



ZOOLOGICAL ASSOCIATION
OF AMERICA

April 28, 2019

The Honorable Raul Grijalva
Chairman, House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Rob Bishop
Ranking Member, House Committee on Natural Resources
1329 Longworth House Office Building
Washington, DC 20515

Re: Opposition to H.R. 1776, Captive Primate Safety Act

Dear Chairman Grijalva and Ranking Member Bishop:

We write to you to oppose H.R. 1776, the Captive Primate Safety Act, introduced by Congressman Earl Blumenauer on March 14, 2019. Bluntly, H.R. 1776 is absurd policy. It was drafted by extreme animal rights NGOs, is based entirely on ideology versus sound policy, and introduced by Congressman Blumenauer without input from affected stakeholders.

By way of background, The Zoological Association of America (ZAA) is a zoological trade organization that represents professionally managed zoos, aquaria, conservation breeding facilities, wildlife conservation ranches, and conservation education-based animal ambassador programs. With more than sixty accredited members, the ZAA is the second largest trade association in the zoological sector, counting among its members many of the finest facilities in the United States.

Conservation, Education and Research are also major pillars of our work at ZAA. While it is extremely important that our organization supports *in-situ* conservation programs around the globe, our accredited member institutions are involved in conservation well beyond providing basic funding to our NGO partners. This work includes reintroduction programs, rescue and rehab, and a series of human/wildlife conflict avoidance programs and studies. Additionally, through maintenance of robust captive populations of threatened or endangered species, ZAA institutions create a conservation safety net for wild populations. These species management programs are coordinated across our accredited member institutions to ensure the greatest genetic variability and are recognized by the U.S. Fish and Wildlife Service.

We are also extremely proud of the fact that more than 80% of our accredited facilities are privately owned and funded and receive no government money.

Very simply, H.R. 1776 makes an end run at species management and animal welfare regulations via the Lacey Act. The bill was written specifically to avoid a referral to the Committee on Agriculture, which would otherwise have primary jurisdiction on these issues. Further, the bill mandates animal welfare ideology that has been petitioned and rejected by USDA for years.

Specific to policy;

H.R. 1776 perverts the intended use of the Lacey Act and denies USDA licensed facilities access to animals

H.R. 1776 perverts the intended use of the Lacey Act to ban all import, export, transport, sale, receipt, acquisition, or purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, of any live animal of any prohibited wildlife species. The Lacey Act was designed to prevent illegal trafficking not to prevent federally licensed wildlife facilities access to animals. Under current law, all organizations that exhibit wildlife to the public must obtain a “Class C Exhibitors License” issued by the U.S. Department of Agriculture (USDA) under the Animal Welfare Act (AWA). Licensees must abide by AWA rules governing the housing, keeping and care of its animals and are subject to regular unannounced inspections by the Animal Plant Health Inspection Service Animal Care division (APHIS/AC). These inspection reports are generally public information and licensees that fail to adhere to the AWA are often subject to enforcement action by the Agency.

HR 1776 ignores all of this under the guise of animal welfare and denies (via the Lacey Act) responsible federally licensed facilities access to animals for exhibition and breeding purposes by predicating an exemption on adherence to animal rights ideology that is not USDA policy.

H.R. 1776 predicates an exemption on banning public contact with completely unrelated species

At the core of many conservation programs is an effort to facilitate a connection between people and the animals that need the most help. It is a fact that people protect what they understand. Many accredited zoos employ animal ambassador programs and allow supervised, limited direct contact with young animals to promote conservation. H.R. 1776 would prohibit responsible facilities from safely engaging in public contact; an activity that is regulated by USDA. Specifically, H.R. 1776 bans direct contact between any member of the public and a live bear, tiger, lion, jaguar, cougar, African leopard, snow leopard, ape, gibbon, siamang, monkey, or loris, regardless of the age of the animal.” These animals have nothing whatsoever to do with “Captive Primate Safety.”

H.R. 1776 would create a situation where activities are legal under USDA regulation and illegal under FWS regulation

USDA/APHIS is the primary enforcement agency for wildlife and animal welfare in the U.S. Because proponents drafted the bill to avoid the Agriculture Committee, they are not amending the Animal Welfare Act, but rather are amending the Lacey Act, an Act that was designed to prevent wildlife trafficking. What this does in application then is make activities illegal to FWS

that are considered perfectly legal to USDA, who has primary jurisdiction over zoological facilities.

H.R. 1776 would create a massive unfunded mandate at USFWS

As mentioned, USDA/APHIS is the primary enforcement and inspection agency for wildlife and animal welfare in the U.S. HR 1776 would result in a massive expansion of government by now requiring USFWS to promulgate regulations and to inspect wildlife facilities to ensure the requirements of HR 1776 are being met. There are more than 300 accredited zoological facilities in the top two trade associations alone that USFWS would now need to inspect (as USDA would consider provisions of HR 1776 perfectly legal under their regulations). Not only is this duplicative and wasteful, but there is no new budget authority included in HR 1776 to carry out any of this work.

Accordingly, we ask that you oppose H.R. 1776 as currently drafted and encourage Congressman Blumenauer to work to improve the bill. It is unfortunate his office did not engage stakeholders prior to introduction. Nonetheless we remain committed to working in good faith to improve the bill if there is a desire. Please contact our federal representative Frank Vitello with questions or comments at frank@vitelloconsulting.com.

Sincerely,



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