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H.R. 2964, CAPTIVE PRIMATE SAFETY ACT; AND H.R. 5534, BEAR PROTECTION ACT OF 2008.

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

Tuesday, March 11, 2008

Serial No. 110-63

Printed for the use of the Committee on Natural Resources

Available via the World Wide Web: http://www.gpoaccess.gov/congress/index.html
or
Committee address: http://resourcescommittee.house.gov

U.S. GOVERNMENT PRINTING OFFICE

41-235 PDF WASHINGTON : 2008

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LEGISLATIVE HEARING ON H.R. 2964, CAPTIVE PRIMATE SAFETY ACT; AND H.R. 5534, BEAR PROTECTION ACT OF 2008.

Tuesday, March 11, 2008
U.S. House of Representatives
Subcommittee on Fisheries, Wildlife and Oceans
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:05 a.m. in Room 1324, Longworth House Office Building, Hon. Madeleine Bordallo [Chairwoman of the Subcommittee] presiding.

Present: Representatives Bordallo, Brown, Capps, and Young.

Also present: Representatives Grijalva and Wittman.

STATEMENT OF THE HON. MADELEINE BORDALLO, A DELEGATE IN CONGRESS FROM THE TERRITORY OF GUAM

Ms. BORDALLO. Good morning. The legislative hearing by the Subcommittee on Fisheries, Wildlife and Oceans will come to order.

The Subcommittee is meeting today to hear testimony on two bills that amend the Lacey Act amendments of 1981: H.R. 2964, the Captive Primate Safety Act and H.R. 5534, the Bear Protection Act of 2008.

Pursuant to Committee Rule 4[g], the Chairman and the Ranking Minority Member will make opening statements.

The Subcommittee on Fisheries, Wildlife and Oceans meets this morning to hear testimony regarding two bills to amend the Lacey Act amendments of 1981: to provide protections for nonhuman primates and bears.

The first is H.R. 2964, which would prohibit the interstate trade of nonhuman primates. While infant primates often seem endearing and adorable, they do grow up to become stronger and more aggressive. During the last decade there were 100 incidents reported of human injury by these animals, about 30 of which involved children. Additionally, nonhuman primates are vectors for diseases, including herpes-B, tuberculosis, and the Ebola virus.

The purpose of the bill is to limit the interstate movement of these animals to diminish chances of injury and disease spread, thereby protecting human health and safety.

Second, I commend my colleague, Congressman Raúl Grijalva, for introducing H.R. 5534, which would prohibit the import, export,

and interstate trade in bear viscera, particularly the gall bladder and the bile, which are coveted in traditional Asian medicines.

Specifically, the Bear Protection Act would amend the Lacey Act amendments of 1981 to extend its protection to bears illegally harvested for their viscera, in the same manner as it protects prohibited wildlife species.

Currently a patchwork of U.S. state laws increases the likelihood that illegally poached bear viscera will enter into domestic and international trade. The Bear Protection Act is intended to serve as a Federal backstop to aid the states in enforcing their own wildlife laws. While it will not address the multi-faceted problem of bear poaching internationally, it is an important first step.

In short, the Captive Primate Safety Act and the Bear Protection Act are intended to protect the welfare of nonhuman primates and bears, respectively, but also to protect human health and safety in the United States.

As our planet becomes smaller with increasing trade, the repercussions of how we choose to protect our wildlife here in the United States will be felt globally. These bills can be an important tool in that effect.

And now, as Chairwoman, I recognize Mr. Brown, the Ranking Republican Member, for any statement that he may have.

[The prepared statement of Ms. Bordallo follows:]

Statement of The Honorable Madeleine Z. Bordallo, Chairwoman, Subcommittee on Fisheries, Wildlife and Oceans

The Subcommittee on Fisheries, Wildlife and Oceans meets this morning to hear testimony regarding two bills to amend the Lacey Act Amendments of 1981 to provide protections for non-human primates and bears.

The first is H.R. 2964, which would prohibit the interstate trade of nonhuman primates. While infant primates often seem endearing and adorable, they do grow up to become stronger and more aggressive. During the last decade, there were one hundred incidents reported of human injury by these animals, about thirty of which involved children. Additionally, nonhuman primates are vectors for diseases, including Herpes B, tuberculosis, and the Ebola virus. The purpose of the bill is to limit the interstate movement of these animals to diminish chances of injury and disease spread, thereby protecting human health and safety.

Second, I commend my colleague, Congressman Raúl Grijalva, for introducing H.R. 5534, which would prohibit the import, export, and interstate trade in bear viscera, particularly the gallbladder and bile, which are coveted in traditional Asian medicines. Specifically, the Bear Protection Act would amend the Lacey Act Amendments of 1981 to extend its protections to bears illegally harvested for their viscera in the same manner as it protects prohibited wildlife species. Currently, a patchwork of U.S. State laws increases the likelihood that illegally poached bear viscera will enter into domestic and international trade. The Bear Protection Act is intended to serve as a federal backstop to aid the States in enforcing their own wildlife laws. While it will not address the multifaceted problem of bear poaching internationally, it is an important first step.

In short, the Captive Primate Safety Act and the Bear Protection Act are intended to protect the welfare of nonhuman primates and bears, respectively, but also to protect human health and safety in the United States. As our planet becomes smaller with increasing trade, the repercussions of how we choose to protect our wildlife here in the United States will be felt globally. These bills can be an important tool in that effort.

STATEMENT OF THE HON. HENRY E. BROWN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. BROWN. Good morning. Thanks, Madame Chairman.

Today we will hear testimony on two wildlife bills that amends the Lacey Act by mandating new, far-reaching requirements on the U.S. Fish and Wildlife Service.

Just two weeks ago we examined a budget request to the Fish and Wildlife Service, and learned that a number of special agents within the Law Enforcement Division has declined by nearly 10 percent in the last two years.

At the same time, Congress has continued to mandate additional law enforcement responsibilities, and we would significantly increase that burden with the enactment of these two bills. In fact, we seem to be ever expanding their mission without giving them either the people or the resources to accomplish their job.

In terms of H.R. 2964, I share the concerns raised by the Department of the Interior that regulation of the primate pet industry is a state, and not a Federal, issue. While I have heard from some of my constituents who support this legislation, including the Grand Strand Humane Society, and I agree that big cats and nonhuman primates make terrible pets, the State of South Carolina should retain the right to ban or restrict that ownership in the future.

The primary purpose of the Fish and Wildlife Service is wildlife conservation, and this fundamental goal is not enhanced by requiring them to spend their precious resources regulating the pet trade. In fact, if you look at actual statistics and not just press releases, you will find that far more Americans are injured each year by pet dogs than pet primates. Yet I haven't heard anyone suggest we should amend the Lacey Act to add man's best friend as a prohibited species.

We are all aware of the highly publicized incident in Bakersfield, California, where a 62-year-old man was savagely attacked and seriously injured by two chimpanzees. While this was a terrible attack, it happened at a certified sanctuary, and not at a private residence. And by the way, this sanctuary is exempt under this legislation. In fact, the vast majority of documented injuries have occurred at facilities not even covered by H.R. 2964.

In terms of H.R. 5534, which was just introduced, my concerns are similar. There are 34 states that have already banned the trade in bear organs, and the regulation of bear viscera is inherently a State Wildlife management issue.

Second, the highly respected World Wildlife Fund has completed a comprehensive report in the black, which concludes that black bear numbers appear to be stable and increasing across their range; and that enforcement of such a ban could distract from the conservation of other species that are far more endangered or threatened by trade.

It is disappointing that these experts were not invited to testify today.

Finally, I am interested in hearing what additional statutory authority H.R. 5534 will give to the U.S. Fish and Wildlife Service above and beyond what they already have under the Lacey Act.

I am sure there is no one on this committee who supports illegal trade in bear parts. The question is whether the state or the Federal government has the expertise, resources, manpower, and the historical responsibility to effectively perform this management job.

Thank you, Madame Chairwoman. I look forward to hearing the testimony this morning.

[The prepared statement of Mr. Brown follows:]

Statement of The Honorable Henry E. Brown, Jr., Ranking Republican Member, Subcommittee on Fisheries, Wildlife and Oceans

Good morning, Madam Chairwoman, today, we will hear testimony on two wildlife bills that amend the Lacey Act by mandating new far reaching requirements on the U.S. Fish and Wildlife Service.

Just two weeks ago, we examined the budget request of the Fish and Wildlife Service and learned that the number of special agents within the Law Enforcement Division has declined by nearly ten percent in the last two years. At the same time, Congress has continued to mandate additional law enforcement responsibilities and we would significantly increase that burden with the enactment of these two bills. In fact, we seem to be ever expanding their mission without giving them either the people or the resources to accomplish their job.

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The primary purpose of the Fish and Wildlife Service is wildlife conservation and this fundamental goal is not enhanced by requiring them to spend their precious resources regulating the pet trade.

In fact, if you look at the actual statistics and not just press releases, you will find that far more Americans are injured each year by pet dogs than pet primates. Yet, I haven't heard anyone suggest we should amend the Lacey Act to add man's best friend as a prohibited species.

We are all aware of the highly publicized incident in Bakersfield, California where a 62-year old man was savagely attacked and seriously injured by two chimpanzees. While this was a terrible attack, it happened at a certified sanctuary and not at a private residence and by the way this sanctuary is exempt under this legislation. In fact, the vast majority of documented injures have occurred at facilities not even covered by H.R. 2964.

In terms of H.R. 5534, which was just introduced, my concerns are similar. There are thirty four states that have already banned the trade in bear organs and the regulation of bear viscera is inherently a state wildlife management issue.

Second, the highly respected World Wildlife Fund has completed a comprehensive Report "In the Black" which concluded that "Black bear numbers appear to be stable and increasing across their range and that the enforcement of such a ban could detract from the conservation of other species that are far more endangered or threatened by trade". It is disappointing that these experts were not invited to testify today.

Finally, I am interested in hearing what additional statutory authority, H.R. 5534, will give to the U.S. Fish and Wildlife Service above and beyond what they already have under the Lacey Act.

I am sure there is no one on this Committee who supports the illegal trade in bear parts. The question is whether the states or the federal government has the expertise, resources, manpower and inherent historical responsibility to effectively perform this management job.

Thank you, Madam Chairwoman.

Ms. BORDALLO. Thank you, Mr. Brown, for your opening statements.

Since this hearing room is rather limited in seating and I see a lot of people standing, would you please come forward? You can take these seats around the table here. It is probably going to be a lengthy hearing, so I would hate to see you stand the entire time. Thank you.

I would now like to ask unanimous consent that the gentleman from Arizona, Mr. Grijalva, be allowed to join the members of the

Subcommittee on the dais and participating in the hearing. Hearing no objection, so ordered.

Mr. Grijalva, being the sponsor of H.R. 5534, would you like to make any remarks before the Subcommittee?

Mr. GRIJALVA. Thank you very much, Madame Chair and Ranking Member Brown, for your courtesy in allowing me to be part of this hearing.

First of all, I want to thank you for agreeing to hear H.R. 5534, and join with you in welcoming our distinguished guests and their testimony.

H.R. 5534, the Bear Protection Act of 2008, would establish a national prohibition on the import, export, and interstate commerce in bear viscera, such as bear gall bladders. The bile from bear gall bladders is used in traditional Asian medicines to treat a variety of illnesses, from diabetes to heart disease, as well as in some cosmetics and shampoos. Asian demand for bear viscera and products has increased with growing human population, and increased well.

Although humane alternatives clearly exist, including herbal substitutes approved by the traditional Asian medicine community and synthetic formulations, huge profits can be made selling endangered bear parts in Asia. Dwindling Asian bear populations have caused poachers to look to American bears to meet market demand for bear parts and products.

While each year more than 30,000 American Black Bears are legally hunted in North America, some estimates suggest the number illegally killed by poachers may equal or exceed that number. Law enforcement agents report finding dead bears in this country with only the gall bladders and paws removed, and the rest of the carcass left to rot in the woods.

Bears that have been radio-collared for scientific purposes are particularly vulnerable, as are bears hibernating in dens during the winter. Organized poaching gangs use sophisticated technology, such as radio tracking and night-vision goggles, to corner their prey.

According to a police officer who videotaped poaching activity involving a bear cub repeatedly stabbed, then set upon by dogs after its mother's gall bladder had been removed, remarked, "The cruelty was beyond our expectations."

The current patchwork of state laws addressing the bear-parts trade creates an enforcement nightmare. Thirty-four states prohibit trade in bear gall bladders and bile; five states allow it freely, and others have a complex mesh of either no regulations or laws that prohibit trade of bear parts from bears taken in state, but allow commercialization of bear parts if the bear was killed elsewhere. There is an incentive to kill bears illegally in one state because individuals can then sell the parts legally in another state, completely circumventing the state laws that do prohibit the sale of bear parts in some states.

Because the illegal trade in bear parts crosses state and national boundaries, a Federal remedy is needed. The patchwork of state law creates loopholes that are exploited by those engaged in the bear-parts trade. The loopholes enable poachers to launder gall bladders through states that permit their sale, often escaping effective prosecution even when they are caught.

The Bear Protection Act would assist local and state law enforcement by establishing national prohibition on import, export, and interstate commerce in bear viscera. The Bear Protection Act is focused on deterring bear poaching, and prosecuting bear poachers and bear-parts traders.

The bill in no way impacts lawful hunting under applicable state laws, including the keeping of bear trophies; nor does it impact a state's ability to set hunt seasons, hunt methods, or bag limits.

Thank you again, Madame Chair, and members of the committee for agreeing to hear this bill, which deals with, I believe, a very important subject matter.

Thank you.

Ms. BORDALLO. Thank you very much, Mr. Grijalva. And I would now like to recognize our first panel of witnesses.

Dr. Gail Golab, Director of the Animal Welfare Division, American Veterinary Medical Association; Dr. Sian Evans, Managing Director of the DuMond Conservancy; Mr. Lewis "Skip" Wissinger, Retired Criminal Investigator at the Shenandoah National Park; Mr. Ray Schoenke, President of the National Hunters and Shooters Association; Mr. Matt Hogan, the Executive Director of the Association of Fish and Wildlife Agencies; and finally, Dr. Jane Goodall, Founder of the Jane Goodall Institute and the U.N. Messenger of Peace.

I want to thank you all, all of the witnesses, for being here today. And I would like to express our pleasure in having Dr. Goodall as a witness this morning. She will be joining is a bit late, but should arrive in time to give her prepared statement at the end of this panel.

I will start by recognizing our first witness this morning, Dr. Golab, to testify for five minutes. And I would note for all witnesses that the timing lights on the table will indicate when your time has concluded. And we would appreciate your cooperation in complying with the limits that have been set, as we have many witnesses to hear from today. And I would add that this committee does watch the timing light.

Be assured that your full written statement will be submitted for the hearing record.

Dr. Golab.

STATEMENT OF GAIL GOLAB, Ph.D., DIRECTOR, ANIMAL WELFARE DIVISION, AMERICAN VETERINARY MEDICAL ASSOCIATION

Ms. GOLAB. Thank you, Madame Chairperson and members of this subcommittee, for giving the American Veterinary Medical Association the opportunity to speak in support of the Captive Primate Safety Act, H.R. 2964.

I am Dr. Gail Golab, Director of the AVMA's Animal Welfare Division. The AVMA represents more than 76,000 U.S. veterinarians who protect the health and welfare of our nation's animals, help conserve endangered species, and prevent and control zoonotic diseases.

Nearly 600 of our members work with wildlife in natural or zoologic settings, 1,000 work in biomedical research, and 300 spend at least 50 percent of their time with exotic pets. Approximately

170 AVMA members have contact with nonhuman primates on a regular basis.

As a preface to our testimony, I emphasize that the AVMA fully supports the animal health professionals who work with nonhuman primates in conservation and biomedical research. As you can imagine, it is one thing to work with these animals in settings where there are appropriate enclosures and trained personnel, and quite another when they are kept in the backyard or living room of an unqualified individual. In fact, more than 80 percent of health and behavioral issues with nonhuman primates arise from those that are kept as pets.

AVMA policy fully supports limiting or prohibiting private ownership of wild animals that pose a substantial risk to public health, domestic animal health, the ecosystem, or whose welfare is unacceptably compromised.

Because nonhuman primates pose these risks, the AVMA supports limiting or prohibiting private ownership of these animals. Furthermore, the AVMA does not support the use of nonhuman primates as service animals.

The risk posed by nonhuman primates maintained by private individuals fall into four broad categories: Inadequate husbandry, physical injury, disease transmission, and ecosystem concerns. It is estimated that more than 15,000 nonhuman primates are privately owned in the United States today.

Nonhuman primates are highly intelligent and social. Captive environments provided by private owners cannot meet the complex physical and behavioral needs of these species. It also can be difficult to identify veterinarians who are not only qualified, but willing to care for nonhuman primates kept as pets.

To create suitable pets, baby primates may be removed from their mothers when only days old, and both exhibit signs of depression as a result of this forced separation. As nonhuman primates reach sexual maturity, their behavior becomes unpredictable and aggressive. Nonhuman primates can also be very destructive in home environments.

To deal with these problems, many owners resort to restrictive confinement. This conflicts with the social needs of most nonhuman primates.

Given good care and nutrition, nonhuman primates may live from 25 to more than 50 years. Many primate owners are not able to make a lifelong commitment to a dog or cat, let alone a pet as challenging as a nonhuman primate. Zoos don't have the space for former pets, and sanctuaries are over-burdened.

Nonhuman primates can also seriously injury their human caretakers and other domestic animals. Reviews of injuries inflicted by nonhuman primates indicate that severe lacerations, wound infections, and permanent complications were the result of one third of bites.

Between 1995 and 2005 there were 132 incidents of human injury caused by captive primates or escapes by captive primates in the United States. Most injuries occur when nonhuman primates have contact with people other than their owners or trained caretakers. Some nonhuman primates acquired as pets are purchased over the internet or during weekend events, and the probability of

contact with unfamiliar and untrained individuals increases during these activities and the associated interstate transport.

Each species of nonhuman primate also has the capacity to spread illnesses to humans and other animals. Transmission of exotic disease is bidirectional, and nonhuman primates are highly susceptible to some common human pathogens.

Like humans, nonhuman primates may acquire bacterial infections, including salmonellosis and campylobacteriosis. Tuberculosis is especially common among macaques and their owners. Nonhuman primates also carry viruses, such as herpes-B, polio, yellow fever, and pox viruses, including monkeypox and chickenpox. Herpes-B virus is highly prevalent in around 80 percent to 90 percent of macaques, and can cause a fatal meningoencephalitis in people.

New world monkeys can carry and acquire the measles virus, which is easily contracted and transmitted by young children and the elderly. Nonhuman primates and people share fungal and parasitic diseases, as well.

Finally, nonhuman primates that are released into the wild may naturalize. Once established, nonhuman primates can become reservoirs of disease, may contaminate water supplies, present risk of injury for people, livestock, and pets, and may destroy public and private property.

Although importing nonhuman primates into the United States for the pet trade has been banned by Federal legislation since 1975, and many states prohibit keeping these animals as pets, a vigorous trade in these animals remains. Federal legislation is needed because many nonhuman primates move via interstate commerce.

The AVMA supports this legislation, and is pleased to continue to work with Members of Congress on its behalf.

I thank you for the opportunity to appear today.

[The prepared statement of Ms. Golab follows:]

Statement of Gail Golab, PhD, DVM, Director, Animal Welfare Division, American Veterinary Medical Association

Thank you, Madam Chairperson and members of the Subcommittee, for giving the American Veterinary Medical Association the opportunity to speak in support of the Captive Primate Safety Act, H.R. 2964.

I am Dr. Gail Golab, Director of the American Veterinary Medical Association's Animal Welfare Division. The AVMA represents more than 76,000 U.S. veterinarians engaged in every aspect of veterinary medicine and public health. Among other things, our members protect the health and welfare of our nation's animals, help conserve endangered species, and protect animal and human health through prevention and control of zoonotic diseases. Nearly 600 of our members work with wildlife in natural or zoologic settings, 1,000 of our members work in biomedical research, and 300 spend at least 50% of their time working with exotic pets. Within these environments, we have approximately 170 members who work with or come into contact with nonhuman primates on a regular basis. Other veterinarians work at federal agencies, such as the National Institutes of Health or the Centers for Disease Control and Prevention, where they deal with the implications of diseases affecting human health that originate in nonhuman primates.

As a preface to our testimony, I emphasize that arguments presented by the AVMA herein are applicable only to the private ownership of nonhuman primates by unlicensed individuals. The AVMA fully supports animal health professionals who work with nonhuman primates in conservation and biomedical research efforts. As you can imagine, it is one thing to work with these animals in settings in which there are appropriate enclosures and trained personnel and quite another when they are kept in the backyard or living room of an unqualified individual. The data sup-

port this belief: according to the Captive Wild Animal Protection Coalition,[1] more than 80% of health and behavioral issues with nonhuman primates arise from those that are kept as pets.

AVMA policy, based on considerable research and deliberation, supports limiting or prohibiting private ownership of indigenous and non-native wild animals that pose a substantial risk to public health, domestic animal health, or the ecosystem, or whose welfare is unacceptably compromised.[2] The AVMA thereby supports related regulatory efforts to limit or prohibit private ownership, and importation for the purpose of private ownership, of such indigenous and non-native wild animals. Because nonhuman primates pose significant risks to the health of the public and domestic animals—including the possibility of severe injury to the humans and domestic animals with which they come in contact—the AVMA opposes private ownership of these animals. Furthermore, the AVMA also does not support the use of nonhuman primates as assistance or service animals because of animal welfare concerns, the potential for serious injury, and zoonotic risks.[3] Risks of human injury and zoonotic disease are often greatest in the very populations such animals serve.

The risks posed to and by nonhuman primates maintained by private individuals fall into four broad categories: inadequate husbandry, physical injury to humans and other domestic animals, disease transmission, and ecosystem concerns. Precise numbers are difficult to elucidate, but Born Free USA and the Captive Wild Animal Protection Coalition estimate[4] that more than 15,000 nonhuman primates are owned by private individuals in the United States today. Raising and training these animals is complex, and most private owners are inexperienced in meeting related challenges. Privately owned nonhuman primates have attacked humans and other animals, and they have escaped from their cages to roam freely in communities.[5]

Nonhuman primates are highly intelligent and social animals that present unique husbandry challenges. Most captive environments cannot meet the complex physical and behavioral needs of these species. Monkeys need large, secure enclosures and specialized diets, and they must be provided with a variety of ever-changing toys and exercise equipment to keep them challenged and stimulated.[6] If multiple nonhuman primates are kept, consideration must be given to providing sufficient numbers of food and water stations, an adequate number and appropriate type of nest boxes, and visual barriers that prevent direct eye contact with dominant animals. Sanitation can become a significant issue because monkeys are not easily housebroken and will often remove diapers that are applied in an effort to control excreta.[7] It can also be difficult to identify veterinarians who are not only qualified, but willing to care for nonhuman primates kept as pets. As one board-certified zoo veterinarian told us, "I am very comfortable working with primates in zoo and laboratory settings, but I refuse to work with primates in private practice settings because of concerns for the safety of my staff and myself due to bites and disease."

To create suitable pets, baby primates may be taken away from their mothers when only hours or days old. Evolved to have continual body contact with their moms, infant primates will cling to towels or stuffed animals as substitutes, and both mothers and infants often exhibit signs of depression as a result of forced separation.[8 9 10] Infant females taken away from their mothers don't develop the parental skills necessary to raise their own young, and this initiates a vicious cycle of rejected infants that must be raised by people to physically survive.[11] When young, nonhuman primates are dependent on their natural mother or a surrogate human and are generally cooperative; however, as they reach sexual maturity, their behavior becomes more unpredictable and aggressive.[12] The response of the private owner to changed behavior may be to reduce contact with the nonhuman primate. In addition, nonhuman primates can be very destructive in home environments and will shred furniture, curtains, clothes, and other personal belongings; turn on faucets; and unlock and open doors.[13] A typical private owner's response to this behavior is more restrictive confinement. The isolation resulting from both owner behaviors directly conflicts with the psychological needs of most nonhuman primates, which tend to live in social groups.[14]

Given good care and proper nutrition, nonhuman primates have long lifespans. Twenty-five to 30 years is not unusual for smaller species, while macaques, baboons, and spider monkeys can reach 40 years old, and apes 55. Many private owners are not able to make a life-long commitment to common domestic pets, let alone a pet as challenging as a nonhuman primate. Zoos don't have the space for nonhuman primates that were formerly pets, and sanctuaries are overburdened.[12] Furthermore, once a nonhuman primate has been hand-raised to adulthood by people, it can be difficult or impossible to reintroduce it into a peer group.[15 16] If an introduction can be accomplished without the former pet being harassed, intimidated or attacked, the nonhuman primate may still remain a social outcast. Neurotic behavior and depression can be the consequences of such alienation.

Make no mistake about it, nonhuman primates kept as pets—while cute, cuddly, and often very entertaining—can also pose serious injury risks for their human caretakers and other domestic animals. Infant primates may seem adorable, but as they grow larger, they become stronger and more aggressive. Many nonhuman primates exhibit unpredictable behavior as they mature; males can become aggressive, and both males and females will strike, scratch, and bite to defend themselves and establish their place in the hierarchy of their peer group or surrogate human family.[17] Reviews of bite injuries inflicted to humans by nonhuman primates indicate that severe lacerations, wound infections, and permanent complications (e.g., muscle contractures, osteomyelitis) resulted in 33% of cases.[18 19] Nonhuman primates are proportionately much stronger than human beings, and as a result, the risk of unintentional injury is high.

The Captive Wild Animal Protection Coalition reported that between January 1, 1995 and January 1, 2005 there were 132 incidents of human injury caused by captive primates or escapes by captive primates in the United States.[5] More incidents may have occurred but not been reported. Deprived of social relationships with other nonhuman primates (as often happens when nonhuman primates are kept as pets), it is not unusual for nonhuman primates to become highly bonded to their owners. They may attack unfamiliar individuals,[17] and in fact, most injuries occur when nonhuman primates have contact with people other than their owners or trained caretakers. Although many nonhuman primates are purchased from licensed breeders or brokers, some nonhuman primates acquired as pets are purchased over the Internet or during weekend events. The probability of contact with unfamiliar and untrained individuals increases during such activities and during associated interstate transport.

In addition to inadequate husbandry concerns and human and domestic animal injury risks, nonhuman primates can and do spread viral, bacterial, fungal, and parasitic diseases. Each species of nonhuman primate has the capacity to introduce or spread illnesses that threaten human and domestic animal heath. Transmission of zoonotic disease is, of course, bidirectional and nonhuman primates are highly susceptible to some common human viral, bacterial, and fungal pathogens. An example is transmission of herpes simplex virus to marmosets as a result of private owners kissing or breathing on their nonhuman primate pets. Although herpes simplex infections in humans may cause disease as mild as a cold sore, in marmosets exposure to the virus can result in acute disseminated disease with neurologic involvement and a high fatality rate.[20]

Like humans, all of the more than more than 240 species of extant nonhuman primates are susceptible to bacterial infections, including tuberculosis, salmonellosis, shigellosis, and campylobacter.[21] Tuberculosis is especially common among macaques[22] and their owners. New world monkeys (mostly frugivores) are prime candidates for infection with water-borne, gram-negative bacteria, such as klebsiella.[21] Primates infected with klebsiella pose a special danger to human infants and children with mild respiratory infections.

Nonhuman primates also carry viruses, such as Herpes B, Simian Immunodeficiency Virus (SIV), polio, yellow fever, and poxviruses (including monkeypox and chickenpox) that can be passed to other nonhuman primates and to people. Herpes B virus, which is subject to both bite and airborne transmission, is highly prevalent (80-90%)[23] in adult macaques and can cause a potentially fatal meningoencephalitis in people. The Marburg virus affects both nonhuman primates and people, and causes a hemorrhagic fever, which is rare, but fatal in 23-25% of human cases;[24] case fatality rates in nonhuman primates are up to 100%. Although the Marburg virus is indigenous to Africa, a healthy black market trade in nonhuman primates[25] creates an ever-present risk of importation into the United States. New world monkeys can carry and acquire the measles virus,[26] which is easily contracted and transmitted by young children and the elderly. All four poxviruses are found in new world monkeys, with monkeypox being the most frequent.[21] Viral hepatitis A is common in capuchins, owl monkeys, and tamarins. Often undetectable in these monkeys, the disease can still be passed to humans and primate handlers often contract this virus from recently shipped animals.[21] In addition, live rabies vaccines that are manufactured for dogs and cats, and sometimes inappropriately administered to nonhuman primates, can cause rabies in old world monkeys, which can then be spread to humans.[21]

Nonhuman primates and people share fungal and parasitic diseases as well.[27] Although not common, fungal diseases of potential concern include streptothricosis (a skin infection), candidiasis (an infection of the mucous membranes), and ringworm. Many primates harbor parasites that are easily transmitted to people, including protozoa, nematodes (elongated cylindrical worms), tapeworms, and arthropods (lice, mites, and fleas). Giardia, a protozoan parasite that reproduces in the small intes-

tine, can cause recurrent diarrhea in both nonhuman primates and people, although clinical signs are often not apparent in the former.[28] Amebiasis, a disease caused by another zoonotic protozoan parasite, may result in no clinical signs or protracted diarrhea from chronic colitis and, occasionally, abscesses in the brain, liver, and/or lungs.[21]

Finally, keeping of nonhuman primates by private individuals presents ecologic risks. Nonhuman primates that are intentionally released into the wild or that unintentionally escape from their human caretakers may naturalize, particularly in warm, southern states. Once established, these nonhuman primates have the potential to become reservoirs of disease (e.g., yellow fever), may contaminate water supplies, present risks of injury for humans and domestic animals (e.g., livestock, pets), and may destroy private and public property, including crops cultivated for human consumption.

