



October 12, 2022

Edward Grace
Assistant Director, Office of Law Enforcement
U.S. Fish and Wildlife Service
via email: edward_grace@fws.gov

Dear Assistant Director Grace:

I'm writing on behalf of People for the Ethical Treatment of Animals U.S.—PETA entities have more than 9 million members and supporters globally—to request an immediate, full investigation into possible violations of the Lacey Act by companies affiliated with recent imports of long-tailed macaques. During fiscal years 2019-2022, an estimated 100,000 long-tailed macaques (*Macaca fascicularis*) were imported into the U.S. as part of the wildlife trade in nonhuman primates for use in the animal experimentation industry.¹ The macaques, some wild-caught and others born on largescale monkey farms, were exported from China, Vietnam, Cambodia, Philippines, Indonesia and Mauritius. Multiple airlines, including Hainan Airlines and Maleth Aero, which operates under parent company AELF FlightService, transported these animals to the U.S. According to documents received from the Centers for Disease Control and Prevention (CDC), an estimated 500 air shipments landed during FY 2019-2022 into ports of entry, including in Texas, Florida, New York, New Jersey, Illinois, and Virginia.²

Apparent violations of the AWA by Hainan Airlines

Under the Animal Welfare Act (AWA), airlines that transport live nonhuman primates in commerce must have a valid USDA registration. 9 C.F.R. § 2.25(a) (requiring carriers to be registered); *id.* § 1.1 (defining “carrier” to include airlines “engaged in the business of transporting any animals for hire”). On August 9, 2022, Hainan Airlines shipped 720 long-tailed macaques (*Macaca fascicularis*), now recognized as an endangered species by the International Union for Conservation of Nature, from Phnom Penh, Cambodia via Beijing, China to O'Hare International Airport in Chicago, Illinois. PETA was able to confirm the shipment through Hainan Airlines Cargo [online tracking system](#)³ (flight HU497 connecting to flight HU724), and documents viewed by whistleblowers indicate that the final destination of the monkeys was an Envigo facility in Alice, Texas. The facility has a USDA breeding license under Envigo Global Services Inc. (USDA license no. 74-B-0332), and Inotiv now owns the company. PETA conducted a search of the [USDA Animal Care Public Search Tool](#) on August 9, 2022 and failed to find a valid carrier registration

¹ The number of macaques imported into the US according to Centers for Disease Control and Prevention records released to PETA in July 2022 in response to a FOIA. FY2019= 32,439, FY2020=24,879, FY2021=30,649

² The number of nonhuman primate shipments into the US per fiscal year according to Centers for Disease Control and Prevention records released to PETA in July 2022 in response to a FOIA. 2019=162, 2020=115, 2021=130

³ Airway bill number 880-3619411 5

PEOPLE FOR
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TREATMENT
OF ANIMALS

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- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

for Hainan Airlines (formerly registered as Hainan Airlines Holding Co Ltd., USDA registration no. 91-T-0022). On August 17, 2022, APHIS confirmed to PETA via e-mail that Hainan Airlines Holding Co Ltd. was issued a letter of cancellation on May 3, 2022, for failure to renew its USDA registration.⁴ Shipping live nonhuman primates three months after the cancellation of its USDA registration would constitute a clear violation of the AWA. According to the USDA Public Search Tool, as of today, Hainan’s registration is still “cancelled.”⁵

Apparent violations of the AWA by Maleth Aero/AELF FlightService

On September 1, 2022, Maleth Aero’s Airbus A330-200 plane reportedly transported 360 long-tailed macaques from Phnom Penh, Cambodia to George Bush Intercontinental Airport in Houston, Texas. It’s PETA’s understanding that the monkeys were sent from the Houston airport to Orient BioResource Center (USDA license no. 74-B-0773) in Alice, Texas. Inotiv also owns this facility. During the previous week, there were also two other Maleth Aero flights suspected to have transported long-tailed macaques: flight DB1003 on August 29 from Ho Chi Minh City, Vietnam, to Dulles International Airport in Dulles, Virginia, and flight DB1001 on August 25 from Phnom Penh to Dulles International Airport.

