

September 17, 2024

Sarah Helming
Deputy Administrator
USDA-APHIS-Animal Care

Via email: [REDACTED]

Re: Request to Investigate East Idaho Aquarium for Apparent Animal Welfare Act Violations

Dear Administrator Helming:

I am writing on behalf of PETA to request that the United States Department of Agriculture (USDA) investigate East Idaho Aquarium (License No. 82-C-0081) for numerous Animal Welfare Act (AWA) violations concerning the birds at this facility.

[REDACTED] worked for East Idaho Aquarium as the [REDACTED] from August 25, 2023, to December 17, 2023. During his employment, he occasionally worked directly with the facility's parakeets and cockatiels. In just three months, the whistleblower witnessed and documented numerous instances of this facility's chronic failure to provide birds with proper and humane care in compliance with the standards set forth in the AWA. As detailed in the attached appendix, East Idaho Aquarium kept birds, including young chicks, in unsanitary, overcrowded conditions. According to the whistleblower, the facility actively underfed birds used in public encounters to ensure they would be inclined to eat out of guests' hands. The whistleblower also estimates that during his three-month tenure alone, close to 150-200 animals died at the facility—many of which were parakeets. Historical records submitted to the Idaho Department of Fish and Game by East Idaho Aquarium itself appear to support this high mortality rate, reflecting a total of 2,028 animals died in this facility's care from June 2019 through September 2022¹—with a number of parakeets reportedly being stepped or sat on by guests during public encounters.

These are just a few of the concerns documented by the whistleblower during his employment and detailed in the attached declaration. In talking with other current and former employees of East Idaho Aquarium, the whistleblower learned that the widespread lack of basic care he witnessed has been ongoing behind the scenes for years, reflecting that the neglect documented by the whistleblower has become engrained in this facility's operation. PETA respectfully urges the USDA to investigate the apparent AWA violations described herein, particularly the high bird mortality at this facility, and hold East Idaho Aquarium accountable to the fullest extent of the law.

¹ Ex. 2 (Excell sheet submitted to IDFG reflecting the number of animal deaths at East Idaho Aquarium for 2019 through 2022).

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ENTITIES:

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

Thank you for your attention to this important matter. Please inform me of the complaint number assigned to this correspondence. I look forward to hearing from you.

Very truly yours,

A solid black rectangular redaction box covering the signature area.

Emily Lively
Counsel, Captive Animal Law Enforcement

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Attachments

Appendix

A whistleblower, ██████████, contacted PETA regarding health and welfare concerns he witnessed with the animals at East Idaho Aquarium during his three-and-a-half-month employment at the facility. The whistleblower worked as the ██████████ at East Idaho Aquarium from August 25, 2023 through December 17, 2023.² The whistleblower largely cared for the facility's aquatic species, however, he also occasionally worked with the facility's mammals and birds.³

The whistleblower reported to Keli Despain, the Head of Animal Curation, and Arron Faires, the Executive Director.⁴ All actions and decisions regarding animal care had to first be approved by Despain or Faires.⁵ The whistleblower frequently communicated with Faires and Despain regarding husbandry, health, and welfare concerns for the animals at East Idaho Aquarium.⁶ As the whistleblower describes in his attached declaration, many of these concerns were ignored.⁷ Despain and Faires “rarely took [his] advice or advice from other employees who had prior experience with the animals at issue and had valuable suggestions for how to improve conditions.”⁸

During his employment, the whistleblower witnessed and documented the following specific instances of neglect and failure to provide basic care to the birds at East Idaho Aquarium. PETA obtained the attached sworn declaration from the whistleblower detailing his experience at the facility and the lack of proper care he observed. **Because ██████████ is a whistleblower, PETA respectfully requests that the USDA keep his identity confidential.**

I. East Idaho Aquarium does not handle the parakeets and cockatiels at its facility in a manner that minimizes the risk of harm to the birds and the public.

A. East Idaho Aquarium reportedly ignored its attending veterinarian's recommendation that newly acquired birds be tested for psittacosis.

During the whistleblower's employment, Faires wanted to acquire cockatiels for the facility's aviary as they only had parakeets at the time.⁹ An employee reportedly warned Faires that he would need to have the birds tested for psittacosis, which this employee told the whistleblower the attending veterinarian confirmed.¹⁰ The veterinarian allegedly told Fairis that any birds used for public encounters should be tested for psittacosis because it can be transmitted from birds to humans, and that “if [any] new birds were added [to the aviary] prior to testing, then all the birds [in the aviary] would have to be tested.”¹¹ A week later, Faires acquired cockatiels and put them into the aviary without having them tested for psittacosis, potentially exposing the existing parakeets and, subsequently, guests participating in public encounters with the birds to an infectious disease.¹²

² ██████████ Dec. ¶ 2 [Ex. 1].

