



December 14, 1997

Dr. Barbara Kohn
USDA, APHIS, Animal Care
4700 River Road, Unit 84
Riverdale, MD 20737-1234

Re: Docket No. 97-001-1; Handling, Training and Exhibition of Potentially
Dangerous Exotic or Wild Animals

Dear Dr. Kohn:

Enclosed please find one original and three copies of the response submitted by the undersigned
in response to the above-referenced Request for Information.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan Galvin".

Joan Galvin
Vice President, Government Relations
Feld Entertainment, Inc.

On behalf of:

Ringling Bros. and Barnum & Bailey Circus
Ringling Bros. and Barnum & Bailey Center for Elephant Conservation
Lic. No: 58-C-0106

Gary Dunning
Executive Director
Big Apple Circus
Lic. No: 21-C-0061

FELD 0025288

Scott and Heidi Riddle
Riddle's Elephant Breeding Farm and Wildlife Sanctuary
Lic. No: 71-C-0050

George Carden
George Carden Circus International, Inc.
Lic. No: 43-C-0025

James Hall
Castle's Bears
Lic. No: 74-C-0026

David Balding
Circus Flora
Lic. No: 43-C-101

Gary and Kari Johnson
Have Trunk Will Travel
Lic. No: 93-C-066

Barbara Byrd
Carson & Barnes Circus
Lic. No: 73-C-001

William Woodcock
Lic. No: 58C-0194

David Blasko
Debra Olsen
Elephant Managers Association

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4700 River Road, Unit 84
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Re: Docket No. 97-001-1; Handling, Training and Exhibition of Potentially Dangerous Exotic or Wild Animals

Dear Dr. Kohn:

On behalf of the undersigned members of the public display and exhibition community [hereinafter known as the "Coalition"], we respectfully submit the following comments in response to the USDA's [hereinafter known as the "Department"] Request For Information on the Handling, Training and Exhibition of Potentially Dangerous Exotic or Wild Animals. [62 FR 39802 -- July 24, 1997].

This submission reflects the consensus of a representative group of public display and exhibition entities including zoos, animal parks, circuses, animal trainers and veterinarians. The level of experience and dedication of the participants is unparalleled and represents some of the most respected and knowledgeable members in the industry.

The Coalition has committed its time and resources to provide the Department with information on the handling and care of public display animals and to dispel some of the misconceptions that may exist. We, as a community, are firmly committed to sound regulation and oversight based on solid data and animal husbandry expertise, and we welcome the opportunity to provide our collective knowledge and input to the Department.

As a threshold issue, however, the Coalition objects to the tone and content of the questions presented as part of the Department's Request for Information [hereinafter known as the "Request"]. We find questions to be biased and presumptive, especially with regard to the issue of so-called "aggressive behavior". Question 3 for example, presupposes that instances of aggressive behavior are present during exhibition and that it is merely a matter of quantifying "how often". Similarly, Question 2 assumes that aggressive behavior is commonplace and

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routine during exhibition. In fact, actual aggression amongst performing or exhibition animals is rare, and the coalition believes that any statistical analysis of incidents in relation to frequency of exhibition would prove this to be the case.

Most importantly, the Coalition objects to this type of broad generalization and characterization of exhibition animals, as it is neither accurate nor based in fact. "Wild" and "aggressive" are not synonymous and, in fact, "aggression" is not limited to wild and exotic animals as the current controversy over domestic dogs, such as pit bulls and rottweilers, demonstrates. Performing animals, in particular, are chosen because they possess an even and predictable temperament.

The coalition respects and appreciates the potential risks inherent in the profession. Although incidents of aggressive or unexpected behavior are rare, they can and do occur. While some have sought to generalize about the causes of aggression among exhibition animals, the reality is that each incident has its own unique set of circumstances and facts. More often than not, it is a case of human error, not animal "aggression". Again, this is not unique to exhibition animals, and any attempt to create a "cause and effect" is disingenuous, at best.

What is true is that whatever risk does exist is minimized when animals are managed by responsible owners through experienced handlers and appropriate facilities. Most exhibition animals are in close contact with their human handlers, and therefore, their changes in temperament and health are more readily apparent and predictable. In fact, the respect and mutual understanding between trainer/presenter and animal is widely recognized by training and handling experts as an essential element in working with exhibition animals.

The Coalition also takes issue with the question of "which" practices are abusive as the question presupposes that certain practices are, in fact, abusive. We do not challenge that abuse can and does exist -- that is true in every facet of any industry or, indeed, life. But abusive behavior is not an acceptable "practice", nor is it an element of training - and it is certainly not condoned within the exhibition or public display community.