PETA conducted a search of the USDA Animal Care Public Search Tool on September 1, 2022, and neither Maleth Aero nor AELF FlightService had a carrier registration through the USDA. On September 7, 2022, after confirming that no evidence of registration had been posted on the USDA Animal Care Public Search Tool, PETA submitted a complaint to APHIS-Animal Care that Maleth Aero apparently transported live nonhuman primates in commerce without a valid USDA registration, a clear violation of the AWA’s implementing regulations, cited above, that warranted enforcement action. On September 9, 2022, the USDA issued a carrier registration for Maleth Aero AOC LLC (USDA registration no. 33-T-0148). According to the USDA Public Search Tool, as of today, the USDA has not yet cited any violations or taken enforcement action against the airline. This appears to be an extraordinary and inappropriate action that undermines the authority of the USDA to enforce animal welfare regulations, and on September 21, 2022, PETA sent a complaint to the USDA Under Secretary who has oversight.

Apparent violations of the Lacey Act

It appears that Maleth Aero and Hainan Airlines violated the AWA when they were transporting endangered long-tailed macaques into the U.S. without a USDA carrier registration. These apparent violations of the AWA constitute violations of the Lacey Act.

The Lacey Act, [16 U.S.C. §§ 3371-3378](#), protects wildlife through civil and criminal penalties for a wide array of violations. Notably, the Lacey Act prohibits trade in wildlife who have **been illegally possessed, transported or sold**. *Id.* § 3372. Specifically, it violates the Lacey Act “to import, export, transport, sell, receive, acquire, or purchase” wildlife who have been possessed or transported in violation of any federal law or regulation. *Id.* § 3372(a)(1). The Lacey Act allows forfeiture of wildlife “imported, exported, transported, sold, received, acquired, or purchased contrary to” this provision. *Id.* § 3374(a)(1). It also allows forfeiture of the “vessels, vehicles, aircraft, and other equipment” used in the commission of a “criminal violation of [the Act] for which a felony conviction is obtained.” *Id.* § 3374(a)(2).

⁴ Ex. 1

⁵ Ex. 2

Over the past three years, there has been increasing awareness of the primate experimentation industry's role in the wildlife trade of long-tailed macaques.⁶ The International Union for Conservation of Nature noted, in their recent uplisting of long-tailed macaques from vulnerable to endangered, that one of the greatest threats to the survival of this species and a major factor in their population decline is their unsustainable trade as part of the primate biomedical industry.⁷ The export of illegally harvested long-tailed macaques as part of the wildlife trade has been documented throughout the past two decades.⁸

PETA requests investigation

The Lacey Act is empowered to address animal conservation by targeting the wildlife trade of macaques. PETA requests an immediate and full investigation into possible violations of the Lacey Act by Hainan Airlines, Maleth Aero, the brokers who filed the U.S. Fish and Wildlife Service Declaration for Importation or Exportation of Fish or Wildlife Form 3-177, the transport companies and the U.S.-based facilities that received these monkeys. The current value of a long-tailed macaque imported for experimentation is estimated to be a minimum of \$4,000.00 USD, and a recent investigative piece indicated that the value of a "breeding" macaque could exceed \$50,000.00 USD per monkey.⁹ The value of the long-tailed macaques brought into the U.S. in apparent violation of the Lacey Act is in the millions of dollars. PETA also requests that you take any inter-agency steps available for the suspension of Inotiv's monkey breeding facility licenses for its role in continuing to import endangered monkeys on airlines operating in apparent violation of the AWA and Lacey Act, and that you seize the aircrafts that transported the monkeys, as well as the animals themselves.

I look forward to hearing from you regarding this important matter and am available to assist you in your investigation. You can contact me at LisaJE@peta.org.

Sincerely,



Lisa Jones-Engel, PhD
Senior Science Advisor
People for the Ethical Treatment of Animals
LisaJE@peta.org
206-372-6190

⁶ Hansen MF, Gill M, Briefer EF, Nielsen DRK and Nijman V. 2022. Monetary Value of Live Trade in a Commonly Traded Primate, the Long-Tailed Macaque, Based on Global Trade Statistics. *Front. Conserv. Sci.* 3(839131);

Hansen MF, Gill M, Nawangsari VA, Sanchez KL, Cheyne SM, Nijman V, and Fuentes A. 2021. Conservation of long-tailed macaques: implications of the updated IUCN status and the CoVID-19 pandemic. *Primate Conservation* 35.;

Campbell S, Timoshyna A, Sant G, Biggs D, 2022. Options for managing and tracing wild animal trade chains to reduce zoonotic disease risk. *TRAFFIC*, Cambridge UK.