³ *Id.*

⁴ *Id.* ¶ 6.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* ¶ 7.

⁸ *Id.*

⁹ *Id.* ¶ 11.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

According to wildlife veterinarian, Dr. Mason Payne, East Idaho Aquarium’s failure to test these birds for psittacosis infection poses a significant health risk to the public, employees, and the birds themselves. Birds can present as asymptomatic when infected with psittacosis, meaning they could still be infectious to members of the public even if they are not showing any clinical signs of infection. An aviary allowing regular public access, like the one at East Idaho Aquarium, should be maintained as “psittacosis free” due to the potential for zoonotic disease transmission. This involves testing any birds housed in the aviary, as well as any birds being introduced into the enclosure.

AWA regulations require that, during public exhibition, animals must be handled so there is a minimal risk of harm to both the animals and to the public.¹³ As Dr. Payne opines, psittacosis can be a serious disease for humans and can lead to severe pneumonia and even death. East Idaho Aquarium placed the safety of its guests at risk by allowing public encounters with birds who could have been carrying an infectious disease transmissible to humans in violation of Section 2.131(c).

Further, Faires allegedly substituted his own judgement for that of the facility’s attending veterinarian (AV) who reportedly recommended that these birds be tested for psittacosis before participating in encounters with members of the public, placing both the birds and the public at risk. Dr. Payne opined that psittacosis can be serious for the birds as well, also potentially resulting in pneumonia or death in severe cases. The facility’s complete disregard for the recommendation of its attending veterinarian on a matter critical to the health of both the birds and the public reflects that the facility’s AV does not have the “appropriate authority to . . . oversee the adequacy of . . . animal care and use,” as required by 9 C.F.R. § 2.40.

B. An employee allegedly physically hit an aracari with a vacuum hose.

Around the end of November 2023, an employee bragged to the whistleblower and other employees that he hit a female aracari with a vacuum hose after the aracari bit him.¹⁴ Another employee who witnessed the incident also told the whistleblower about it.¹⁵ Employees reported this incident to management, but they defended the employee who hit the aracari, allegedly saying, “this employee has issues, but his heart is in the right place.”¹⁶

Under 9 C.F.R. § 2.131(b)(1), all animals must be handled “as expeditiously and carefully as possible in a manner that does not cause trauma . . . [or] physical harm.”¹⁷ Further, “[p]hysical abuse shall not be used to train, work, or otherwise handle animals.”¹⁸ If an employee physically struck an aracari with a vacuum hose, that is a clear violation of Section 2.131(b).

C. East Idaho Aquarium reportedly underfed parakeets and cockatiels used in public encounters.

While working directly with the parakeets and cockatiels, the whistleblower learned that the facility only fed the birds when visitors paid to feed them during encounters to entice them to eat out of the guests’ hands.¹⁹ Under 9 C.F.R. § 2.131(b)(2)(ii), licensees cannot deprive food to train, work, or otherwise

¹³ 9 C.F.R. § 2.131(c).

¹⁴ Ex. 1 ¶ 47.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ 9 C.F.R. § 2.131(b)(1).

¹⁸ *Id.* § 2.131(b)(2)(i).

¹⁹ Ex. 1 ¶ 43.

handle animals.²⁰ By depriving these birds of food in order to train them for public encounters, East Idaho Aquarium appears to be violating Section 2.131.

Further, food “must be of sufficient quantity and nutritive value to maintain a health condition and weight range of the birds and to meet [their] normal daily nutritional requirements.”²¹ According to Dr. Payne, public feeding of animals commonly results in either overweight or underweight animals, because it makes it nearly impossible for employees to monitor each animal’s feed intake. Even if animals are being fed by the public, they still require a specified dietary quantity each day that, per Dr. Payne, should not be altered. If a facility is going to conduct public feeding, the specific amount of food each animal requires should be set aside for the public to give. If this food runs out, the animal should not receive any more. In contrast, if there is food left over at the end of the day, the food should be fed to the animal by staff or supplemented in other ways.

As Dr. Payne opined, sustaining animals solely off public feeding should not occur as it is highly likely to result in the animals receiving inconsistent quantities of food. Dr. Payne recommended that animals have regular access to food to ensure that their energy needs are being met, with any public feedings being viewed as supplemental rather than their main source of food. The USDA should ensure that East Idaho Aquarium is adequately monitoring each bird’s food intake and that the birds are receiving a sufficient and consistent quantity of food as required under 9 C.F.R. § 3.155(a).

D. East Idaho Aquarium reportedly did not adequately monitor public encounters with the facility’s parakeets, resulting in guests sitting and stepping on birds.