Similarly, we question the use of the term "potentially dangerous" exotic or wild animals without reference to a definition or specific listing within the regulations and without providing any basis for singling out one class of animals and their handlers for special treatment under the rules.

In summary, the Coalition challenges the questions presented as vague and contradictory to the Department's stated purpose of seeking information to "help us more thoroughly examine all issues pertaining to the training and handling of potentially dangerous exotic or wild animals

used in exhibition". To the contrary, the questions presuppose problems of aggressive behavior and challenge the effectiveness and suitability of current training and handling techniques. The burden is, therefore, on the public display community to refute these allegations while simultaneously providing the Department with objective information on the handling and care of exhibition animals.

It is the position of the Coalition that the problem is not one of industry practices, but of perception - in part due to misinformation circulated by organizations who oppose animals in entertainment on ideological grounds. No industry is perfect, but an entire profession should not be painted with a broad brush as the result of the transgressions of a few bad actors. The Coalition submits that the issue is more one of information and education concerning the wide range of acceptable training and handling techniques and the diversity of acceptable practices within the public display community.

The Coalition accepts that it is the industry's responsibility to educate the public about the industry's relationship with the animals in their care. The Coalition appreciates this opportunity to help identify the basic elements of responsible training, handling and containment practices and to work with the Department to establish certain broad guidelines that can be applied throughout the public display community, without compromising the uniqueness of individual animal management programs.

This submission, therefore, does not seek to provide a detailed "training" manual for the Department, but provides a "snapshot" of the current state of the industry with regard to training, handling and containment.

Finally, it is the Coalition's understanding from both the Federal Register Request and from subsequent correspondence¹ that the scope of the Request is limited to training, handling and control and does not go to the issues of housing, transportation or general animal husbandry. That having been said, we now move to the issues at hand -- namely the handling, training, containment and identification of wild and exotic animals.

¹Letter of W. Ron DeHaven, Acting Deputy Administrator, USDA/APHIS, to Joan Galvin, Feld Entertainment (August 8, 1997).

HANDLING OF EXOTIC AND WILD ANIMALS

Current Regulation Under the Animal Welfare Act

The Department's oversight of handling and exhibition of performing animals is addressed at 9 CFR 2.131, which sets forth a rather comprehensive list of prohibited and permitted activities relating to the general health and well-being of animals. The section also contains a number of subjective terms such as "abuse" and "knowledgeable" which delegate a large measure of discretion to those charged with interpreting and administering the rules. Creating a broad, regulatory framework suitable to a variety of situations is challenging -- for example, what is true for domestic livestock may not be true for a lion or tiger, or for that matter, a household pet -- yet similar broad directives on animal care and handling are intended to govern the majority of the public display community. Coupled with state and local animal welfare laws, the Animal Welfare Act provides a far reaching tool for the prevention of animal abuse under any circumstance.

Thus, while the Coalition agrees with the Department on the need for a comprehensive regulatory framework, we also believe that flexibility is an essential element for effective application and enforcement. We find Sec. 2.131 to be both comprehensive and sufficiently flexible to address the issue of animal handling and, as such, do not believe any substantive changes are warranted.

The Coalition will, therefore, provide an overview of handling practices within the industry which may assist the Department in its efforts to evaluate, supplement or clarify the current regulations' application to performing and exhibition animals. What the Coalition has found during this process is that there is a wide range of guidelines and animal management programs throughout the industry which all draw from the same common elements. While some of the larger associations have published detailed management programs, other smaller organizations follow similar principles in their day to day animal management without formalizing them in a written document.

What is evident, however, is that no singular set of rules will be suitable for every facility - there is far too much diversity within the industry. Practices that work for some zoos with protected contact programs for elephants, don't apply to zoos with free contact. Rules for stationary facilities are not suitable for those that travel. Procedures which work for tented exhibitions may differ from those that present in arenas. And, of course, techniques and husbandry practices vary between species, between individual animals, and, between trainers and handlers.

Finally, we will provide the USDA with what we believe to be a comprehensive checklist of the types of guidelines and programs that a responsible animal exhibitor should have as part of a well-run operation.

The Definition of "Handling"

Sec. 2.131 refers to "handling", and the Coalition incorporates this term to cover all aspects of animal management, including handling, training, presenting and control for the purposes of this submission. In fact, efforts to separate out "handling" from "training" proved fruitless, and the consensus among the Coalition participants is that the terms are often interchangeable and represent much the same process, as a majority of handling is to some degree a training exercise and all training requires handling.

