

December 9, 2020

Via email

Robert Gibbens, DVM
 Director, Animal Welfare Operations
 USDA/APHIS/Animal Care
robert.m.gibbens@usda.gov; animalcare@usda.gov

Re: Request for Investigation of SeaWorld Putting Marine Mammals at Risk of SARS-CoV-2, and Other Apparent Violations of the AWA

Dear Dr. Gibbens:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (“USDA”) promptly investigate Sea World of Florida, located at 7007 SeaWorld Dr., in Orlando, Fla. (“SeaWorld,” license no. 58-C-0077), for potential violations of the Animal Welfare Act (“AWA”) regulations.

On November 14, 2020, Dr. Monica Bando, a PETA Foundation veterinarian, visited SeaWorld. During her visit, Dr. Bando observed SeaWorld putting cetaceans and pinnipeds at risk of contracting disease by allowing the public to come into direct contact with them notwithstanding the ongoing pandemic. During Dr. Bando’s visit, she observed that visitors were permitted to touch dolphins during pool-side encounters, and that each dolphin would be touched by multiple people per encounter with multiple encounters available throughout the day. (Photos 1 and 2.) Additionally, visitors were able to purchase food to feed seals and sea lions. (Photos 3 and 4.)

There was no indication that participants were required to wash or sanitize their hands before interacting with the animals—signage encouraged the public to wash hands *after* the dolphin encounter. Even if the public were requested to wash hands or use sanitizer, members of the public were observed touching fomites including their face-masks and phones during public encounters, contributing to cross-contamination and risking spread to other people and to dolphins and other animals. The [efficacy](#) of hand sanitizers is also likely reduced if used on soiled hands, and there are added concerns with the risk of introducing chemical residues into the water.

As you are aware, SARS-CoV-2 is both a zoonotic and reverse zoonotic disease. The USDA has recognized that various species of nonhuman animals can contract the virus, including issuing a [notice advising](#) that all hands-on encounters with nondomestic cats should be suspended until it can be assured that members of the public do not pose any risk of SARS-CoV-2 infection to big cats. [Recent studies](#) show that whales, dolphins, and seals are “highly susceptible” to infection, which could cause life-threatening liver and lung damage, yet these interaction programs continue unabated. This is particularly concerning, as Dr. Bando observed large crowds, lack of consistent social distancing, and shared exposure to contaminated surfaces, all of which contribute to increased risk of human-to-human transmission of SARS-CoV-2, and thus an increased risk of zoonotic and reverse zoonotic transmission during interaction programs and even trainer-animal contact during orca and dolphin shows.

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By allowing the public to have direct contact with these species, SeaWorld has apparently failed to exhibit animals “under conditions consistent with their good health and well-being,” 9 C.F.R. § 2.131(d)(1), and failed to handle animals “so there is minimal risk of harm to the animal and to the public” by providing sufficient barriers and/or distance between them, *id.* § 2.131(c)(1). Each animal used for public encounters should be inspected, including a review of their veterinary records, to ensure that they are being frequently evaluated for symptoms and are not showing any signs of infection. *See id.* § 2.40. Failure to conduct frequent evaluations of susceptible cetaceans and pinnipeds exposed to constant human handling would be negligent given these unprecedented circumstances.

According to Dr. Bando, many of the marine mammal exhibits were small, lacking natural substrates, and devoid of sufficient enrichment or complexity to meet the physical, behavioral, and mental needs of the animals in them. Several species, including dolphins and pinnipeds, did not appear to have areas to fully retreat from the public or sufficient shelter from the elements. Further, no environmental enrichment devices were present in two dolphin enclosures, and only one of the two harbor seal exhibits contained an environmental enrichment device, a single plastic red item. Additionally, Dr. Bando observed several concerns with respect to the animals’ welfare that are caused or exacerbated by the stress of captivity in these conditions, including:

- Two orcas with severely worn or fractured teeth with pulp exposure. (Photos 5 & 6.) [Dental trauma](#) is common in captive orcas, who engage in the abnormal behavior of gnawing on the sides and gates of their tanks. This condition can be painful, place the animal at risk of infection, and requires appropriate dental treatment, antibiotics and pain management.
- Rake marks on multiple dolphins and at least one orca. (Photos 7 & 8.) In the wild, aggressive encounters can be diffused when a subordinate animal retreats from an aggressor. However, at SeaWorld, the inadequate enclosures increase aggressive behaviors and do not provide sufficient space for animals to escape from aggressive attacks, including one enclosure that housed more than 15 dolphins.
- Male orcas engaged in regurgitation and re-ingestion of food, which is a common stereotypic behavior of captive orcas that can cause chronic esophageal irritation and esophageal ulceration.
- Two walruses in a small enclosure were engaged in stereotypic lap-swimming behavior.
- At least one dolphin had multiple poxvirus lesions along the peduncle. [Poxvirus](#) causes skin lesions in captive dolphins, and is often brought on or exacerbated by stress and environmental factors. (Photo 9.)
- Pinnipeds, including harbor seals and sea lions, exhibited [aggression](#) when competing for fish tossed into the enclosure by members of the public, and fresh flipper wounds (Photos 10 & 11) and extensive scarring on numerous sea lions are consistent with conspecific aggression exacerbated by the stress of confinement and resource competition.

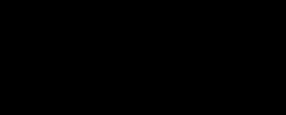
Because SeaWorld does not provide its animals sufficient enrichment and exposes them to environmental stressors that cause or contribute to stereotypical behaviors, SeaWorld has apparently failed to handle the animals in a manner that does not cause trauma, physical harm, or unnecessary discomfort, 9 C.F.R. § 2.131(b)(1), and to limit their exhibition to conditions consistent with their good health and well-being, *id.* § 2.131(d)(1).

Moreover, one walrus with an apparent ocular condition was observed repeatedly diving and remaining stationed head-down for one-to-two minutes at a time before surfacing, at which point his left eye appeared to [spasm](#) or flicker back and forth, which can indicate ocular pain. Captive pinnipeds [commonly suffer from ocular damage](#) due to water quality, water additives, and elements of exhibit design, including being exposed to unnatural levels of sunlight from frequently looking up for food tossed into their enclosures by trainers and visitors. While the two walruses on display were housed in an indoor exhibit during Dr. Bando’s visit,

the other pinnipeds were housed in enclosures without substantial shade and were engaged in skyward begging behaviors known to be linked to ocular disease in captive pinnipeds. SeaWorld has apparently failed to provide pinnipeds with adequate protection from direct sunlight, *id.* § 3.103(b), and to “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,*” *id.* § 2.40(b)(2) (emphases added), of the dolphins, orcas, and walrus, as required by the regulations.

We respectfully ask that you promptly investigate these concerns that threaten the marine mammals’ welfare, and that you hold SeaWorld accountable for any and all AWA violations that you discover during your investigation. Please inform me of the complaint number that your agency assigns to this correspondence. Thank you for your attention to this important matter.

Very truly yours,

A black rectangular redaction box covering the signature of Jared Goodman.

Jared Goodman
Vice President and
Deputy General Counsel for Animal Law
(323) 210-2266 | JaredG@petaf.org

Attachments

Photo Sheet



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11