

February 21, 2020

USDA/APHIS/Animal Care

Via e-mail: Animalcare@usda.gov

Re: Request for Urgent Investigation of Apparent Animal Welfare Act Violations at Waccatee Zoological Farm (License No. 56-C-0230)

Dear USDA Animal Care:

I am writing on behalf of PETA to request that the USDA urgently investigate Kathleen M. Futrell, dba Waccatee Zoological Farm (license number 56-C-0230) for the following apparent Animal Welfare Act (AWA) violations—detailed in the attached appendix—which were documented by concerned citizens on January 5, January 26, February 5, and February 9:

- A tiger had severe hair loss and red irritated skin over her entire body. (*See Photos 1-11, Video 1, Video 2, Video 3, Video 4 and Video 5.*)
- A Patagonian cavy had thinning hair or hair loss. (*See Photo 12.*)
- A llama had overgrown nails. (*See Photo 13.*)
- A child was observed reaching his hand into a full grown lion's cage.
- Enclosures were in disrepair and posed an injury risk to animals. (*See Photos 14-15.*)
- Multiple animals lacked adequate shelter. (*See Photos 16-17.*)
- There were excessively muddy conditions and standing water in multiple enclosures. (*See Photos 18-20.*)
- Multiple animals exhibited abnormal repetitive behaviors on multiple days, including a baboon, a coati, a cougar, a lion, a serval, and a tiger, indicating psychological distress. (*See Photos 21-22, and Video 6 and Video 7 on January 5, Video 1, Video 2, Video 8, Video 9, Video 10 on January 26, and Video 3, Video 11, Video 12, and Video 13 on February 5.*)
- Multiple cages were unsanitary, with excessive feces or dirty water. (*See Photos 23-26.*)

Many of these issues have been consistently documented at Waccatee for years and have shown no signs of improvement. Moreover, the facility is in general disrepair with dirty, unsanitary conditions, fencing for animals and the public down or improperly anchored across the property, nails sticking up, and other facilities issues that the USDA regularly cites at other facilities. Despite these chronic issues, Waccatee's recent inspections have been inexplicably clean of late. PETA therefore respectfully requests that the USDA conduct an urgent team inspection of Waccatee to investigate these long-standing issues.

Please immediately ensure that all animals at Waccatee are being provided with adequate veterinary care from trained and experienced veterinarians as required by the AWA, space, shelter, food, and water and are otherwise handled in accordance with the AWA. Please also hold Kathleen Futrell fully accountable for all violations that you discover during your inspection.

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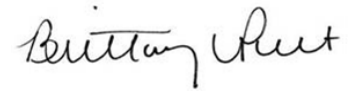
PETA FOUNDATION IS AN
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AFFILIATES:

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

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

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cc: Laurie Gage, D.V.M., Big Cat and Marine Mammal Specialist (████████████████████)

Appendix

a. A Tiger With Severe Hair Loss

On January 5, January 26, February 5, and February 9, witnesses observed and documented that the tiger Lila's hair loss has rapidly deteriorated to the point that she is almost completely bald. (*See* Photos 1-11, Video 1, Video 2 and Video 3.) On February 9, the tiger appeared itchy and irritated, as she repeatedly shook her legs and attempted to groom her bare skin. (*See* Video 4 and Video 5.) Wildlife veterinarian Dr. Heather Rally opined that the severity of the condition indicates chronic irritation from either a direct irritant such as a parasite like sarcoptic mange, or other cause of dermatitis, or from an underlying systemic disease such as autoimmune disease or an endocrine disorder, such as hyperadrenocorticism or hypothyroidism. Lila's condition should be evaluated by a veterinarian experienced with exotic felids who could do a full medical workup including bloodwork, skin scraping and other diagnostics as needed to determine the cause of Lila's condition and provide appropriate treatment.

Please inspect this tiger and her veterinary records, and ensure that she is receiving adequate veterinary care from a veterinarian who is trained and qualified for the species pursuant to 9 C.F.R. § 2.40.

b. Patagonian Cavy With Thinning Hair or Hair Loss

On January 5, a witness observed and documented a Patagonian cavy had thinning hair or hair loss. (*See* Photo 12.) According to Dr. Rally, hair loss can be due to parasites, infection, endocrine disorders, allergies, poor nutrition, or psychosis. Many of these conditions are painful or itchy and require immediate or ongoing veterinary care to prevent unnecessary pain and suffering.

Please inspect this cavy and the veterinary records, and ensure that she or he is receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40.

c. A Llama With Overgrown Nails in Need of Corrective Trimming

On February 9, a witness observed and documented a llama with overgrown nails. (*See* Photo 13.) Hooves and nails require regular corrective trimming, and inadequate treatment can lead to serious health and welfare concerns, including nail trauma, infections, lameness, joint problems, and tripping.