The Coalition, therefore, submits the following definition of "handling" which is the underlying definition for the balance of the comments presented as part of this submission:

HANDLING: USE OF OPERANT CONDITIONING TECHNIQUES IN THE CARE, MANAGEMENT AND EXHIBITION OF ANIMALS, INCLUDING, BUT NOT LIMITED TO; THE PROVISION OF FOOD, SHELTER, HUSBANDRY, VETERINARY CARE AND EXERCISE APPROPRIATE TO THE SPECIES.

There are many factors to take into consideration in evaluating the proper handling of any animal. The disposition of the animal, its physical abilities or limitations, environment and social structure, including its relationship with other species and humans. The cornerstone, however, of all modern animal handling -- and the basis for most training of performing animals -- is the behavioral modification technique of "operant conditioning".

Webster's dictionary defines OPERANT CONDITIONING as follows:

n. Psychology. A process of behavior or behavior modification in which a subject is encouraged to behave in a desired manner through positive or negative reinforcement each time a specific behavior is exhibited, so that the subject comes to associate the pleasure or displeasure of the reinforcement with the behavior.

The application of operant conditioning is based on the concepts of positive and negative reinforcement. While positive reinforcement modifies behavior by applying a variety of rewards (praise, touch, food, sound), negative reinforcement modifies behavior through the avoidance of a negative stimuli (sound, scolding, physical restraint).

The use -- and misuse -- of these terms is where confusion and misconceptions arise. While the application of positive/negative reinforcement and discipline are a core part of the training and behavioral shaping process, they should not be confused with abuse. Indeed, negative reinforcement occurs daily when a child is told "no" or is physically prevented from stepping into harm's way or from engaging in an unwanted or inappropriate behavior. Similarly, negative reinforcement and discipline are tools which ultimately protect the animal and the individuals working with the animal; by rewarding good behavior, and discouraging and eliminating unwanted behavior, the animal's life is enriched and safer.

In contrast, abuse is beneficial to neither the animal nor the trainer and is unacceptable under any set of circumstances.

As mentioned earlier, most local animal welfare ordinances address the issue of abuse and neglect and provide ample opportunity for enforcement. The definition below, provided by the Elephant Managers Association, is representative of the concept of abuse from a handling or training perspective.

ABUSE: The continuance of discipline after an unwanted or harmful behavior has been extinguished and desired behavior has been achieved. Abuse is the application of punishment when unwarranted by a potentially harmful situation. Abuse is not providing the essential physical and psychological necessities required by individual species.

Abuse is wrong use or mistreatment. It is harsh or severe treatment in a context, neither recognizable by, nor beneficial to the recipient.

Abuse is never acceptable and, in fact, is counter to the industry's goals and ideals.

EXPERIENCE OF HANDLERS

Sec. 3.132 of the CFR addresses the issue of experience as follows:

Sec. 3.132 Employees

A sufficient number of *adequately trained* employees shall be utilized to maintain the *professionally acceptable level of husbandry practices* set forth in this subpart.

Such practices shall be under a supervisor who has a background in animal care.
[Emphasis added]²

As the benchmark for a qualified employee is defined as the "professionally acceptable level of husbandry practices", the Coalition attempts here to outline what is common practice in the industry in terms of staffing and training.

At the very heart of the qualifications issue is the degree of experience vs. the requirements of formal education or training. While there are few formal courses in exotic animal training and handling, qualifications are measured within the industry in terms of experience, reputation and results. Training in basic skills and techniques, adequate supervision and hands on experience are all important elements in assessing the capability of a good animal handler. A great deal of the responsibility falls to the licensee -- to maintain a good animal management program, retain capable individuals, to supervise and train them, to ensure a good match between animal and handler and to provide ongoing on-the-job training and feedback.

By far, a good indication of a qualified animal care staff is the general health and well-being of the animals themselves and a facility's ability to anticipate and respond to each animal's medical and husbandry needs. Veterinary reports and government inspections play an important role in gauging the overall quality of an animal facility and its staff, but often only provide a one-dimensional view. The experience and quality of government inspectors is a key to competent oversight, and the Coalition can not stress strongly enough the importance of comprehensive training for federal, state and local animal inspectors.

In the case of exhibition animals, the public is also a good barometer of the quality of an operation. Circuses, zoos, animal parks and other forms of public display are dependent on public image and reputation. A professional animal crew, an experienced trainer and well-cared for and healthy animals are all part of the educational and entertainment experience.

