."²

Please ensure that Dillan has been evaluated by a veterinarian pursuant to 9 C.F.R. § 2.40. Please also ensure that he is receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a).

Dillan's poor body condition may also be caused by his inability to perform normal postural behaviors such as roaming over vast distances, climbing, swimming, and digging, in violation of 9 C.F.R. § 3.128, which requires that "[e]nclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns."

¹See USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, Oct 24, 2017, July 13, 2017.

²See USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, February 8, 2019, February 15, 2018, October 24, 2017, July 13, 2017.

iii. The Bear Was Confined on Concrete

On July 11 and 18, witnesses observed and documented Dillan confined to a cramped concrete-floored enclosure. (See Video 1.) Dillan also had a pink area on at least one footpad that may be the result of chronic repetitive trauma from living on concrete and wet conditions. (See Photo 4.)

Confinement to concrete without any access to a natural substrate is harmful to bears and can cause them to suffer from numerous physical maladies, including early-onset osteoarthritis and foot injuries. Wearing their paws on concrete also can predispose them to painful blisters and ulcers. Dr. Rally opined that calluses can form and crack open, causing infections, abscesses, and pain. The excessive weight of this animal adds additional stress to the joints and feet, increasing the likelihood of these conditions. According to a USDA inspection report on July 13, 2017, this bear is already being treated for arthritis.

Recognizing the health risks inherent in confining bears on concrete substrate without soft resting surfaces, the July 13, 2017, USDA inspection report cited the facility for failing to provide this bear with adequate space, noting that "[a]s these are declawed bears, there is a lot more pressure put on their front paws and these animals should be given resting surfaces off the ground, or bedding in the den areas."³

This enclosure appears unchanged, and is in apparent violation of 9 C.F.R. § 3.128, and *id.* § 2.131(d)(1), which requires that "[a]nimals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being."

Please also inspect this bear, as well as the relevant veterinary records, and ensure that he is receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40.

iv. The Bear Exhibited Apparent Stereotypic Rocking Behavior

On July 11 and 18, witnesses observed and documented Dillan exhibiting abnormal rocking behavior. (See Video 1, Video 4, and Video 5 on July 11, and Video 6 and Video 7 on July 18.) These repetitive movements may indicate psychological distress. Abnormal behaviors are likely caused by a lack of sensory stimulation and suggest poor welfare and suffering.⁴

A July 13, 2017, USDA inspection report cited UCSC for inadequate space for this bear due to the repetitive rocking he exhibited throughout the inspection, stating that "[t]his is an abnormal behavior pattern and can be due to the limited functionality of his enclosure. Normal postural adjustment for these animals would be to create day beds with soft bedding which is not currently provided and have climbing surfaces."⁵ These conditions appear to be unchanged and are in apparent violation of 9 C.F.R. §§ 3.128 and 2.131(b)(1) and (d)(1).

In addition, an October 24, 2017, USDA inspection report of UCSC cited the facility for failing to provide adequate veterinary care to this bear due to this abnormal rocking behavior. The inspector stated that "[t]his is an abnormal behavior pattern and can be due to the limited functionality of his enclosure, or potentially from pain from a broken tooth. This bear should be evaluated by the attending vet with appropriate methods to diagnose and treat injuries for this

³See USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, July 13, 2017.

⁴G.J. Mason, "Stereotypies and Suffering," *Behavioural Processes* 25 (1991): 103–104.

⁵See USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, July 13, 2017.

animal."⁶ Please inspect Dillan, as well as his veterinary records, and ensure that he has been evaluated by a veterinarian pursuant to 9 C.F.R. § 2.40.

b. An Overweight Raccoon Appeared to be Suffering from Heat Stress

On July 10, a witness observed and documented an overweight raccoon lying across an upper rafter in the cage panting so severely that his or her whole body shook. (*See* Video 8 and Video 9.) The raccoon repeatedly licked at his or her mouth and shifted their head back and forth, appearing uncomfortable in the heat. The raccoons were housed on concrete, which radiates heat,⁷ and had no access to a pool or other means of cooling, while temperatures reached 87 degrees Fahrenheit. (*See* Exhibit 1.)