As described in our testimony, nonhuman primates maintained by private individuals pose serious husbandry, physical injury, disease-transmission, and ecologic risks. Although importing nonhuman primates to the United States for the pet trade has been banned by federal regulation since 1975 and many states already prohibit keeping these animals as pets, a vigorous trade in these animals remains. Federal legislation is needed because many of these animals move via interstate commerce.

This bipartisan bill amends the Lacey Act to prohibit transporting monkeys, great apes, lemurs, and other nonhuman primates across state lines, much like the Captive Wildlife Safety Act, passed unanimously in 2003, did for tigers and other big cats. This bill has no impact on trade or transport of animals for zoos, medical and other licensed research facilities, veterinarians, or certain other licensed and regulated entities. As such, the AVMA supports this legislation and looks forward to continue working with Members of Congress on its behalf.

Thank you for the opportunity to appear before you today and speak on behalf of this important legislation.

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Ms. BORDALLO. I thank you, Dr. Golab, for your excellent points regarding H.R. 2964.

Dr. Evans, it is a pleasure to welcome you before the Subcommittee. And you are now recognized to testify for five minutes.

STATEMENT OF SIAN EVANS, Ph.D., DIRECTOR, DuMOND CONSERVANCY

Ms. EVANS. I thank you for the opportunity to testify today in opposition of the Captive Primate——

Ms. BORDALLO. Could you put the microphone a little bit closer? And before you continue, I would like to welcome Congressman Wittman from the State of Virginia.

Please proceed.

Ms. EVANS. Is this better? OK, thank you.

My name is Dr. Sian Evans, and I am a scientist. And I have over 30 years of experience of studying primates, their behavior, and managing them in captivity.

I am here as a member and representing UAPPEAL, Uniting a Proactive Primate and Exotic Animal League. And this is an organization of 453 members in 42 states. And it educates people who are interested in responsibly sharing their lives with pet primates.

About 25 years ago I had a remarkable experience. I had the great privilege to meet a sign language gorilla named Coco. Coco lives in California, and she can communicate with humans using sign language.

As I strolled across the lawn to Coco's enclosure, I noticed that she was signing vigorously at me, and I was very embarrassed. I didn't know what she was trying to tell me. A translator said that she was interested to know whether I was wearing lipstick—I wasn't—and whether I would pick her a flower—and I did. And I was spellbound. She transformed the way I thought about wildlife, and in fact nature in general.

I have a great empathy with members of UAPPEAL that have enjoyed a similar experience to mine, with these wonderful nonhuman primates that can enter our lives. UAPPEAL members are very strongly bonded to their pets, and they also offer a lifetime commitment to their care.

We are here to talk about the Lacey Act and an amendment to this Act. The Lacey Act is an Act which seeks to preserve wildlife. Now, no nonhuman primates have been allowed to be imported into the United States as pets for over 30 years, so there is no possibility that infant monkeys being ripped from the bodies of their dead mothers in Africa to fuel the pet trade in the United States. So this has no conservation benefit whatsoever.

The nonhuman primates are being described as a prohibited species. And because of this prohibition, they are not able to cross state lines. This has to be justified, and the major justification has been that they are a public health threat. I strongly disagree with this assertion, and as far as I am aware, there is no documentation of pet primates being a threat to public health.

In fact, as primates go, they are remarkably disease-free, in large part for having been bred for several generations in captivity, and because of the practice of removing many infant primates from their species at birth, so they do not acquire other diseases.

I think that we do an enormous disservice to nonhuman primates by describing them as dangerous wild animals. Because this Act will not substantially decrease the pet trade in primates, it will only add a burden to existing law-abiding primate owners who seek to transport their primates across state lines to obtain adequate veterinary care.

A very unfortunate consequence of the fear that many people have because of the disease transmission in nonhuman primates was regrettably demonstrated in 2001, when at Cairo Airport a baby gorilla and a baby chimpanzee were intercepted. The veterinarians were so frightened of the public health risk that they drowned, in a vat of chemicals, both of them. That was a direct consequence of irrational fear of public health threats from nonhuman primates.

Thank you.

[The prepared statement of Ms. Evans follows:]

Statement of Sian Evans, Ph.D., Director,
DuMond Conservancy for Primates and Tropical Forests, Miami, Florida

Madam Chairwoman, and Members of the Subcommittee, I am Dr. Sian Evans, a scientist whose 30-year professional career has involved the study and captive management of nonhuman primates. I appreciate this opportunity to testify today in opposition to H.R. 2964, the Captive Primate Safety Act.

I am a member of and represent a national organization—Uniting a Proactive Primate and Exotic Animal League (UAPPEAL)—an organization that educates people who are interested in sharing their life with nonhuman primates by making them aware of a primate's special needs, giving them realistic expectations, and making

sure they are willing and able to make a lifelong commitment to the nonhuman primates in their care. UAPPEAL discourages the casual acquisition of any animals and supports fair regulation of animals in regard to animal welfare and public safety issues. For many reasons, which I will outline for you today, UAPPEAL opposes the Captive Primate Safety Act.

I received B.S., M.S., and Ph.D. degrees in the United Kingdom and belong to the following professional organizations; the International Primatological Society (IPS), the American Society of Primatologists (ASP) the Primate Society of Great Britain and the Association for the Study of Animal Behavior. I am the Director of the DuMond Conservancy for Primates and Tropical Forests, a not-for-profit organization located in Miami, Florida, whose mission is to study, improve the captive welfare and preserve nonhuman primates and their habitats. In addition to behavioral research, I also have a strong interest in education and teach a university course in Primate Biology (which includes lectures on nonhuman primate conservation). I was Vice President for Education of the International Primatological Society from 1996-2000 and served for many years on the Education Committee of the American Society of Primatologists.

There are over two hundred species of non-human primate and over eighty percent of them live in tropical rainforests. Thirty per cent of primate species are endangered and international authorities consider all primate species to be threatened and/or vulnerable. Thus, there is every reason to try and protect these magnificent, intelligent near relatives. H.R. 2964 would amend the Lacey Act to extend the list of "prohibited wildlife species" to include all nonhuman primates. The bill declares it a prohibited act, for any person, with some exceptions, to import, export, transport, sell, receive, acquire or purchase in interstate commerce nonhuman primates. The Lacey Act is a federal wildlife law that combats the illegal commercial exploitation of wildlife and rare plants and allows the federal government to help states, tribes and countries around the world safeguard their wildlife resources. However, the intent of this bill is an attempt to limit private ownership of primates.

As the geographical range of nonhuman primates does not include the United States and the importation of primates as pets is prohibited under a U.S. Public Health Service quarantine regulation adopted in 1975, all nonhuman primate pets are required by law to be captive born. Furthermore, the interstate movement of any endangered nonhuman primate species is already federally regulated by the U.S. Department of the Interior and so, the restrictions created by this bill appears to be duplicative for those nonhuman primates in greatest need of protection. It is an undisputable fact that this bill serves no conservation purpose whatsoever.

Because my own academic research and subsequent behavioral studies of nonhuman primates have required the management of monkey colonies, I have a great deal of experience with primates that require intensive individual care (for health or behavioral reasons) and in hand-raising infants rejected by their parents. Consequently, nonhuman primate owners often consult me with questions regarding health and husbandry. While I am not an advocate of primate pet ownership, I do not support the enactment of legislation that would create unnecessary burdens for pet owners or make it harder for them to care for their pets. My own life has been enormously enriched by the close contact I have experienced with most of the common monkey species. In fact, I have learned a great deal about some aspects of primate behavior available only to those private owners who chose to live in close contact with them in the private sector.

The justifications that have been proposed in this bill to include all nonhuman primate species as prohibited are that they are a threat to both public safety and public health and require standards of captive care beyond the ability of private owners. However, there is no documentation or scientific evidence to support these claims and in my experience.

The claim that primates are a threat to public health is of especial concern to me. Public health decisions should be based on the highest quality of scientific data, openly and objectively derived. Pet primates are not a documented source of disease to humans. Some of this absence of zoonotic (animal to human) disease risk has been attributed to the frequent practice of removal of pet primates from their species shortly after birth and having been bred in captivity for many years (and many generations). In fact, it is the pet primates themselves that are documented to be susceptible to some human diseases. As a result, some veterinarians suggest common childhood immunization, occasional tuberculin skin tests and even rabies vaccination (although few, if any, pet primates are ever potentially exposed to the bites of rabid vectors).

The disease that is frequently cited as a public health threat by opponents of pet primates is infection with a herpes virus, B-virus or Herpes simiae. This virus may be found in macaque monkeys and while, much like the human cold sore virus, it

does not cause any significant disease in infected macaques, if it is transmitted to humans it can cause fatal encephalitis. However, those that cite this potential disease risk from pet primates overlook several well-documented facts. This disease is extremely hard to transmit and transmission has only occurred in laboratory settings when imported research monkeys are stressed and much more likely to be infectious. Also, the practice of removing infant macaques from their mothers shortly after birth, almost certainly eliminates the possibility that these infant monkeys can acquire the virus. The overwhelming majorities of pet macaques are screened for and are negative for B-virus. Finally, and most importantly, there has never been a case of Herpes B virus transmission from a pet macaque. My strong objection to describing primates as a public health risk is that it does a great disservice to these wonderful animals and can discourage their study and conservation. My efforts to correct this misconception include organizing a roundtable discussion on Primates and Public Health at the 23rd meeting of the American Society of Primatologists (ASP) in Boulder, Colorado in June 2000 and I was subsequently successful in lobbying the ASP to retract their description of primates as a public health threat in their position statement on the private ownership of primates.

The issue of animal welfare is frequently raised as justification that private individuals should not own nonhuman primates. I have visited the homes of many primate pet owners, attended their social events and spoken at conventions where the owners bring their pets, and I have been impressed by how responsible and informed the primate pet owners are. The housing that primate pet owners provide can equal and sometimes surpass that at zoos and is far superior to conditions in any research laboratory that I have visited. In my experience, primate pet owners are compassionate, dedicated individuals that make a serious social commitment to the lifelong care of their primate pets. These pet primates depend on their owners for social contact and typically travel with their owners frequently crossing state lines. Primate pet owners are well informed about the regulations in the different states they may travel to and through and are conscientious about obtaining the health certificate required for entry into each state. Restricting the movement of nonhuman pet primates with their owners is inhumane as it causes anxiety in such bonded pets as a result of social separation. Furthermore, primate pet owners of my acquaintance provide the best veterinary care possible and frequently cross state lines to obtain the quality and specialized care that they seek for their pets. It is ironic that the most likely outcome of the passage of this bill would only compromise the health and emotional well being of pet primates and the ability of their owners to provide the best care for their pets. Nonhuman primates are not only pets in the private sector, but, many are service animals aiding physically challenged individuals. There is no reason why private owners should not be allowed to cross state lines in accordance with existing state laws be it for health care, travel, relocating, or placing an animal in the best qualified place in the event of the owner's death or life change.

It is my opinion that this bill is based on false premises with the intent of interfering with the constitutional right of law-abiding citizens to own a primate. It will do nothing to protect public health and safety or improve animal welfare. It seems regrettable that nonscientific interests have taken the time and resources of this important subcommittee in an effort to control an undocumented problem and an insignificant issue.

In conclusion, I would like to ask this committee, on behalf of UAPPEAL, to please consider the negative consequences of this unnecessary legislation. This legislation will be a burden to responsible nonhuman primate owners who want to provide the necessary care for their pet's needs by meeting their social, welfare and health care needs which are not always available within their state of residence. These owners have the right to provide their pets with a lifetime of quality care without regulations that tie their hands in the process.

Response to questions submitted for the record by Dr. Sian Evans, DuMond Conservancy for Primates and Tropical Forests

Questions from Chairwoman Madeleine Z. Bordallo (D-GU)

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. Evans, 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 from 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.

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 UDSA 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 who 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 primate 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 Unites 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 per owners, thus H.R. 2964 creates rather than resolves any imbalance. I am recommending that the sub committee 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 very 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.

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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 Hepa-

titis 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

[NOTE: Examples of documents used by UAPPEAL members have been retained in the Committee's official files.]

Ms. BORDALLO. Thank you very much, Dr. Evans, for your very helpful comments.

Mr. Wissinger, I am looking forward now to hearing from you next. Please begin.

STATEMENT OF SKIP WISSINGER, RETIRED CRIMINAL INVESTIGATOR, NATIONAL PARK SERVICE

Mr. WISSINGER. Madame Chairwoman and members of the committee, my name is Skip Wissinger. I recently retired from the National Park Service after 33 years as a National Park Ranger and a Criminal Investigator/Special Agent in Shenandoah National Park.

Throughout my career, much of my law enforcement efforts were specifically focused on the protection of the natural resources within our National Parks, including the investigating of widespread poaching of wildlife and the commercialization of threatened species, such as the American Black Bear and certain plant species. I have investigated or supervised the investigation of hundreds of cases involving the illegal taking or selling of wildlife, particularly from our NPS jurisdictions.

During the last 10 years of my career, I planned and supervised the Federal side of several long-term interagency covert operations that specifically targeted the poaching of black bears, and the com-

mercialization of black bear parts in widespread domestic and international black markets.

These covert investigations extended for up to three years in length, involved operating a storefront as a platform to gather evidence, and at time utilized as many as five officers functioning covertly at the same time. All of the investigations, particularly the last, known as Operation VIPER [Virginia Interagency Effort to Protect Environmental Resources], provided a very clear picture of the nature and structure of the illegal black market trade in American Black Bear and bear parts within the United States.

Operation VIPER utilized a storefront operation adjacent to SNP in a small community of Elkton, Virginia. While the store sold sporting goods on the surface, it quickly became well known as a source to illegally purchase black bear gall bladders and American ginseng roots.

Over a three-year period this investigation netted over 100 individuals, with approximately 700-plus violations of wildlife buying and/or selling crimes. Once this storefront was accepted as a trusted source of illegal products, we found ourselves in the bear gall trade to be almost insatiable. There were many, many customers who would have purchased two or three times the quantity of bear parts that we offered, who wanted to come back for additional purchases more frequently than we permitted, and who often wanted discounted prices so they could make more profit themselves when reselling to others. So demanding was this market that we frequently found ourselves limiting the volume of each sale in order to have enough products to sell to other interested buyers.

After 33 years of protecting wildlife, investigating wildlife crimes, and experiencing first-hand the size and breadth of the black market in black bear trade, I can share the following observations, which would be echoed by many of my comrades from other agencies in the wildlife protection business.

The cultural, ecological, and economic value of a healthy black bear population demonstrates a true national treasure that bears represent to all of us. The experience of a hunter legally bagging a black bear, or the sheer excitement of a family visiting one of our national parks and visiting bears in their natural habitat, are just two examples.

The black market trade in bears has substantially grown in the United States in the past two decades. What was once believed to be mainly an international market is now primarily a domestic market here in the United States. This clearly expanded illegal black bear market clearly creates challenges for those of us entrusted with protecting wild bear populations throughout the country.

With this in mind, relatively simple but comprehensive legislation targeted specifically toward the illegal trade of bear parts would provide effective and consistent enforcement by agencies throughout the United States.

The illegality of trafficking in protected species is well known by both domestic and international buyers. Traffickers have little fear of getting caught. There is a common belief that the American judicial system will not be very hard on you, particularly for first-time

offenders, and any fines imposed are simply the cost of doing business.

The largest fear these buyers typically have is actually a concern about the authenticity of the product, not of getting caught. Again, buyers perceive that most defendants prosecuted will not be incarcerated but for short periods of time, or will only be required to pay a fine.

The black market buyers are not concerned about the impact they have on our domestic wildlife population. They are very aware of the scarcity of the same product in their native country. They see our bears in the U.S. as vastly less expensive, more readily available than their own seriously depleted population.

About one-third of our buyers were not just consumers themselves, but were acting as middlemen to sell, resell bear products.

Ms. BORDALLO. Mr. Wissinger, could you wrap up your statement, please?

Mr. WISSINGER. Yes. I would appreciate entering the rest of my written testimony into evidence. And I thank you for the opportunity to appear today.

Ms. BORDALLO. Mr. Wissinger, we include the full statement into the record.

Mr. WISSINGER. Thank you.

[The prepared statement of Mr. Wissinger follows:]

Statement of Skip Wissinger, Retired Criminal Investigator, National Park Service

My name is Skip Wissinger. I recently retired from the National Park Service after 33 years as a National Park Ranger and a Criminal Investigator/Special Agent in Shenandoah National Park. Throughout my career much of my law enforcement efforts were specifically focused on the protection of the natural resources within our National Parks including the investigating of widespread poaching of wildlife and the commercialization of threatened species, such as the American Black bear and certain plant species. I have investigated or supervised the investigation of hundreds of cases involving the illegal taking or selling of wildlife, particularly from our NPS jurisdictions.

During the last 10 years of my career, I planned and supervised the federal side of several long-term interagency covert operations that specifically targeted the poaching of black bears and the commercialization of black bear parts in widespread domestic and international black markets.

These covert investigations extended for up to 3 years in length, involved operating a storefront as a platform to gather evidence, and, at times, utilized as many as 5 officers functioning covertly at the same time. All of the investigations, particularly the last, known as Operation VIPER (Virginia Interagency Effort to Protect Environmental Resources) provided a very clear picture of the nature and structure of the illegal black market trade in American Black bear and bear parts within the United States.

Operation VIPER utilized a storefront operation adjacent to SNP in a small community of Elkton, Va. While the store sold sporting goods on the surface, it quickly became well-known as a source to illegally purchase black bear, bear gall bladders and American ginseng roots. Over a three year period this investigation netted over 100 individuals with approximately 700+ violations of wildlife buying and/or selling type of crimes. Once this store front was accepted as a trusted source for these illegal products, we found business in the bear gall trade to be almost insatiable. There were many, many customers who would have purchased two or three times the quantity of bear parts that we offered, who wanted to come back for additional purchases more frequently than we permitted, and who often wanted discounted prices so they could make more profit themselves when reselling to others. So demanding was this market, that we frequently found ourselves limiting the volume of each sale in order to have enough products to sell to other interested buyers.

After 33 years of protecting wildlife, investigating wildlife crimes and experiencing first hand the size and breadth of the black market trade in black bears in

the US, I can share the following observations which would also be echoed by many of my comrades from other agencies in the wildlife protection business.

- The cultural, ecological and economic value of a healthy black bear population demonstrates the true national treasure that bears represent to all of us. The experience of a hunter legally bagging a black bear or the sheer excitement of a family visiting one of our National Parks and witnessing bears in their natural habitat are just two examples of the importance of careful stewardship of this wildlife treasure for today as well as future generations.
- The black market trade in bears has substantially grown in the U.S. in the past two decades. What was once believed to be mainly an international market is now primarily a domestic market here in the U.S. This newly expanded illegal bear market clearly creates challenges for those entrusted with protecting the wild bear population throughout the country. With this in mind, relatively simple but comprehensive legislation (targeted specifically toward the illegal trade of bear parts) would provide effective and consistent enforcement by agencies throughout the U.S.
- The illegality of the trafficking in protected species is well-known by both domestic and international buyers. Traffickers have little fear of getting caught. There is a common belief that the American judicial system will not be very hard on you, particularly for first time offenders, and that any fines imposed are simply a cost of doing business. The largest fear these buyers have is actually a concern about the authenticity of the product, not of getting caught. Again buyers perceive that most defendants prosecuted in state and federal courts will not be incarcerated for even short periods and will only be required to pay a fine.
- The black market buyers are not concerned about the impact they have on our domestic wildlife populations, however, they are very aware of the scarcity of the same products in their native country. They see our bears in the U.S. as vastly less expensive and more readily available than their own seriously depleted populations. About 1/3 of our buyers were not just consumers themselves—but were also acting as middlemen to resell bear products for profit purposes.
- The majority of time spent by our dedicated conservation officers throughout the country is devoted toward policing hunter behavior and protecting landowner rights and property. Unfortunately little time, manpower or money is invested in investigating wildlife trafficking crimes.
- I feel very privileged for the NPS to have been able to partner with other agencies such as the Va. Dept. of Game and Inland Fisheries in numerous interagency investigations. From an operational standpoint, it is critical that LE agencies be free to conduct investigations, either together or at times independently, without jurisdictional, authority or regulatory limitations and be nimble, timely and flexible enough to react to situations as they arise. Any legislation that limits conservation officers' ability to quickly pursue an investigation will hinder the success of that operation.
- I would also point out that federal prosecution of eligible trafficking cases can be severely limited due to the small number of laboratories available, capable and willing to perform "species specific" forensic analysis. This scarcity of forensic support weakens prosecutorial evidence and often allows felonious conduct to result in lesser misdemeanor convictions and reduced sentences.
- I understand that in previous versions of the bill, HR3029, there was a prohibition not only in the trafficking in bear viscera, but also in the trafficking of products labeled, advertised, or said to contain bear viscera. The intent of illegal traffickers should be prosecutable as well as the actual act. If an illegal sale is represented as a black bear gall bladder by the seller, then the seller should be prosecuted of selling the same, and the buyer of purchasing the same, whether or not the gall bladder in question is forensically proven to be black bear. This small legislative point is essential and could also eliminate the requirement for exhaustive field sampling and subsequent forensic testing, as similar statutory measures have assisted prosecutions within the illegal drug trade.

Ms. BORDALLO. I want to thank you for your statement and your perspective. And I would now like to invite Mr. Schoenke to testify on behalf of the American Hunters and Shooters Association.

Please begin.

STATEMENT OF RAY SCHOENKE, PRESIDENT, AMERICAN HUNTERS AND SHOOTERS ASSOCIATION

Mr. SCHOENKE. Thank you, Madame Chairwoman. My name is Ray Schoenke. I am President of the American Hunters and Shooters Association, and I appreciate the opportunity to share with you our support for H.R. 5534, the Bear Protection Act of 2008.

My experience as an outdoorsman includes being a lifelong gun owner, hunter, and conservationist. And I was a former professional football player and businessman. I own and operate a 300-acre farm on Maryland's eastern shore, and have hunted throughout the United States.

Madame Chairwoman, we have a history in common in Polynesia. One of my favorite places to hunt is in Hawaii.

My organization is a new pro-hunting gun rights organization which believes in sound management of our wild natural resources. Responsible and ethical actions are the duty of all hunters and shooters who enjoy the shooting sports. By setting a proper example, AHSA believes we can protect the natural environment for future generations to enjoy.

Sound conservation policies assure quality hunting opportunities and the managed use of our wildlife and other natural resources.

Madame Chairwoman, as you are likely aware, most black bear populations in the United States appear to be very healthy, and generally increasing. Also as you are likely aware, the responsibility for the conservation and management of bear species in the United States lies largely with State Fish and Wildlife agencies.

Our fear is that the growing illegal trade in bear parts has put our country on a fast track toward the eventual decline of otherwise healthy bear populations here in the United States.

Wildlife management experts agree that the market demand for bear gall bladders and bile is on the rise, and is negatively impacting bear populations worldwide. Evidence points to a pattern of killing bears in the United States and Canada in order to satisfy the demand for bear parts in consuming nations, primarily Asian markets.

The current approach of trying to regulate the illegal bear-parts trade on a state-by-state basis in the United States, and on a country-by-country basis globally, has failed.

AHSA believes it is time to recognize the usefulness, if not the necessity, for national legislation uniformly prohibiting commercialization of bear viscera. We know the Asian bear population has declined rapidly. But because Asia's economic development is expanding, the demand for bear viscera will increase. Add into the problem the fact that the international trade in American black bear parts is largely unregulated.

Conservationists maintain that because it is impossible to tell an American black bear gall bladder from that of a protected species, traders can claim the organs come from legally hunted animals.

The wide-open policy of some states that allow the sale and export of bear viscera may be driving the bear-poaching problem. Recently there have been several highly successful sting operations to uncover bear poaching and illicit trade in bear parts, as was already explained to you.

Evidence that the bear trade parts from East Coast, West Coast, and Mid-Atlantic Region of the U.S. continues today unfettered. H.R. 5534, the Bear Protection Act of 2008, would assist state and Federal wildlife law enforcement efforts regarding bear management, while creating a sound national policy against the trade in bear gall bladders and bile.

H.R. 5534 is narrowly crafted to address U.S. involvement in the bear gall bladder trade, without Federalizing hunting. Usurping lawful sportsmen's ability to hunt bears in accordance with state laws and regulations, or undermining the ability of state game agencies to otherwise manage their resident bear populations.

AHSA believes a uniform national "bright line" prohibition on the trade of bear gall bladders and viscera will greatly clarify the rules for all American hunters. Similar legislation, which was approved by the U.S. Senate twice before, had overwhelming bipartisan support, and was supported by dozens of representatives of state wildlife agencies.

Historically, human decisions to protect wildlife from exploitation usually come long after it is time for taking necessary action. Some wildlife populations have been drastically diminished, sometimes past the point of recovery, before appropriate steps have been taken to prevent further declines.

By learning from these conservation mistakes and applying responsible wildlife management principles, we can prevent ecological mistakes and protect our precious natural resources before it is too late.

Thank you for the opportunity to share our views.

[The prepared statement of Mr. Schoenke follows:]

Statement of Ray Schoenke, President,
American Hunters and Shooters Association, Inc.

Thank you, Madam Chairwoman. I am Ray Schoenke, President of the American Hunters and Shooters Association (AHSA) and I appreciate the opportunity to share with you AHSA's support for H.R. 5534, The Bear Protection Act of 2008.

My experience as an outdoorsman includes being a lifelong gun owner, hunter, conservationist and former Washington Redskin football player. I own and operate a 300-acre hunting preserve on Maryland's Chesapeake Bay, and have hunted throughout the United States and Europe; from the plains of South Dakota, to the panhandle of Texas, to the slopes of Mauna Kea, Hawaii, to the countryside of England.

My organization, AHSA, is a new pro-hunting, gun rights organization, which has only been in existence for about two years. Despite that fact, AHSA is steadily gaining national recognition for not being afraid to speak out in favor of policy positions that may not always be popular with traditional gun organizations. AHSA has national membership base of hunters and shooters who not only believe in the individual right to keep and bear arms, but also believe that along with our 2nd amendment right comes a civic responsibility to make sure our communities are safe and our environment is protected and maintained for future generations.

AHSA believes in the biologically sound management of our wild natural resources. Responsible and ethical actions are the duty of all hunters and shooters who enjoy the shooting sports. Our hunting heritage depends upon hunters understanding their contribution to the maintenance of a healthy, productive environment. By setting the proper example, AHSA believes we can protect the natural environment for future generations to enjoy. Sound conservation policies assure quality hunting opportunities and the managed use of our wildlife and other natural resources.

We firmly believe hunting is a natural, beneficial and enjoyable use of our renewable wildlife resources and it is an American tradition to be passed on to future generations.

Madam Chairwoman, as you are likely aware, most black bear populations in the United States appear to be healthy and generally increasing. Also, as you are likely aware, the statutory responsibility for the conservation and management of bear species in the United States lies largely with state fish and wildlife agencies. Our fear however, is that the growing illegal trade in bear parts has put our country on a fast track toward the eventual decline of otherwise healthy bear populations here in the United States.

Wildlife management experts agree that the market demand for bear gallbladders and bile is on the rise and is negatively impacting bear populations worldwide. Evidence points to a systematic pattern of killing bears in the United States and Canada in order to satisfy the demand for bear parts in consuming nations, primarily Asian markets. The bear parts trade is international in scope and difficult to regulate and contain. The current approach of trying to regulate the legal bear parts trade on a state-by-state basis in the United States and on a country-by-country basis globally has failed and, according to some experts, has actually facilitated illegal markets. AHSA believes it is time to recognize the usefulness, if not the necessity, for national legislation uniformly prohibiting commercialization of bear viscera.

In the late 1980s, U.S. and Canadian park rangers began finding carcasses of American black bears, missing only their gallbladders and paws or claws. It was not long before law enforcement officials began to realize the nature and scope of the problem: American black bears were slaughtered to meet demand in South Korea, Japan, Taiwan and China. In these countries, the bile from bear gallbladders is considered to have great medicinal qualities.