Individuals who have gained recognition as competent and qualified trainers have moved beyond just mastering the basics -- achieving prominence and industry recognition requires, above all, a great deal of dedication and discipline -- and a natural affinity for working with animals. These are difficult things to quantify, and yet, the industry itself plays an important role in self-regulation, rewarding and recognizing those individuals who possess the skills, knowledge and

²50 CFR 3.132 (1995).

experience the job requires. They become role models and informal instructors and the more reputable and respected members of the industry seek out their experience.

CONTROL AND SAFETY MEASURES

The Coalition is unanimous that the key to safety and control is prevention. Responsible owners, experienced and well-trained handlers, well-maintained facilities and good security are all essential elements.

The Coalition agrees that each exhibitor should have a comprehensive emergency plan and that all handlers and staff should be trained and familiar with emergency procedures. Plans should include provisions for all contingencies, including the capture, tranquilization or destruction of an animal, if necessary. Any plan should be species-specific and should have the input of a veterinarian.

Plans should be made available for individual review by the Department. State and local animal control agencies should have access to plans upon request for exhibitors within their jurisdiction. Stationary facilities should establish good relationships with local law enforcement and animal control agencies.

At present, chemical immobilization is commonly accepted as the most effective and preferred method for the emergency containment of an animal, after other attempts to re-capture have failed or are impractical. Use of a chemical immobilization protocol requires detailed information and training concerning dosages and use and handling of the chemicals and delivery system.

Each facility should designate members of the animal care staff to be trained in the proper use of chemical immobilization and all staff should be familiar with emergency containment plans.

MARKING OF ANIMALS

The Department's Request for Information concerning marking and identification of animals is somewhat vague with regard to its purpose. As a result, the Coalition found it difficult to respond in detail.

As a general matter, however, the Coalition is opposed to the use of microchips or tattoos as they pose several problems with regard to placement, reliability, cost and the well-being of the animal.

A central registry or studbook is plausible, but would require detailed descriptions and photographs in order to be most effective. Several institutions already have similar systems and most exhibitors also have their animals on record with Department of Interior for purposes of Captive-bred or export certificates and with USDA. As the exotic animal population within the United States is controlled, identification and tracking should not present too much of a problem. Overall, the Coalition has no objection to the concept of a central registry.

CONCLUSION:

In conclusion, the coalition provides the following list of what it believes to be the types of programs and policies that a responsible animal exhibitor should have as part of a well-run animal management program. Because of the diversity of facilities within the industry (exhibition, entertainment, interactive, stationary, mobile, protected contact, etc.), we do not attempt here to dictate the detailed elements of each but to generally identify the types of policies and programs that are essential. We expect that many individual organizations, including some of those joining in this submission, will submit their own policies and practices for review, while others will make them available to USDA on request, rather than including them as part of a public record.

Comprehensive Training Program/Manual for Animal Handlers

- Job descriptions/responsibilities
- Continuing education/on-the-job training
- Proper use of training tools, techniques
- Familiarity with each animal's needs and abilities
- Job safety
- Basic animal care
- Veterinary oversight

Comprehensive Animal Management Plan

- Animal care policies and practices
- Training techniques
- Exercise and recreation
- Identification of species-specific needs/limitations/abilities
- Prohibited activities
- Care and maintenance of facilities, props, working areas, enclosures
- Veterinary oversight

Code of Ethics for Animal Handlers/Trainers

Emergency/Animal Control Plan

- Plan for all contingencies: recapture, destruction, medical emergency
- Training of personnel
- Interface with local animal control, law enforcement
- Veterinary oversight

With respect to a set of uniform, detailed handling procedures or standards, the comments received generally reflected the following sentiments:

“...there are many ways to train and care for an animal..to set concrete standards or definitions/guidelines limits growth and natural evolution of the industry...being different is not bad or wrong...in fact differences can lead to advancements/improvements.”

“...we are the professionals, with training and knowledge to police ourselves. Following industry standards or guidelines produced by the industry, monitoring this issue should be a cooperative effort between USDA and the industry professionals.”

As a final note, it must be recognized that the success or failure of the process will ultimately rest with USDA's ability to educate and train its personnel in order to evaluate the adequacy of each facility's programs. It is our understanding that the USDA is planning more 'hands-on' training for inspectors with industry input. We look forward to being a part of that initiative, as a knowledgeable inspector is a benefit to the regulated community.

We, the undersigned, look forward to working with the USDA as part of the educational process and appreciate the opportunity to submit these comments:

Joan Galvin
Ringling Bros. and Barnum & Bailey Circus
Ringling Bros. and Barnum & Bailey Center for Elephant Conservation
Lic. No. 58-C-0106

Gary Dunning
Big Apple Circus
Lic. No. 21-C-0061

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