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August 31, 2017

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

Via e-mail: [REDACTED]; acwest@aphis.usda.gov

Re: Request for Investigation of Apparent Animal Welfare Act Violations at The Great Bear Show (License No. 74-C-0837)

Dear Dr. Gibbens:

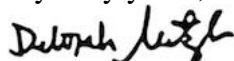
I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) promptly investigate Bob Steele III, dba "The Great Bear Show" (license no. 74-C-0837), for the following apparent Animal Welfare Act (AWA) violations, detailed in the attached appendix, that I documented at the Southwest Washington Fair in Chehalis, Washington, on August 17:

- The bear named Barney was observed inside a travel trailer, and after conversations with the licensee, it was clear that he was not being removed from the trailer at any point because of Steele's arm injury. Evidence on Facebook shows that Steele has had this injury [since at least July 14](#)—and that Barney may not have been taken out of the trailer since that time. (See Photos 1–5.)
- I also documented that Barney was swaying and pacing from apparent psychological distress. (See Video 1, Video 2, and Video 3.)
- The bear named Cindi was observed pacing continuously, a stereotypical behavior that indicates psychological distress. (See Video 3 and Video 4.)

The Great Bear Show is scheduled to be at the [Hardin County Fair](#) in Kenton, Ohio, from September 5 to 10. Please ensure that the bears are provided with adequate exercise and are handled in accordance with the AWA. Please also hold Steele fully accountable for any and all violations that you discover during your investigation.

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,



Deborah Metzler, M.S.
Senior Wildlife Specialist, Captive Animal Law Enforcement

cc: Nicolette Petervary, V.M.D., Regional Animal Care Specialist,
USDA/APHIS/AC ([REDACTED])
Andrea D'Ambrosio, Animal Care Inspector, USDA/APHIS/AC
([REDACTED])

Appendix

a. Bear Denied Adequate Exercise

On August 17, in Chehalis, Washington, I observed that Barney was being confined to a travel trailer while Cindi was in the steel pen adjacent to the trailer. (See Photo 1.) I remained in the area for about an hour and a half and never saw Barney being let out of the trailer. After the show, I asked the licensee why Barney was not used in the show. I was told that he's young and still in training and that because of Steele's arm injury, he's not able to control the bear adequately. Since Barney was not in the pen with Cindi, I had the impression that Steele didn't even feel comfortable moving him that short distance and that it seemed highly likely that Barney had not been taken out of the trailer at all since Steele's arm injury. Documentation found on [Facebook](#) shows that Barney was in the trailer on July 14 in Huntsville, Alabama. (See Photos 2 and 3.) An article in *The Monroe News* posted online on August 2 shows Steele with his arm in the sling (see Exhibit), and eyewitness documentation shows Barney inside the trailer on August 4 in Monroe, Michigan (see Photo 4) and again on August 11 in Hurricane, Utah (see Photo 5).

It's apparent that Barney has remained in the trailer since at least July 14. Pursuant to 9 C.F.R. § 3.128, exhibitors are required to "provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement." For traveling exhibitors, this mandate is interpreted in [AWA Policy #6: Space and Exercise Requirements for Traveling Exhibitors](#) to include the opportunity to exercise. Policy #6 further provides that in cases when an exhibitor is unable to provide a primary enclosure that is sufficiently large for exercise—as is the case with Steele's trailer—the exhibitor must release the animals *regularly* into a "secure space ... that provides the opportunity for species-appropriate exercise" and that "[t]his release should occur at least once per day for an appropriate length of time."

Please ensure that Barney is provided with adequate exercise while he's used for traveling exhibition. If the licensee truly cannot manage him, he should be returned to the licensee's home site. Continuing to exhibit him without an adequately trained handler who's able to manage him is in apparent violation of 9 C.F.R. § 3.132, requiring 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." Steele appears to be in further violation of 9 C.F.R. § 2.131(b)(1) and (d)(1), which require that animals be exhibited only "under conditions consistent with their good health and well-being" and that "[h]andling of all animals shall be done ... in a manner that does not cause... unnecessary discomfort."