We know the Asian bear population has declined rapidly. All five of Asia's bear species are so rare that captive animals are being farmed for their gallbladders and bile. Overall, all but two of the world's eight bear species are in danger of extinction. As Asia's economic development expands, the demand for bear viscera will very likely increase.

Adding to the problem is the fact that international trade in American black bear parts is largely unregulated. States such as New York, Virginia, West Virginia, Idaho, Wyoming, New Hampshire, Vermont, and Maine allow the sale and export of the bear parts. Conservationists maintain that because it is impossible to tell an American black bear's gallbladder from that of a protected species, traders can claim the organs come from legally hunted animals. The wide open policy of some states that allow the sale and export of bear viscera may be driving the bear poaching problem.

Worth noting here, is a recent highly successful sting operation to uncover bear poaching and the illicit trade in bear parts in the Shenandoah National Park in Virginia. Operation VIPER (Virginia Interagency Effort to Protect Environmental Resources), which was announced in January 2004, documented nearly 500 state violations and more than 200 federal violations by 100 or more people in seven states and the District of Columbia for their roles in this illegal trade. Shenandoah National Park Superintendent Douglas K. Morris unequivocally stated that "Commercialization of protected natural resources is a nationwide, worldwide problem, and some of it starts right here in Shenandoah National Park as well as other National Park Sites."

Operation VIPER uncovered evidence that the trade in bear parts from the East Coast, West Coast, and Mid-Atlantic region of the U.S. continues unfettered, involving whole bears, bear gallbladders, paws, and other parts being trafficked to Washington, DC, Maryland, West Virginia, North Carolina, New Jersey, New York, and California. Nationals of the Republic of Korea have been implicated in the trade as the destination of the bear parts in this case and in other cases as well.

Wildlife management experts have long warned that the variations in state laws that regulate the trade in bear parts create an unhealthy incentive for poachers. Cases such as VIPER are not unusual. Even Alaska, a state with the largest bear population, is susceptible to poaching and illegal trade. As a U.S. Fish and Wildlife Service Special Agent in Alaska told the Anchorage Daily News the danger poaching poses is that it "can make a significant impact [to the bear population] in a small area." Despite the fact that Alaska has a ban on the commercialization of bear parts, poaching occurs because gallbladders can easily be smuggled out of the state and sold in other non-restrictive states.

The H.R. 5534, the Bear Protection Act of 2008 would assist state and federal wildlife law-enforcement efforts regarding bear management while creating a sound national policy against the trade in bear gallbladders and bile.

H.R. 5534 is narrowly crafted to address U.S. involvement in the bear gallbladder trade without federalizing hunting, usurping lawful sportsmen's ability to hunt bears in accordance with state laws and regulations, or undermining the ability of state game agencies to otherwise manage their resident bear populations. AHSA be-

lieves a uniform national "bright line" prohibition on the trade of bear gallbladders and viscera will greatly clarify the rules for all American hunters.

Similar legislation, which was approved by the United States Senate twice before, had overwhelming bi-partisan support and was supported by dozens of representatives of state wildlife agencies.

In fact, opponents of federal legislation that had been introduced in previous sessions of Congress to prohibit the commercialization of bear parts argued simply that the relative health of the U.S. bear population makes such legislation unnecessary.

Historically, human decisions to protect wildlife from exploitation usually come long after its time for taking necessary action. Some wildlife populations have been drastically diminished, sometimes past the point of recovery, before appropriate steps have been taken to prevent further declines. By learning from these conservation mistakes, and applying responsible wildlife management principles, we can prevent ecological mistakes and protect our precious natural resources before it is too late.

Thank you for the opportunity to share AHSA's view on this important piece of legislation, and I would be happy to answer any questions.

Ms. BORDALLO. Thank you very much, Mr. Schoenke, and I appreciate your view.

Mr. Hogan, it is now your turn to testify, so please proceed.

STATEMENT OF MATT HOGAN, EXECUTIVE DIRECTOR, ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. HOGAN. Thank you, Madame Chair and members of the Subcommittee. I am Matt Hogan, the Executive Director of the Association of Fish and Wildlife Agencies.

I appreciate the opportunity to share with you the Association's perspectives on H.R. 5534, the Bear Protection Act. The Association of Fish and Wildlife Agencies was founded in 1902 as a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the Fish and Wildlife Agencies of all 50 states, provinces, territories, and Federal governments of the U.S., Canada, and Mexico.

The Association does not support H.R. 5534 as it is currently written. We conclude that this bill would do little, if anything, to address the intended purpose of the bill, the poaching of bears for their viscera. In fact, it may hinder efforts to address the illegal harvest and trade of their viscera, as well as other wildlife and their parts.

Therefore, we believe that it represents an unnecessary intrusion into state wildlife management authorities without a demonstrated need.

Under existing law, any interstate movement of viscera, from or into a state, from a bear that has been illegally taken or poached is already subject to prosecution under the Lacey Act. Currently bear populations in the United States are healthy, robust, and expanding in most places. When and where domestic poaching occurs, state and Federal enforcement is adequately addressing it.

With respect to populations of Asian bears, which are most subject to poaching for their viscera, this bill would have arguably minimal effect. In fact, H.R. 5534 could quite possibly have a negative impact on efforts to address the serious threats to Asian bear populations by detracting from capacity in the U.S. Fish and Wildlife Service's Division of Law Enforcement from higher priorities,

especially addressing illegal international trade, and commerce of wildlife parts of products.

The Association is far from alone in this conclusion. The April 2002 comprehensive report from WWF TRAFFIC North America on the status, management, and trade of American Black Bear in North America definitively concludes, and I quote, "Given the information gleaned from its surveys and the continuing growth of most North American Black Bear populations, TRAFFIC concluded that further laws banning all trade in bear gall bladders or other parts at the national level are currently unnecessary. Indeed, concerns exist that closing legal markets have the unintended consequence of raising prices in the underground market, and perhaps stimulating poaching in illegal trade.

"In addition, TRAFFIC is concerned that expending the necessary resources to enforce such a ban could detract from the conservation of other species that are far more endangered or threatened by trade or other reasons."

Information from the states substantiates that while incidental illegal harvest occurs, there is no significant population impact from illegal harvest in any bear range state. If there were, I can assure you that State Fish and Wildlife agencies would take appropriate actions to address it.

The states spend tens of millions of dollars each year in wildlife law enforcement, and I assure you would be aware of any significant poaching of domestic bear populations.

Our state-based system of fish and wildlife conservation in the United States is justifiably the envy of the rest of the world. Accordingly, we would respectfully suggest that rather than the creation of additional Federal statutory authority, as contemplated in H.R. 5534, the provision of additional resources to the U.S. Fish and Wildlife Service's Division of Law Enforcement would be a more appropriate and effective means of protecting Asian bear populations by the regulation of illegal trade in their parts and products.

The Association has long been an advocate for increasing funds for Fish and Wildlife Service special agents and wildlife inspectors to more effectively deal with illegal trade in foreign commerce.

The Association is certainly willing to work with this subcommittee, the bill sponsors, and the U.S. Fish and Wildlife Service on a more appropriately focused import-export bill that would address any existing regulatory deficiencies under the Convention on International Trade in Endangered Species, or CITES. However, a bill that addresses only domestic activities is simply without need, and does little to address the real problem.

Again, Madame Chair, thank you for providing us the opportunity to testify on this legislation. I would be happy to answer any questions that you or other members of the Subcommittee might have.

[The prepared statement of Mr. Hogan follows:]

Statement of Matt Hogan, Executive Director, Association of Fish and Wildlife Agencies

Thank you, Madam Chair. I am Matt Hogan, Executive Director, of the Association of Fish and Wildlife Agencies (Association). I appreciate the opportunity to share with you the Association's perspectives on HR5534, the Bear Protection Act.

The Association of Fish and Wildlife Agencies was founded in 1902 as a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and federal governments of the U.S., Canada, and Mexico. All 50 states are members. The Association has been a key organization in promoting sound resource management and strengthening federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

The Association opposes HR5534 as it is currently written. We conclude that this bill would do little if anything to address the intended purpose of the bill—the poaching of bears for their viscera. In fact, it may hinder efforts to address the illegal harvest and trade of bear viscera as well as other wildlife and their parts. Therefore, we believe strongly that it represents an unnecessary intrusion into state wildlife management authorities.

Under existing law, any interstate movement of viscera from or into a state from a bear that has been illegally taken and/or where possession, use or sale is not legal is already subject to prosecution under the Lacey Act. Currently bear populations in the United States (and North American) are healthy, robust and expanding in most places. When and where domestic poaching occurs, state and federal law enforcement is adequately addressing it. With respect to populations of Asian bears which are most subject to poaching for their viscera, but also under intense pressure from habitat loss, this bill would have arguably minimal affect. HR5534 is therefore both unnecessary and could quite possibly have a negative impact on efforts to address the serious threats to Asian bear populations by detracting from capacity in the U.S. Fish and Wildlife Service's Division of Law Enforcement from higher priorities, especially addressing illegal international trade and commence of wildlife parts or products.

The Association is far from alone in this conclusion. The April 2002 compreshensive report from TRAFFIC North America on the status, management and trade of the American black bear in North America definitively concludes "Given the information gleaned from its surveys, and the continuing growth of most North American black bear populations, TRAFFIC concluded that further laws banning all trade in bear gallbiaders or other parts at the national level are currently unnecessary. Indeed, concerns exist that closing legal markets have the unintended consequence of raising prices in the undergrounnd market and perhaps stimulating poaching and illegal trade. In addition, TRAFFIC is concerned that expending the necessary resources to enforce such a ban could detract from the conservation of other species that are far more endangered or threatened by trade or for other reasons."

Madam Chair, we understand that the intent of the bill sponsor is to help address the poaching of Asian bear species for their gall. We applaud efforts to address the poaching of Asian bear species for their gall. However, the bill as currently drafted focuses its application only on the regulation of trade of bear viscera in the United States based on the premise that domestic poaching of U.S. indigenous bear species is contributing to the market demand for bear gall, and is having (or could in the future have) a significant negative impact on U.S. bear populations. There is no substantiation to support either of these premises, and the Association therefore concludes that as introduced, HR5534 is neither necessary nor helpful in addressing the decline of foreign bear species. The Association is certainly willing to work with the bill sponsors and the USFWS on a more appropriately focused import-export bill that would address any existing regulatory deficiencies under the Convention on International Trade in Endangered Species of Fauna and Flora (CITES). However, a bill that addresses only domestic activities is simply without need and does little to address the real need.

As noted above, bear populations throughout the United States are robust and generally increasing. Also,, the statutory responsibility for the conservation and management of bear species in the United States lies largely with the State fish and wildlife agencies, with the exception of polar bear, grizzly bear and Louisiana black bear, where the USFWS shares jurisdiction for these species with the States.

Regulation of bear harvest and allowable use of any parts or products (fur, claws, gall, etc.) is thus closely regulated by all State Fish and Wildlife agencies including through the application and enforcement of the Lacey Act by State and federal wildlife officers. As you are aware, the Lacey Act already makes it a federal violation to transport or sell in interstate or foreign commerce any wildlife that is illegally taken in the state of origin. Accordingly, any bear that was illegally taken (poached) for it's viscera or any other purpose is already a violation of state law and if that bear or any part of that bear (including the viscera) was transported out of the state from which it was taken, it would immediately trigger the Lacey Act. In addition,

information from the States substantiates that while incidental illegal harvest occurs, there is no significant population impact from illegal harvest in any bear range state. If there were, I can assure you that our State fish and wildlife agencies would take appropriate action to address it. The states spend tens of millions of dollars each year in wildlife law enforcement and I assure you would be aware of any significant poaching of domestic bear populations. The several States' record on conservation law enforcement speaks for itself and there is no substantiated evidence that would compel federal intervention. The State fish and wildlife agencies are prepared to respond to any increase in poaching of bears.

This conclusion is also corroborated by the USFWS in a paper delivered in 1997 at the 2nd International Symposium on the Trade of Bear Parts, in which Dr. Gnam and Dr. Lieberman of the Office of Management Authority conclude that the FWS "...Division of Law Enforcement has determined that the poaching of American black bear for their gall bladders and other parts to supply the demands of the Asian market for these products is not a significant problem and does not occur on any large scale."

The Association believes, therefore, that the application of the Lacey Act to all U.S. domestic commerce in bear viscera, whether it is legal in a state or not, as proposed in HR5534 is unnecessary for bear resource protection, and is an inappropriate federal intrusion into state management authorities and prerogatives.

Our state-based system of fish and wildlife conservation in the United States is justifiably the envy of the rest of the world. Accordingly, we would respectfully suggest that rather than the creation of additional federal statutory authority as contemplated in H.R. 5534, especially where it preempts state management prerogatives, the provision of additional resources to the U.S. Fish and Wildlife Service's Division of Law Enforcement would be a more appropriate and effective means of affecting Asian bear populations by the regulation of illegal trade in their parts or products. The Association has long been an advocate for increasing funds for FWS Special Agents and Port (of Entry) Inspectors to more effectively deal with illegal trade in foreign commerce.

I would reiterate as indicated earlier, the Association would be happy to work with the bill sponsors and USFWS on a more narrowly focused import-export bill that could address some legal deficiencies in CITES that might exist now. With respect to the savings clause in H.R. 5534, it does not adequately save the states' authorities. However, we do have language which we believe would do that, and will be happy to work with staff if you so desire.

In conclusion, the Association believes HR5534 as introduced is both unnecessary and inappropriately expansive in its reach to domestic bear species, while doing little to protect and conserve bear populations at risk of poaching for their viscera. Accordingly, we therefore must oppose HR5534 as introduced.

Again, thank you for providing us with the opportunity to testify on this legislation.

Response to questions submitted for the record by Matt Hogan

CHAIRWOMAN BORDALLO QUESTIONS

QUESTION 1: Does the Bear Protection Act require individual states to allow or disallow bear hunting?

ANSWER:

No.

QUESTION 2: Does the Bear Protection Act require states that allow bear hunting to conduct those hunts in a certain manner, with certain weapons, for a season of a certain length, or with certain bag limits?

ANSWER:

No

QUESTION 3: Which state game agencies does your Association represent?

ANSWER:

All 50 State Fish and Wildlife Agencies are members of the Association of Fish and Wildlife Agencies.

QUESTION 4: I've seen many statements in the past discussions on the Bear Protection Act where state game agencies supported a federal prohibition because they felt it would deter poaching and help prosecute wildlife criminals. So who speaks for those agencies that support the bill?

ANSWER:

The Association of Fish and Wildlife Agencies represents the collective perspectives of the 50 state fish and wildlife agencies as arrived at through a deliberative process of subject matter committee, a legislative committee, and ultimately the assembled body of Directors. However, any state fish and wildlife agency is free to take its own individual position even if it is contrary to the Association position.

QUESTION 5: Do you know of any demand for bear gall bladders within the U.S.?

ANSWER:

Some state fish and wildlife agencies report use of legally taken bear gall in their state.

QUESTION 6: Can you explain what a robust bear population is? What is this in comparison to: 10 years ago; 50 years ago; 100 years ago?

ANSWER:

A robust bear population is one with stable or increasing numbers, stable or expanding range and good fecundity. Black bear populations in the U.S. are much healthier now than both10 or 50 years ago. Data from 100 years ago are sparse, but while it is evident that the black bear range has diminished, extant populations are healthy where habitat remains.

QUESTION 7: While the overall bear population in North America is healthy, aren't there some states with very small bear populations? Would you agree that if one of these poaching rings were set up in a state with a small population, poaching might not make a dent in the continent-wide population, it could have serious consequences in those states with small populations of wild bears? I would not expect the Association to support, for example, the loss of 20% or 30% or 40% of a small statewide bear population to poachers, would it?

ANSWER:

Yes, there are some states with small bear populations, but every state has diligent law enforcement capability to deter poaching that would be significantly deleterious to that state's bear population. And, to make it clear for the record, of course the Association would not support poaching loss to bear populations, but poaching occurs and is one of those population constraints that require management attention.

QUESTION 8: Should individual states be allowed to decide for themselves whether traditional medicine practitioners can use tiger bone or rhino horn in their pharmacopoeia? {The answer will likely be that these are endangered species and their import is banned under CITES because they are Appendix, I, so the follow up would be:} (2) Do you agree that the federal government is within its right to prohibit the import and sale of endangered Appendix I specimens? (3) However, currently if someone succeeds in importing bear gallbladders from highly endangered Asiatic bear galls or bile into New York they can be fraudulently sold as American bear parts. And since it's legal in New York, there would be no need for state authorities to investigate or uncover this dangerous fraud? (4) Those parts could then be shipped to other states as well-so essentially the status quo facilitates interstate commerce in prohibited, endangered species parts and derivatives?

ANSWER:

All questions herein seem to dismiss acknowledgement that under circumstances where bear gall is illegally taken and/or moved to or from a state where it is not legal to posses it, the Lacey Act is triggered. We acknowledge that the U.S. is obligated under CITES to impose international commerce restrictions. Under the circumstances described in the question that someone "succeeds in importing bear gallbladders from highly endangered Asiatic bear into the New York", then a federal prohibition is already triggered and a violation has occurred.

QUESTION 9: Mr. Hogan, in your testimony you state that passage of the Bear Protection Act would constitute "an unnecessary federal intrusion into state management authorities and prerogatives." How exactly, on the ground, would enactment of this legislative harm state wildlife management?

ANSWER:

Conservation of resident fish and wildlife is not a federal authority delegated to the states. The states under the U.S. Constitution retain the principal authority for management of resident fish and wildlife and share jurisdiction where Congress has given federal agencies certain conservation responsibilities for migratory birds, listed threatened and endangered species, etc. States are succeeding very well in managing for robust populations of black bears, including possession and use of certain parts or products under state law. There is no substantiated need to federalize black bear management.

QUESTION 10: Members of this subcommittee, including myself, would be very supportive of your suggested alternative to passing the Bear Protection Act. We would love to see sufficient federal funding appropriated for U.S. Fish and Wildlife Special Agents and Port Inspectors. While we can advise the appropriators on priority needs, unfortunately, this subcommittee can only really affect change by authorizing or prohibiting actions. And yet we feel very strongly that bears in the United States should benefit from the strongest possible protections. I have to be frank and tell you I don't understand why you wouldn't support the Bear Protection Act and then seek additional protections such as additional safeguards in international trade through, for example, the Ways and Means Committee.

ANSWER:

The Association of Fish and Wildlife Agencies has long advocated increased funding for U.S. Fish and Wildlife Service Special Agents and Port Inspectors and will continue to do so. 4 State Fish and Wildlife Directors are also on the U.S. Department of State CITES delegation to the CoPs. So, we are significantly involved in both domestic and international bear conservation efforts. State fish and wildlife agencies are recognized under CITES protocol as the management authorities for resident fish and wildlife in the U.S. The real deficiency in international bear conservation efforts lies outside of North America, not domestically. There is simply no need to federalize black bear management, and yet there is a large unmet need in international bear conservation efforts.

QUESTION 11: You state in your testimony that H.R. 5534 does not adequately save the States' authorities. I find that very concerning. So I look to the bill's section 5, and I read, "None of the amendments made by this Act shall be construed to affect the regulation by any State of its bear populations or to affect the hunting of bears that is lawful under applicable State laws and regulations." I don't believe that's language that is subject to interpretation. Could you please explain?

ANSWER:

The Association proffers an improvement to the savings clause thus: "None of the amendments made by this Act shall be construed to affect the regulation by any state of its bear populations or to affect the hunting of bears or the possession or use of the parts or products including viscera that is lawful under applicable state laws and regulations."

BROWN QUESTIONS

QUESTION 1: Mr. Hogan, I understand that there are five states that allow the trade of legally acquired bear parts. Can you identify those and briefly comment on the provisions in those states?

ANSWER:

This bill would preempt state authority in the following states:

- NEW YORK: allows trade in bear parts. Bear populations are healthy and expanding in the state. New York has seen no need to restrict trade in bear parts.
- 6NYCRR 1.31: (6) Parts of bear, other than flesh, may be possessed and sold provided the parts are from a black bear legally taken and reported in New York State.
- VERMONT: In the harvest of black bears there are 32 laws and regs on hunting of bears and subsequent sale of legally harvested bear parts. 250-750 black

are taken each fall during a 77 day season. Harvest equates to 20,000—45,000 lbs of bear meat harvested annually from the forests of Vermont.

While is it legal to sell bear parts only 9% of successful hunters sold any part of their bear; only 7% sold the gall bladder (10 gall bladders sold instate, 4 sold out of state); average price of a gall bladder was $59.

Section 4783(b) (2): A person may buy or sell at any time the head, hide, paws and internal organs of a black bear, legally taken.

- WYOMING: The sale of viscera from legally harvested bears is not prohibited. Wildlife law enforcement officers have not documented any trade or sale of bear viscera in Wyoming during the last five years.
- IDAHO: allows the sale of bear parts, including viscera.

Possession and Sale of Wildlife Parts: Lawfully harvested

Wildlife parts "except edible meat from game animals—may be purchased, bartered and sold when accompanied by a written statement showing said wildlife was lawfully harvested. If black bear or mountain lion parts—excluding tanned/finished rugs or mounts—are sold or bartered, a signed written statement showing the taker's name, address, license and tag numbers, date and the location of kill must be provided to the buyer. Buyers must submit completed transaction statements to the state agency within ten (10) days of sale.

- MAINE: 3,000—4.000 bears taken annually; the sale of bear parts has never driven the kill of bears, demand for galls lower than 10 years ago. Teeth and claws are used for jewelry and skins for rugs, but not high volume. Real bear moneymaker is guiding bear hunters.

Section 11217(2) (A): A person may sell the head, teeth, gall bladder, claws and hide of a bear.

QUESTION 2: As a follow-up, what is your understanding of the implications of this bill on those state laws and regulations?

ANSWER:

Unless you fall within one of the exemptions of the Act, this bill would prohibit States from regulating movement of bear viscera across State lines. Prohibited activities would include:

- Interstate sale and purchase;
- Transport across State lines; and
- Receiving or acquiring bear viscera if the viscera is moved from the State to Another state.

This bill would void all five states' laws and regulations and is an unnecessary intrusion into state wildlife management authorities. There is no need for this bill. Any interstate movement of bear viscera from or into a state where possession, use or sale is not legal is already subject to prosecution under the Lacey Act.

QUESTION 3: Speaking from your experience as a Deputy Director of the U.S. Fish and Wildlife Service, would you conclude that this bill would assist the Service in fulfilling any of its highest priority needs?

ANSWER:

When I was Deputy Director, the Service had an authorized force of 253 special agents to enforce our wildlife laws and treaties that protect trust resources, including endangered species, marine mammals and migratory birds. Given the scope of the agency's conservation mission, the limited manpower available, and the Service's needs to focus on the highest priority needs, the Fish and Wildlife Service concentrates its enforcement efforts on preventing illegal activities that jeopardize the continued viability of wild populations of protected species. Management of bear populations and regulation of parts or products from bears are management decisions for individual states, rather than at the federal level. The bill, as currently drafted, does not save State authority.

QUESTION 4: What are the deficiencies in the "Saving Clause" language in H.R. 5534?

ANSWER:

The Association proffers an improvement to the savings clause thus: "None of the amendments made by this Act shall be construed to affect the regulation by any state of its bear populations or to affect the hunting of bears or the possession or use of the parts or products including viscera that is lawful under applicable state laws and regulations."

QUESTION 5: How many U.S. states currently ban the trade in bear organs?

ANSWER:

35 according to the Traffic North America, World Wildlife Fund, April 2002 report, "In the Black."

QUESTION 6: The disturbing trend seems to be that Congress continues to increase the workload on the U.S. Fish and Wildlife Service without giving them adequate resources or manpower to get the job done. If everything pending before the Congress is enacted, than the list of prohibited species would include big cats, illegal timber and wood products, nonhuman primates and bear viscera, are you concerned that this is a systematic effort to federalize all wildlife management? What would be wrong with that approach?

ANSWER:

Yes, the Association is very concerned that there is an increasing trend to federalize wildlife management, especially since there is little or no substantiated validation of need for many of these proposals. The U.S. system of fish and wildlife conservation based on the North American Model of Wildlife Conservation is the most successful government fish and wildlife conservation program in the world. Authorities that exist now at the federal and state levels are generally comprehensive and appropriate to ensure success. What is lacking is adequate funding. Imposing unnecessary additional obligations on the federal government without additional funding simply further dilutes and diminishes their ability to satisfy the obligations they currently have.

QUESTION 7: Is it your view that this legislation is a solution in search of a problem? How big is the harvesting of American black bear parts for the illegal gall bladder trade in Asia?

ANSWER:

As I substantiated in my written statement, there is no evidence to suggest that American black bear gall are significantly contributing to the illegal gall trade in Asia.

QUESTION 8: Mr. Hogan, are you familiar with the comprehensive TRAFFIC North America report "In the Black"? This report had a number of specific conclusions and recommendations. Do you recall, whether the report recommend the enactment of a federal Bear Protection Act? Why not take this approach?

ANSWER:

The report recommended, as I indicated my statement, against the enactment of the BPA. First because it would detract from other international conservation law enforcement priorities of the USFWS, a point with which the Association concurs. And, TRAFFIC concludes that enacting the BPA could further encourage black-market trade.

Ms. BORDALLO. Thank you very much, Mr. Hogan, for your remarks.

And the Chair would like to recognize another member of the committee, Rep. Capps from the State of California.

Dr. Goodall has arrived, and I would like to welcome her before the Subcommittee. It is a pleasure to introduce a woman who continues to deeply enrich the field of primatology, and is able to offer years of expertise on this subject.

Dr. Goodall, you may begin your testimony. Would you please move closer? See that the microphone is placed close to her. Yes.

STATEMENT OF DR. JANE GOODALL, FOUNDER, THE JANE GOODALL INSTITUTE

Ms. GOODALL. I am a bit off the table here. So first of all, I am very, very glad that I was able to fit in coming here this morning

to add my testimony to the Captive, what is it, the Captive Primate Safety Act. And I would like to add some comments to the written testimony that I believe you already have in your possession.

And I speak on behalf of the Jane Goodall Institute, as well as very many years of working mostly with chimpanzees, both in the wild and in captive situations, in Africa and throughout the United States, and also in Europe. And obviously during this time, I have had experience with other nonhuman primates, as well.

And I speak from the vantage point of studying these amazing beings in the wild. And we know that chimpanzees in particular, but the other nonhuman primates as well, have very complex social structures. They have long-term bonds between family members. It is very important to them to maintain these bonds. In chimps, this can mean supportive relationships between family members lasting through a life of over 60 years.

And when the mother/child bond is broken, we find that this leaves psychological scars on the youngster. The baby may even die if removed from its mother.

So now when we come to consider chimpanzees being kept as pets, or other nonhuman primates being kept as pets—and I put pets in quotes, because they don't make good pets. And when they are small, they can seem cuddly and cute and sweet. But they very quickly grow up and grow stronger.

Chimpanzees of a certain age—five, six—can be stronger than a man, a human male. And they do not wish to be a human child dressed up in silly clothes, as they are often kept. So they can become——

[Buzzer sounds.]

Ms. GOODALL. does that mean I have to stop?

Ms. BORDALLO. No, no.

[Laughter.]

Ms. BORDALLO. You continue, Doctor. That is another signal.

Ms. GOODALL. OK. So at the age of five or six, they can be potentially dangerous. They can escape. And the dangers to human beings include not only biting—and they are strong. Let me show you as part of my testimony that my two thumbs are of different lengths, and that was an encounter with a captive chimpanzee. So they can be very strong. They are potentially dangerous. They have no business being kept in people's houses.

Monkeys, some are very small, but even they can bite. They have needle-sharp teeth. And just as a human bite can inflict you with a—a human bite is said to be the worst of all bites because of the infection. Well, nonhuman primate bites—it is the same thing.

So these beings that you take into your house can become quite quickly a liability. They can escape and inflict injuries on other people. They are incredibly smart, so they can find ways to escape. So as they get older, and again I particularly talk about chimpanzees because I know them best, it is very hard to contain them in a home in a way that means that the general public is safe, or the members in the household are safe.

So we find that either the pet owner must give away the chimpanzee or other primate. And because bonds have probably been created between the human and the nonhuman, this is anguish for the human, and it is devastating for the nonhuman primate.

If they are kept in the home, they are usually maintained in inappropriate cages, sometimes in garages or other, you know, inappropriate places. We have been to see them. We get calls to have a look at or find out about these captive primates. People report them to the Jane Goodall Institute. We either go ourselves or send somebody to see. And it is pretty grim reports coming in about chimpanzees, macaques, marmosets, and other primates who are in positions where they shouldn't be.