From 2019-2022, East Idaho Aquarium submitted inventory reports to the Idaho Department of Fish and Game, which reflected over two-thousand animal deaths at this facility during this four-year period alone.²² Approximately 85 of these animals were parakeets who died from being stepped or sat on by guests during public encounters. This high mortality rate continued into the whistleblower’s employment, with him estimating that close to 150-200 animals died at the facility in just his three-month tenure.²³ According to the whistleblower, many of these were parakeets.²⁴

During public exhibition, animals “must be handled so there is minimal risk of harm to the animal[s].”²⁵ At least 85 parakeets died during public encounters over the past five years, reflecting that East Idaho Aquarium is not exhibiting these birds in a safe manner that minimizes their risk of harm or death. It is unlikely that this facility has dramatically changed the manner in which it conducts its parakeet encounters since the whistleblower left in December 2023. In fact, on a recent visit to the facility on June 18, 2024, a guest observed and documented a parakeet encounter and noted that dozens of birds were on the ground at feet-level where they could be easily stepped on.²⁶ An attendant had to step in and shoo several birds away from a guest’s feet so they could exit the encounter. Given that at least 85 birds have died during these encounters in recent years, the facility’s employees are clearly not able to prevent the birds from being stepped on, placing them at risk of serious injury or death in apparent violation of Section 2.131(c)(1).

²⁰ 9 C.F.R. § 2.131(b)(ii).

²¹ *Id.* § 3.155(a).

²² Ex. 2.

²³ Ex. 1 ¶ 44.

²⁴ *Id.*

²⁵ 9 C.F.R. § 2.131(c)(1).

²⁶ Video 1.

II. East Idaho Aquarium reportedly did not have adequate housing or food for young chicks, which often resulted in their deaths.

In conversations with employees who regularly cared for the parakeets and cockatiels, the whistleblower learned that the cockatiels would often kick young parakeet chicks out of the nesting boxes.²⁷ The chicks would then be brought to the facility's quarantine area, but they rarely survived.²⁸ According to the whistleblower, the quarantine area was overcrowded with adult birds and not equipped with an adequate feeding mechanism for young chicks who were too young to eat on their own.²⁹ The whistleblower also learned that management instructed employees to put the chicks in pouches or take them home if they wanted them to live through the night because the facility did not have adequate housing for them.³⁰

Under USDA regulations, "birds may not be housed with other species of birds . . . unless they are compatible, do not prevent access to food, water, or shelter by individual animals, and are not known to be hazardous to the health and well-being of each other."³¹ East Idaho Aquarium reportedly housed parakeets and cockatiels in the same aviary, but they proved to be incompatible because the cockatiels would kick young parakeet chicks out of their nest, preventing them from accessing shelter and food in apparent violation of USDA regulations.

Additionally, USDA regulations require that nestlings, chicks, and fledglings be provided special attention based on the needs of their individual species.³² East Idaho Aquarium failed to prevent these chicks from being kicked out of their nesting boxes by other bird species and did not provide them with alternative housing or food suitable for their age and species, which allegedly often resulted in their deaths, in further violation of the requirement that chicks be given special attention based on their individual needs.

According to Dr. Payne, neonate birds require intensive care and often require feeding every hour or sometimes even more frequently. Without direct care from their parent or regular intensive handfeeding by staff, neonate birds will almost certainly not survive. Even with intensive handfeeding, he advises that many young birds will still not survive without care from their parent. While Dr. Payne opined that inappropriate housing with the cockatiels is the initial cause of death for the neonate parakeets at East Idaho Aquarium, he also stated that the facility's inability to properly feed the neonate birds is particularly egregious and resulted in a significant amount of suffering for these young birds. The USDA should ensure that East Idaho Aquarium is equipped to meet the special needs of neonate birds born at its facility and is, in fact, providing them with the specialized care they require to survive.

III. East Idaho Aquarium is reportedly freezing neonate birds who fall out of the nest.

A current employee of East Idaho Aquarium recently reached out to the whistleblower in August 2024. This employee told the whistleblower that the facility now puts any of the neonate birds who fall out of their nests, as described above, into the facility's freezer to die.³³ The USDA should ensure that East Idaho Aquarium is providing neonate birds born at its facility with the specialized care they require and

²⁷ Ex. 1 ¶ 41.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ 9 C.F.R. § 3.154(a)(3); *see also id.* § 3.160(b).

³² *Id.* § 3.154(c)(1).

³³ Ex. 3 (Photo 1).

also ensure that this facility only uses acceptable and humane methods of euthanasia that meet the AWA's requirement that the method "produce[] rapid unconsciousness and subsequent death without evidence of pain or distress[.]"³⁴

³⁴ 9 C.F.R. § 1.1.