Please examine this llama and all the other animals at Waccatee, as well as their veterinary records, and ensure that they're receiving adequate care pursuant to 9 C.F.R. § 2.40.

d. Public Contact With Dangerous Animals

On February 9, the witness reported that a child of middle school age—allegedly the son of an employee—was seen behind the public barrier of the big cat enclosures. He was observed reaching his hands inside the lion enclosure. Based on the visitor's observations and discussions with the child, it appears that he is allowed to engage in unmonitored contact with the animals at the facility.

This child's apparent unattended contact with dangerous animals appears to violate 9 C.F.R. § 2.131(c)(1), which requires "sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public." Please verify that the employees are monitoring their children and all members of the public in accordance with 9 C.F.R. § 2.131(d)(2), which requires that "[a] responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact."

e. Enclosures in Disrepair Posing Injury Risk to Animals

On January 5 and February 5, witnesses observed and documented multiple enclosures in disrepair. A large portion of the fencing was detached from the post and bent inward in the enclosure confining Patagonian cavy, and it did not appear structurally sound. (See Photo 14.) There was broken fencing between the mini horse and zebu that was bent in toward the zebu at face level posing a serious injury risk to the animals, who could be injured by sharp points. (See Photo 15.)

Waccatee has failed to ensure the enclosures are “structurally sound and ... maintained in good repair to protect the animals from injury,” in apparent violation of 9 C.F.R. § 3.125(a). Failing to maintain enclosures is an ongoing problem at Waccatee, as the facility has been previously cited, including for multiple enclosures with gaps and sharp wire sticking into the enclosures, posing an injury risk to the animals.¹

f. Multiple Animals Lacked Adequate Shelter

On February 9, a witness observed and documented that donkeys² were confined to an enclosure with only a one-sided shelter and chickens³ were confined to an enclosure with no shelter at all. (See Photos 16-17.)

Recent weather conditions indicate that there are heavy storms in the area (see Exhibit.) and these animals are without necessary protection from the elements in apparent violation of 9 C.F.R. § 3.127(b), which requires that “[n]atural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided ... to afford them protection and to prevent discomfort to such animals.”

g. Multiple Enclosures Had Excessively Muddy Conditions and Standing Water

On January 5 and February 9, witnesses observed and documented that enclosures for the peccary, zebu, and yaks contained excessive mud and standing water. (See Photos 18-20.) Standing water is a breeding ground for bacteria, mosquitos, and parasites, and muddy conditions have the potential to cause foot rot. Dr. Rally opined that chronically wet feet can cause abrasions of the skin that allow bacteria to enter, which can lead to lameness.

These wet and muddy conditions are an apparent violation of 9 C.F.R. § 3.127(c), requiring that “[a] suitable method shall be provided to rapidly eliminate excess water.” Excess water and inadequate drainage is a persistent problem at Waccatee, as the facility has been previously cited for this issue, including for allowing water to accumulate around the bear enclosures.⁴ Continued storms and rain are predicted in the area and will likely cause additional flooding in these enclosures. (See Exhibit.)

h. Multiple Animals Exhibited Apparent Abnormal Repetitive Behaviors

On January 5, January 26 and February 5, witnesses observed and documented the tiger, a baboon, a coati, a cougar, a lion, and a serval exhibiting abnormal repetitive behaviors, including pacing and swaying. (See Video 6 and Video 7 on January 5, Video 1, Video 2, Video 8, Video 9, and Video 10, on January 26, and Video 3, Video 11, Video 12, and Video 13 on February 5.) These behaviors indicate psychological distress

¹ See USDA Inspection Report, Kathleen M. Futrell, dba Waccatee, license number 56-C-0230, May 9, 2017.

² Although horses (*Equus caballus*) not used for research are exempted from the protections of the AWA, donkeys, an entirely different species (*Equus asinus*), are not. See 7 U.S.C. § 2132(g) (exempting from the definition of “animal” “horses not used for research purposes” (emphasis added)); 9 C.F.R. § 1.1 (same); see also, e.g., Dr. Stephan R. Purdy, D.V.M., Veterinary and Animal Sciences, UMass Amherst, [“A Donkey Is Not a Horse: The Differences From a Practical Veterinary Standpoint.”](#)

³ 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), and AWA regulations, including the general AWA standards set forth in subpart F, 9 C.F.R. §§ 3.125–142

⁴ See USDA Inspection Report, Kathleen Futrell, dba Waccatee, license number 56-C-0230, April 30, 2015 and November 14, 2002.

and are likely caused by a lack of sensory stimulation, suggesting that these animals have poor welfare and are suffering.⁵

The abnormal pacing and swaying exhibited by these animals is a sign that Waccatee is failing to exhibit these animals "in a manner that does not cause ... behavioral stress ... or unnecessary discomfort" or "under conditions consistent with their good health and well-being," in apparent violation of 9 C.F.R. § 2.131(b)(1) and (d)(1). Moreover, Waccatee does not appear to be providing these animals with sufficient space to engage in species-typical behaviors as indicated by their abnormal behaviors, in apparent 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 . . . stress, or abnormal behavior patterns."