If you don't keep them in the house and you give them away and you go through the anguish, what happens to them? Major zoos either don't want to take them because they don't know how to behave like normal primates, because they haven't had a chance to learn, and so they end up in poor wayside zoos, again in inappropriate situations; or they are handed to medical research labs, where this pampered little creature, who has had all possible amenities in the house, now is in a five-foot-by-five-foot cage if it is a chimpanzee, or a smaller one if it is some other smaller nonhuman primate. And the quality of life is completely changed.

Or they go back to become breeders for the entertainment industry. And that in itself is something which we need to stop. And you know, again, I have seen ways that these primates are trained.

The nonhuman primates harbor many diseases, viruses, and retroviruses which are extremely dangerous to us, which can be passed off with a bite, or spitting, or you know, any kind of contamination. That includes things like Ebola virus, to kind of go to the worst, but also TB, herpes-B, and so forth.

And so the dangers to us and the damage to the primate are of equal concern to us. They simply do not belong as pets. And I fully, fully support this bill.

There is a possibility of sending these animals to sanctuaries, but those are usually full and over-funded—under-funded. So I think that is sufficient to convey my extreme disapproval of primates as pets.

But I would, since I am here, I would also like to add one word in support of the Bear Protection Act.

I have been in Asia. I have seen the conditions of the bears being milked for their bile. The more that the trade in bile is approved by the United States, the harder it is to stop this barbaric practice in Asia and other countries. So I would fully, fully support the Bear Protection Act.

I think killing bears for their parts is not appropriate in a civilized part of the world. So I would like to add my support for that bill, as well.

[The prepared statement of Ms. Goodall follows:]

Statement of Dr. Jane Goodall, Founder,
The Jane Goodall Institute

Thank you for this opportunity to express my strong support for the Captive Primate Safety Act. It is a pleasure to be here on this important matter.

The Jane Goodall Institute is dedicated to ensuring that captive primates receive the attention and care they deserve—attention and care which cannot be provided by the average pet owner. We therefore fully support the legislation introduced by Representative Eddie Bernice Johnson to prohibit the interstate commerce of monkeys, chimpanzees and other primates as pets.

Non-human primates seem attractive as pets largely due to their close physical and behavioral similarities to humans. But, due in part to the genetic similarities

we share, all non-human primates can carry a variety of rare and sometimes fatal diseases and viruses that can be contracted by humans, including tuberculosis, herpes-B, hepatitis, and Ebola.

All too often, well-intentioned animal enthusiasts will attempt to raise and care for an infant primate, such as a chimpanzee. But chimpanzees and other primates grow up quickly. In fact, by the age of five, chimpanzees are often stronger than human adults. They become destructive, difficult to contain, and dangerous. When they escape—a risk that is much greater when they are moved from one place to another—they may pose a unique threat to public health and safety, and their capture can be costly. Many kinds of monkeys, marmosets, lemurs and other prosimians are in homes across America. These animals can infect us with disease and inflict serious bites.

While some pet owners take steps to tame or control their non-human primate pets, these measures often are inhumane or not reliable. Regardless of the steps taken to tame and control non-human primates, once they reach sexual maturity it can be difficult if not impossible to contain and appropriately care for them, for essentially they remain wild animals. As a consequence, a once pampered member of the family is relegated to a small, inappropriate cage, often in a basement or garage because, when free, they can, and will, bite. Non-human primate owners have lost fingers, suffered facial and other physical damage and contracted dangerous diseases from their "pets."

Non-human primates—even the small species such as tamarins or marmosets—have complicated needs that are impossible for the average pet owner to provide. Non-human primates are behaviorally more like us, and as such they are uniquely intelligent creatures and need complex sensory stimuli to meet their psychological needs. They need space and a rich environment; they need social groups within which they can establish social bonds for, above all, most non-human primates are highly social creatures. Keeping them alone is psychologically stressful and damaging, as is moving them from one place to another.

When kept as "pets," once they reach maturity and are no longer manageable, those individuals who are not placed in small, barren enclosures are often sold or donated to unaccredited zoos or research institutions, or euthanized.

It is time for us to end this dangerous, selfish and inhumane trade. Non-human primates of all sizes have complex minds, personalities and emotions and do not belong in our homes and pet shops.

I applaud the Subcommittee on Fisheries, Wildlife and Oceans for considering this important legislation. I urge you to do all you can to pass it. In doing so, you will be promoting public health and safety, as well as taking a reasonable and sound step toward protecting these amazing wild creatures.

In addition, while I am here to support the Captive Primate Safety Act, I am also concerned for all wildlife and feel that it is vital to prevent poaching, whether it's related to the bushmeat trade or the slaughter of wild animals for their parts or products made from them. I would like to express my complete support to stop the trade in bear gallbladders and bear bile. I have seen the terrible suffering this inflicts on these animals. I strongly support the Bear Protection Act and hope you will approve it when the time comes.

Response to questions submitted for the record by Dr. Jane Goodall, Jane Goodall Institute

Questions from Chairwoman Madeleine Z. Bordallo (D-GU)

1. In your experience, should nonhuman primates be kept as pets?

Nonhuman primates should not be kept as pets. Nonhuman primates are unpredictable. There is a lot of irresponsible selling of them. Regardless of the steps taken to tame and control nonhuman primates, once they reach sexual maturity it can be difficult, if not impossible, to contain and appropriately care for them, for essentially they remain wild animals. Nonhuman primates can spread diseases that pose serious health risks to humans, including herpes B, tuberculosis, hepatitis, Ebola, and monkeypox. Nonhuman primates can become aggressive and unmanageable as they mature. Since I began my studies of wild chimpanzees in 1960, I have only been seriously harmed by a chimpanzee once and that was by a captive chimpanzee.

Aside from the safety and health concerns I have for people in contact with nonhuman primates, I am also concerned for the welfare of the creatures themselves. Nonhuman primate infants sold as pets are in most cases separated from their mothers at an early age. The stress of the separation and the absence of the biological mother can cause social, psychological, maternal, and sexual develop-

mental damage. Nonhuman primates require a specialized diet, the companionship of other nonhuman primates, and housing in very large enclosures—needs the average pet owner cannot meet. For all these reasons and more, nonhuman primates do not make suitable pets.

2. We've heard that infant nonhuman primates can grow up to become maladjusted, further encouraging their isolation. In general, what quality of life can we expect these animals to enjoy?

Infant nonhuman primates kept as pets face a rather dim outlook for the future. Nonhuman primates are highly intelligent and possess a range of emotions much like our own. Homes are not large enough to keep them content. Nonhuman primates require constant enrichment and stimulation, which the majority of pet owners do not have the time, funds, or skills to provide. The common practice in the pet trade of prematurely separating an infant nonhuman primate from its mother can cause long term damage and has serious implications for the primate's future welfare.

Nonhuman primates are not born with intrinsic responses that will dictate their behavior in complex social situations. Much like a human mother, a chimpanzee's mother is responsible for shaping and cushioning the infant's first interactions with other individuals. A chimpanzee infant may acquire a good deal of knowledge vicariously during the months when he is firmly attached to his mother's breast, sensing her fear, excitement, or pleasure. Through trial and error, social facilitation, observation and imitation, and practice, a young chimpanzee learns the nuances of chimp etiquette from his mother and family members. If a nonhuman primate is to live amongst his own kind, he must be familiar with and able to respond to these species specific behaviors. Wild chimpanzees are not weaned from their mother until between the ages of four and seven. Yet, offspring continue to travel and interact with mothers long after weaning. Relationships between a mother and her offspring, as well as between siblings, continue throughout all of life.

Infant nonhuman primates who have been separated prematurely from their mother and have not been socialized will often times be unable to successfully integrate with their own kind. These nonhuman primates lack the social skills that their mother and family members would have otherwise instilled in them. Some nonhuman primates may display abnormal behaviors such as body-rocking, self biting, and intense aggression. Socially deprived nonhuman primates in many cases never learn how to copulate or care for their young.

When kept as "pets," once they reach maturity and are no longer manageable, those individuals who are not placed in small, barren enclosures are often sold or donated to unaccredited zoos or research institutions, or euthanized. Many "pet" nonhuman primates do not possess the social skills to integrate effectively with the same species. Most accredited zoos will not accept them because they lack the social skills to fit into established nonhuman primate groups. The large majority of accredited zoos and sanctuaries also do not have the funds or space to properly house, feed, and care for additional nonhuman primates.

3. Can you elaborate on the physical and social environments that are required by these animals? Can human beings substitute for the needs of these animals in the wild?

Nonhuman primates are our closest living relatives, and as such they are uniquely intelligent creatures and need complex sensory stimuli to meet their psychological needs. Chimpanzees need space and a rich environment; they need social groups within which they can establish social bonds for, above all, most nonhuman primates are highly social creatures. Keeping them alone is psychologically stressful and damaging, as is moving them from one place to another.

Every chimpanzee is given the best care by their biological mother. I encourage the rearing of nonhuman primates by their mothers whenever possible. Only specially trained people, such as those of accredited zoos and sanctuaries, who possess a deep understanding of the communicative and behavioral patterns of adult nonhuman primates, are in a position to supply the enrichment, extensive time, facilities, and peer exposure to properly raise a nonhuman primate. Very few nonhuman primate owners have the experience, training, funds, facilities, or time required to properly care for these creatures.

Ms. BORDALLO. Thank you very much, Doctor. Your expertise is recognized by the committee, and of course your full statement will be included for the record.

I will now recognize members for any questions they may wish to ask, alternating between the Majority and the Minority. And I am going to give my Ranking Member the first occasion to ask some questions, and I will act later.

Mr. BROWN. Thank you, Madame Chair. And thank you very much for taking your time to come and be with us this morning to talk about an issue that is out here, and a lot of people have major concerns. And it is good to hear the different sides of this particular issue.

My first question would be to Dr. Golab. Are there currently any Federal laws that prohibit the interstate travel of domestic and agricultural animals who have the ability to transfer various diseases to the public? And do you support the enactment of such laws? If not, then this legislation is an example of selectively enforcing enforcement against nonhuman primate owners.

Ms. GOLAB. What is the question?

Ms. BORDALLO. I think we need to repeat the question.

Mr. BROWN. OK. I am sorry we don't have eye contact, and that is the reason I moved over during your presentation, so we could have that eye contact. But OK, I will repeat it.

Are there currently any Federal laws that prohibit the interstate travel of domestic and agricultural animals who have the ability to transfer various diseases to the public? And do you support the enactment of such laws? If not, then this legislation is an example of selective enforcement against nonhuman primate owners.

[Pause.]

Mr. BROWN. Dr. Golab is who the question is directed to.

Ms. GOODALL. Yes, you are directing the question to me?

Mr. BROWN. No, ma'am, I was directing it to Dr. Gail Golab.

Ms. GOODALL. Oh. Apologies.

Mr. BROWN. Sorry. I got one for you, though.

[Laughter.]

Ms. GOLAB. The American Veterinary Medical Association is very opposed to private ownership of nonhuman primates for the reasons that I stated.

The reality is that many of the incidents that occur actually happen when nonhuman primates are exposed to those other than their owners. One of the most frequent times that those incidents occur is during interstate transport.

Also during interstate transport, there is the opportunity for escapes. Any time you have the opportunity for escapes, you have the opportunity for introduction of an animal into the wild. And when you have the opportunity for the introduction of the animal into the wild, you have an opportunity for providing reservoirs of disease.

In terms of zoonotic diseases, one of the problems that we have with nonhuman primates is that because they are so close to humans, transmission of diseases between humans and nonhuman primates is quite simple.

For example, herpes simplex in people causes often mild disease that is along the line of cold sores. However, when that particular virus ends up in a marmoset, for example, it can cause very, very serious disease.

You have more problems in nonhuman primates than you have, in terms of bite exposure, with domestic animals, because again,

you are so close in a phylogenetic tree with these animals, and diseases are very, very much more easily transmitted between nonhuman primates and people.

Mr. BROWN. Dr. Evans, do you agree with that statement?

Ms. EVANS. Do I agree with the statement that, which? The final statement?

Mr. BROWN. The transmission of diseases.

Ms. EVANS. It is absolutely true that nonhuman primates and human primates share many diseases. But typically, the risk is to the nonhuman primates.

Tuberculosis, for example, is a human disease. And yes, nonhuman primates can contract it, but they get it from humans. And childhood diseases can cause problems in 7-year-old monkeys. And it is for this reason that many pet primate owners vaccinate their pets, and also have them TB tested regularly, to protect them from these threats.

But I don't know of any documented public health threat from nonhuman primate pets to the human population. I mean, such-and-such may happen, such-and-such could happen; but as far as I am aware, there is nothing documented in the literature.

Mr. BROWN. And I guess that is my point, and that brings me to my next question. Please explain why nonhuman primates kept as pets pose a health risk to the public, but those living in sanctuaries and zoos don't pose the same risk.

Ms. GOLAB. I would like to respond to that question with an interesting comment. AVMA has an animal welfare committee, and on that animal welfare committee we have representatives of a broad range of veterinary medical practices, including zoo animal medicine.

The zoo animal representative on our animal welfare committee is very, very well respected for working not only with primates, but with a number of various species. And also has a reputation for being somewhat fearless in terms of working with those species.

His comment to me was he was perfectly comfortable working with nonhuman primates in sanctuaries, in research facilities, and in zoos. But he absolutely refuses to work with nonhuman primates in private practices, because of the risk to himself and to his staff.

Mr. BROWN. Then I don't understand the differences between the interaction between participants in a zoo than somebody living every day with them. I don't understand.

And I guess what I am trying to sort out in my own mind is that I noted it was alluded that, you know, when the babies are taken from their moms, that they become depressed, even die. And I am wondering if there is a similar reaction with, you know, when people exchange these kittens and puppies, and what kind of a dialogue do those, you know, those families might have.

I am just trying to sort it out in my own mind, you know, the differences between one group of animals and another group of animals. And that is the reason I am leading out with those questions.

Ms. GOLAB. One of the most significant differences is that in zoos and in research facilities, you have individuals who are trained, and they are trained in appropriate biosecurity practices. And so although the risk is there, the risk is decreased because you have individuals that know how to deal with those situations.

We also have reports of transmissions that have occurred in research facilities, that occur in the literature for some of these zoonotic diseases. And so we know that those indeed are a risk.

When it comes to domestic animals, one of the biggest differences that you have between nonhuman primates and domestic animals is just that. Domestic animals, like dogs and cats, have been domesticated for thousands of years. Nonhuman primates may have been bred for generations, but they are still wild animals. And so the predictability of the behavior of domestic dogs and cats as compared with the predictability of the behavior of a nonhuman primate is hugely different.

Mr. BROWN. But it is still confusing to me why the disease transfer would not take place between the interaction between the zoo visitors and the animals, with so many people passing through, and why it would be more inherent to a closed environment, like keeping a pet at home. I mean, it just confuses me that that logic is there.

Does anybody else want to comment on that? Dr. Evans, do you?

Ms. EVANS. I think I mentioned earlier that in my experience, that pet primates are freer of disease than primates in research laboratories and primates in zoos, in large part because of the way they have been bred. Sometimes because the infant is removed from the mother, and there is no further contact with that species. And also because they are vaccinated, they are kept in a very clean environment in their homes. They don't always have contact with other nonhuman primates, you know, which has its drawbacks. But I do not think that there is a serious, or even—I do not think there is a public health threat from pet primates to the general public.

I think we are encouraging fear unnecessarily. And primates are wonderful. They are marvelous.

Mr. BROWN. I thank you very much. And Madame Chair, I know my time is over. Thanks for your tolerance.

Ms. BORDALLO. Thank you.

Mr. BROWN. And thanks to the witnesses for those comments.

Ms. BORDALLO. Thank you very much. I do have a couple of questions for the witnesses.

The first is to Dr. Gail Golab. You mentioned in your testimony that it was difficult to find veterinarians that are willing to care for nonhuman primates kept as pets. Can you elaborate, or give an example of this?

Ms. GOLAB. I had mentioned the individual on our animal welfare committee earlier, who actually is currently employed by a university and is often asked to consult with those animals.

In the 76,000 members of the American Veterinary Medical Association, only 170 of those members actually consistently have contact with primates. And a majority of those members are actually employed either by zoos or by research institutions. And so the number of individuals that are available in private practice to care for nonhuman primates is quite limited.

Ms. BORDALLO. So are there special qualifications for a vet to be able to care for the primates?

Ms. GOLAB. We do have several boarded specialties. One of those happens to be in the area of zoological medicine, and we also have

boarded veterinarians in laboratory animal medicine. You may have individuals in both of those fields that are qualified.

Your typical veterinarian in a community practice is not going to be seeing a lot of nonhuman primates. And chances are that that veterinarian is going to be looking to call somebody else in to see that animal. And that is actually one of AVMA's concerns regarding the welfare of these animals.

One of the questions that has come up is that the reason that you need to have interstate transport of primates is to seek veterinary care. The problem with that is that when you own a pet, or if you privately own an animal, you have certain responsibilities to that animal. You are expected to understand an animal's needs and provide it with appropriate nutrition and appropriate housing. You are also expected to provide it with appropriate veterinary care.

American Veterinary Medical Association has some concerns when the only way you can get appropriate medical care for that animal is to take it into the next state. That, in by itself, is a good reason for why you should not be owning that animal.

Ms. BORDALLO. Thank you very much. I have, I know Dr. Goodall will be leaving soon, and I have a question for her.

Other witnesses have commented on the fact that wild nonhuman primates are acutely aware of their place in the larger social structure, and that this applies to captive nonhuman primates as well. How does this affect a captive primate's behavior, especially in relation to children?

Ms. GOODALL. Well, the trouble is that we are talking about a lot of different species when we talk about nonhuman primates. At one end you have chimpanzees, with whom we share 98.24 or six, depending on where you come from, 98-point-something percent of our DNA. And you know, we have an immune system almost identical, which is why they are used as guinea pigs to learn more about human medicine. And then on the other end you have the marmosets, who are obviously far more different.

So the answer—what was your question again? I got carried away. What was the actual question?

Ms. BORDALLO. OK. Some of the witnesses here have commented on the fact that wild nonhuman primates are acutely aware of their place in the larger social structure, and that this applied to captive nonhuman primates, as well.

How does this affect a captive primate's behavior, especially toward children?

Ms. GOODALL. Well, you know, OK. So this is where I was leading. It is different. It is different with a marmoset to a chimpanzee. And the danger posed by a marmoset or a chimpanzee would be very different.

A chimpanzee can kill a child. A marmoset can't. A marmoset can only bite. And there are stories—I mean, also these individuals have different personalities. We are not dealing with just a lump of marmosets who all behave the same way, or a whole sea of chimpanzees behaving—they behave differently, just as we do.

So of course there are going to be wonderful bonds between a particular nonhuman primate, a particular human, a particular child. And it can be wonderful. But most people simply aren't able

to deal with nonhuman primates in their home, because they shouldn't really be there.

And they do indeed remain wild animals. They are unpredictable. So that even when you have this wonderful relationship, there can be a sudden, something will trigger an outburst of aggression. They are very volatile.

And I am not saying that there can't be a great bond between a person and a monkey or a chimp. There can, absolutely can. But also, you know, it is not where they belong. And most people, when they buy—I mean, you can buy a primate on the internet. I have known people who bought a baby chimp because they were told this is the species that doesn't get into the big, dangerous kind. This one stays small.

There is a lot of irresponsible selling of primates, and people are buying them when they know nothing about them. There is no requirement that they have to learn. They can just take this little being into their home, and then often the smaller ones die because they simply are not looked after. They don't get the right diet. And it is a tragedy for the owner, as well as for the little being who has been taken from his or her mother.

Ms. BORDALLO. Thank you very much, Doctor.

The Chair now recognizes Mr. Wittman from the State of Virginia.

Mr. WITTMAN. Thank you, Madame Chairman.

Dr. Golab, I am interested that there is a variety of professional opinion about some of the public health aspects of disease transmission between nonhuman primates and human primates. And you speak that there is evidence out there.

I would be interested in the specifics of those evidence. Can you cite the referee, the medical publications, or any formal public health disease reporting system that indicates an instance of disease transmission?

Ms. GOLAB. If you actually—in my written testimony, which has more detail, there are a number, I am going to say 27 or 28 cited references in that testimony.

Some of those cited references actually deal with disease risk. And one of the things that you have to keep in mind is that we do have quite a few controls on ownership of these animals in the U.S., including prohibitions on ownership in many states.

We also know that as a result of some of those prohibitions, and also as a result of importation prohibitions, we reduce the number of cases that exist.

We are also aware that there is a black market out there in these animals, and the risk of importing these animals, particularly animals that may be imported for purposes of pets, that may not be as well screened because they don't have the controls in place, there definitely is risk there for disease.

There is a report actually from CDC dealing with herpes-B virus in macaques. And so we do know that that risk is there. And if you speak to zoo veterinarians in particular, and those that work with primates, one of their significant concerns is naturalization of these animals in the southern United States because of concerns down there about yellow fever. Nonhuman primates can serve as res-

ervoirs of yellow fever. And so that is an ongoing prevalent concern for those individuals.

Mr. WITTMAN. And you cite about 15,000 nonhuman primates. Can you tell me, of those that you speak of, how many of those are captured in the wild, and how many are imported from outside of the United States?

Ms. GOLAB. No, unfortunately I can't. And our tracking systems, that is another one of our problem. Our tracking systems for nonhuman primates again, other than those that are within already regulated facilities, are always going to be a little bit on the fuzzy side.

And so if you look at estimates for the number of primates that actually exist, you definitely will see some variation.

Mr. WITTMAN. Well, of those pets that are held by individual owners, are you advocating then that if this Act were to pass, that those primates, nonhuman primates be released into the wild?

Ms. GOLAB. Now, this is a really interesting question. Because what this particular piece of legislation does, it doesn't necessarily directly affect those private individuals that own animals in particular states where ownership is legal. What it does is it prohibits them from transporting those animals across state lines. And in those situations you increase contact with unfamiliar individuals, and you increase your potential for escape.

So people will still be able to own those animals. However, they won't be able to transport them. And because AVMA is not supportive of private ownership of these animals in the first place, our hope is that that will reduce the acquisition of those animals, and eventually severely reduce the number of such animals that are privately held.

Ms. BORDALLO. I thank the gentleman from Virginia, Mr. Wittman. And now I recognize the gentlelady from California, Ms. Capps.

Ms. CAPPS. Thank you. Thank you, Madame Chair, for calling this hearing together, and to each of our witnesses for your testimony on two very important topics.

Dr. Goodall, you are a hero to so many constituents in my Congressional district, and I want to thank you for your pioneering work, that now hopefully we have a whole new generation to become more educated about the work that you have done with nonhuman primates.

I want to particularly make sure in the record that we note an organization that you began, which is called Roots and Shoots, which is focused on our young people. Because that is how I want to direct my question to you, although I am very interested also in the fact that in addition to founding the Jane Goodall Institute, you are also a U.N. messenger of peace. And I think some time we could have a hearing, Madame Chair, on the ways in which our nonhuman primates can teach us a lot about peace.

But the Roots and Shoots is a great organization that focuses on the natural interest that young people have in monkeys, in nonhuman primates, and the great interest they have in learning so much about ways that we can protect them. And you have designed this so that there are chapters, I believe all around the world.

My question is, can we hope to raise a generation of people who will not seek to have these nonhuman primates as pets, understanding what happens to them? And maybe you would want to tell us a little bit about the kind of quality of life that many of them have to experience is isolation because they are so much like humans in that they require their own social setting.

Thank you.

Ms. GOODALL. Well, the program you refer to, Roots and Shoots, yes, it is in 97 countries around the world. And it is involving young people in improving the lives of the human community, nonhuman animals, including domestic ones, and the environment, as well as learning to live in peace and harmony with each other, but also with animals in the natural world.

And so the aim and the goal of Roots and Shoots is that while we are all working to save chimpanzees, to protect nonhuman primates from being pets and all the rest of it; unless we are raising new generations to do better than we have done, we may as well give up. Because we can all be working and testifying and getting bills passed, and then if the next generations pay no attention, it is going to be pretty sad.

So indeed, all around the world I get letters from young people who have seen the documentaries, read the films, taken part in Roots and Shoots, and understand that the place for a wild animal is not usually in somebody's home. Although again, I want to make quite clear, I am not saying that a nonhuman primate cannot be happy in a home. It can, if it is the right person. But what I think is so important to realize is that the general run of people are not equipped to take care of the psychological, let alone the physical, needs of these, of these nonhuman—I don't like nonhuman—other-than-human primates.

Ms. CAPPS. They are very much like humans.

Ms. GOODALL. What is a nonhuman? A nonhuman is a non, it is a non-something.

Ms. CAPPS. Right.

Ms. GOODALL. So I prefer to call them other-than-human primates, or primate beings.

Ms. CAPPS. Thank you very much. With the time that I have remaining, Mr. Wissinger, I wanted to switch to the other piece of legislation if I could, and ask you if you think a Federal law such as the Bear Protection Act could have a deterrent effect.

In other words, if poachers or smugglers knew that there was a Federal law prohibiting their activities, might they think twice about what their criminal enterprises will lead to?

Mr. WISSINGER. Absolutely, yes. In my observations and in discussions with many people who have been defendants and been prosecuted through a state or Federal court system, there is, first of all, had been a lack of fear of the system.

Ms. CAPPS. Right.

Mr. WISSINGER. But simply the word Federal just——

Ms. CAPPS. The feds, you mean?

Mr. WISSINGER.—just simply correlates something much worse than—whether it is or it is not is another matter—in the minds of many people and their families.

Ms. CAPPS. Could I just direct this—I know the red button went on, but could you mention one word about the need for additional forensic support to assist with criminal wildlife investigations? Are you referring, for example, to the Fish and Wildlife Service Laboratory in Oregon? What more should we be doing in this area?

Mr. WISSINGER. Well, currently the National Lab in Ashland, Oregon is basically, as far as I know, as of today still the only species-specific-capable laboratory that is readily available to law enforcement agencies, particularly at the state level.

And as of my retirement, that laboratory service for that particular species-specific type of work was simply not available, just due to workload factors.

Ms. CAPPS. Thank you. Thank you for allowing me to go over.

Ms. BORDALLO. The Chairwoman thanks the gentlelady from California, Mrs. Capps.

And now I would like to recognize the Ranking Member of the full Committee on Resources, the gentleman from Alaska, Mr. Young.

Mr. YOUNG. Thank you, Madame Chairman. Mr. Schoenke, how many people belong to the American Hunters and Shooters Association?

Mr. SCHOENKE. We are a new organization, sir, and we are very proud of what we have done in a year and a half.

Mr. YOUNG. How many belong?

Mr. SCHOENKE. We have several thousand.

Mr. YOUNG. Several thousand. It is ironic that you support this protection bill, and I have a list of 20-odd-some members that are fish-and-wildlife-associated conservation groups that oppose it, primarily because they claim it is an unnecessary intrusion to the State Wildlife Management authorities. That any interstate movement of viscera to and from a state where possession, use, and sale is not legal is already subject to prosecution under the Lacey Act. And CITES governs import and export. The U.S. and North American populations are healthy, robust and, in fact, expanding in most areas. And while poaching will occur and has occurred, and will continue to occur regardless of Federal law, the Lacey Act covers it. And that this bill would have arguably a minimal effect on Asian bear populations, which are most subject to poaching for viscera, because under intense pressure from habitat loss.

Now, where do you come off supporting this bill?

Mr. SCHOENKE. Well, let me say first of all, Mr. Congressman, American Hunters and Shooters Assocation came about because there are millions of hunters and shooters who are looking for a responsible and more moderate——

Mr. YOUNG. Are you saying the other groups aren't responsible?

Mr. SCHOENKE. I am saying that they are not responsible in the sense——

Mr. YOUNG. They are not responsible. That is what you are saying.

Mr. SCHOENKE. Yes, sir, I am saying that.

Mr. YOUNG. OK, that is what we want to know.

Mr. SCHOENKE. OK. And the stance—wait a minute, hold on here. You asked me a question.

Mr. YOUNG. You are the fringe group.

Mr. SCHOENKE. Let me answer the question, sir.

Mr. YOUNG. You are the fringe group.

Mr. SCHOENKE. Let me answer the question.

Mr. YOUNG. Do you hear me? OK, now.

Mr. SCHOENKE. Hold on here. If you are going to try to intimidate me——

Mr. YOUNG. Madame Chairman, he is the witness, and I can ask him whatever I want to ask him. Do you understand that?

Mr. SCHOENKE. Let me answer the question.

Ms. BORDALLO. The members of the committee—this is our hearing.

Mr. SCHOENKE. I understand that, Madame Chairwoman. I apologize for——

Mr. YOUNG. You may have played football, but don't get smart with me.

Mr. SCHOENKE. If the Congressman is going to ask me a question, let me give him, let him have the respect to let me answer the question.

Ms. BORDALLO. All right. Just proceed with the answer.

Mr. SCHOENKE. OK. Our organization, American Hunters and Shooters Association, came about because there are millions of hunters and shooters who are looking for a more responsible approach to hunting and shooting, conservation, and protection of wildlife.

