

December 3, 2020

Jacque Raiche-Curl, Supervisor
 Aquatic Health Operations
 Southern Nevada Health District

Jeremy Harper, Supervisor
 Aquatic Health Plan Review
 Southern Nevada Health District

Via email: aquatic@snhd.org, harper@snhd.org, raiche-curl@snhd.org

Re: Request to Investigate SeaQuest Las Vegas for Operating an Aquatic Facility without a Permit

Dear Supervisors Harper and Raiche-Curl:

I am writing on behalf of PETA to request that the Southern Nevada Health District (SNHD) investigate SeaQuest Las Vegas, located at 3528 S. Maryland Parkway, Las Vegas, Nevada, 89169, for operating an aquatic facility without a permit. Because SeaQuest cannot obtain the necessary permits since the fish pedicures and snorkeling with stingray sessions offered at the facility endanger human health and violate sanitation and health code requirements, the SNHD should shut down these offerings.

The SNHD has adopted regulations “to attain uniform, minimum standards for the operation and maintenance of . . . public aquatic venues and facilities in Clark County, Nevada, and to assure a clean, healthful, and safe environment for all bathers using these pools.” *Southern Nevada Health District Aquatic Facility Regulations* (2018) (“Aquatic Facilities Reg.”). The SNHD regulates any “aquatic venue,” defined as “an artificially constructed structure or modified natural structure where the general public is exposed to water intended for recreational or therapeutic purpose.” *Id.* at 1-201. A permit is required for each aquatic facility, and operation without a permit is prohibited. *Id.* at 3-101.1-2.

SeaQuest’s “[Fish Spa Session](#)” and “[Snorkel with the Stingrays Session](#)” both meet the definition of an “aquatic venue” requiring a permit from the SNHD, as they are “artificially constructed structure[s]” where “the general public is exposed to water intended for recreational or therapeutic purpose.” *Aquatic Facilities Reg.* 1-201. For the “Fish Spa Session,” SeaQuest has constructed pools of water into which guests submerge their feet and legs while fish feed on guests’ skin cells. *See Ex. 1* (SeaQuest’s website stating guests will experience “natural exfoliation” from “dip[ping] your feet into a tank of doctor fish” where “toothless feeders gently remove dead skin cells”). The “Snorkel with the Stingrays Session” allows guests to swim in five feet of water with stingrays and other aquatic animals. *See Ex. 2* (SeaQuest’s website stating that guests can “snorkel with stingrays, sharks and tropical fish” in a five-foot-deep pool). Both the fish spas and the stingray pool require

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permits for operation pursuant to the regulations. SeaQuest does not have an aquatic facilities permit. *See* Ex. 3 (Public records request response finding no records). Thus, SeaQuest appears to be operating an aquatic facility without a permit in violation of the SNHD's regulations and requirements. *See Aquatic Facilities Reg. 3-101.2.*

Moreover, SeaQuest should not be granted a permit to cure its unlawful operations because it cannot meet the sanitation standards required for aquatic facilities permits. Fish pedicures are inherently unsanitary. According to the [Centers for Disease Control and Prevention](#) (CDC), over ten states have banned fish pedicures because: (1) fish pedicure tubs cannot be sufficiently cleaned between customers when fish are present; (2) fish cannot be disinfected or sanitized between customers; and (3) due to the cost of fish, salons are likely to use the same fish multiple times with different customers, increasing risks of infection spread. Experts have explained that “fish pedicures *carry a risk of infectious disease that cannot be completely eliminated through adherence to any set of safety protocols.*” *Vong v. Aune*, 328 P.3d 1057, 1063 (Ct. App. 2014) (emphasis added); *see id.* at 1059 (“it is impossible to disinfect the fish coming in contact with . . . clients’ skin in the required manner” and thus fish spas “jeopardiz[e] [the] clients’ health by performing this type of pedicure.”). For these very reasons, the [Nevada state Board of Cosmetology](#), in accordance with the CDC, has banned fish pedicures at facilities it regulates and refuses to license any salon that participates or offers the practice.

Similarly, it is unlikely that SeaQuest’s Snorkel with Stingrays Session would be able to meet the required water quality levels using proper disinfectants and pH control measures. *See Aquatic Facilities Reg. 3-503.* These legal requirements are likely incompatible with the physiological needs of marine life, and may create environments inhospitable to the animals in the snorkel pool. Fish are sensitive animals whose basic biological needs require that the water be maintained with, among other things, a species-appropriate chemical balance and water temperature. Thus, regulations protecting human health likely make it impossible for SeaQuest to both comply with the law and to ensure that the aquatic life remains unharmed.

These are important public health and sanitation concerns that the SNHD should investigate. While these fish pedicures and snorkel with stingray sessions are temporarily closed due to Covid-19 restrictions, the SNHD should ensure that they stay closed permanently because if they are allowed to continue, the public engaging in these services at SeaQuest will be exposed to the risks identified above.

Thank you for your attention to this very important matter.

Very truly yours,



Michelle Sinnott, Esq.
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