

H.R. 2964 – Captive Primate Safety Act

April 21, 2008

Response of Dr. Sian Evans, DuMond Conservancy for Primates and Tropical Forests to Questions from Chairwoman Madelaine Z. Bordallo (D-GU)

Chairwoman Bordallo

I am in receipt of the following additional questions you have requested that I answer. I am particularly pleased that several of them deal with issues of animal care. I have 32 years of direct experience of caring for non-human primates in research environments, zoos and my own home (curriculum vitae previously submitted). I have cared for a wide variety of primate species from gorillas to the smallest monkey, pygmy marmosets. Thus, I am exceptionally well qualified to help the sub-committee understand the needs of non-human primates and the ability of primate pet owners to meet these needs.

1. Dr. DuMond, thank you for your testimony. In your statement, you noted that your organization makes sure that nonhuman primate owners are willing and able to make a lifelong commitment to the nonhuman primates in their care.

- Can you describe how you can assure this commitment?

UAPPEAL (Uniting a ProActive Primate and Exotic Animal League) members and their pets form strong emotional bonds and the owners suffer grief when these bonds are severed either through the death of the pet primate or the confiscation of their pet by court order. The pets of UAPPEAL members are treated with love and loyalty and together they form a cohesive social unit.

- What happens when an owner can no longer care for his or her nonhuman primate pet?

UAPPEAL members have made arrangements for the care of their pet(s) in the case of an illness or death (see statements/documents in Appendix). Also included is a document that primate pet owners have prepared to be included in their wills/trusts.

2. You also state that you are not an advocate of primate pet ownership. Can you elaborate more on this point?

Owning a primate pet requires an enormous time commitment and not all prospective primate pet owners can make this commitment. In my professional experience, empathy, deep interest, and the ability to nurture effectively are more important than other credentials in effectively responding to the complex needs of nonhuman primates in captivity.

3. Is the point that you raise about pet primates being susceptible to human diseases another reason to limit unnecessary additional contact between people and nonhuman primates?

The purpose of H.R. 2964 is to limit the interstate transport of non-human primates by making a case that they are dangerous wild animals. Whether they are susceptible to human disease (anthroponosis) or not, is irrelevant to H.R.2964 and only mentioned in my testimony to emphasize the complete lack of documentation for zoonotic (animal to human) transmission from pet monkeys to humans.

4. Can you further explain the reason why infant macaques need to be removed from their mothers shortly after birth?

Both United States Department of Agriculture (USDA) registered research facilities and USDA licensed zoos remove infant primates from their mothers at birth (Barr et al., 2008; Goodall, 2005; Kinnally et al., 2008). If this practice is permitted by the federal agency charged with regulating animal welfare, and presents no danger to humans, I fail to see any reason for the subcommittee to address this question.

5. Of the potential 15,000 pet primates in the United States, do you have an estimate of what percentage are cared for well and in a healthy environment?

First, this 15,000 figure is highly problematic. The only reference to this figure that I could find was a quote by a Mr. Adam Roberts of Born Free USA in a press release in 2002 (Captive Wild Animal Protection Coalition, 2002). A telephone call (Evans, S 2008a) and e-mail enquiry (Evans, S, 2008b) to Mr. Roberts provided no documentation for his confident assertion that 15,000 primates was a minimum figure. I made several unsuccessful attempts to contact Mr. Wayne Pacelle of The Humans Society of the United States (HSUS) by telephone for clarification of his use of the 15,000 figure in testimony to this sub-committee (Captive Primate Safety Act, 2008) and was finally referred to Ms. Beth Price of HSUS. Ms. Price was very helpful and was able to clarify that the 15,000 figure does not refer to pet primates exclusively but all privately owned primates (Price, 2008) the vast majority of which are owned by USDA licensees (public exhibitors and breeders) and thus exempt from this bill. Questions about the care and environment of these primates in USDA licensed facilities are best directed to USDA who maintain inspection reports of these facilities on file. Pet primates (not regulated by USDA) are regulated in several states with Florida having the most comprehensive regulations (Rule 68A-6.00022, Florida Regulations). Florida issues personal pet primate permits and inspects the pet primate(s) regularly (Chapter 372.921, Florida Statutes). Lt. Pat Reynolds of the Florida Fish and Wildlife Conservation Commission (FWC) is an enforcement officer responsible for enforcing the captive wildlife regulations which include permits, caging and animal welfare. Lt. Reynolds is confident, that in his experience of inspecting primates in zoos, research institutions and human homes, that the "healthiest and happiest" primates are those living in human homes (Reynolds, P. 2008). He attributes this to the close bond formed between the pet primates and their human caretakers and the varied and superior diets that pet owners provide. Lt. Reynolds

has 30 years of experience with FWC and, in all likelihood, is more experienced in inspecting pet primates than any other wildlife enforcement officer in the United States.