Because of that, we were founded. And we feel that this Bear Act is exactly that: it is the protection of wildlife.

In talking with Mr. Hogan here, while we disagree, we also understand there is a problem here on poaching. That it is very easy to go into small areas within this country and wipe out a bear population. As a hunter and a shooter, I understand that. There is documented evidence to that effect.

So is this a good Act? And we think it is. It is responsible, it is appropriate, and we support it.

Thank you.

Mr. YOUNG. Mr. Hogan, you are speaking from your experience as Deputy Director of U.S. Fish and Wildlife. Would you conclude this bill would assist the Service in filling its highest priority needs?

Mr. HOGAN. No, Mr. Chairman or Mr. Congressman, I would not. The Fish and Wildlife Service Law Enforcement Program does a tremendous job, but I would argue that they are probably well understaffed. And their focus is really on species that are threatened with extinction, threatened or endangered.

Black bears, as you know, are healthy. North American Black Bears are healthy throughout their range. And I really don't believe that this would assist the Fish and Wildlife Service.

And furthermore, as you noted, the Lacey Act, the Federal law that would criminalize any activity that is a violation of state law once it is brought into interstate commerce exists. So the Fish and Wildlife Service has the Federal authority to prosecute any bear that is illegally taken.

And I think the distinction here is that there is a perception that bears are illegally harvested and then sold. By definition, when a bear is poached, it has broken a state law. As soon as it goes into

interstate commerce, it now violates state law and the Lacey Act, so there is state and Federal law able to be brought to bear against anyone who perpetuates that crime.

So I don't believe it would add, give anything to the U.S. Fish and Wildlife Service Law Enforcement Program that they don't already have.

Mr. YOUNG. Mr. Hogan, you are familiar with the WWF TRAFFIC North American report, "In the Black." This report has a number of specific conclusions and recommendations.

Do you recall whether the report recommended enactment of the Federal Bear Protection Act? And why not take this approach?

Mr. HOGAN. They concluded that they did not think Federal legislation in this area was necessary in their report.

Mr. YOUNG. You know, people don't understand why I am excited about this. This would cover every bear killed, legal or poached. And I happen to represent people that have this problem that in fact will transport parts of that bear maybe to the grandma and grandmother, and grandfather and the grandson. I don't know.

But to put them in the case, under this law—now the Lacey Act already covers this—as poached, is inappropriate. We have a tendency to sit in this committee, and people have outside interests organized so they can get a paycheck. But they cannot understand how it affects other people legally. And any bill we pass here, you better darn well make sure that a legally taken bear is not covered under this bill, period. If you do that, then you are imposing again the, I call it the armchair urbanized urbanites on people that live in the rural areas.

I yield back the balance of my time.

Ms. BORDALLO. I thank the gentleman from Alaska, Mr. Young.

There being no further questions, the Chair would now like to thank the panel, the first panel of witnesses, and to welcome the second panel.

Mr. BROWN. Madame Chair.

Ms. BORDALLO. Yes.

Mr. BROWN. I would like to enter into the record the statements in the black.

Ms. BORDALLO. OK. It has been asked that we enter into the record the report, 'In the Black: Status, Management, and Trade of the American Black Bear." There being no objection, so ordered.

[NOTE: The report "In the Black" by Douglas F. Williamson dated April 2002 has been retained in the Committee's official files.]

Ms. BORDALLO. Second panel, will you please be seated? For those observers in the back, would you like to come forward and take a seat here? We have some empty chairs. We like everybody to be seated during our committee hearings. Anywhere, right around this horseshoe here.

Please be seated, everyone. The Chairwoman now recognizes our second panel of witnesses.

Our witnesses on this panel include the following: Mr. Benito Perez, Chief of Law Enforcement, United States Fish and Wildlife Service; Mr. Wayne Pacelle, President and CEO of the Humane Society of the United States; and Mr. Steve Ross, Supervisor of Be-

havioral and Cognitive Research, and Chair of the AZA Chimpanzee Species Survival Plan, from the Lincoln Park Zoo.

I now recognize Mr. Perez to testify for five minutes. And gentlemen, I would note once again for the all the witnesses that the red timing light on the table will indicate when your time concludes. And be assured that your full written statement will be submitted for the hearing record.

This committee does watch the timing light, so please try to check it out. When it is red, your time is up.

Mr. Perez, please begin.

STATEMENT OF BENITO A. PEREZ, CHIEF, LAW ENFORCEMENT, U.S. FISH AND WILDLIFE SERVICE

Mr. PEREZ. Madame Chairwoman and members of the Subcommittee, I am Benito Perez, Chief of the U.S. Fish and Wildlife Service's Office of Law Enforcement. I am pleased to be here to discuss H.R. 5534, the Bear Protection Act of 2008, and H.R. 2964, the Captive Primate Safety Act.

As members of the Subcommittee are aware, the Service is the lead Federal agency for wildlife law enforcement. The strategic goals and objectives of our law enforcement program include preventing unlawful trade of foreign fish, wildlife, and plants, as well as protecting the nation's fish, wildlife, and plants from unlawful exploitation.

The Administration has reviewed H.R. 5534, the Bear Protection Act of 2008. While we appreciate the Subcommittee's interest in ensuring the protection of these important animals, the Administration does not support passage of this legislation.

Under existing laws and treaties, illegal international trade in bear parts and products is prohibited by both the Endangered Species Act and CITES. CITES regulates commerce in species listed in its appendices, and is implemented through the Endangered Species Act.

In the United States the Lacey Act prohibits the interstate transport of bear parts and products when taken in violation of state, tribal, or foreign laws. Nearly all states currently prohibit the sale of black bear viscera, making the Lacey Act in its current form an effective tool for dealing with illegal trade in bear parts.

The Administration has worked consistently under these authorities to ensure that activities in the United States are not contributing to the decline of bear populations worldwide.

American Black Bear populations are stable or increasing throughout virtually the entire natural range of the species. Indeed, under this existing framework, state programs have maintained healthy bear populations here in the United States for some time. For this reason the Administration has long deferred the state management programs, and agrees with the states that no further measures are needed.

H.R. 2964, the Captive Primate Safety Act, would amend the Lacey Act to add nonhuman primates to the definition of prohibited wildlife species. Consistent with our response to similar legislation introduced in the 109th Congress, the Administration does not support this change, and cannot support H.R. 2964.

The Administration's primary concern with H.R. 2964 is the Service's ability to meet the extended enforcement mandate created by this provision. The Service currently enforces the nation's wildlife laws and treaties that are protecting endangered species, marine mammals, and migratory birds. Given the scope of the Agency's conservation mission, the limited manpower available and the need to focus on highest-priority needs, the Service currently concentrates its enforcement efforts on preventing illegal activities that jeopardize the conservation of populations of such protected species.

H.R. 2964 would instead emphasize and expand Service enforcement responsibilities into an area that has historically been the responsibility of state agencies. By including all nonhuman primates in the list of prohibited wildlife species, this bill would also extend the Service's enforcement mandate to policing currently legal activities involving interstate and foreign commerce of captive nonhuman primates. Many of these species may be lawfully used for research and other purposes under the Animal Welfare Act.

In addition, the mechanism created by this bill appears to provide, at least in some instances, coverage that is duplicative of existing law. The Endangered Species Act already prohibits the interstate sale and international trade of many listed nonhuman primates that have been determined to need a high level of protection.

While H.R. 2964 would extend such prohibitions to unregulated species of primate, it would not ban private ownership or intrastate sale of the prohibited species.

In our view, a better approach would be for Congress to work with the Department of Agriculture to identify a suitable way to address any public safety and humane treatment concerns associated with possessing nonhuman primates. Private pet ownership concerns may be best addressed through state laws that currently address these issues.

Section 3 of H.R. 2964 would correct the technical defect discovered by the Service during development of implementing regulations for the Captive Wildlife Safety Act. While the Administration generally supports this change, we do not support the legislation in its current form.

The Service is committed to conserving wildlife, not only in this country, but throughout the world. We welcome the Subcommittee's interest in strengthening U.S. efforts in this arena, and appreciate the opportunity to participate in this hearing.

This concludes my prepared remarks. I would be happy to respond to any questions you may have.

[The prepared statement of Mr. Perez follows:]

Statement of Benito A. Perez, Chief, Law Enforcement, U.S. Fish and Wildlife Service, U.S. Department of the Interior

Madam Chairwoman and Members of the Subcommittee, I am Benito Perez, Chief of the U.S. Fish and Wildlife Service's (Service) Office of Law Enforcement. I am pleased to be here today to discuss H.R. 5534, the "Bear Protection Act of 2008" and H.R. 2964, the "Captive Primate Safety Act."

The Service is the lead Federal agency for wildlife law enforcement, including the enforcement of U.S. laws and treaties that regulate domestic and international wildlife trade. As such, the Service works to curb illegal wildlife trade through inspection activities, investigations, and international liaison and capacity building. The strategic goals and objectives of our Law Enforcement Program include "preventing

the unlawful import/export and interstate commerce of foreign fish, wildlife and plants" and "protecting the Nation's fish, wildlife and plants from unlawful exploitation."

H.R. 5534, the Bear Protection Act of 2008

The Administration has reviewed H.R.5534, the "Bear Protection Act of 2008," which would amend the Lacey Act Amendments of 1981 to prohibit the trade of bear viscera and bear viscera products in both interstate and international trade. The Administration appreciates the Subcommittee's interest in ensuring the protection of these important animals. The Administration does not support passage of the legislation as it is largely duplicative of already existing legal authority.

Under existing laws and treaties, illegal international trade in bear parts and products is prohibited by both the Endangered Species Act (ESA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which regulates commerce in species listed in its appendices and is implemented through the ESA. In the United States, the Lacey Act prohibits the interstate transport of bear parts and products when taken in violation of state, tribal, and foreign laws. State laws and regulations currently prohibit the sale of black bear viscera throughout nearly the entire range of the species, making the Lacey Act in its current form an effective tool for dealing with illegal trade in bear parts.

The Administration has worked consistently under these authorities to ensure that activities in the United States are not contributing to the decline of bear populations nationwide or on a global scale. While American black bear populations are generally stable or increasing throughout most of the natural range of the species, there is one subspecies with small population numbers, the Louisiana Black Bear, that is listed as a threatened species under the Endangered Species Act. Additionally, four states (LA, FL, MS, and TX) have listed the species as rare, threatened, or endangered under state law. The primary threat to these species has been habitat destruction, not poaching for bear viscera. State programs have generally maintained healthy bear populations here in the United States for some time and for this reason, the Administration has long deferred to state management programs, and agrees with the states that no further measures are needed at this time.

H.R. 2964, the Captive Primate Safety Act

H.R. 2964 would amend the Lacey Act to add non-human primates to the definition of "prohibited wildlife species" contained within 16 U.S.C. § 3371(g), expanding upon the Captive Wildlife Safety Act, Public Law No. 108-191, passed by Congress in 2003, which modified the Lacey Act to include any live lion, tiger, leopard, cheetah, jaguar, or cougar species, or any hybrid of such species in the definition of "prohibited wildlife species." The Administration does not support this change, and cannot support H.R. 2964. This position is consistent with our response to similar legislation, H.R. 1329, introduced in the 109th Congress.

The Administration's primary concern is the Service's ability to meet the extended enforcement mandate created by this provision. As noted above, the Service currently enforces the Nation's wildlife laws and treaties that protect endangered species, marine mammals, and migratory birds. Given the scope of the agency's conservation mission, the limited manpower available, and the need to focus on highest priority needs, the Service currently concentrates its enforcement efforts on preventing illegal activities that jeopardize the conservation of wild populations of such protected species. H.R. 2964 would, instead, emphasize and expand Service enforcement responsibilities into an area that has historically been a responsibility of state agencies and which we do not consider to be a wildlife conservation issue. By including all non-human primates in the list of prohibited wildlife species, this bill would also extend the Service's enforcement mandate to policing currently legal activities involving interstate and foreign commerce of captive non-human primates. Many of these species may be lawfully used for research and other purposes under the Animal Welfare Act (AWA). However, private pet ownership is not regulated under the AWA.

In addition, the mechanism created by this bill appears to provide, at least in some instances, coverage that is duplicative of existing law. The ESA already prohibits the interstate sale and international trade of many listed non-human primate species that have been determined to need a high level of protection. While H.R. 2964 would extend such prohibitions to unregulated species of primates, it would not ban private ownership or intrastate sale of the prohibited species. The bill only addresses the interstate and foreign commerce of non-human primates, and does not address public safety and the humane treatment of these animals. In addition, section 3372(e) of the Lacey Act exempts a number of groups and individuals from its prohibitions, further limiting the effectiveness of the legislation.

Prohibiting the interstate transport of legally owned non-human primates would also have several negative consequences. Some individuals with disabilities currently use trained non-human primates as service animals. H.R. 2964 would prohibit these individuals from traveling out of state with their service animals. Additionally, should individuals who legally own non-human primates as pets move out of state, they would be required to leave the animals behind, potentially increasing the number of non-human primates being set free, needing to be placed in appropriate homes, or ending up in the custody of humane shelters and sanctuaries.

In our view, a better approach would be for Congress to work with the Department of Agriculture to identify a suitable way to address any public safety and humane treatment concerns associated with possessing AWA regulated non-human primates through a more suitable legislative vehicle. Private pet ownership concerns may be best addressed through state laws that currently address these issues.

In addition, section 3 of H.R. 2964 would correct a technical defect discovered by the Service during development of implementing regulations for the Captive Wildlife Safety Act. As presently written, the Captive Wildlife Safety Act provisions are a one-step offense within a section of the Lacey Act that presumes two-step violations, making violations of the Captive Wildlife Safety Act provision very difficult to enforce in a court of law. Section 3 of H.R. 2964 addresses this problem by making it unlawful for a person to sell or purchase a live animal of any prohibited wildlife species in interstate or foreign commerce and includes provisions for civil and criminal penalties for violations of the requirements of this Act. While the Administration generally supports this change, for the reasons outlined above we do not support the legislation in its current form.

Conclusion

The Service is committed to it role in the conservation of wildlife, not only in this country but throughout the world. The Service has a long history of proactively addressing international wildlife species conservation, and works with private citizens, local communities, state and Federal agencies, foreign governments, native peoples and non-governmental organizations in promoting coordinated domestic and international strategies to protect, restore, and enhance the world's diverse wildlife and habitats.

The Service will continue working with other nations, international groups, states and Federal enforcement counterparts in this country to combat illegal wildlife trade. We welcome the Subcommittee's interest in strengthening domestic efforts to accomplish this, and appreciate the opportunity to participate in this hearing.

Madam Chairwoman, this concludes my prepared remarks. I would be happy to respond to any questions that you may have.

Ms. BORDALLO. I thank you very much, Mr. Perez, for your testimony.

And now, Mr. Pacelle, welcome. And you can proceed with your testimony.

STATEMENT OF WAYNE PACELLE, PRESIDENT AND CEO, HUMANE SOCIETY OF THE UNITED STATES

Mr. PACELLE. Thank you, Chairwoman Bordallo. And thanks to you and full committee Chairman Rahall for organizing this hearing.

The Humane Society of the United States supports both bills: H.R. 2964 and H.R. 5534.

I will first make a few observations about the Bear Protection Act. Again, we appreciate Congressman Grijalva and Campbell of California for crafting this bill that focuses narrowly on a specific problem in global bear conservation and humane treatment of animals. That is the highly lucrative trade in bear viscera, such as gall bladders and bile.

I think it is very important to just underscore this legislation does nothing to limit states from managing their resident bear populations, establishing bear hunting seasons, or allowing any method of hunting.

Already we are moving to a national consensus on this issue of not promoting poaching by really cracking down on the bear-parts trade. Thirty-four states prohibit the trade in gall bladders, while only five states allow commercialization, and the remainder either have no regulations or allow sale if the bear was killed outside the state.

Addressing the Ranking Member's comments on the last panel, Alaska's Administrative Code notes that, "A person may not purchase, sell, barter, advertise, or otherwise offer for sale or barter any part of a bear, except an article of handicraft made from the fur of a bear." So Alaska is one of those 34 states that prohibits the trade in gall bladders.

It is not just the issue of poaching American Black Bears. Bear viscera and gall bladders look alike from species to species, and it is a global economy that we live in. And these products are used in traditional Chinese medicine, even though there are alternatives, as Congressman Grijalva noted.

The World Society for the Protection of Animals found that illegal bear products were on sale in Boston, Chicago, Los Angeles, New York, San Francisco, and Seattle. The WSPA investigation found that intact gall bladders accounted for 63 percent of the bear products for sale in the U.S., and that one of the gall bladders, allegedly from a wild American Black Bear, sold for $2800.

One out of every six shops visited during the survey sold bear products, and 75 percent of them claimed to have products from China.

I think it is also important to put this in a context of international conservation. At the tenth meeting of the Conference of the Parties to CITES in Zimbabwe, the United States coauthored a resolution on conservation of, and trade in, bears. The resolution passed unanimously, more than 100 nations. And it begins by saying that, "Noting that the continued illegal trade in parts and derivatives of bear species undermines the effectiveness of the Convention, and that if CITES Parties and States not party do not take action to eliminate such trade, poaching may cause declines of wild bears that could lead to the extirpation of certain populations, or even species."

The resolution then says it "urges all parties, particularly bear range and consuming countries, to take immediate action in order to demonstrably reduce the illegal trade in bear parts and derivatives by the 11th meeting of the Conference of the Parties, by, A, confirming, adopting or improving their national legislation to control the import and export of bear parts and derivatives, ensuring that the penalties for violations are sufficient to deter illegal trade."

So I would submit to you, Madame Chairwoman, that the Bear Protection Act before us today is national legislation that meets this international goal.

I want to address the comments from the Fish and Wildlife Service briefly, about this being a burden on the Fish and Wildlife Service and its Division of Law Enforcement.

This is simply another tool that the Fish and Wildlife Service and its special agents can use if they choose. There is no obligation

to take X number of cases, or to divert any resources. This is entirely a discretionary law enforcement action.

I also want to say that this whole idea of having a complementary law with the states, we have ample precedent in this Congress. The Congress has adopted legislation to combat the interstate transport of fighting animals. Even at a time when a number of states still permitted, still allowed illegal animal-fighting activities, the Federal government established a bright-line policy to say that that practice is wrong.

Well, it is wrong to kill bears for their gall bladders and their bile. This has nothing to do with hunting; it is an anti-poaching measure. And I am frankly astonished that anyone would support the position that it is OK to trade in bear gall bladders.

Now my time has nearly elapsed, Madame Chairwoman. I do want to just briefly say that the Captive Primate Safety Act is one that we support. We associate ourselves with the comments from Dr. Goodall, and also the AVMA. Keeping wild animals as pets is generally a bad idea. They are not domesticated to live in our environments. They come with many behavioral and emotional complexities, physical challenges. And to have them in our backyards and basements typically results in inhumane treatment of these animals.

The public safety risks do not just relate to the disease transmission issues, which are more prevalent because of the similarity of primates to humans; but also their physical strength, their biting ability. Why have these animals in our midst if we can check the success? People can have dogs and cats, they make wonderful companions. We don't need chimpanzees and macaques in our homes and in our communities that threaten people.

Thank you very much.

[The prepared statement of Mr. Pacelle follows:]

Statement of Wayne Pacelle, President and Chief Executive Officer, The Humane Society of the United States

Thank you Chairwoman Bordallo and members of the Subcommittee for the opportunity to testify in support of both bills being considered today—H.R. 5534, the Bear Protection Act of 2008, introduced by Representatives Raúl Grijalva and John Campbell, and H.R. 2964, the Captive Primate Safety Act, introduce by Representatives Eddie Bernice Johnson and Mark Kirk. I am Wayne Pacelle, president and CEO of The Humane Society of the United States (HSUS), the nation's largest animal protection organization, backed by 10 million Americans—one out of every 30.

This bear protection testimony is also offered on behalf of the Bear Working Group of the Species Survival Network and Animals Asia, while the full testimony supporting both bills is also offered on behalf of Born Free USA.

Bear Protection Act

Overview

For more than a decade, HSUS has investigated the national and international trade in bear parts, specifically the gallbladders and bile. The demand for bear viscera across America and in other countries drives bear poaching and the illegal trade in bear parts, and ultimately puts endangered bear species at great risk. Bear parts and derivatives are used in traditional medicines and, increasingly, luxury cosmetic items.

The United States has an especially important role to play in bear conservation since it is both a bear range state and a nation with residents who consume bear parts.

Congressmen Grijalva and Campbell have crafted a bill that focuses narrowly on a specific problem in global bear conservation: the highly lucrative trade in bear viscera such as the gallbladders and bile that is principally in demand in the enor-

mously large Asian communities at home and abroad. The legislation does nothing to limit states from managing their resident bear populations, establishing bear hunting seasons, or allowing any method of hunting.

This is not the first time the Congress has considered this legislation. The Senate passed very similar legislation on two occasions, and in the 107th Congress, the House version of the bill, then authored by Representative Elton Gallegly, attracted nearly 200 cosponsors.

Legal Loopholes in the United States

The Bear Protection Act creates sound national policy against the trade in bear gallbladders and bile. The absence of federal legislation prohibiting trade in bear parts allows an interstate and international illegal trade to flourish. We should not allow poachers and smugglers to exploit the current inconsistencies in state laws and profit from the sale of bear parts.

Currently, individual states have laws to restrict illegal trade. There are 34 states that prohibit the trade in bear gallbladders, while only five states allow commercialization and the remainder either have no regulations or allow sale if the bear was killed outside the state. This legal discrepancy from state to state creates legal ambiguities that complicate enforcement, and these are the openings that poachers and other bear parts sellers exploit. The Bear Protection Act would close loopholes and establish a national policy discouraging bear poaching and curbing the bear parts trade.

A number of states represented by members of this committee have strong laws concerning commercialization of bear parts. For example:

- Alaska's Administrative Code notes that a "person may not purchase, sell, barter, advertise, or otherwise offer for sale or barter: (1) any part of a bear, except an article of handicraft made from the fur of a bear."
- California's Fish and Game Code includes a provision stating that "it is unlawful to sell or purchase, or possess for sale, the meat, skin, hide, teeth, claws, or other parts of any bear in this state" and that "the possession of more than one bear gall bladder is prima facie evidence that the bear gall bladders are possessed for sale."
- In Virginia it is unlawful to "offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law."

Despite these strong state laws, poaching of bears and illegal commercialization of bear gallbladders persists, though its precise scale is unknown because of the secretive nature of the trade and of poaching in general.

In one case that illustrates the value of the Bear Protection Act, an individual in Alaska was offered bear parts by a man in Idaho where commerce is legal. She agreed to buy them, sent payment, and was arrested when she went to the airport to collect her purchase. Although all of the Alaska resident's actions related to this unlawful purchase were committed within the state, the case was ultimately dismissed because the "legal site" of the purchase was not clearly defined.

The Alaska Attorney General's office concluded that this decision "will lead to the inevitable result of encouraging individuals to unlawfully take bears in Alaska, take them outside to places like Idaho where the sale of bear parts is still legal, and sell them to purchasers in Alaska through out-of-state strawmen. This is the very kind of conduct the legislature and Board of Game intended to prevent....This does not further the administration of justice."

As recently as December 2007, a San Diego man was arrested for commercializing bear gallbladders. California Department of Fish and Game Chief of Enforcement Nancy Foley said in an official statement, "The lucrative profits derived from the illegal trade of bear products, most notably bear gall bladders, entice poachers who risk felony convictions."

Members of the Subcommittee may also be familiar with Operation SOUP and Operation VIPER in the Shenandoah Mountains and the large number of people involved in a sophisticated multi-state bear gallbladder smuggling operation. These operations uncovered the movement of bear galls from Virginia to the District of Columbia, Maryland, New York, West Virginia, and South Korea. At the time, Virginia prohibited trade, while West Virginia allowed the trade (as did the District and New York). After these cases made national headlines, West Virginia prohibited commercialization of bear gallbladders.

Similar cases of bears being poached for their gallbladders have been uncovered throughout the nation, but we believe enforcement personnel have been able to interdict just a small portion of the trade.

The bear parts trade in the United States does not just involve the poaching of American black bears, a species that is clearly not endangered. It may also involve

the illegal importation of bear gallbladders or bile from highly endangered bears in Asia.

A 2006 investigation by our colleagues at the World Society for the Protection of Animals found that illegal bear products were on sale in Boston, Chicago, Los Angeles, New York, San Francisco, and Seattle. Some of these states ban the commercialization; some allow it; and Illinois has no regulation.

The WSPA investigation found that intact bear gallbladders accounted for 63 percent of the bear products for sale in the U.S. and that one of the gallbladders, allegedly from a wild American black bear, sold for $2,800. One out of every six shops visited during the survey sold bear products, and 75% of them claimed to have products from China.

While the North American black bear population is healthy, and in most places stable to increasing, there is also clear evidence that bears are poached for their gallbladders and bear parts are being illegally smuggled from state to state and sold for profit.

There is incentive to kill bears illegally in one state because individuals can then sell the parts legally in another state—circumventing prohibitions on sale that exist in a large majority of states and undermining the effectiveness of state laws. State wildlife agencies and district attorneys' offices are hindered in investigating and prosecuting bear poaching and gallbladder trade cases by this patchwork of state laws. Passage of the BPA will create a consistent legal framework that will help reduce the number of bears poached globally to supply the trade.

Meeting Our International Responsibilities

All eight extant bear species are listed under the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The spectacled bear (Tremarctos ornatus), Asiatic black bear (Ursus thibetanus), sun bear (Helarctos malayanus), sloth bear (Melursus ursinus), giant panda (Ailuripoda melanoleuca) and some subspecies of brown bear (Ursus arctos) are listed on CITES Appendix I, thus prohibiting international commercial trade in their parts and products.

Other species, including the polar bear (Ursus maritimus), some brown bear populations, and the American black bear (Ursus americanus), are listed on Appendix II which means some international trade in their parts and derivatives can occur, under very specific regulations.

At the 10th meeting of the Conference of the Parties to CITES in Zimbabwe, the United States co-authored a Resolution on "Conservation of and Trade in Bears." The Resolution, passed unanimously, begins by:

> "NOTING that the continued illegal trade in parts and derivatives of bear species undermines the effectiveness of the Convention and that if CITES Parties and States not-party do not take action to eliminate such trade, poaching may cause declines of wild bears that could lead to the extirpation of certain populations or even species."

The resolution then:

> "URGES all Parties, particularly bear range and consuming countries, to take immediate action in order to demonstrably reduce the illegal trade in bear parts and derivatives by the 11th Meeting of the Conference of the Parties, by: a) confirming, adopting or improving their national legislation to control the import and export of bear parts and derivatives, ensuring that the penalties for violations are sufficient to deter illegal trade."

The Bear Protection Act is national legislation that meets this international goal.

Conclusion

The passage of this legislation is not a burden upon the Fish and Wildlife Service and its Division of Law Enforcement, but another tool that special agents can use as they see fit. They have discretion in the cases they choose to pursue, and the enactment of that measure does not change the equation for them.

The states have major responsibilities here, and the enactment of the Bear Protection Act will serve as a complement to their own enforcement efforts. It is a similar in concept to the enactment by Congress of a federal law years ago to restrict the interstate trade in fighting dogs and birds, even though at the time that the Congress passed that original measure, some states still allowed animal fighting.

The world sadly watched for decades as the trade in elephant ivory, rhino horn, and tiger bone contributed to the precipitous decline of these species throughout their range. Now, bears are also targeted, and the threat is tangible, especially given the size of the national and global markets for bear parts. Trading in bears parts is not part of the hunting industry, and frankly it's not a legitimate industry. The Congress should give it no leniency.

Captive Primate Safety Act

I'd like now to turn my attention to the Captive Primate Safety Act, which seeks to promote animal welfare and protect public health and safety by prohibiting interstate commerce in monkeys, chimpanzees, and other primates as pets. A companion bill in the Senate (S. 1498) was approved by the Senate Committee on Environment and Public Works in July 2007.

Simply put, primates are wild animals and should not be pets. They can inflict serious injuries and spread life-threatening disease, and the average pet owner cannot provide the care they need in captivity.

About 20 states prohibit keeping primates as pets, and many of the rest require a permit. In addition, importing primates into the United States for the pet trade is prohibited because of the health risks. Still, an estimated 15,000 primates are in private hands, and they are readily available for purchase from exotic animal breeders and dealers and even over the Internet. Because many of these animals move in interstate commerce, federal legislation is needed to complement state laws.

The Captive Primate Safety Act will amend the Lacey Act by adding nonhuman primates to the list of animals who cannot be transported across state lines as pets. It does for primates what the Captive Wildlife Safety Act—which Congress passed unanimously in late 2003—did for lions, tigers, and other big cats. It also includes technical corrections to facilitate enforcement of the big cat and primate measures.

