

sample. If such average count does not fall below 1,000 MPN, then the water in the pool shall be deemed unsatisfactory, and the condition must be corrected immediately.

(2) When the water is chemically treated, the chemicals shall be added so as not to cause harm or discomfort to the marine mammals.

(3) Water samples shall be taken and tested at least weekly for coliform count and at least daily for pH and any chemical additives (e.g. chlorine and copper) that are added to the water to maintain water quality standards. Facilities using natural seawater shall be exempt from pH and chemical testing unless chemicals are added to maintain water quality. However, they are required to test for coliforms. Records must be kept documenting the time when all such samples were taken and the results of the sampling. Records of all such test results shall be maintained by management for a 1-year period and must be made available for inspection purposes on request.

(c) *Salinity.* Primary enclosure pools of water shall be salinized for marine cetaceans as well as for those other marine mammals which require salinized water for their good health and well-being. The salinity of the water in such pools shall be maintained within a range of 15-36 parts per thousand.

(d) *Filtration and water flow.* Water quality must be maintained by filtration, chemical treatment, or other means so as to comply with the water quality standards specified in this section.

§ 3.107 Sanitation.

(a) *Primary enclosures.* (1) Animal and food waste in areas other than the pool of water shall be removed from the primary enclosure at least daily, and more often when necessary to prevent contamination of the marine mammals contained therein and to minimize disease hazards.

(2) Particulate animal and food waste, trash, or debris that enter the primary enclosure pool of water shall be removed as often as necessary to maintain the required water quality and to prevent health hazards to the marine mammals contained therein.

(3) The wall and bottom surfaces of the primary enclosure pool of water shall be cleaned as often as necessary to maintain proper water quality.

(b) *Food preparation areas and food receptacles.* Containers, such as buckets, tubs, and tanks, as well as utensils, such as knives and cutting boards, or any other equipment which has been used for holding, thawing or preparing food for marine mammals shall be cleaned and sanitized after each feeding, if the marine mammals are fed once a day, and at least daily if the marine mammals are fed more than once a day. Kitchens and other food handling areas where animal food is prepared shall be cleaned at least once daily and sanitized at least once every week. Sanitizing shall be accomplished by washing with hot water (82° C., 180° F., or higher) and soap or detergent in a mechanical dishwasher, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Substances such as cleansing and sanitizing agents, pesticides, and other potentially toxic agents must be stored in properly labeled containers away from food preparation surface areas.

(c) *Housekeeping.* Buildings and grounds, as well as exhibit areas, shall be kept clean and in good repair. Fences shall be maintained in good repair. Primary enclosures housing marine mammals shall not have any loose objects, sharp projections, and/or edges which may cause injury or trauma to the marine mammals contained therein.

(d) *Pest control.* A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained. Insecticides or other such chemical agents shall not be applied in a primary enclosure housing marine mammals except when deemed essential by an attending veterinarian.

§ 3.108 Employees or attendants.

A sufficient number of adequately trained employees or attendants responsible to management shall be utilized to maintain the prescribed level of husbandry practices set forth in this

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subpart. Such practices shall be conducted under the supervision of a marine mammal caretaker who has a background in marine mammal husbandry and care. Training of marine mammals shall be done by or under the direct supervision of experienced trainers without physical punishment or abuse being used or inflicted upon the marine mammals.

§ 3.109 Separation.

Marine mammals which are not compatible shall not be housed in the same enclosure. Marine mammals shall not be housed near animals that would cause them stress or discomfort, or interfere with their good health. Captive marine mammals must be given access to other animals except when they are temporarily maintained in isolation for such purposes as medical treatment or training and given special attention.

§ 3.110 Veterinary care.

(a) Newly acquired marine mammals shall be isolated from resident marine mammals until such newly acquired marine mammals can be reasonably determined to be in good health. Any communicable disease condition in a newly acquired marine mammal must be remedied before it is placed with other resident marine mammals.

(b) Any primary enclosure containing a marine mammal with an infectious or contagious disease shall be cleaned and sanitized in the manner prescribed by the attending veterinarian. No additional animals shall be introduced into the primary enclosure prior to such cleaning and sanitizing procedures. Any marine mammal exposed to a diseased animal shall be isolated for observation for an appropriate period of time as determined by the attending veterinarian.

(c) Temporary holding facilities with adequately and properly designed pools, tanks, restraining devices or primary enclosures shall be provided for isolation, medication, treatment, and other purposes such as transfer and

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training of marine mammals. The pools, tanks and primary enclosures may be less than minimum size in both lateral dimensions and depth when used in special situations when prescribed by the professional staff for temporary usage.

(d) A complete necropsy must be conducted by or under the direct supervision of a veterinarian on all marine mammals that die in captivity. A necropsy report must be prepared by the veterinarian listing all pathologic lesions observed and giving the apparent cause of death. All diagnostic tests conducted on post mortem specimens shall be listed in the report, and the results of each test recorded. The management of the facility, at which the marine mammal died, must maintain these necropsy records for a period of 3 years and present them to Department inspectors when requested.

[44 FR 36874, June 22, 1979, as amended at 54 FR 36163, Aug. 31, 1989]

§ 3.111 Swim-with-the-dolphin programs.

Swim-with-the-dolphin programs shall comply with the requirements in this section, as well as with all other applicable requirements of the regulations pertaining to marine mammals.

(a) *Space requirements.* The primary enclosure for SWTD cetaceans shall contain an interactive area, a buffer area, and a sanctuary area. None of these areas shall be made uninviting to the animals. Movement of cetaceans into the buffer or sanctuary area shall not be restricted in any way. Notwithstanding the space requirements set forth in § 3.104, each of the three areas required for SWTD programs shall meet the following space requirements:

(1) The horizontal dimension for each area must be at least three times the average adult body length of the species of cetacean used in the program;

(2) The minimum surface area required for each area is calculated as follows:

(i) *Up to two cetaceans:*