

July 24, 2014

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 Eastern Regional Director
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Dr. Robert Gibbens
 Western Regional Director
 USDA/APHIS/AC
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Via e-mail

Re: Request for Inspection of SeaWorld Regarding Orca Sunburn Wounds Caused by a Failure to Provide Adequate Shade

Dear Drs. Goldentyer and Gibbens:

I am writing regarding new information that indicates that SeaWorld has failed to provide the orcas held at its Orlando (license no. 58-C-0077) and San Diego (license no. 55-B-0177) facilities with sufficient shelter from direct sunlight, reportedly resulting in sunburn and potentially other health problems, in apparent violation of 9 C.F.R. §§ 3.103(b) (“[n]atural or artificial shelter which is appropriate for the species concerned, when the local climatic conditions are taken into consideration, shall be provided for all marine mammals kept outdoors to afford them protection from the weather or from direct sunlight”) and 2.131(b)(1) (“[h]andling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort”).

Whereas orcas in nature regularly dive to depths of up to nearly 1,000 feet and spend up to 95 percent of their time submerged at depths that lessen the impact of ultraviolet radiation, at SeaWorld they are exposed to the burning sun throughout the day and, because of the shallow nature of their tanks and the clarity of the water, cannot even dive to protect themselves. [According to former SeaWorld trainers](#), when employed at SeaWorld Orlando, they were required to apply black zinc oxide to the black areas of the orcas’ skin—not just to prevent sunburns *but also to cover up the existing burns and blisters*. One of the trainers, Carol Ray, reported that “when she applied the substance to a male orca, burnt layers of his skin would peel off in her hands.” A former Miami Seaquarium employee has also reported in a sworn declaration that the skin of Lolita, the lone orca confined there, “was often sunburned from being exposed to the Miami sun, and it cracked and bled.” Orca experts similarly recognize that orcas have extremely delicate skin and are susceptible to sunburn and other adverse skin damage in captivity, where they spend inordinate periods of time at or near the water’s surface and have no means of escaping the sun.

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Images of SeaWorld's Orlando and San Diego facilities (attached) clearly demonstrate that the orcas held in most of the tanks have no opportunity whatsoever to seek shelter from the weather or from direct sunlight, particularly during the most intense heat of the day, when the sun is at its highest and hottest and no shadows are cast in the tank, as well as during thunderstorms and lightning.

It is almost August, and the situation is critical. We ask that you direct these SeaWorld facilities to provide relief for apparent AWA violations such as this. Please inform me of the complaint number that the USDA assigns to this correspondence. Thank you for your attention to this important matter.

Very truly yours,



Jared S. Goodman
Director of Animal Law



Attachment



Shamu Stadium, SeaWorld Orlando



Shamu Stadium, SeaWorld San Diego