The legislation has been narrowly targeted to the pet trade. It has no impact on zoos, research, or responsible wildlife sanctuaries. The bill addresses the trade and transportation of these animals by untrained individuals. With the passage of this legislation, it will no longer be legal to attend an exotic animal auction in another state and bring home a pet monkey, or order one across state lines over the Internet.

Threat to Animal Welfare

Nonhuman primates kept in captivity need housing in large enclosures, the companionship of other nonhuman primates, and a stimulating environment—in short, the kind of environment provided by their natural habitat. The average pet owner cannot meet these needs.

The images in the media of monkeys and chimpanzees, sometimes dressed in human clothing and living as members of human families, present an entirely unrealistic picture of what keeping a primate requires. Primates isolated from their own kind and out of their native environments suffer physical and behavioral problems. Squirrel monkeys in the wild spend most of their time in treetops, rarely coming to the ground, in sharp contrast to life in a human home.

In the wild, female primates share a very strong bond with their young. Newborn tufted capuchins may cling to their mothers for weeks, remain in constant contact for months, and live in family groups for years.[1] Primates in the pet trade may be taken from their mothers when they are just weeks or even days old. In the hands of primate breeders, breeding females are subjected to this loss again and again.

When they fail to meet their owner's expectations, pet primates are often subjected isolation and neglect, and owners may turn to brutal means to try to control them. Some owners resort to removing the animal's canine teeth—a practice the United States Department of Agriculture considers a violation of the Animal Welfare Act for animals kept in zoos[2]—but even that doesn't prevent injury.

Primates are long-lived. A chimpanzee who becomes too difficult to handle at age eight might live another 50 years. There are few options for placing these animals. Primates who are hand-raised by humans are deprived of appropriate models for their natural behaviors; it can be impossible to rehabilitate them to live with others of their kind. Reputable sanctuaries that can provide the requisite care are at or near capacity. Pet primates may end up confined to small cages, sold to substandard menageries, or back in the cycle of breeding and adding to the exotic animal trade.

Threat to Public Safety

While infant primates may seem easy to manage, they inevitably grow stronger and more aggressive. Chimpanzees become many times stronger than humans and extremely difficult to handle. Even small monkeys can inflict serious harm by biting and scratching.

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[1] Gron, Kurt, "Primate Factsheets: Tufted capuchin (Cebus apella) Behavior," April 10, 2007. http://pin.primate.wisc.edu/factsheets/entry/tufted_capuchin/behav accessed March 4, 2008.

[2] USDA Animal Care, "Information Sheet on Declawing and Tooth Removal," August 2006. http://www.aphis.usda.gov/animal_welfare/downloads/big_cat/declaw_tooth.pdf accessed March 4, 2008.

At least 100 people—including 29 children—were injured by captive primates over the past ten years; many more incidents likely occurred but went unreported. From 1990 to 1992 alone, 28 people reported non-occupational macaque bites to the Centers for Disease Control and Prevention.[3] A list of recent incidents is attached as Appendix 1.

Children are particularly vulnerable to attack because primates view them as lower in social hierarchy, but adults are also at risk. Primates can move with great speed and agility—patas monkeys are said to reach speeds of 30 miles an hour. A 20-pound monkey can quickly overwhelm a 200-pound man, according to a 2006 Health Advisory issued by the Missouri Department of Health and Senior Services.[4] The advisory is attached as Appendix 2.

Chimpanzees used in television and film are routinely retired from show business around eight years of age. Once they are past adolescence, even experienced trainers are unable to control them. In 2005, a California man was severely mauled by two chimpanzees formerly used in entertainment who escaped their enclosure at an exotic animal facility. After months in a medically induced coma and a dozen surgeries, he still faced a long road to recovery.

Primates are renowned escape artists. In this case, the caretaker left two of the three doors holding the animals in their enclosure open, but claimed she locked the third barrier—a wire mesh trapdoor held in place by a 4-inch pin about an arm's length from the chimps—which the chimpanzees were able to open.

In just the past few weeks, in Washington state a monkey reportedly figured out how to open the door to his new home when the owners weren't there. The monkey bit three people before being recaptured. In Arizona, a three-year-old boy was bitten on his wrist, possibly down to the bone, by a lemur his family had gotten only two weeks before.

Threat to Public Health

Primates can harbor diseases and parasites that can be transmitted to humans. These include viral diseases (such as herpes B, hepatitis, and monkeypox), bacterial diseases (such as tuberculosis, salmonella, and shigella), fungal diseases (such as ringworm), intestinal protozoans and worms, and external parasites.[5]

The National Association of State Public Health Veterinarians (NASPHV) recommends prohibiting primates in exhibit settings where there is a reasonable possibility of contact with the animals in its Compendium of Measures to Prevent Disease Associated with Animals in Public Settings, 2007.[6] Public contact is especially likely when primates are kept as pets and transported into public settings.

Due to the many health risks nonhuman primates pose, both known and unknown, the importation of primates into the United States for the pet trade has been prohibited since 1975. Primates may be imported for research purposes and must undergo a quarantine period in order to detect evidence of disease.

Despite these laws, nonhuman primates may be smuggled into the country illegally. In August 2007, a man flew from Peru to Florida, where he waited several hours for a connecting flight to New York. It wasn't until he was aboard the flight to New York that passengers noticed the man had a live marmoset under his hat. The legal trade provides cover the illegal movement of these animals.

The staffs of research facilities and accredited zoos are trained to avoid contact with nonhuman primates. Pet owners take these animals to the park and the grocery store. Two children were bitten by a pet macaque at a Missouri park in September 2007, and a clerk at a North Carolina convenience store was bitten by a pet monkey brought in by a customer in December 2007. In both cases, the owners ran off with the animals before they could be tested for disease.

> "Nonhuman primates, by virtue of their genetic, physiologic, and sometimes social similarities to humans, are particularly likely sources of infectious

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[3] Ostrowski, Stephanie R. et al., "B-virus from Pet Macaque Monkeys: An Emerging Threat in the United States?" Emerging Infectious Diseases, Vol. 4, No. 1, January - March 1998. http://www.cdc.gov/ncidod/eid/vol4no1/ostrowsk.htm accessed March 4, 2008.

[4] "Health Advisory: Dangers Associated With Keeping Primates as Pets," Missouri Department of Health and Senior Services, October 6, 2006. www.dhss.mo.gov/BT__Response/HAdPrimates10-6-06.pdf accessed March 4, 2008.

[5] Renquist, David M. and Robert A. Whitney, Jr., "Zoonoses Acquired From Pet Primates," Veterinary Clinics of North America: Small Animal Practice 17 (1) 219-240, 1987. http://pin.primate.wisc.edu/aboutp/pets/zoonoses.html accessed March 4, 2008.

[6] "Compendium of Measures to Prevent Disease Associated with Animals in Public Settings, 2007," National Association of State Public Health Veterinarians, Inc., published in the CDC's Morbidity and Mortality Weekly Report, July 4, 2007. http://www.cdc.gov/mmwR/preview/mmwrhtml/rr5605a1.htm accessed March 4, 2008.

agents that pose a threat to humans," according to research published by the Centers for Disease Control and Prevention (CDC).[7]

The following zoonotic disease threats can originate in primates.

Herpes B Virus

Herpes B virus is present in most adult macaques, though they may not display any symptoms. Transmission to humans has been rare, but humans who develop clinical signs of Herpes B virus have a very high mortality rate without immediate treatment. CDC research concludes: "The extremely high prevalence of B-virus along with their behavioral characteristics make the macaque species unsuitable as pets."[8] Herpes B virus also has been found in capuchins,[9] patas monkeys,[10] and a colobus monkey[11] who were housed near macaques.

The risk from Herpes B is evident from the experience in biomedical research. A worker at Yerkes National Primate Research Center in Georgia died from a Herpes B infection after body fluid from a macaque splashed into her eye in 1997. In December 2005, a five-year-old girl in the Philippines reportedly was bitten by a neighbor's pet macaque, contracted an infection, and died within days.

Even if primates test negative for disease, professional animal facilities handle them as though they are a disease threat. Macaques at the Maryland Zoo in Baltimore tested negative for Herpes B year after year, until one tested positive.

Pet buyers and public health officials may be unaware of the danger. In 2006, an Ohio man purchased a pet macaque from a woman in Idaho who had advertised the monkey for sale on the Internet. On the first day, the man was bitten while trying to feed the monkey. It was only after the bite that he and local health authorities learned about the risk of Herpes B.

Simian Foamy Virus

Simian foamy virus is a retrovirus that infects a range of nonhuman primates. According to Canadian health authorities, about 70 to 90 percent of nonhuman primates born in captivity have SFV.[12] In 2006, in light of the potential risk of SFV and as yet unidentified simian viruses, Canada prohibited blood donations by people who ever took care of or handled monkeys or their body fluids on a regular basis in their jobs.

A case has been documented in Asia of SFV transmission from free-roaming macaques to a person. To date SFV has not resulted in illness in humans, but researchers conclude that further study is needed into SFV transmission in other contexts, including pet ownership. "The demonstration of SFV transmission in the context of a monkey temple in Bali points to a broad public health concern: other enzootic primate infectious agents may cross the species barrier and cause significant morbidity and mortality in human populations," they say.[13]

Tuberculosis

Human and nonhuman primates share susceptibility to wide array of bacterial agents including bacteria that causes tuberculosis. Monkeys imported for research, particularly from countries with a high incidence of the disease, have been found

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[7] Jones-Engel, Lisa et al., "Primate-to-human retroviral transmission in Asia" Emerging Infectious Diseases, Vol. 11, No. 7, July 2005. http://www.cdc.gov/ncidod/Eid/vol11no07/04-0957.htm accessed March 4, 2008.

[8] Ostrowski, Stephanie R. et al., "B-virus from Pet Macaque Monkeys: An Emerging Threat in the United States?" Emerging Infectious Diseases, Vol. 4, No. 1, January - March 1998. http://www.cdc.gov/ncidod/eid/vol4no1/ostrowsk.htm accessed March 4, 2008.

[9] Coulibaly, C. et al., "A natural asymptomatic herpes B virus infection in a colony of laboratory brown capuchin monkeys (Cebus apella)," Laboratory Animals, Vol. 38, No. 4, October 2004, 432-438(7). http://www.ingentaconnect.com/content/rsm/lab/2004/00000038/00000004/art00011 accessed March 4, 2008.

[10] Wilson, Ronald B. et al., "Fatal Herpesvirus simiae (B virus) infection in a patas monkey (Erythrocebus patas)," J Vet Diagn Invest 2:242-244 (1990) http://jvdi.org/cgi/reprint/2/3/242.pdf accessed March 4, 2008.

[11] Loomis, M.R. et al., "Fatal herpesvirus infection in patas monkeys and a black and white colobus monkey" (abstract), J Am Vet Med Assoc., 1981 Dec 1;179(11):1236-9. http://www.ncbi.nlm.nih.gov/sites/entrez?db=pubmed&uid=6276349&cmd'showdetailview accessed March 4, 2008.

[12] Health Canada, "Fact Sheet—Simian Foamy Virus," July 26, 2006. http://www.hc-sc.gc.ca/dhp-mps/brgtherap/activit/fs-fi/fact__simian__foamy__virus__spumeux__simien__feuillet__e.html accessed March 4, 2008.

[13] Jones-Engel, Lisa et al., "Primate-to-human retroviral transmission in Asia" Emerging Infectious Diseases, Vol. 11, No. 7, July 2005. http://www.cdc.gov/ncidod/Eid/vol11no07/04-0957.htm accessed March 4, 2008.

to be carrying tuberculosis.[14] Tuberculosis also can be transmitted from humans to nonhuman primates, and it can be fatal to them.

Wild Animals Belong in the Wild

Because of the serious risk of disease transmission combined with the likelihood of escapes and attacks, keeping primates as pets threatens public health and safety. It also threatens the welfare of the animals. These social, intelligent animals should not be separated from others of their kind, forced to live in unsuitable environments, and confined in small cages to sequester these dangerous animals from people.

We understand people's fascination with primates because they seem so much like us. But unlike cats and dogs—domesticated over thousands of years and dependent upon us for shelter and care—primates are wild animals. No amount of training or human affection will change their basic instincts. Because of their genetic similarity to us, they are ideal hosts for passing zoonotic diseases to people. For all of these reasons, they belong in the wild, not in our backyards and basements.

This legislation will not prohibit keeping primates as pets, but by prohibiting interstate movement it will discourage the trade and help protect the animals and the community. This measure, like the Bear Protection Act, is a complement to state laws on the topic and sets a bright-line national policy that keeping primates as pets is unacceptable. We urge support for both measures.

Appendix 1

Recent Primate Incidents Demonstrate Risks To Public Health and Safety, Animal Welfare

February 2008 (Arizona): A 3-year-old was bitten by a lemur his family got two weeks before.

February 2008 (Washington): A pet monkey escaped from a home and bit three people before being recaptured.

December 2007 (North Carolina): A woman working at a convenience store was bitten by a pet monkey brought in by a customer; the customer then ran out of the store with the monkey.

September 2007 (Missouri): Two children were bitten by a pet macaque monkey at a park. The woman who owned the monkey ran off with the animal. Macaques often carry Herpes B virus, and research published by the CDC concludes the health risk makes them unsuitable as pets.

August 2007 (Wisconsin): A woman was bitten by a monkey a man had on a leash; the monkey later escaped and was on the loose for several hours before being recaptured and quarantined.

June 2007 (Vermont): State game wardens seized two monkeys and charged a man with having them illegally. Officials said the animals were moved from place to place and kept in small cages.

April 2007 (Mississippi): A federal agent approached a home and was attacked by a macaque.

February 2007 (Michigan): A 3-year-old was scratched by a macaque being housed at a pet shop.

January 2007 (Louisiana): An 8-year-old boy got rabies shots after being bitten by a pet lemur.

October 2006 (Ohio): A man was bitten by a pet macaque monkey he received that day from an Idaho woman who had advertised the animal for sale on the Internet.

August 2006 (Tennessee): A woman was buckling her 3-year-old granddaughter into a car seat when a neighbor's monkey jumped into the car and attacked the girl, who needed stitches.

August 2006: (Illinois): A pet monkey escaped from a cage and severely bit a teenager.

March 2006 (Louisiana): A pet bonnet macaque escaped from a cage and attacked a 2-year-old boy across the street. The boy received rabies prevention treatments.

March 2006 (Texas): A pet monkey bit a person and was euthanized to test for disease.

November 2005 (Arizona): A pet monkey escaped from a cage and tore though a neighbor's birthday party, biting two children.

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[14] "Tuberculosis in Imported Nonhuman Primates—United States, June 1990-May 1993" Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report, 42(29);572-576, July 30, 1993. http://www.cdc.gov/mmwr/preview/mmwrhtml/00021299.htm accessed March 4, 2008.

August 2005 (Tennessee): A pet monkey escaped or was stolen; anyone spotting the monkey was warned not to make eye contact because the owner said the animal would bite.

July 2005 (Ohio): A pet macaque escaped from an enclosure, jumped into a truck, bit a man, and fled.

May 2005 (West Virginia): A 13-year-old girl was bitten by a pet monkey a woman had on a leash at a shopping center.

March 2005 (California): A man was brutally mauled by two chimpanzees who escaped their enclosure at an exotic animal facility.

Appendix 2

"Health Advisory: Dangers Associated With Keeping Primates as Pets," Missouri Department of Health and Senior Services, October 6, 2006

Missouri Department of Health & Senior Services

Health Advisory:

Dangers Associated With Keeping Primates as Pets

October 6, 2006

This document will be updated as new information becomes available. The current version can always be viewed at http://www.dhss.mo.gov

The Missouri Department of Health & Senior Services (DHSS) is now using 4 types of documents to provide important information to medical and public health professionals, and to other interested persons:

Health Alerts convey information of the highest level of importance which warrants immediate action or attention from Missouri health providers, emergency responders, public health agencies, and/or the public.

Health Advisories provide important information for a specific incident or situation, including that impacting neighboring states; may not require immediate action.

Health Guidances contain comprehensive information pertaining to a particular disease or condition, and include recommendations, guidelines, etc. endorsed by DHSS.

Health Updates provide new or updated information on an incident or situation; can also provide information to update a previously sent Health Alert, Health Advisory, or Health Guidance; unlikely to require immediate action.

Office of the Director
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Jefferson City, MO 65102
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Fax: (573) 751-6041
Web site: http://www.dhss.mo.gov

Health Advisory
October 6, 2006

FROM: **JULIA M. ECKSTEIN**
DIRECTOR

SUBJECT: **Dangers Associated With Keeping Primates as Pets**

The Missouri Department of Health and Senior Services (DHSS) strongly discourages persons from having any primate, including any type of monkey, as a pet. DHSS issued a News Release on October 6, 2006, entitled, "State Health Department Releases Health Advisory Urging Missourians Not to Keep Monkeys as Pets," which is reproduced beginning on the next page. It provides specific information on the problems that primate owners will face, including the potential for exposure to serious infectious diseases, and it also describes the harm that can come to the animal when people attempt to treat it as a pet.

The purpose of this Health Advisory is to ensure that medical and public health professionals are aware of the very significant health and safety issues associated with contact with primates. While the exact number of privately owned primates is unknown, their popularity as pets has increased, and any medical provider could have, among his or her patients, individuals who have close contact with these animals.

Primates, especially as they mature, become very unpredictable, and potentially extremely aggressive in their behavior. They have, with their teeth and nails, the ability to inflict very serious, and in rare instances potentially fatal, injuries.

Primates also carry numerous infectious agents and parasites that are transmissible to humans. As a consequence, persons in close contact with these animals could potentially be at risk for acquiring a number of viral diseases (e.g., rabies, hepatitis, B virus encephalomyelitis, monkeypox, viral hemorrhagic fevers), bacterial diseases (e.g., salmonellosis, shigellosis, tuberculosis), and fungal diseases (e.g., candidiasis, ringworm), as well as diseases caused by intestinal protozoans and worms, and infestations with external parasites such as lice, mites, and fleas. (For a detailed discussion of the zoonoses associated with primates, see http://pin.primate.wisc.edu/aboutp/pets/zoonoses.html)

One agent of particular concern is B virus, or *Cercopithecine herpesvirus* 1, which is found in virtually all adult macaque monkeys, including rhesus macaques, pig-tailed macaques, and cynomolgus monkeys. (Other primates pose no known risk for B virus infection unless they have had the opportunity to acquire B virus directly from a macaque.) Infected monkeys usually have no or mild symptoms, but in humans, B virus infection can result in a fatal encephalomyelitis. Though B virus disease in humans is extremely rare, it has often resulted in death (an estimated 80% of untreated patients die, and neurologic sequelae are common in survivors). Transmission of B virus typically occurs through bites, scratches, or mucocutaneous exposure to the tissues or secretions of infected macaques. It has been noted that when potentially seropositive macaques have been "domesticated" as pets, opportunities for exposure to B virus are frequent. Persons who have been bitten by a macaque or had other potentially significant exposures should be evaluated promptly by a physician. Note that the most important action in a case of potential exposure to B virus is to immediately and thoroughly cleanse the wound or exposure site. An exposed person should be instructed to immediately cleanse the affected area for at least 15 minutes. Potentially exposed skin should be washed with povidone iodine, chlorhexidine, or detergent soap. In addition to being washed, wounds may be gently massaged to increase their contact with the cleansing solution. Eyes or mucous membranes potentially exposed to B virus should be irrigated immediately with sterile saline solution or water for 15 minutes.

If the exposure is believed to warrant prophylactic treatment with antiviral agents, this treatment must be started within 24 hours of the exposure to maximize the chances that it will be effective. Specific recommendations for patient evaluation, treatment, and prevention have been developed by a working group formed by the Centers for Disease Control and Prevention (CDC). These recommendations are available at http://www.cdc.gov/ncidod/diseases/BVIRUS.pdf. Consultation regarding the evaluation and clinical management of potentially exposed persons is available from DHSS's State Public Health Veterinarian, Dr. Howard Pue, at (800) 392-0272. Additional information on B virus infection from CDC's National Center for Infectious Diseases can be found at http://www.cdc.gov/ncidod/diseases/bvirus.htm. Information regarding diagnostic testing of patients and primates following an exposure incident, as well as additional educational resources, are available from Georgia State University's National B Virus Resource Center at http://www2.gsu.edu/~wwwvir.

Medical professionals who have primate owners as patients are encouraged to discuss with these individuals the very real disadvantages and dangers of trying to keep these animals as pets, and to strongly recommend that they have the animals humanely euthanized or sent to a reputable sanctuary.

Any questions, and any requests for further information or consultation, should be directed to DHSS's State Public Health Veterinarian, Dr. Howard Pue, at (800) 392-0272.

Additional sources of information:

1. Primate Info Net, Library and Information Service, National Primate Research Center, University of Wisconsin – Madison. http://pin.primate.wisc.edu/aboutp/pets.
2. The Humane Society of the United States, *Fact and Fiction: Monkeys and Apes as Pets*. http://www.hsus.org/wildlife/issues_facing_wildlife/should_wild_animals_be_kept_as_pets/fact_and_fiction_monkeys_and_apes_as_pets.html.
3. Association of Zoos and Aquariums, Acquisition and Disposition Policy, Paragraph V.2, Regarding Disposition of Primates. http://www.aza.org/AboutAZA/ADPolicy.

NEWS RELEASE
MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
October 6, 2006

State Health Department Releases Health Advisory Urging Missourians Not to Keep Monkeys as Pets

The Missouri Department of Health and Senior Services (DHSS) today released a general health advisory describing the risks of owning monkeys and other non-human primates. The department strongly discourages Missourians from keeping primates as pets.

According to Dr. Howard Pue, State Public Health Veterinarian, private ownership of monkeys, apes, and "lower primates" such as bushbabies is not uncommon in Missouri and a number of other states. Dr. Pue said the trade in these animals is largely unregulated, so the exact number of privately owned primates is unknown. However, their popularity as "pets" has increased because they are intelligent and have some human-like characteristics, and because they have been portrayed in movies and on television as cute, harmless, and adaptable to human social settings.

Dr. Pue said the view that primates are harmless and can be raised like humans is a gross misconception, since they are capable of inflicting tremendous physical damage and transmitting numerous infectious diseases to people.

"Most people who acquire primates as pets do so as a whim or out of curiosity, not realizing the dangers they and their families might face," Dr. Pue said. "Documented cases describe people who sustained horrible physical wounds inflicted by the long canine teeth and weapon-like nails of primates who turned on them. It's just a bad idea for the average Missourian to own a monkey," he added.

Dr. Pue noted that infant primates are docile and tractable, as any young animal tends to be. But captive primates will begin to ascend the social structure of their human family as they mature, just as they would in the wild, where they normally congregate in groups with a strict social hierarchy. Primates, by virtue of their strength and ability to inflict damage with teeth and nails, soon achieve supremacy over children in the family social order. Even adults are no match for a mature primate – a 20 pound monkey can quickly overwhelm a 200 pound man. Captive breeding and hand rearing will not eliminate the need for the primate to climb the social order – it is "hard wired" into their genetic makeup.

Along with physical threats, primates carry many infectious diseases and parasites that can be transmitted to humans. These include viruses (e.g., measles, rabies, Marburg, Ebola, hepatitis), bacteria (e.g., tuberculosis, salmonella, shigella), fungi (e.g., candidiasis, ringworm), intestinal protozoans and worms, and external parasites such as lice, mites, and fleas. Of particular note is the herpes B virus, which is found in virtually all adult macaque monkeys, although any monkey housed with a macaque can contract and carry the virus. Infection with this virus in the various species of macaques, which include the common rhesus and cynomolgus monkeys, usually results in no apparent disease.

Infected monkeys often give a negative laboratory test, since the virus can "hide" in the body. However, the virus can be present in the saliva and other fluids of the monkey, and poses a severe health threat to anyone bitten by this animal. Infection in humans may result in ascending encephalomyelitis (inflammation of the brain and covering membranes). While herpes B virus has only been documented in about 40 people, 80 percent of them died from the infection. The Centers for Disease Control and Prevention recommends that a macaque bite – or exposure of the eyes, nose, mouth, or broken skin to saliva from a macaque – be treated as an emergency situation. The person must be evaluated by a physician and treated with anti-viral agents within 24 hours of the bite to maximize the chance that treatment will be effective.

Added to significant physical and health threats, primates can also be difficult and very expensive to keep for various reasons, according to Dr. Pue. By the time a primate reaches sexual maturity (which varies greatly by species, but averages four to eight years of age), it has developed many undesirable or even dangerous traits.

"Primates generally cannot be 'housebroken,' and may relieve themselves anywhere at anytime. They are very uninhibited animals that may engage in natural activities that are embarrassing for people," said Dr. Pue. Dr. Pue said primates also become extremely unpredictable, often lashing out with teeth and nails with no warning when frightened, surprised, or frustrated. Unlike a domesticated animal such as a dog, primates perceive punishment as a threat and often respond through physical retaliation.

"I may be painting an unpleasant picture, but I hope to provide people with a realistic view of what owning a primate can mean, hopefully before they buy one," Dr. Pue said.

Primates may live from 30 to 60 years, which places a tremendous burden on the owner. Once the animal has grown beyond the "cuddly" stage and become unmanageable, owners may abuse it or keep it locked in a cage, which usually makes the situation worse. Getting rid of a troublesome primate is generally difficult, since most zoos do not accept them and reputable sanctuaries are at or near capacity.

Private ownership of primates is expensive (stringent dietary needs, destruction of household items by inquisitive or unmanageable animals), time-consuming, presents the owner with the potential of legal liability for medical bills and lawsuits from people injured by the animal, and is inhumane in the vast majority of cases. Infant primates are taken from their mothers at a very young age, depriving them of the nourishing and socializing relationships that are needed for their proper physical and psychological development.

Primates are wild animals that do not have the ability to bond with humans that has evolved in dogs and cats over thousands of years. Through improper societal role models, lack of constant companionship, inadequate diet and housing, and exposure to diseases from people, primates in a household setting often become unhealthy, maladjusted, and a threat to the people around them. Therefore, the Missouri Department of Health and Senior Services highly discourages private ownership of primates. Primates should instead be maintained in educational and scientific institutions under federal and/or state regulation to protect the health of humans and to promote proper care and well-being of these animals.

Response to questions submitted for the record by Wayne Pacelle, Humane Society

Questions from Chairwoman Madeleine Z. Bordallo (D-GU)

1. Mr. Perez makes a good point: how is the U.S. Fish and Wildlife Service supposed to take on the additional responsibility of enforcing the ban that this bill would put in place? The Service is already underfunded.

Answer:

We agree that the U.S. Fish and Wildlife Service (USFWS) has enormous law enforcement responsibilities, but we disagree with the agency in its view that the enactment of these measures would create undue burdens. Instead, we believe that strong laws to protect bears and primates are valuable and needed tools to combat poaching and the mistreatment of primates.

The Humane Society of the United States and many of our colleagues working in the animal protection and wildlife conservation field have strongly advocates for enhanced funding of the Division of Law Enforcement at the USFWS. We will continue to do so. Poachers are a threat to all wildlife, and nabbing them on bear poaching charges helps all wildlife and fulfills the core mission of the USFWS.

Enforcement actions under the Bear Protection Act and the Captive Primate Safety Act are discretionary. They are tools that law enforcement can use to protect wildlife from abuse and exploitation.

The Bear Protection Act would make it easier for state wildlife law enforcement departments to apprehend bear poachers and bear parts smugglers and prosecute them effectively. This is true because there would no longer be a significant burden or proof to show the site of the bear poaching or the origin of the galls—commercialization would be prohibited nationally. The Bear Protection Act would not impose on the Service whatsoever; it will enhance operations and capacity at the state and federal level.

Further, as we heard in the testimony before your Subcommittee from Skip Wissinger, in Operation SOUP there was terrific and detailed cooperation between the Virginia Department of Game and Inland Fisheries and the National Park Service. The primary involvement of USFWS only came in the form of bear gall forensic analysis at the national forensics laboratory in Ashland, Oregon.

The last CBO cost estimate for the Bear Protection Act concluded the following: "CBO expects that implementing [the Bear Protection Act] S. 1109 would not increase the enforcement responsibilities of federal agencies because they would carry out the legislation in conjunction with a number of other very similar laws, such as the ESA. No additional enforcement efforts would be necessary except for the initial promulgation of regulations by the USFWS in consultation with other agencies, such as the Department of Health and Human Services."

Ms. BORDALLO. Thank you very much, Mr. Pacelle, for your careful consideration of these two bills.

And finally, I would like to invite Mr. Ross to present his testimony.

STATEMENT OF STEVE ROSS, SUPERVISOR OF BEHAVIORAL AND COGNITIVE RESEARCH AND CHAIR, AZA CHIMPANZEE SPECIES SURVIVAL PLAN, LINCOLN PARK ZOO, CHICAGO, ILLINOIS

Mr. ROSS. Thank you very much, Madame Chair, for the opportunity to testify before you and the Subcommittee regarding H.R. 2964, on behalf of the Association of Zoos and Aquariums, or AZA.