The USDA previously cited Waccatee because multiple animals were exhibiting frequent abnormal repetitive behaviors, stating that "[a]bnormal behavior patterns can be indicative of physical or psychological issues that may require medical treatment or habitat/husbandry modification, and must be evaluated by the attending veterinarian in order to receive appropriate treatment and management."⁶ When citing other facilities for similar stereotypical pacing behavior, the USDA has noted that the abnormal behavior of pacing "can indicate stress, frustration or an underlying medical condition."⁷ Please inspect these animals, as well as their veterinary records, and ensure that they have been evaluated by a qualified veterinarian pursuant to 9 C.F.R. § 2.40.

In addition, exhibitors "must develop, document, and follow an appropriate plan for environment enhancement *adequate* to promote the psychological well-being of nonhuman primates." 9 C.F.R. § 3.81(emphasis added). As is apparent from the baboon's abnormal swaying (*see* Video 6 and Video 11), Waccatee does *not* appear to be following a plan of environmental enhancement that is *adequately* addressing the primate's psychological needs. Because this baboon "show[s] signs of being in psychological distress through behavior or appearance," she "must be provided special attention regarding enhancement of their environment, based on the needs of the individual species and in accordance with the instructions of the attending veterinarian." *Id.* § 3.81(c). The USDA has previously cited Waccatee because multiple primates were exhibiting abnormal behaviors, noting that "no enrichment was given in terms of foraging devices, browse, or any other stimulating items. The animals are fed twice a day and their food is placed in feeders and rapidly consumed. There is no time consuming activity to engage them," and that "more needs to be done to try and alleviate these behaviors."⁸ Yet, it appears that the conditions for the primates remain largely unchanged.

In addition, the tiger does not have consistent access to a pool with sufficient and clean water to engage in species-specific behaviors that help reduce abnormal behaviors. In addition to assisting with thermoregulation, the presence of a pool with clean water has been shown to significantly enhance the welfare of tigers in captivity, whose natural behaviors include submerging in water.^{9,10} On February 9 and January 5, the tiger did not appear to have access to the available pool, but even if she did the pool only had a small amount of dirty, murky, debris filled water. (*See* Photos 21-22.) In an inspection report for Wilson's

⁵See G.J. Mason, "Stereotypies and Suffering," *Behavioural Processes* 25 (1991): 103–104; R.R. Swaisgood and D.J. Shepherdson, "Scientific Approaches to Enrichment and Stereotypies in Zoo Animals: What's Been Done and Where Should We Go Next?" *Zoo Biology* 24 (2005): 499–518.

⁶ See USDA Inspection Report, Kathleen M. Futrell, dba Waccatee, license number 56-C-0230, May 9, 2017.

⁷ See USDA Inspection Report, Denver Zoological Foundation, license number 84-C-0002, March 27, 2017.

⁸ See USDA Inspection Report, Kathleen M. Futrell, dba Waccatee, license number 56-C-0230, March 28, 2018.

⁹ Biolatti, Cristina, et al. "Behavioural analysis of captive tigers (*Panthera tigris*): A water pool makes the difference." *Applied Animal Behaviour Science* 174 (2016): 173-180.

¹⁰ Vaz, Janice, et al. "Prevalence and determinants of stereotypic behaviours and physiological stress among tigers and leopards in Indian zoos." *PloS one* 12.4 (2017): e0174711.

Wild Animal Park, the USDA stated that "[t]igers often engage in running, climbing, jumping and water play and should be housed in a manner that allows them to demonstrate these natural behaviors" in order to improve their overall well-being.¹¹ The lack of a complex and enriching environment, such as a pool to exhibit natural swimming and soaking behaviors is needed to improve the overall well-being of this tiger and help alleviate her distressed abnormal pacing, pursuant to 9 C.F.R. § 3.128.

i. Unsanitary Conditions

On January 5, a witness observed and documented excessive feces in the guinea pig and chicken enclosures. (See Photos 23-24.) On January 26, the raccoon's water trough was excessively dirty, and the donkey's food trough had food soaking in dirty water. (See Photos 25-26.)

The USDA has repeatedly cited Waccatee for failing to clean enclosures, including for allowing fecal and food waste as well as black grime to build up in a coati enclosure, grime to build up on a squirrel monkey enclosure, and algae to build up in a capuchin enclosure.¹²

These conditions appear to violate 9 C.F.R. § 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," 9 C.F.R. § 3.130, which requires that "[a]ll water receptacles shall be kept clean and sanitary," and 9 C.F.R. § 3.129(b), which requires that "[f]ood receptacles shall be kept clean and sanitary at all times."

¹¹ See USDA Inspection Report, Wilson's Wild Animal Park, license number 52-C-0038, July 19, 2017.

¹² See USDA Inspection Report, Kathleen Futrell, dba Waccatee, license number 56-C-0230, June 26, 2019 and May 24, 2016.