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October 10, 2017

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

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

Re: Request for Investigation of Apparent Animal Welfare Act Violations at
Oswald's Bear Ranch (License No. 34-C-0123)

Dear Dr. Gibbens:

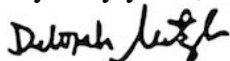
I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) promptly investigate Dean and Jewel Oswald, dba "Oswald's Bear Ranch" (license no. 34-C-0123), for the following apparent Animal Welfare Act (AWA) violations, described in detail in the attached appendix, which wildlife veterinarian Dr. Christine Capaldo and I observed and documented on September 17:

- Three bear cubs were documented pacing and crying out, and one repeatedly chewed on the caging, which are all signs of severe psychological distress. (*See Videos 1–8.*)
- At least two of the cubs had thinning hair on their hind ends, likely a result of being confined on wet concrete without soft bedding. (*See Videos 1–8.*)
- The cubs were confined exclusively to concrete-floored enclosures, which can lead to serious physical maladies and is especially damaging for their developing musculoskeletal systems.
- The concrete was nearly entirely wet, which appears to be a persistent condition and can soften the cubs' footpads and skin and lead to infections. (*See Video 9.*)

Please inspect the cubs as well as their veterinary records and ensure that these animals are receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40. Please also ensure that the cubs are handled in accordance with the AWA and hold Dean and Jewel Oswald fully accountable for any violations that your investigation reveals.

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
[REDACTED]

cc: Dr. Nicolette Petervary, Regional Animal Care Specialist

[REDACTED]
Andrea D'Ambrosio, Animal Care Inspector
[REDACTED]

Appendix

On September 17, wildlife veterinarian Dr. Christine Capaldo and I observed and documented that black bear cubs who were being used for photo ops were exhibiting signs of psychological stress and had thinning hair on their hind ends, likely because they were being kept exclusively on concrete.

a. Cubs Exhibiting Signs of Severe Psychological Distress

Dr. Capaldo and I observed and documented that the cubs Ashley and Sophie were continuously pacing and crying out in the holding area while Sassy was being used for photo ops. In between being forced to take photos with groups of visitors, Sassy was observed pacing, crying, and biting on the caging. We observed these abnormal behaviors when we first arrived at the facility (*see* Video 1, Video 2, Video 3, Video 4, and Video 5) and again when we returned to the photo-op area after about 30 minutes. (*See* Video 6, Video 7, and Video 8.) The photo ops are plainly disruptive and stressful to the three cubs, who in nature, would be playing, exploring, and socializing with one another. The cubs most likely have to endure these sessions all day while visitors are there. Chronic stress can suppress their immune systems and interfere with cognitive development. These conditions appear to violate the following AWA regulations:

- 9 C.F.R. § 2.131 (b)(1) ("Handling 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.")
- 9 C.F.R. § 2.131(c)(2) ("Performing animals shall be allowed a rest period between performances at least equal to the time for one performance.")
- 9 C.F.R. § 2.131(c)(3) ("Young or immature animals shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being.")
- 9 C.F.R. § 2.131(d)(1) ("Animals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.")

Abnormal pacing behavior is likely caused by a lack of sensory stimulation and suggests poor welfare and suffering.¹ The pacing, crying out, and cage-biting exhibited by these bears indicate psychological distress and are signs that the Oswalds are 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 evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns." Bears are naturally far-ranging animals, and stereotypic pacing is an "abnormal behavior pattern" in this species.

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 a pacing bear with adequate veterinary care. The USDA also cited Waccatee Zoo on May 9, 2017, for failing to provide a pacing bear with adequate veterinary care. The respective 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."^{2,3}

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 (2005): 499–518.

²*See* USDA Inspection Report, Deer Haven Mini Zoo, license number 55-C-0111, October 12, 2016.

³*See* 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—who were displaying stereotypical behavior and kept on concrete—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."⁴ 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... are especially important in order to preserve muscle tone and joint function [as bears age], as well as to preserve behavioral health."⁵

b. Cubs With Hair Thinning, Likely a Result of Chronic Exposure to Wet Concrete

We also documented noticeable thinning hair on the hind ends of Ashley (the smallest cub) and Sophie while they were pacing. (*See* Videos 1–8.) This hair loss is likely from being confined throughout the day to concrete-floored enclosures with no soft bedding.

As discussed in PETA's August 24 correspondence, growing cubs need natural substrate in order to perform innate behaviors, such as nesting and digging. Confinement on concrete can lead to early-onset osteoarthritis and foot injuries, and it's particularly damaging to young cubs, as their developing musculoskeletal systems are fragile and can easily be injured when they run and jump on concrete. Earlier in the summer, a concerned citizen documented that a sprinkler was continuously running, making the concrete wet, which posed a risk to the cubs' footpad health from chronic, excessive exposure to wet concrete. (*See* PETA's correspondence from August 24.) On September 17, Dr. Capaldo and I observed that the sprinkler was not running but that the concrete was still nearly entirely wet, presumably from continuous cleaning while guests are present. (*See* Video 9.) The cubs should have access to dry, soft, natural substrate at all times.

The enclosure to which these cubs are confined fails to provide them with opportunities for the normal postural behavior patterns of digging and nesting, 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."

Please inspect Ashley, Sophie, and Sassy—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 the cubs with more space, natural substrate, and a complex and enriching environment—may help alleviate the abnormal behavior.

⁴*See* USDA Inspection Report, Denver Zoological Foundation, license number 84-C-0002, March 27, 2017.

⁵*See* USDA Inspection Report, Kathleen Futrell, dba "Waccatee Zoo," license number 56-C-0230, May 9, 2017.