AZA represents 216 professionally managed and accredited institutions which draw over 156 million visitors annually. AZA institutions are the leaders in animal care and welfare, conservation science, and conservation education, and currently AZA member institutions are involved in 112 different species survival plan programs throughout the world, including 159 species including primates, such as baboons, chimpanzees, macaques, mangabeys, orangutans, and tamarins.

It is in this context that AZA expresses its strong support for H.R. 2964. The bill is a logical extension of the Captive Wildlife Safety Act, which of course was passed into law in 2003. Combined, these measures begin to address the public safety threats posed by the private ownership of certain wild and dangerous animals as pets, as well as the important animal welfare issues associated with the personal ownership of these animals.

This bill represents a much-needed step toward stemming the tide of the growing exotic animal pet trade, and this legislation takes aim at the increase in the number of unregulated and untrained individuals who are maintaining nonhuman primates as personal pets.

As we have heard from Dr. Goodall, primates are among the most intelligent species on earth. They have large brains, complex social systems, and their behavioral needs are so specialized that in 1985, an amendment to the Animal Welfare Act was passed that specifically called for specialized environmental enhancement for nonhuman primates.

But the ability of private pet owners to meet these behavioral and psychological needs is suspect, and too often pet primates are subjected to sub-optimal housing, inappropriate social environments, and as a result, compromised quality of life.

Now, earlier this year I had the opportunity to visit with a couple who had two young chimpanzees as pets. They were actually young adults. This couple had purchased the chimpanzees at a young age from private dealers out of state, and transported back across state lines to live with them at their private residence.

When the chimpanzees were much younger, they were brought to birthday parties and other events, as well as photographed for commercial purposes. But today they are older, more dangerous, and now live in two separate small cages indoors. They are unable to go outside. They cannot fully interact with each other or others of their species. And despite the couple's obvious affection for them, they are unable to receive even minimally acceptable housing and care.

Finding a new home for them is next to impossible; and as such, these chimpanzees might live another 30 or 40 years in the same cramped conditions.

In addition to these welfare considerations, private ownership of nonhuman primates has significant public health consequences, as we have heard. And these threaten the well-being and safety of not only the pet owners themselves, but of their friends and their family, and neighbors and community.

Many of these pet owners, pet primates are kept without proper veterinary care, as neighborhood vet clinics don't have the training or expertise to diagnose or treat these rare and exotic species. Given that these animals have the ability to contract, carry, and transmit many diseases that can infect humans, this presents a serious zoonotic threat to communities across the country.

Many of the nonhuman species that would be covered by this legislation are powerful, intelligent, and dangerous by almost any measure. The great apes in particular, including chimpanzees and orangutans, which are used as pets in this country, require specialized care and housing far beyond what most private citizens can provide, and the consequences of their escape into the local community could have devastating results.

As we have heard, the bite of any but the smallest primate species would result in serious wounding to humans, and the more powerful primates are certainly capable of inflicting lethal damage.

Based on our member institutions' unparalleled experience and expertise in dealing with these types of animals, the AZA firmly believes that nonhuman primates cannot be properly maintained by individuals without the necessary resources or knowledge to care for them. Not only is the well-being of these highly intelligent and endangered animals being neglected by their presence as pets in sub-optimal housing, but it presents significant health and safety risks to neighbors, children, and domestic pets in the community.

These powerful and unpredictable animals should only be maintained by qualified experts from accredited zoological institutions or other professionally operated and regulated facilities.

Madame Chair, this bill represents a timely response to an ever-increasing human health and animal welfare concern. The ability to restrict the interstate transport of pet primates would have a significant impact on the private pet trade, and curtails an industry that has long ignored the serious risk that is subjected to local communities across the country. It brings much-needed attention to an issue that has public health, safety, and animal welfare consequences.

AZA, our conservation management programs, and our 216 accredited member institutions stand ready to assist you in this challenge, and the overarching issues surrounding the illegal and unregulated trade in wildlife and wildlife parts.

Thank you.

[The prepared statement of Mr. Ross follows:]

Statement of Steve Ross, Supervisor, Behavioral and Cognitive Research, Lester E Fisher Center for the Study and Conservation of Apes, Lincoln Park Zoo, and Chair, Chimpanzee Species Survival Plan, Association of Zoos and Aquariums

Thank you Madam Chair, for the opportunity to testify before you and the Subcommittee regarding H.R. 2964, the Captive Primate Safety Act. Before I begin, I would like to request that my written testimony on behalf of the Association of Zoos and Aquariums (AZA) be included in the hearing record.

My name is Steve Ross. I am the Supervisor of Behavioral and Cognitive Research at the Lester E. Fisher Center for the Study and Conservation of Apes at Lincoln Park Zoo in Chicago and the Chair of the AZA Chimpanzee Species Survival Plan (SSP). I have worked with nonhuman primates for 14 years and the primary focus of my research has been on improving the care and management of captive primates—specifically that of chimpanzees.

AZA represents 216 professionally-managed and accredited institutions which draw over 156 million visitors annually. AZA institutions are the leaders in animal care and welfare, conservation science and conservation education. One of the cornerstones of AZA is its Species Survival Plan (SSP) program—a long-term plan involving genetically-diverse breeding, habitat preservation, public education, field conservation and supportive research to ensure survival for many threatened and endangered species. Currently, AZA member institutions are involved in 112 different SSP programs throughout the world covering 159 species, including primate species such as baboons, bonobos, chimpanzees, gibbons, gorillas, macaques, mangabeys, marmosets, orangutans and tamarins.

It is in this context that AZA expresses its strong support for H.R. 2964. The bill is a logical extension of the Captive Wildlife Safety Act which was passed into law in 2003. Combined, these measures begin to address the public safety threats posed by the private ownership of certain wild and dangerous animals as pets, as well as the important animal welfare issues associated with the personal ownership of these animals. This bill represents a much-needed step towards stemming the tide of the growing exotic animal pet trade. This legislation takes aim at the increase in the number of unregulated and untrained individuals who are maintaining non-human primates as personal pets.

Specifically, H.R. 2964 would amend the Lacey Act to prohibit the interstate and foreign commerce of dangerous exotic animals defined as non-human primates for use as pets. This legislation would not ban the private ownership of these species and would specifically exempt zoos, circuses, sanctuaries, incorporated humane societies and others that are currently regulated by the U.S. Department of Agriculture (USDA) under the provisions of the Animal Welfare Act.

Currently, very few states have enacted outright bans on the private ownership of these dangerous exotic animals with only a handful of other states enacting partial bans. For instance, in a recent thorough review of state legislation I conducted with Sarah Baekler of the Chimpanzee Collaboratory in preparation for an article to be published in Science this week, we found that only 6 states have full and complete bans on the private ownership of chimpanzees—arguably the most dangerous of the nonhuman primates that would be affected by H.R. 2964. To further complicate matters, full enforcement of these bans has been difficult and inconsistent given the scope of the problem. The result is a patchwork of laws, regulatory loopholes and a thriving commercial trade in dangerous exotic animals. There are hundreds of web sites and numerous catalogues that market exotic animals, including dangerous and powerful non-human primates, as pets. The inconsistent enforcement of current regulations and increasing demand has fostered a dangerous underground industry in exotic pets.

Primates are among the most intelligent species on earth. They have large brains, complex social systems and their behavioral needs are so specialized that in 1985, an amendment to the Animal Welfare Act was passed that specifically called for specialized environmental enhancement for nonhuman primates. But the ability of private pet owners to meet these behavioral and psychological needs is suspect and too often pet primates are subjected to suboptimal housing, inappropriate social environments and as a result, compromised quality of life.

Earlier this year, I had the opportunity to visit with a couple who have two young adult chimpanzees as pets. The couple had purchased the chimpanzees at a young age from private dealers out of state and transported them back to live with them at their private residence in New York State. When the chimpanzees were much younger, they were brought to birthday parties and other events, as well as photographed for commercial purposes. But today they are older, more dangerous and live in two separate, small cages indoors. They are unable to go outside. They cannot fully interact with each other or others of their species. And despite the couples' obvious affection for them, they are unable to receive even minimally acceptable housing and care. Finding a new home for them is next to impossible and as such, these chimpanzees may live another 30 years in these same cramped conditions.

In addition to these welfare considerations, private ownership of nonhuman primates has significant public health consequences that threaten the well-being and safety of not only the pet owners themselves but of their friends, family, neighbors and community. Many of these pet primates are kept without proper veterinary care as neighborhood vet clinics often don't have the training or expertise to diagnose or

treat rare and exotic species such as nonhuman primates. Given that these animals have the ability to contract, carry and transmit many diseases that can infect humans (such as herpes B, monkey pox and tuberculosis), this presents a serious zoonotic threat to communities across the country. One recent study found that 67% of non-occupational macaque bite incidents from 1993-97 were B-virus positive and that children were more than three times as likely to be the victims of such bites.

Finally, it is important to point out the inherent dangers to which the pet primate community is subjecting their local communities across the country. Many of the nonhuman species that would be covered by this legislation are powerful, intelligent and dangerous by almost any measure. The great apes in particular, including chimpanzees and orangutans, require specialized care and housing far beyond what most private citizens can provide and the consequences of their escape into the local community could have devastating results. The bite of any but the smallest primate species would result in serious wounding to humans and more powerful primate species are certainly capable of inflicting lethal damage. Just last week, a pet macaque monkey escaped from it's owner in Spokane, Washington and bit three people, including a young female exchange student. This event was thankfully not serious but given that macaques are natural carriers of the potentially fatal Herpes B virus, it is clear that the potential consequences of inadequate housing by an unregulated and inexperienced population are grave.

Collectively, AZA institutions care for over 800,000 wild animals on a daily basis—many of these animals are extremely dangerous. Based on our member institutions' unparalleled experience and expertise in dealing with these animals, the AZA firmly believes that non-human primates cannot be properly maintained by individuals without the necessary resources or knowledge to care for them. Nonhuman primates are highly complex and intelligent animals with very specific physical, behavioral, husbandry, health and nutritional needs. Very rarely would these all of these needs be able to be met by someone who possesses these animals for use as a pet. Not only is the well-being of these highly intelligent and endangered animals being neglected but their presence as pets in suboptimal housing presents a significant health and safety risk to neighbors, children, and domestic pets in the community. These powerful, unpredictable animals should only be maintained by qualified experts from accredited zoological institutions or other professionally-operated, regulated facilities. Curatorial staffs in these facilities have the requisite knowledge and experience to meet the behavioral and physical needs of these animals and understand the inherent risks associated with caring for them. In addition, these facilities have the resources to provide the necessary housing, nutrition, veterinary care and enrichment to accommodate the animals' special needs and to maintain them in a safe and humane environment.

There is also emerging consensus on the part of animal welfare, public safety and professional organizations and the Federal government concerning the need for concerted action to address the issue of nonhuman primates that are kept as pets. For example, the American Association of Zoological Veterinarians which represents over 1000 veterinarians caring for zoo animals in the United States points out that keeping and trading exotic and captive wild animals can cause serious problems including: (1) zoonotic disease transmission; (2) human injury and death; (3) compromised animal welfare due to inadequate knowledge and experience to meet the complex social, emotional, behavioral and physical needs of these animals; (4) medical problems due to inadequate veterinary care, poor nutrition, poor husbandry or due to various surgical procedures, such as dental extractions, performed for the sole purpose of trying to turn a wild animal into a pet; (5) abandonment, suffering or death due to insufficient financial resources to provide a safe and humane environment; (6) potential for escape due to improper transport, insecure containment or lack of proper equipment; and (7) damage to wild populations of rare species due to over-collection, introduction of non-native species or exotic diseases.

Madam Chair, this bill represents a timely response to an ever-increasing human health and animal welfare concern. The ability to restrict the interstate transport of pet primates would have a significant impact on the private pet trade and curtails an industry that has ignored the serious risks that it has subjected to local communities across the country. It brings much-needed attention to an issue with public health, safety and animal welfare consequences. AZA, our conservation management programs, and our 216 accredited member institutions stand ready to assist you in this challenge and the overarching issues surrounding the illegal and unregulated trade in wildlife and wildlife parts.

Thank you again, Madam Chair, for this opportunity to comment on this important public safety and animal welfare issue. I would be happy to answer any questions that you may have.

Response to questions submitted for the record by Steve Ross, Association of Zoos and Aquariums

Questions from Chairwoman Madeleine Z. Bordallo (D-GU)

1. Mr. Ross, thank you for your testimony and your commitment to improving the care and management of captive primates. You mentioned in your testimony the specific needs of nonhuman primates.

- **Why is it difficult to meet these needs in the home environment?**

Zoos and other regulated facilities have the staff, resources and expertise to care and house animals, such as primates, that require complex physical and social environments. Most private citizens lack the space, physical elements, financial means or expertise to build an appropriate physical environment for primates which would consist of species-appropriate furnishings, enrichment and substrates. Likewise, almost all primates are very social, and as such they require species-typical groupings to optimize their welfare condition. Although most primate pet owners may feel they provide adequate care and attention, there is no substitute for the companionship of a conspecific (a member of the same species) with shared behavioral and communication tendencies.

- **Do most nonhuman primate pets become more aggressive with age and improper care?**

My expertise is focused on chimpanzees and as such my answer will focus on that species as a case study for other primates. When chimpanzees reach adolescence, there is an increase in specific hormonal levels and an associated change in behavior. Male chimpanzees begin testing their social hierarchy ("pecking order"), become more active and interested in the opposite sex, and as a result, tend to be involved in physical altercations. Given that chimpanzees are a highly social species with marked multimale hierarchy, it is common to see rates of aggression increase as they move out of infanthood.

I am not aware of any data to definitively correlate improper care and rates of aggression. However, my personal experience is that chimpanzees that are housed in substandard conditions, may be prone to many behavioral indicators of anxiety and frustration including increased aggressive behavior.

- **Why are a substantial portion of injuries inflicted by nonhuman primates toward children?**

I do not have any data to substantiate the cause of that particular finding. My personal opinion is that children present are at greater risk because they are more curious, less aware of the risks and perhaps less physically able to avoid those risks (in this cases, those risks are in the form of a highly intelligent, fast-moving and unpredictable wild animal).

- **What sort of training is given to qualified experts from accredited zoological institutions to care for nonhuman primates?**

Today, the vast majority of staff at accredited zoological institutions—from the animal caretakers to curators to research staff—have at least a bachelor's degree in an associated field of study (zoology, biology, etc.). Furthermore, most zoos have detailed internal training programs on husbandry and behavior and require years of experience before hiring caretakers. Finally, many AZA programs, such as the Chimpanzee Species Survival Plan (the group that manages the population of chimpanzees in accredited North American zoos), offer biennial husbandry workshops to ensure keepers have access to the latest care and husbandry information.

2. You mentioned that proper veterinary care for nonhuman primates may be difficult to receive from a neighborhood clinic.

- **How specialized does a veterinarian need to be to care for a nonhuman primate?**

The vast majority of veterinarians do not deal with nonhuman primates and as such, do not have the experience with those species. Beyond this, it is best for me to defer to a veterinary expert.

- **Is the average veterinarian equipped to detect diseases that can infect humans?**

This is outside my expertise.

3. Can you explain the reasons behind dental extractions in nonhuman primates and speak to the effectiveness of such practice?

Dental extractions are not a contemporary management technique in accredited zoos. I know of no data that substantiates it as an effective form of aggression control. Furthermore, extraction of teeth may render a primate defenseless if/when it must be moved in with conspecifics, as often is the case with pet primates.

4. What are the differences in the way a primate would live at an AZA accredited zoo and in a private home as a pet? How do these differences affect the welfare of the animal?

Again, I will focus on chimpanzees given my expertise with that species in particular. Although there is variation between zoos, the fact that all AZA zoos undergo the same rigorous and standardized accreditation process allows us to maintain high standards of care and housing.

- Currently there are no solitary chimpanzees in AZA zoos as the SSP feels social housing is of the utmost importance. The median group size (as of January 2008) is 6. This is in contrast to the typical social condition of pet chimpanzees: usually one, or at best two, individuals.
- AZA zoos have on-staff veterinarians and often highly trained nutritionists and behaviorists as their disposal to aid in the care of their chimpanzees. Pet chimpanzees must receive their specialized health care at local veterinary offices (sometimes many miles away), often from vets without the specialized training or facilities to treat those species.
- The investment to house and care for chimpanzees at AZA zoos is considerably higher than the average primate pet owner. Large, multi-million dollar, indoor-outdoor exhibits are the norm now—providing an enriching physical environment. Private pet owners may have good intentions but their ability to provide equally stimulating physical environments is questionable.
- It is important to also consider the cooperative management paradigm utilized by the community of AZA accredited zoos. Through the coordination of Species Survival Plans (SSPs), animals which may be better suited at a different facility or social group, can be transferred to a more suitable location. Transfers are made with the best interests of the population and individual animal welfare in mind. This network of accredited institution also provided an invaluable resource in terms of expertise and experience when difficult veterinary or husbandry issues arise. In the case of private ownership, such options are simply not available and as a result, pet primates are often abandoned or left to languish in inappropriate conditions because of a lack of alternatives.

5. Do zoo personnel handle primates? What precautions do they take to prevent the spread of disease? Could you please differentiate this practice from the way primates are treated as pets?

The forms of contact and handling differ greatly between primate species. However, AZA zoos have strict protocols in place to minimize the risk of disease transmission. Further details and examples of such protocols should be sought from the veterinary community within AZA.

6. I understand monkeys and chimpanzees have on occasion escaped from zoos. What do zoos do to prevent escapes, and how would this compare to a primate kept as a pet?

Primates are wild animals and are highly unpredictable. As such, there have been incidents in which they have escaped from zoo facilities. Although these incidents are relatively rare and highly publicized, it does underscore the fact that these animals are intelligent enough to find ways out of even the most secure locations. Given that pet primates are housed usually in home-made enclosures built by personnel without the proper expertise or experience, the risk of escape from a private residence is considerably higher. Furthermore, most zoos have thorough policies in place in the event of an escape, to best ensure a safe recovery. An escape from a private residence into a local community is a far greater danger.• 7. Are small monkeys safe? Or can they also cause injuries and spread disease?

My expertise is in the behavior of chimpanzees and as such I will defer these questions relating to monkeys and small primates to my colleagues in AZA. That said, there is clear information in the scientific literature of the potential for monkeys (such as macaques) to carry diseases (such as Herpes B simplex) which can be fatal in humans. A recent paper stated that "Seroprevalence of neutralizing antibodies to B-virus in captive adult macaque populations is 73%-100%" (Emerging Infectious Diseases, 4:117-121).

Ms. BORDALLO. Thank you very much, Mr. Ross. We appreciate your views on these pieces of legislation.

And the Chair would now like to recognize the gentleman from Alaska—he has another appointment—Mr. Young for any questions that he may have.

Mr. YOUNG. Thank you, Madame Chairman. Mr. Pacelle, I wrote you and four other animal groups a letter in November of 2006 regarding the Santa Rosa Island. In that letter I urged you to join conservation groups, such as the Congressional Sports Foundation Safari Club, et cetera, in imposing legislation that would compel the slaughter of elk and deer that have made Santa Rosa Island their home for the past 70 years.

I not only have not received a response to my letter, but do not believe that the Humane Society of the United States has ever opposed such legislation, or supports a responsible number of elk or deer remain in the Santa Rosa Island.

The question is, do you support this senseless slaughter? Or should elk and deer on Santa Rosa Island have visitors to enjoy beyond 2011? And why doesn't the Humane Society get on the record in opposition to this slaughter?

Mr. PACELLE. Thank you, Congressman Young. And I am sorry that you didn't receive a reply from us.

I would say that that issue posed a dilemma for us. We recognize that some of the environmental organizations wanted to eliminate this species from this island ecosystem because of the vegetative impacts.

We often disagree with some of the environmental groups on how they treat the non-native species. We do insist that they be treated humanely.

We were not all that happy with the hunting set-up, though, because we saw it as not a particularly fair chase circumstance. So it presented a dilemma for us in that respect. And we really didn't weigh in on it one way or the other, to be quite honest with you.

Mr. YOUNG. The reason I ask that question is, to me, if the Humane Society is against the demise of any animal, you know, can you recognize these quotes? If we can shut down all sport hunting in a moment, we would?

Mr. PACELLE. Let me just, let me first address the issue that the Humane Society, you know, is—I can't remember the phrasing you said about any animal. But really, we are an anti-cruelty organization. I mean, we reluctantly support the humane euthanasia in shelters if there are not enough homes for them. So really what we want to do is eliminate gratuitous cruelty and suffering.

In terms of the quote that you mentioned, that has been kicking around, Congressman Young, since the early 1990s. I have repeatedly emphasized that the Humane Society of the United States works to stop what we regard as particularly egregious hunting practices.

Now, I know that you agree with some of these practices, like bear baiting and aerial gunning of wolves. You and I disagree on those practices. But that is where we focus the preponderance of our energy, and not going after regular hunting practices.

Mr. YOUNG. Well, it says our goal is against sport hunting in the same category as cock-fighting and dog-fighting.

Mr. PACELLE. Those are not quotes from me.

Mr. YOUNG. Well, I beg to differ. We have this document.

Mr. PACELLE. Yes, I would like to see it, because they have been——

Mr. YOUNG. The second one is we have no——

Mr. PACELLE.—kicking around the internet for 17 years.

Mr. YOUNG.—problems—this is a quote. "We have no problems with the extension of domestic animals; they are creations of human selective breeding."

Mr. PACELLE. Yes, well, that is completely taken out of context, Congressman Young. I am glad to have the opportunity to correct it.

Mr. YOUNG. You are beginning to sound like a politician.

Mr. PACELLE. Well, we have been following you for many years. [Laughter.]

Mr. YOUNG. I know you have. I appreciate it. And I welcome your following me, because every time you do, the numbers go up.

Mr. PACELLE. Well, good for you. Glad we could help.

Mr. YOUNG. I appreciate it. I need all the help I can get.

Mr. PACELLE. Yes, I know you do.

Mr. YOUNG. Welcome.

Mr. PACELLE. I want to just comment on the selective breeding comment.

I was asked to address an agricultural forum—this was a livestock forum—and I was asked if we need an endangered species for rare breeds of livestock. And I said that we didn't.

And I am sure, Congressman Young, that you would agree that we don't need another Federal law to preserve every breed of domesticated species.

Now, my own views on minor breeds have evolved over time. But it was in the context of rare breeds of livestock, and had nothing to do with domesticated animals in general. So I am very glad to have the opportunity to clarify that statement.

Mr. YOUNG. OK. Last question. Now, you do support the slaughter of the animals on Santa Rosa Island.

Mr. PACELLE. No, we don't support the slaughter.

Mr. YOUNG. You don't support it. But you won't get involved to try to stop it.

Mr. PACELLE. We thought that that legislation had a pretty clear political trajectory, and was passing.

Mr. YOUNG. So you do support it.

Mr. PACELLE. No. We didn't take a position.

Mr. YOUNG. But you won't get involved in trying to stop the slaughter of those animals.

Mr. PACELLE. That is correct. We did not take a position on that because we found——

Mr. YOUNG. So much for the Humane Society.

Mr. PACELLE.—both options were unpalatable to us.

Ms. BORDALLO. Thank you very much, Mr. Young. And now I do have a couple of questions for the panel.

The first one is for Mr. Pacelle. Mr. Hogan's comment that closing legal markets increases prices in the underground market. Could passage of this bill bring about that unintended consequence?

Mr. PACELLE. To me, Madame Chairwoman?

Ms. BORDALLO. Mr. Pacelle.

Mr. PACELLE. Yes, yes. Well, listen, we already have a situation where nearly two thirds of the states criminalize the trade in bear parts. What we are doing now is just having a consistent standard that addresses the problems in this country and internationally.

Yes, when you criminalize something, you potentially can boost prices. But we think the far greater threat is the legalized trade in these species. We need to crack down on this. There are very large communities in the United States that have an interest in these products, and globally there are enormous markets.

And until we curb the trade, many bear species are going to be threatened. And we simply don't want to encourage the inhumane killing of even a relatively abundant species like the American Black Bear. Why kill the animal for his or her gall bladder and bile? That is just an inhumane and barbaric act.

Ms. BORDALLO. I have another—thank you. I have another question for Mr. Perez.

You testified that state laws and regulations currently prohibit the sale of black bear viscera, is that correct? Viscera, viscera.

Oh, I am sorry. This is for Mr. Pacelle again, yes.

Throughout nearly the entire range of the species, making the Lacey Act in its current form an effective tool for dealing with illegal trade in bear parts.

Now, is this legislation duplicative of existing legal authority?

Mr. PACELLE. The Lacey Act is a very valuable Federal tool to crack down on poaching and the illegal wildlife trade.

Again, you know, it has nothing to do with hunting. Not even Congressman Young has a bear gall bladder pinned to his wall.

The issue here is that we are harmonizing the state efforts with the national effort, because this country simply does not have an interest in protecting the industry of trading in bear gall bladders and bile. It is not a legitimate industry; it is even less legitimate than activities like dog fighting and cock fighting. There was actually money that was made in an industry sense. This is random killing of animals, with a few people profiting very handsomely from it.

Ms. BORDALLO. All right. So in answer to my question, it is not duplicating anything? Is that what you are saying?

Mr. PACELLE. We believe, Congresswoman——

Ms. BORDALLO. It is.

Mr. PACELLE.—that it is complementary.

Ms. BORDALLO. It is complementary.

Mr. PACELLE. That the states are doing their job, the national government, the Federal government needs to do its job. Because we live in a global economy. The states don't have the range or the reach to address the global trade in bear parts.

The United States is a party to CITES, the Convention on International Trade in Endangered Species. We have agents that can work with import-export issues, and can make multi-state cases.

The State of Alaska wants to crack down on the trade in bear parts, as it does, that is great. But if it is a multi-state effort that involves Alaska, California, and Nevada, that is where the Federal government can play a complementary role and help the states.

Ms. BORDALLO. Thank you very much. The Chair now recognizes Mr. Wittman from the State of Virginia.

Mr. WITTMAN. Thank you, Madame Chairwoman. Mr. Perez, there have been allegations made that certain primates listed in our Endangered Species Act are being kept as pets. If this is true, doesn't the Fish and Wildlife Service already have the statutory authority to prosecute those individuals who attempt to sell these species across state lines?

Mr. PEREZ. That typically would be true on its face. The reality is that there are various mechanisms by which we have the burden of proving that that particular item that resides in that home is indeed something that was acquired unlawfully. So we would have to backtrack to get to that point.

There are a variety of circumstances, I would say predominantly, by which a possession of a primate in and of itself is not a violation.

Mr. WITTMAN. OK, very good. Would you agree with the statement of Mr. Schoenke that the recognition of the legal bear-parts trade by the states is actually facilitating illegal markets?

Mr. PEREZ. I believe the existence or non-existence of a legal mechanism for any species that we protect still, in and of itself, has that segment of society that wants to circumvent whatever those mechanisms are, either to make it easier, or necessarily just people who don't want to comply, or acquire items in contravention of that.

So while it may have some contribution, I don't necessarily agree that it is going to create a market that doesn't already exist.

Mr. PACELLE. May I respond to that, Congressman?

Mr. WITTMAN. Sure.

Mr. PACELLE. Thank you. I do think that the presence of a legal trade simply makes it more difficult for law enforcement to distinguish between the legal traffic and illegal traffic.

So in that sense, I think that is a particularly compelling argument for the legislation. If you have this going on in some states, and people are then moving product to that state, it truly does undermine the effectiveness of laws in Virginia and West Virginia, and other states that are trying to crack down.

You could have a situation where one state became a legal hub for the trade, and that would undermine the effectiveness of the prohibitions that many states have. And that is again why I think that this is a classic case of the complementarity between state and Federal policies.

Again, on an issue where we are attempting to say what is the social value of a bear-parts trade. We do have hunting in this society, we do have legal bear-hunting seasons and trophies and hides. But we don't commercialize that trade. Those are for personal use. And the history of modern wildlife management is grounded on the idea of non-commercialization. Use the animals for your personal use; you are not to trade in their products, in their parts.

This is an anti-poaching bill at its basic level, and a conservation measure.

Mr. WITTMAN. Thank you, Madame Chairwoman. I would ask, I have a letter here from a number of associations. I would ask unanimous consent that it be entered into the record.

Ms. BORDALLO. So ordered.

