

July 30, 2019

Robert M. Gibbens, D.V.M.
Director, Animal Welfare Operations
USDA-APHIS-Animal Care

Via e-mail: robert.m.gibbens@usda.gov; aceast@aphis.usda.gov

Re: Request for Investigation of Apparent Violations of the Animal Welfare Act Resulting in Dolphins' Injuries at SeaWorld Orlando

Dear Dr. Gibbens,

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) to request that the U.S. Department of Agriculture (USDA) promptly inspect Sea World of Florida, located at 7007 SeaWorld Dr., in Orlando, Fla. ("SeaWorld," license no. 58-C-0077), for apparent violations of the Animal Welfare Act (AWA).

On July 26, 2019, a photographer documented multiple dolphins with open wounds surrounded by scarring on their lower mandibles. Other dolphins, who were being used to perform circus-style tricks, also exhibited scarring on their lower mandibles, indicating past injuries that may have been caused and exacerbated by tricks they are required to perform. Images of these wounds and scars are included in the attached photo sheet as Photos 1 through 5.

Notwithstanding the wounds and scarring, trainers at SeaWorld continue to stand on and otherwise be pushed by planting their feet and placing considerable pressure on the dolphins' rostrums. Specifically, during performances, a trainer plants her feet on dolphin's rostrum and the dolphin pushes the trainer around the tank. (Photos 6 and 7.) In another trick, a trainer plants her feet on two dolphin's rostrums underwater and the dolphins then push the trainer vertically into the air as she stands on and then dives off of the rostrums. (Photo 8.)

According to veterinarian Heather D. Rally and marine mammal behavioral biologist Toni Frohoff, countless dolphins at SeaWorld have been observed with similar injuries at SeaWorld's parks. Heather D. Rally & Toni Frohoff, *Dolphin Exploitation and Suffering at SeaWorld Parks*, PETA (June 5, 2019), <https://www.peta.org/wp-content/uploads/2019/06/SeaWorld-Dolphin-White-Paper.pdf>; see also Complaint Nos. W13-041 and W13-051 (previous PETA complaints based on reports and photographs of dolphins at SeaWorld San Antonio with rostrum lacerations).

As demonstrated by these open wounds and scarring, SeaWorld has apparently failed to handle these dolphins in a manner that does not cause trauma, physical harm or unnecessary discomfort, as required by 9 C.F.R. § 2.131(b)(1), and to limit their exhibition to conditions consistent with their good health and well-being, as required by 9 C.F.R. § 2.131(d)(1). Moreover, SeaWorld has apparently failed to provide these injured animals with adequate veterinary care pursuant to 9 C.F.R. § 2.40(b)(2), which provides that exhibitors "shall establish and maintain programs of adequate veterinary care that include ... [t]he use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries" (emphasis added). The

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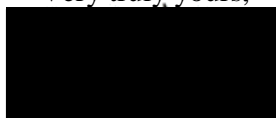
scarring on dolphins' mandibles, that multiple dolphins are currently suffering from open wounds, which has been documented as a repeated occurrence, and that the trainers continue to place considerable pressure on the site of the dolphins' injuries indicates that the facility has wholly failed to prevent and control these injuries.

Please also investigate whether a contributing factor of these recurring injuries is SeaWorld's violations of 9 C.F.R. §§ 3.101(a)(1) ("outdoor housing facilities for marine mammals must be structurally sound and must be maintained in good repair to protect the animals from injury") and 3.107(c) ("Primary enclosures housing marine mammals must not have any ... edges which may cause injury or trauma to the marine mammals contained therein").

We respectfully ask that you promptly investigate this matter to ascertain and correct the cause(s) of these recurring injuries, and that you hold SeaWorld accountable for any and all AWA violations that you discover during your investigation.

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

Very truly yours,



Jared Goodman
Deputy General Counsel for Animal Law



Attachments



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8