6. Are there other possible ways for private owners to get veterinary care if there are no veterinarians in their state of residence? Could veterinarians make house calls?

Veterinarians are typically licensed in individual states. It would be illegal for a veterinarian to cross state lines and practice veterinary medicine in a state in which they were unlicensed.

7. You mention the unnecessary burden that H.R. 2964 places on nonhuman primate owners. Can you think of other ways in which the balance between the burden to responsible owners and the societal burden of irresponsible owners can be better achieved?

H.R. 2964 will not prevent irresponsible ownership of pet primates, it will only prevent any primate pet owner from crossing state lines with their pet(s) to seek veterinary care, flee from hurricanes or visit friends and family. There is no documentation of any significant societal burden from irresponsible primate pet owners, thus H.R. 2964 creates rather than resolves any imbalance. I am recommending that the subcommittee withdraw this bill (supported only by entities opposed to exotic pet ownership) but, I do encourage state regulation of pet primates (using Florida as a model) to address any kind of societal issues that might concern you. More importantly these recommendations would directly benefit the welfare of pet primates.

I was encouraged to learn that The Chair of the House Natural Resource Committee Rep. Nick J. Rahall (D-WV) is “Very heartened that the Department of the Interior is stepping up to the plate to begin addressing the ‘politics trumps science ploy’ endemic in this administration” (Committee on Natural Resources, 2007). It would be a great shame if one of his own subcommittees were to disappoint him by doing likewise.

## References and Citations

Barr CS, Schwandt ML, Lindell SG, Higley, JD, Maestripieri D, Goldman D, Suomi SJ, Heilig M. (2008) Variation at the mu-opioid receptor gene (OPRM1) influences attachment behavior in infant primates. Proc Natl Acad Sci U S A. Apr 1;105(13):5277-81. Epub 2008 Mar 31.

Captive Primate Safety Act. Hearings of the House of Representatives, Subcommittee on Fisheries, Wildlife and Oceans. 100<sup>th</sup> Congress, 2<sup>nd</sup> Session (Testimony of Wayne Pacelle).

Captive Wild Animal Protection Coalition. “Congress urged to move swiftly on bill to protect primates. Available at: [www.cwapc.org/pr/pr\\_20050316\\_PrimateBill.html](http://www.cwapc.org/pr/pr_20050316_PrimateBill.html). Accessed April 8, 2008.

Committee on Natural Resources (2007). “Rahall: Interior Fesses Up on Politics Trumping Science” 20/07

Evans S. (2008a) Telephone conversation with Roberts, A. 18/04

Evans S. (2008b) E-mail to Roberts, A. 19/04.

Goodall J. (2005 Letter to Sponsors of Parrot Jungle Island) 20/05

Kinnally EL., Lyons L.A., Abel K., Mendoza S., Capitanio J.P. (2008) Effects of early experience and genotype on serotonin transporter regulation in infant rhesus macaques Genes Brain Behav. Jan 16 [Epub ahead of print]

Price B. (2008) Telephone conversation with Evans, S. 16 /04

Reynolds P. (2008) Telephone conversation with Evans, S, 17 /04

## **APPENDIX**

### **Uniting a Proactive Primate and Exotic Animal League (UAPPEAL)**

#### **Guidelines for the voluntary placement of exotic animals**

The following are UAPPEAL requirements for our involvement in the placement of exotic animals.

#### **NONHUMAN PRIMATE**

- 30 day quarantine
- All animals must have a health certificate from an experienced nonhuman primate veterinarian showing a negative TB test, a negative Herpes B and Hepatitis A viral panel and any other recommendations from the experienced nonhuman primate veterinarian.
- The new caregiver must have experience with nonhuman primates and appropriate enclosures and enrichment protocols.
- The new caregiver must have all applicable local, state and/or federal licensing and reside in a legal area.
- There is to be no breeding or selling of the nonhuman primate and if the new placement home does not work out for any reason, the animal is to be returned to UAPPEAL for replacement into another home.
- The disposition of the nonhuman primate will be considered in the placement so that the most compatible match can be made.
- The costs associated with the placement will be the responsibility of the owner and/or the new caregiver and is not the responsibility of UAPPEAL

#### **EXOTIC FELINES**

- 30 day quarantine
- All animals must have a health certificate from an experienced exotic feline veterinarian showing a negative parasite screening and a negative FIV/FelV viral panel and any other recommendations from the experienced exotic feline veterinarian.
- The new caregiver must have experience with exotic felines and appropriate enclosures and enrichment protocols.