⁷ Hansen MF, Ang A, Trinh T, Sy E, Paramasiwam S, Ahmed T, Dimalibot J, Jones-Engel L, Ruppert N, Griffioen C, Lwin N, Phiapalath P, Gray R, Kite S, Doak N, Nijman V, Fuentes A and Gumert MD 2022. *Macaca fascicularis*. The IUCN Red List of Threatened Species 2022: e.T12551A199563077. <https://dx.doi.org/10.2305/IUCN.UK.2022-1.RLTS.T12551A199563077.en>. Accessed on 04 October 2022.

⁸ Species Survival Network. 2015. Review of *Macaca fascicularis* in Cambodia and Vietnam. Available at: http://ssn.org/Meetings/sc/SSN_SC66_Macaque.pdf

⁹ [Primate Disappearing at 'Alarming Rate,' as Medical Research Fuels Demand \(vice.com\)](#). Accessed on 04 October 2022.

Exhibit 1

Amy Meyer

From: Rudyj, Katrina E - APHIS <katrina.e.rudyj@usda.gov>
Sent: Wednesday, August 17, 2022 12:34 PM
To: Amy Meyer
Subject: RE: [External Email]Missing pages from Annual Report Column E Explanation

Hi Amy,

Thank you for your patience.

For the 2021 Annual Report for Texas Biomedical Research Institute, you are correct and there was an error with the upload. APHIS is correcting the problem, which should be corrected in the Public Search Tool within seven business days. We appreciate you flagging this for us.

As for Hainan Airlines, APHIS issued them a letter of cancellation on May 3, 2022, for failure to renew its USDA registration.

I hope this helps.

Best,

Katrina

From: Amy Meyer <AmyM@peta.org>
Sent: Thursday, August 11, 2022 4:11 PM
To: Rudyj, Katrina E - APHIS <katrina.e.rudyj@usda.gov>
Subject: RE: [External Email]Missing pages from Annual Report Column E Explanation

I appreciate the kindness, and hope you can get back to enjoying your time out of the office! Thank you, Katrina.

From: Rudyj, Katrina E - APHIS <katrina.e.rudyj@usda.gov>
Sent: Thursday, August 11, 2022 2:09 PM
To: Amy Meyer <AmyM@peta.org>
Subject: RE: [External Email]Missing pages from Annual Report Column E Explanation

Hi Amy,

I'm currently out of the office, but wanted to let you know that I've shared your message with our Animal Care staff for their review. I'm hoping to get back to you by early next week.

Appreciate your patience, and hope you have a nice remainder of the week.

Best,
Katrina

From: Amy Meyer <AmyM@peta.org>
Sent: Thursday, August 11, 2022 4:04 PM

To: Rudyj, Katrina E - APHIS <katrina.e.rudyj@usda.gov>

Subject: [External Email]Missing pages from Annual Report Column E Explanation

[External Email]

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Hi Katrina,

I'm hoping you can help me with a couple more things from the APHIS public search tool.

I see that the 2021 Annual Report for Texas Biomedical Research Institute (74-R-0003) includes an attachment for their Column E Explanations, but only 1 out of 4 pages is there. Did that attachment perhaps fail to upload completely? Are you able to send us the full attachment?

Also, can you clarify if Hainan Airlines Holding Co LTD, certificate number 91-T-0022, is active or not? The "certificate status" on the inspection report search tool says "cancelled" with a status date of 2/20/21, but it looks like they had inspections in March 2022.

Thank you very much in advance for your help!

Best,

Amy Meyer (*she/her*)

Manager of Primate Experimentation Campaigns

Laboratory Investigations Department

People for the Ethical Treatment of Animals

Cell: (307) 899-3264 | peta.org

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Exhibit 2

[View Licensees](#)[View Registrants](#)[View Inspection Reports](#)

Rows 1 - 1 of 1

[Query Reports](#)

Registrant Information

Address

[Query Inspection Reports](#)

Customer/Organization Name (DBA): HAINAN AIRLINES HOLDING CO LTD

18000 INTERNATIONAL BLVD

Customer Number: 503404

SUITE 1188

Certificate Number: 91-T-0022

SEATTLE, WA 98188

Registration Type: Class T - Carrier

COUNTY:King

Certificate Status: Cancelled

Status Date: 2/20/2021