Please also inspect Barney—as well as his veterinary records—and ensure that he's receiving adequate veterinary care and treatment pursuant to 9 C.F.R. § 2.40.

b. Bears Suffering From Psychological Distress

I observed and documented that Barney is swaying and pacing while locked inside the trailer and that when Cindi wasn't used for performances or photo ops, she was pacing continuously. (See Video 1, Video 2, Video 3, and Video 4.) Abnormal pacing or swaying behavior is likely caused by a lack of sensory stimulation and suggests poor welfare and suffering.¹ The swaying and pacing of these bears indicate psychological distress and are signs that Steele is likely not providing them with sufficient space, in apparent violation of 9 C.F.R. § 3.128, which states that "[i]nadequate space may be indicated by

¹R.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, 499–518 (2005).

evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns." Bears are naturally far-ranging animals, and their stereotypic pacing is an "abnormal behavior pattern" indicating stress—and exhibiting these animals in a manner that causes "behavioral stress" is an apparent violation of 9 C.F.R. § 2.131(b)(1).

These types of behavior and conditions are chronic and ongoing and were previously reported in PETA's correspondence from January 25 as well as in complaint number AC16-550. Steele was also cited on February 25 for failing to provide the bears with adequate space.² The inspection report stated the following:

There are no visual barriers in the enclosure that allows the animals to avoid each other or get out of view of the guests. There are no furniture items, water tubs, straw or bedding that allows the animals to express normal postural or social adjustments. Black bears normally engage in postural behaviors of swimming, climbing, digging and denning. ...

Cindy the female bear was observed pacing along the back panel for an extended period of time before and after the show. This occurred on Friday and Saturday of the visit and inspection. ... Pacing in black bears is an abnormal behavior pattern and can indicate stress, frustration or an underlying medical condition. ...

Barney is the most active bear and was observed trying to elicit behaviors from the other bears, rolling on his back and grabbing his back paws and trying to run around. Barney is scratching and rubbing his back on the concrete which has caused a bald spot on his hindquarters. Barney was observed pacing for short periods of time. He needs to be provided functional elements in this enclosure to promote normal behaviors as to prevent any abnormal ones like pacing from becoming a continuous and rigid behavior.

These conditions appear to remain uncorrected. I observed a small tub of water in Cindi's pen, which may have been large enough for her to sit in, but certainly not adequate for the natural postural behavior of swimming. She has no opportunities to evade public view. I also observed no enrichment for either bear. Barney appeared to have shavings inside the trailer but not enough to provide adequate nesting material. He has no space to engage in the natural behavior of a young bear and is swaying and pacing as a means of coping with his deprived conditions.

Recognizing the health concerns that pacing can indicate in naturally far-ranging animals, an October 12, 2016, USDA inspection report of Deer Haven Mini Zoo cited the facility for failing to provide three pacing animals with adequate veterinary care. The USDA also cited Waccatee Zoo on May 9, 2017, for failing to provide several animals displaying stereotypical behavior with adequate veterinary care. The inspection reports required the exhibitors to seek veterinary evaluation for these animals, 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 promptly by the attending veterinarian in order to receive appropriate treatment and management."^{3,4}

²See USDA Inspection Report, Bob Steele III, license number 74-C-0837, February 25, 2017.

³See USDA Inspection Report, Deer Haven Mini Zoo, license number 55-C-0111, October 12, 2016.

⁴See USDA Inspection Report, Kathleen Futrell, dba Waccatee Zoo, license number 56-C-0230, May 9, 2017.

In addition to the serious health implications of stereotypical behavior, the USDA has also recognized that abnormal pacing may be a result of inadequate space. The USDA cited the Denver Zoo on March 27, 2017, for failing to provide bears displaying stereotypical behavior with adequate space. The inspector stated that the abnormal behavior of pacing "can indicate stress, frustration or an underlying medical condition. Inadequate enclosures can also contribute to these abnormal behavior patterns."⁵ The USDA also cited Waccatee Zoo on May 9, 2017, for failing to provide three bears—including one who was observed pacing—with adequate space. The inspection report stated that "American black bears have large ranges in the wild, and require exercise which includes walking" and that "provisions for varied exercise options that include water activities and climbing are especially important in order to preserve muscle tone and joint function [as bears age], as well as to preserve behavioral health."⁶

These concerns are chronic and ongoing, as PETA has previously reported documented stereotypical behavior from these bears. (*See* complaint no. AC16-550 and PETA's correspondence from January 25.)

Please inspect Barney and Cindi—as well as their veterinary records—and ensure that they have been evaluated by a veterinarian pursuant to 9 C.F.R. § 2.40. Please also take into consideration that habitat modification—including providing more space for the animals and a complex and enriching environment, pursuant to 9 C.F.R. § 3.128—may help alleviate the distressed abnormal behavior.

⁵*See* USDA Inspection Report, Denver Zoological Foundation, license number 84-C-0002, March 27, 2017.

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