These conditions appear to violate 9 C.F.R. § 2.131(e), requiring that "[w]hen climatic conditions present a threat to an animal's health or well-being, appropriate measures must be taken to alleviate the impact of those conditions." Please also ensure that the raccoons are receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a) and adequate veterinary care pursuant to 9 C.F.R. § 2.40.

c. A Bobcat Was Obese

On July 10, a witness observed and documented a bobcat who appeared to be obese. (*See* Photos 5-6.) The body condition of this animal may be caused by failure to provide an appropriate diet, in possible violation of 9 C.F.R. § 3.129(a). Please also ensure that the bobcat is receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40.

d. A Quail Had Feather Loss, a Sign of Incompatibility or Health Problems

On July 10, a witness observed and documented at least one quail⁸ with feather loss on the head. (*See* Photo 7.) This could be from over-plucking or pecking from a conspecific, which is a sign of incompatibility. Alternatively, Dr. Rally opined that the feather loss could be indicative of parasites, skin infection, nutritional imbalance or systemic disease. In addition, according to Dr. Rally, feather loss can have implications for the birds' physical health, as the increased metabolic demands for feather replacement make the animal susceptible to disease and decrease their ability to thermoregulate.

Please inspect these warm-blooded animals, as well as the relevant veterinary records, and ensure that they are receiving adequate care and treatment pursuant to 9 C.F.R. § 2.40. Please also ensure that the birds have adequate space as required by 9 C.F.R. § 3.128, and are not being housed incompatibly pursuant to *id.* § 3.133, which requires that "[a]nimals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals [who] interfere with their health or cause them discomfort."

e. Unsanitary Conditions

On July 10 and July 11, a witness observed and documented multiple piles of feces in the bear enclosure, including the same piles of feces on both days. (*See* Photos 8-9 on July 10 and Video 2 on July 11.) In addition, there appeared to be no sanitary water for the bear to drink or in which to cool himself. There were multiple piles of feces next to the water trench that led to the bear's pool, which appeared to be his only water source (*see* Photos 8-9 on July 10 and Video 2 on July 11), and on July 18 the pool water appeared brown (*see* Video 7).

⁶*See* USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, October 24, 2017.

⁷ K.N. Morgan and C.T. Tromborg, "Sources of Stress in Captivity," *Applied Animal Behavior Science* 102 (2007): 262-302.

⁸ Although the USDA has not yet developed specific standards for birds, these warm-blooded animals are covered by the plain language of the AWA (*see* 7 U.S.C. § 2132(g); *see also* 9 C.F.R. § 1.1), AWA regulations, including the general AWA standards set forth in subpart F, 9 C.F.R. §§ 3.125-142.

There was dirt, debris, and algae accumulation on the concrete in the bear and bobcat enclosures. (See Photos 5 and 8, and Video 5.) Some of the bird enclosures contained excessive feces, including a large mound under a perch for peafowl and in the shelter for turkeys. (See Video 10 at start and 0:47 on July 10 and Photo 10 on July 18.) The bobcat and many of the bird enclosures appeared to have algae accumulation in the troughs that contained their water. (See Photo 5 and Video 10 at 0:13 on July 10 and Photos 10-13 on July 18.)

The USDA has repeatedly cited UCSC for failing to clean enclosures, including earlier this year when they were cited for allowing excessive feces to accumulate in the bear enclosure.⁹ The inspector noted that "[t]he piles of feces in the bear enclosure cover both sides of the enclosure and do not enable the bear to move around freely without having contact with the waste."

These conditions appear to violate 9 C.F.R. § 3.130, which requires that "[a]ll water receptacles shall be kept clean and sanitary," *Id.* § 3.131(a), which requires that "[e]xcreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors," and *Id.* § 3.125(d), which requires that "[p]rovision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash, and debris."

The USDA has repeatedly cited UCSC for failing to have a sufficient number of adequately trained employees to care for the animals. The unsanitary conditions observed are likely in part the result of insufficient staffing, which appears to violate 9 C.F.R. § 3.132, which requires that "[a] sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this subpart. Such practices shall be under a supervisor who has a background in animal care."

⁹See USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, February 8, 2019.