[The letter submitted for the record by the Archery Trade Association, Association of Fish and Wildlife Agencies, Bear Trust International, et al., follows:]

Archery Trade Association * Association of Fish and Wildlife Agencies * Bear Trust International * Boone and Crockett Club * Bowhunting Preservation Alliance * Campfire Club of America * Congressional Sportsmen's Foundation * Catch-A-Dream Foundation * Conservation Force * Dallas Safari Club * National Assembly of Sportsmen's Caucuses * National Rifle Association * National Shooting Sports Foundation * National Trappers Association * National Wild Turkey Federation * North American Bear Foundation * Pheasants Forever * Quality Deer Management Association * Ruffed Grouse Society * Safari Club International * Texas Wildlife Association * Wildlife Management Institute

March 6, 2008

Honorable Nick Rahall, Chairman
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Honorable Don Young, Ranking Member
House Natural Resource Committee
1329 Longworth House Office Building
Washington, DC 20515

Dear Chairman Rahall and Congressman Young:

The organizations on the letterhead, representing millions of hunters, anglers and other conservationists, strongly urge that you oppose and give no further legislative attention to HR5534, the so-called "Bear Protection Act of 2008".

We believe that the bill is:

- an unnecessary intrusion into state wildlife management authorities;
- that any interstate movement of viscera from or into a state where possession, use or sale is not legal is already subject to prosecution under the Lacey Act;
- that CITES adequately governs import/export in international circumstances;
- that US (and North American) bear populations are healthy, robust and expanding (in most places) and that while poaching occurs, state and federal law enforcement is adequately addressing it;
- and that this bill would have arguably minimal affect on Asian bear populations which are most subject to poaching for viscera but also under intense pressure from habitat loss.

The latest TRAFFIC report (April 2002) www.traffic.org on the status of *Ursus americanus* (data from state, provincial, federal wildlife agencies) substantiates that North American black bear populations are robust, and that demand for bear gall in or from the United States is not driving illegal poaching of US bears. Subject report

concludes (page 90) "...further laws banning all trade in bear gallbladders or other parts at the national level are currently unnecessary".

Federal (USFWS) law enforcement needs to focus on international trafficking as a priority; interstate commerce activity is a much lower priority, especially with limited federal wildlife law enforcement dollars. The real solution to the issue of Asian bear gall trafficking is, in part, to boost USFWS-LE budget to address foreign commerce.

We look forward to working with you and your staff on this issue. Thank you for your sincere consideration of our perspectives and interests.

Sincerely,

Archery Trade Association
Association of Fish and Wildlife Agencies
Bear Trust International
Boone and Crockett Club
Bowhunting Preservation Alliance
Campfire Club of America
Congressional Sportsmen's Foundation
Catch-A-Dream Foundation
Conservation Force
Dallas Safari Club
National Assembly of Sportsmen's Caucuses
National Rifle Association
National Shooting Sports Foundation
National Trappers Association
National Wild Turkey Federation
North American Bear Foundation
Pheasants Forever
Quality Deer Management Association
Ruffed Grouse Society
Safari Club International
Texas Wildlife Association
Wildlife Management Institute

Ms. BORDALLO. I have a final question for Mr. Steve Ross, who is with the Zoos and Aquariums.

Again, Mr. Ross, thank you for your testimony. Can you elaborate on the physical and social environments that are required by these animals? And why is it difficult to meet these needs in the home environment?

Mr. ROSS. Well, as Dr. Goodall alluded to, when we are thinking about the behavioral and physical needs of these animals, it does range quite a bit between tamarins and some of the smaller monkeys, all the way up to the great apes, orangutans, and chimpanzees.

That said, all of these animals are highly intelligent, and most of them are very social, requiring on both hands a very secure environment, and a very complex environment. Most of these needs take years of training to try to design. I can think specifically of our new facility at Lincoln Park Zoo, which took, you know, three or four years to design the biosecurity to keep these animals inside safely, both from an animal standpoint and from a visitor standpoint. And these resources and expertise are just, just not there in the private pet ownership community, where they are able to se-

curely keep these animals in, both from a safety standpoint, but also for the animal welfare requirements.

Ms. BORDALLO. I think the main part of my question was, what is the difference between the zoo environment and the home environment? Would one be better than the other?

Mr. ROSS. Yes, I would say very much so. Zoos are able to keep primates in more species-typical groupings. For instance, chimpanzees, we have 12 chimpanzees in our facility that can live together; as opposed to a pet circumstance, where those chimpanzees are living simply with other humans, and not with others of their kind.

Having a chimpanzee, for example, live alone and only with humans presents an unfamiliar social and psychological environment, which is not conducive to its own welfare.

Mr. PACELLE. May I just say a quick word about that?

Ms. BORDALLO. Certainly.

Mr. PACELLE. Yes. You know, as Mr. Ross indicated, there are 216 accredited zoos in the United States. We heard testimony today that there are perhaps 15,000 primates in private hands.

The zoos have standards in terms of professional care. They have resources. They have enclosures that protect the primates from people, so there is an exclusion that goes on.

Primates in the home can interact not only with members of the family, but they can interact with visitors who come to the home. Because they don't have the attention to resources and security that the zoos do, the animals may escape and get into the community. So the points of contact with the public are potentially much more vast because there are many more different points where they live versus the 200 or so zoos.

And again, the zoos have standards, the AZA has standards about not having any interaction between the primates and the visitors, in terms of physical contact. Whereas in the home setting, there are no standards at all, and people just rely on their own judgment, which we have heard many times is often very bad.

Ms. BORDALLO. Thank you. I would agree. I think there certainly is security and protection in a zoo, whereas in a home environment, if the animal decides to become aggressive, it is much more dangerous. So I can see that.

I would like to thank all of the witnesses for their participation in the hearing today. Members of the Subcommittee may have some additional questions for the witnesses, and we will ask you to respond to these in writing. The hearing record for all the witnesses, both panel I and panel II, will be held open for 10 days for these responses.

If there is no further business before the Subcommittee, the Chairwoman again thanks the members of the Subcommittee and our witnesses. And the Subcommittee stands adjourned.

[Whereupon, at 11:58 a.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

[A statement submitted for the record Dr. David L. Garshelis, Co-Chair IUCN/SSC Bear Specialist Group, Bear Project Leader, Minnesota Department of Natural Resources, Adjunct Professor, University of Minnesota, follows:]

Statement submitted for the record by Dr. David L. Garshelis, Co-Chair IUCN/SSC Bear Specialist Group, Bear Project Leader, Minnesota Department of Natural Resources, Adjunct Professor, University of Minnesota

EXECUTIVE SUMMARY

This testimony represents the views of the two largest groups of professional bear biologists and conservationists in the United States and globally (IUCN Bear Specialist Group and International Association for Bear Research and Management). We applaud the desire of the U.S. Congress to aid in the conservation of bears. Here, we raise four principal points regarding the proposed Bear Protection Act: (1) American black bears in the U.S. (and Canada) are thriving, and are minimally affected by poaching for bear parts. The Bear Protection Act will have little impact on populations of this species, although it may help to apprehend some poachers. (2) Poaching for bear parts (gall bladders and paws) is still rampant in Asia, even though the killing of bears and selling of bear parts is illegal in most Asian countries, and import and export of bear parts within Asia and between Asia and the U.S. is regulated by CITES. The Bear Protection Act, as written will provide no benefit to bear populations in Asia. (3) We recommend two additions to the bill: the inclusion of bear paws among the items banned from trade, and an exemption for scientists to transport bear parts across state lines for research purposes. Because there is great interest in the physiology of bear hibernation and potential applications to human medicine, some organs of bears are of particular interest, and are often shipped to experts in different parts of the country. (4) As this bill suggests a genuine concern by the U.S. Congress about the detrimental effects of the trade in bear parts on bear populations worldwide, we recommend more effective legislation that would directly address the dire situation for bears in Asia. Reduction of poaching is the paramount issue, and a multi-faceted effort to accomplish this will require significantly increased funding. Funding is also necessary to evaluate and address the issue of Chinese and Vietnamese bear farms (where 13,000 bears are milked for their bile), and to provide scientific data on the extent, relative size, and changes in populations of wild bears, which can be used to highlight conservation problems and direct resources. A Bear Conservation Act that included a funding provision like that of other multinational species conservation acts would dramatically improve the outlook for Asian bears. Meanwhile, we support the intent of the Bear Protection Act to crack down on commercial bear poachers, hoping that this is the first step in improved efforts at conserving bears.

INTRODUCTION

Madam Chair and Members of the Subcommittee: My name is David Garshelis, and I am delighted to have been invited to comment on the proposed Bear Protection Act from the perspective of a bear scientist and applied conservationist. For the past 25 years I have been a professional bear researcher for the Minnesota Department of Natural Resources. For nearly 20 years I have also conducted research projects on Asian bears, in collaboration with Asian students and biologists. The views expressed here are not only my own, but represent those of both the IUCN/SSC Bear Specialist Group (BSG) and the International Association for Bear Research and Management (IBA). I co-chair the BSG with Dr. Bruce McLellan, and am an ex-officio member of the governing Council of the IBA.

The BSG and IBA are the largest and most respected professional organizations for wildlife biologists working to manage, conserve, and restore the world's bears. These two organizations work closely together in gathering and utilizing scientific information to sponsor, conduct, and evaluate conservation and management programs on all eight species of bears. These organizations are comprised of nearly 600 bear specialists from over 50 countries, and include university professors, biologists working in natural resource agencies, non-governmental organizations, and zoos, graduate students, and educators. Our members conduct scientific research, monitor and manage bear populations, interact with government agencies to promote bear conservation, and work to prevent human-bear conflicts. IBA sponsors international conferences and publishes the peer-reviewed scientific journal Ursus, which is the foremost source of technical and scientific information about the world's bears.

Both groups have had input into and approved the following testimony regarding the proposed Bear Protection Act.

STATUS OF WILD BLACK BEARS IN THE U.S.

American black bears (Ursus americanus) range through Canada, the United States, and northern Mexico. As recently as the 1970s, most U.S. states had declining populations, and were struggling to reverse a long downward trend. That decline

resulted mainly from extensive forest clearing combined with the unrestricted killing of bears as nuisances or pests. This trend has since been reversed through habitat management (mainly targeted at other species, but benefiting bears), stricter regulations regarding the killing of nuisance bears, public education on avoiding nuisance bear situations, and tighter regulation of hunter harvests.

Compared with most other North American big game species, American black bears have a low reproductive rate, so population recovery tends to be slow. Recovery may also be hampered by habitat fragmentation in some places (e.g., Louisiana and Florida). Nevertheless, the return of robust populations of American black bears has been a significant success story across the continent.

Today at least 17 of 41 states with resident black bears have populations that are significantly increasing; none have declining populations. Additionally, black bear migrants have appeared in such states as South Dakota, Nebraska, and Rhode Island (where they have not existed for 200 years).

The total U.S. population of black bears, excluding Alaska, is estimated at about 300,000, and the total Canadian population likely exceeds 450,000. State management agencies or universities have conducted scientific studies to estimate population size and rates of change of many U.S. bear populations. At least 18 states estimate populations of 5,000 or more black bears, 8 of which have more than 20,000. No reliable estimates exist for Alaska, but the population of black bears there is believed to exceed 100,000, yielding a total for the continent of 900,000. The continental population has been growing at about 2% per year for the past two decades.

Black bears are presently harvested as a game species in 28 U.S. states and 12 Canadian provinces or territories. The annual hunter harvest across the continent is 40,000-50,000 black bears. Hunters kill bears for recreation and for products, such as the hide and meat. Some surveys have indicated that hunters view the acquisition of meat as a prime reason for black bear hunting. The sale of meat is banned, but many U.S. states all Canadian provinces with black bears allow the sale of hides and skulls. It is believed, however, that few people hunt specifically to sell these parts, as the profit is likely to be small.

Bear gall bladders and paws, however, can be sold at a sizeable profit. The former is prized in Traditional Chinese Medicine (TCM), and the latter as an expensive delicacy in Asia. The high price of these commodities creates a motive to poach black bears. However, while each year some bear poachers involved in the trade of these parts are apprehended, wildlife agencies across the U.S. and Canada indicate that such poaching has a negligible impact on American black bear populations. The legal harvest of black bears is by far the largest source of mortality for this species. This and all other major sources of human-caused mortality (e.g., nuisance kills, collisions with vehicles, poaching) are now controlled to the extent that in most areas, black bear populations are thriving.

STATUS OF WILD BEARS IN ASIA

Of the eight species of bears in the world, six live in Asia, and four live only in Asia. We center our comments on Asian bears because they have been most severely impacted by the trade in bear parts. Four Asian jurisdictions are the principal users of bear gall bladders and paws (China, Taiwan, Japan, and South Korea), thus prompting illegal importation of these parts from other Asian countries, and sale of parts from bears taken within these countries.

Gall bladders and paws from Asiatic black bears (U. thibetanus), Brown bears (U. arctos), Sun bears (Helarctos malayanus), and Sloth bears (Melursus ursinus) are all marketed, but the greatest demand by far is for Asiatic black bears. Accordingly, even in places where Asiatic black bears and Sun bears occur together, poachers target the former. Sun bears and Sloth bear populations are suffering from habitat loss and direct killing for reasons other than the trade in bear parts (e.g., to protect crops or for human safety), whereas the trade in bear parts is a prime concern principally for Asiatic black bears.

Asiatic black bears are very similar to American black bears ecologically and biologically. They occupy 18 countries in Asia, ranging from Iran in the west, across northern India, most of Southeast Asia, north through a large portion of China, the Korean Peninsula, parts of the Russian Far East, Japan, and Taiwan (see map, Appendix 1).

No reliable estimates exist for populations of Asiatic black bears anywhere within their range because scientific data are lacking. However, four countries claim to have more than 5,000 Asiatic black bears (India, China, Russia, and Japan), one of which (China) estimates more than 20,000 (China may have half the world's population of this species). While these may seem to be a large numbers, it is important to realize that most Asiatic black bear populations are highly fragmented by human

activities into much smaller isolates, making them even more vulnerable to uncontrolled killing and potential extirpation. Only two countries are believed to have increasing populations of this species: Japan, where they are hunted much like the U.S., and South Korea, where they are increasing only because the small population there is being augmented with bears from Russia. Rangewide, we estimate that numbers of Asiatic black bears have declined by 30-50% during the past 30 years.

A major factor contributing to the decline of Asiatic black bears is thought to be poaching for gall bladders and paws. This information derives from anecdotal reports, surveys of local people, and occasional confiscations of large numbers of bear parts (sometimes in the hundreds). In truth, there is no scientific documentation of the status of this species. Population studies, which are common for bears throughout the U.S. and Canada, and generally funded by state and provincial agencies, are beyond the technical and/or financial means of most Asian countries, and very few American biologists have been able to work on Asian bears due to severe shortages of funding for such cooperative efforts.

Asiatic black bears are killed either directly by commercial bear poachers, indirectly by hunters seeking other species, such as deer or wild boar, or by people protecting their crops or property. In some countries bears are killed with guns, but in many countries guns are illegal so people use wire snares, rat poison, pit-fall traps, or homemade bombs (which the bears bite). Once the bear is killed, whether intentionally or incidentally, the parts are sold, even though this is officially illegal in nearly all of Asia.

WHAT THE BILL WILL ACCOMPLISH

Presently, a variety of laws govern the sale of gall bladders and paws of American black bears. Five U.S. states allow hunters taking a bear in that state to sell the gall bladder, and four of these states plus three others allow the hunter to sell the paws. Another six states (three with healthy bear populations of their own) allow residents to purchase gall bladders and paws from bears taken in other states (but not that state), as long as there is documentation that the kill was by a legal hunter. Four other states, all without bears, have no laws concerning the sale of bear gall bladders or paws, effectively allowing such sales.

Given that legal sales require legal take, and that hunters generally are allowed to take only one bear per year, it seems inconceivable that hunters could have much of a legal business selling bear parts. Moreover, since there are only five states that allow the sale of these parts from their own hunted bears, it is only the bear populations in these states that are potentially affected by any legal commercial trade in these parts; all these states, however, have robust, stable or increasing populations. Hence, the bill is likely to have little or no direct affect on American black bear populations.

It is possible, though, that the illegal trade in American black bear parts is facilitated to an extent by the varied laws that allow some legal trade across state borders. In that sense, the bill may assist law enforcement agencies in catching and prosecuting bear poachers.

The export of American black bear parts to Asia has been regulated by CITES since 1992, when the species was listed in Appendix II due to similarity of appearance of their gall bladders and paws to those of Appendix I Asian bear species. This listing requires a CITES certificate of origin for any parts to be legally transported across international borders; CITES certificates of origin are provided only with proof that the bear was legally taken.

There are very few cases of American black bear parts being legally exported to Asia. Moreover, since all legal exports are from hunter-harvested bears, this trade has little impact on the already well-managed populations of this species. The reason for the CITES Appendix II listing was to require identification tags on these parts, so they could be distinguished from those of Asiatic black bears. This gives law enforcement personnel in Asia greater power to make arrests, as untagged gall bladders of Asiatic black bears could not be passed off as being from legally-obtained American black bears.

This bill would prohibit all export of gallbladders from American black bears. Given the low legal export and CITES regulations already in place, it appears to us that the bill would provide minimal added conservation benefit to Asian bears.

WHAT THE BILL WILL NOT ACCOMPLISH

The stated purpose of the bill is to "conserve global bear populations." The bill also mentions thousands of bears in China that are kept on farms and milked for their bile. Whereas we agree that the protection of wild Asian bears and elimination of bear farming are noble goals, we believe that the bill will have little or no effect

on either. The bill is referred to as the "Bear Protection Act", but will do little to help bears in the places where they genuinely need more protection.

There is potentially some merit, though, in leading by example, even if the protective measures offered by the bill are not needed in the United States. Thus, although the bill does not directly address the plight of Asian bears, it provides evidence that the United States recognizes that the gall bladder trade is a principal factor impacting Asian bears. Furthermore, passage of the bill would indicate that the magnitude of this issue has persuaded the federal government of the United States to override state laws in order to obtain a unified position on the trade in gallbladders. That may send an important message to Asia about the U.S. commitment to deter the trade in bear parts.

The problem is that the message, for all its good intentions, may signify little to the countries where the trade in bear parts is particularly problematic. Governments in Asia are already cognizant that bear poaching is largely related to the trade in bear parts, but most either deny that this poaching is having a large effect, or recognize the problem but cannot do anything about it. Most already have strict laws prohibiting the trade in bear parts, but are unable to enforce them (see Appendix II).

The context of the U.S. and Asian situations is so different as to be virtually incomparable, so leading and following really make little sense. American black bears are so numerous that the annual harvestable take through legal hunting approaches the total world population of Asiatic black bears. Gall bladders have no value to most American citizens, so hunters discard them in the woods. American black bear hunters tend to be middle class people who hunt for recreation and for trophies. A law prohibiting trade in gall bladders would affect only a small minority of Traditional Chinese Medicine practitioners living in the U.S. In China, by contrast, there is a large demand for this product by upper income people, while many desperately poor people live in rural areas occupied by bears. To those poor people, killing a bear and selling its parts, particularly a bear that has been damaging their few crops, can make a difference in how much food or medicine they can buy or whether their family can afford small luxury items, like a television. Although both the sale of parts and the killing of bears is forbidden (with a few exceptions), very little enforcement of these laws occurs because there are too few enforcement personnel, and a general lack of recognition that bears are declining. The U.S. model, where tens of thousands of bears are harvested for sport, and a medicinal commodity routinely discarded, simply does not apply to the situation in Asia.

ISSUES MISSING FROM THE BILL

The one potential benefit of this bill is that it might deter some commercially-motivated bear poaching. If that is the chief aim, then bear paws should also be included in the ban. Paws are not used in TCM, but are sought after as a delicacy, and command a high price. Recent, large confiscations of shipments of bear paws on their way to China (from Russia and various countries in Southeast Asia) are evidence of the demand for this product, and potentially devastating effects on wild populations of Asian bears.

Just as with gall bladders, the trade in paws has little adverse effect on populations of American black bears. However, just as with gall bladders, there is a patchwork of state laws regarding the sale of bear paws (because most of these laws are archaic and did not recognize that this is an edible product). It is possible that some poachers kill bears principally to sell their paws. Therefore, it seems logical that if the interstate sale of gall bladders is prohibited, that paws (but not claws) be included as well.

The proposed bill includes all bear viscera, not just the gall bladder. The reason for this is unclear, as other organs have no commercial value. However, scientists are presently involved in a number of studies of these other organs. Several of these studies relate to bear physiology during hibernation, the understanding of which may ultimately provide medical benefits to humans. Organs are shipped to the few experts across the country. It appears that this bill prohibits the import or export of all bear viscera across state lines without exception. We argue that an exemption should be made for scientific purposes, and further that any permitting for such transport by scientists should be extremely simple, as often the products need to be shipped fresh (immediately after the bear dies, often when the death is unanticipated).

WHAT IS REALLY NEEDED

We applaud the Congress of the United States for the concern over the trade in bear parts. Although our testimony demonstrates that this bill, as written, will have little or no actual effect on bear populations anywhere in the world (though it might

help deter some poaching within the U.S.), we think it provides an opportunity for greater discourse about bear conservation. We thus view this as a positive step toward a more concerted effort to address this issue in a more direct way. Indeed, we hope that any publicity arising from this bill uses the opportunity to highlight the true depth of the problem, rather than credit the bill with solutions. Moreover, we hope that it generates a greater effort to find real solutions.

The situation for bears in Asia is the opposite of that in the U.S. Habitat loss in Asia continues to be a concern in many areas, although efforts are underway in some countries to reverse it. Asiatic black bear hunting is forbidden in most places, but poaching continues to be widespread, fueled largely by the demand for gall bladders and paws. The situation is complicated by the fact that bear bile has proven medicinal benefits and a 3,000-year history in TCM. The situation is further confounded by the farming of 12,000-13,000 bears in China and Vietnam, where they are milked for their bile. Chinese authorities claim that this vast production of cheap bile diminishes the demand for more expensive bile from wild bears, and thus reduces the killing of wild bears; opponents of bear farms fear that increased accessibility to farmed bear bile (now in such surpluses that it is sold in non-TCM products, such as shampoos, lotions, cosmetics, sports drinks, and toothpaste) may encourage more users.

Successes in restoring American black bears and brown (grizzly) bears of North America and parts of Europe have demonstrated that the key to bear conservation is reducing human-caused mortality and providing sufficient habitat. Thus, in Asia, reduction in the trade in bear parts, combined with habitat protection, is essential. The situation for bears in Asia is complicated by the fact that the present level of information is so poor. Increasing complaints of bears raiding cropfields gives the false perception to government authorities that populations are burgeoning, when in reality this trend likely reflects diminishing habitat quality in the adjacent forest and increasing human incursions with agriculture into the few areas of bear habitat that remain.

We believe there is time to act on behalf of Asian bear conservation in a meaningful way, and to reverse their downward slide. Below we list the top priorities:

- *Survey portions of the geographic range where the continued existence of bears is unknown.* Although China comprises the largest area of range for Asiatic black bears, up to half of the assumed range in China may not even be occupied by bears (Appendix I). We recently learned that another Asian bear species, the Sloth bear, may have disappeared recently from Bangladesh; this loss was undetected by authorities because they have no knowledge of where bears actually exist. These examples demonstrate the poor state of knowledge about these species. It is not only important to know where bears exist, but also to train local biologists on how to detect bear presence, so changes in distribution can be readily ascertained.
- *Obtain information on bear population trends.* Very little data are available on population trends of any Asian bears, but with few exceptions, present evidence indicates that most populations are declining: area and quality of forested habitats are generally in decline, poaching levels remain high, and knowledgeable local people typically indicate that poaching has caused visible declines in bear numbers. One great hindrance to bear conservation, though, is the reluctance of government authorities in Asia to admit that populations are in decline. We believe that there are ways to more effectively monitor population trends, and that if government authorities were provided better data showing what are likely to be alarming declines in bear numbers, more action would be taken, and such action could be directed at the areas most in need.
- *Conduct direct, on-the ground conservation work on issues affecting bears in Asia.* We see several potential ways that Asian governments could improve conservation of bears. These include: assistance with reducing human-bear conflicts (bears raiding crops and damaging property); improved training, increased staff, and provision of better equipment for park guards and local authorities dealing with poachers; better training for patrolling staffs of nature reserves for monitoring bear occurrence and finding bear poaching activities; establishment of reserves to protect bears in key areas where populations are small and disjunct; increased CITES enforcement staff to thwart imports and exports of bear parts; and increased education about the status of Asian bears and effects of the bile trade, provided through television programs, signs, school programs, and local community activities.
- *Address the bear farming issue.* The Chinese government asserts that bile produced on bear farms reduces the demand for wild bile, and hence the impetus to poach wild bears. The counter-argument is that this large quantity of relatively cheap bile and the active promotion and marketing of the sale of this

bile entices more users, with some ultimately desiring and being able to afford wild bile. A rigorous study is needed to resolve this important debate, because if the latter, counter-argument were correct, it would provide a conservation rationale (not just an animal welfare rationale) for closing these farms. Meanwhile, thousands of bears reside on farms, many in inhumane conditions. A non-governmental organization has raised funds to house a few hundred bears that have been removed from some of the worst farms. Vietnamese and Chinese authorities are willing to remove thousands more, but large captive facilities are needed to house them (because these bears would be incapable of surviving in the wild).

The scope of these issues is massive, and the funding needed to address them is also therefore large. Professional organizations like ours, and other conservation organizations, have not been able to raise sufficient funds to have much of an effect. For example, the International Association for Bear Research and Management is only able to provide small annual grants, averaging ~$5,000 each, for about 10-12 bear research and conservation projects worldwide. An order of magnitude larger source of funding is needed, such as that provided by the Multinational Species Conservation Funds. These funds, allocated for the conservation of African and Asian elephants, rhinos, tigers, great apes, and marine turtles, have been tremendously effective in reversing dire conditions for these imperiled species.

Obviously there is a need for more funding for conservation for a host of other varied taxa, of which bears are just one. We restrict our argument that bears should be a priority for such funding to the simple point that Congress has overtly acknowledged this priority through deliberation of the Bear Protection Act. If the passage of that bill is to stand as an initial small step toward worldwide bear conservation action administered by the U.S. government, and does so mainly by increasing awareness of the looming issue of the gall bladder trade, then the next, crucial step is increased funding directed at the real issues, which occur in Asia.

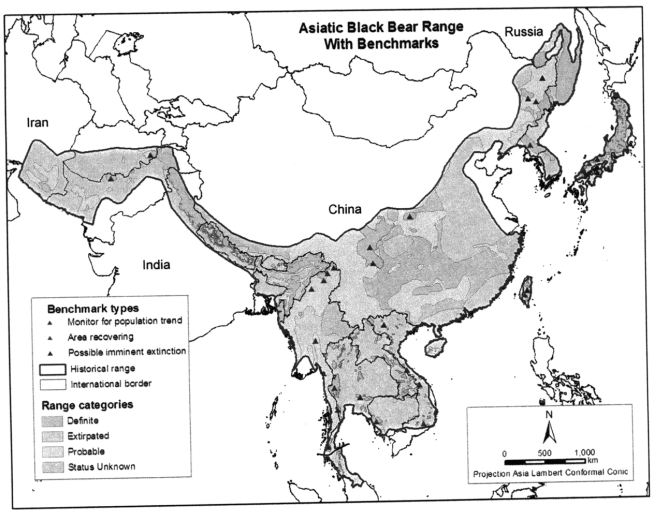
Our endorsement of the present bill is thus predicated on follow-up action, specifically increased funding to address the pressing conservation issues in Asia that result from the trade in bear parts. If Congress only goes as far as to pass the present legislation, thereby restricting the small-scale legal trade in gall bladders within the U.S., then little real bear conservation will be accomplished.

CONCLUDING COMMENTS

Thank you for this opportunity to provide comments that will hopefully forge a fruitful path toward effective conservation of the world's bears. Neither I, nor the organizations that I represent, intended through this testimony to give the impression that we did not see value in the proposed Bear Protection Act. We only wanted to stress the issue that we thought other testimony would likely miss: the problem regarding the trade in bear parts is much larger than can be dealt with by simply strengthening the laws regarding interstate trafficking of gall bladders. Our organizations, composed of professional biologists, do not deal with enforcement, so we are not in a position to comment on how much such a bill would aid in the prosecution of poachers. Thus, we restricted our comments to population-level effects on bears. By doing so we hope that we have not diminished what others might testify to in terms of the enhanced ability of enforcement personnel to stop bear poaching. Of course we support any measure that cracks down on poachers.

Had I been present to testify orally, and had I been asked whether, in my opinion, this bill should pass, I would certainly have said yes. But, I would have hastened to add—please keep in mind that the issue is much larger, and so this legislation should be viewed as a beginning, not the end.

I welcome further discussion on any of these issues (dave.garshelis @dnr.state.mn.us; 218-327-4146).



Appendix I. Range map for Asiatic black bears produced by the IUCN Bear Specialist Group, 2007. The species has been extirpated from large areas of the former range, and in other large regions the presence of bears remains unknown due to lack of reliable information.

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Appendix II. An Asiatic back bear cub killed for its gall bladder in a market in Myanmar in 2006. This species is fully protected under Myanmar law, but situations like this occur quite openly there and across much of Asia, even though it is strictly illegal.

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