- The new caregiver must have all applicable local, state and/or federal licensing and reside in a legal area.
- In the case of large cats all interstate placement will be to USDA licensed facilities or 501c3 sanctuaries according to the laws set by the Captive Wildlife Safety Act.
- There is to be no breeding or selling of the exotic feline and if the new placement home does not work out for any reason, the animal is to be returned to UAPPEAL for replacement into another home.
- The disposition of the exotic feline will be considered in the placement so that the most compatible match can be made.
- The costs associated with the placement will be the responsibility of the owner and/or the new caregiver and is not the responsibility of UAPPEAL

Examples of documents used by UAPPEAL members:-

1. Supplied by Nancy Nighswander 4/13/08

## **Pet Guardian**

In the event of my severe illness or death, I have made arrangements with the following guardian to care for my pets. Please contact them at once, as my pet(s) will need to be cared for immediately.

(Please Print)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home #: \_\_\_\_\_ Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_ Pager # \_\_\_\_\_

Veterinarian: \_\_\_\_\_ Phone \_\_\_\_\_

Pet's Names:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I \_\_\_\_\_ give my pet(s),

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

And any other animals which I may own at the time of my death, to

\_\_\_\_\_ ,

Presently residing at \_\_\_\_\_,

Phone: \_\_\_\_\_ with the request that they treat them as companion animals.

If they are unable or unwilling to accept my animals,

I give such animals to \_\_\_\_\_,

Presently residing at \_\_\_\_\_

Phone: \_\_\_\_\_ with the request that they treat them as companion animals.

If they are unable or unwilling to accept my animals, my Executor shall select an appropriate person to accept the animals and treat them as companion animals, and I give my animals to such person.

I direct my Executor to give \$\_\_\_\_\_ from my estate to the person who accepts my animals, and I request (but do not direct) that these funds be used for the care of my animals.

The Executor of my will:

Name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_ City/State/Zip

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

## 2. Supplied by Peggy Rice 4/13/2008

In any situation in which I am unable to return home to feed my pets, such as my hospitalization or death, please immediately call \_\_\_\_\_ at (*address and phone*), or \_\_\_\_\_ at (*address and phone*), to arrange for the feeding of my \_\_\_\_\_ located in my home at (*address*).

Extra precaution:

The superintendent of my apartment building [*name, address and phone*], my Executor [*name, address and phone*], and my neighbor [*name, address and phone*] have a copy of this document.

(Signature)

Statement received electronically on 4/13/08

Dear Dr. Sian,

> We own Ateles Garden in Christmas, FL. We are in many ways a  
> sanctuary, yet we do not wish to become a sanctuary by law. We  
> support private ownership.  
> Although we have three capuchins living here, we are really set up to  
> care for our spider monkeys and are willing to take in several more  
> spider monkeys should they need to be placed in the future.  
> We have built a large hurricane shelter to protect us all from  
> storms. For long-term care of the monkeys, not only do my husband  
> and I have our FL FWC licenses, but we also pay for our grown  
> children's licenses, as well as the license of one son-in-law. In  
> the event of illness or death, my one daughter and my son-in-law, who  
> has also passed the Safe Capture Course, will take care of the  
> monkeys. With these licenses, they can also transport monkeys to and  
> from the veterinarian's office when necessary. Best  
> Regards.....Judy Gotwalt

Excerpt from Trust

Received electronically from Karline Elder on 4/22/08

3.2 Distributions During Lifetime of the Settlor's Husband If He Survives the Settlor.

(a) During the lifetime of the Settlor's husband if he survives the Settlor, the Trustee shall have the discretion to make distributions out of Share one and Share Two of the (LAST NAME) FAMILY TRUST at convenient intervals to the Settlor's husband to provide for his health, education, maintenance in health and reasonable comfort, and to provide support in reasonable comfort and for the combined maintenance and support of the Capuchin monkeys owned by the Settlor or the Trust at her death, all in the manner of living to which they have been accustomed during the Settlor's lifetime.