

Biting the Hand that Feeds



THE CASE AGAINST DOLPHIN PETTING POOLS

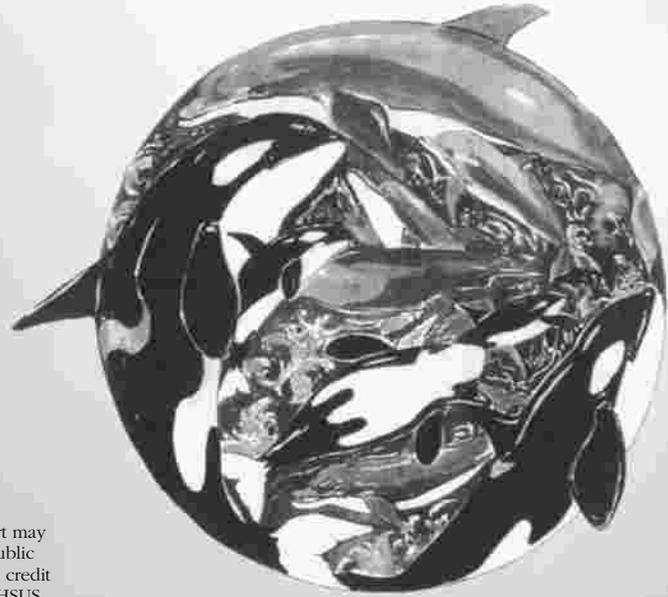
An investigative report by WDCS,
the Whale and Dolphin Conservation Society and
The Humane Society of the United States (HSUS)

Spring 2003



CONTENTS

Introduction	1
Petting Pools: A threat to dolphin welfare	3
Petting Pools: A threat to the welfare of Petting Pool visitors	6
What do visitors learn at Petting Pools?	8
Conclusions	Inside Back Cover
Recommendations	Back Cover



All information in this report may be reproduced for use as public education providing written credit is given to WDCS and The HSUS. The report itself and photographs contained within it may not be reproduced without the prior written approval of WDCS and The HSUS.

WDCS and The HSUS have taken care to ensure the accuracy of information in this report. We welcome comments, updates and new information on human-dolphin interactions in captivity and the wild. Please send information to: pettingpools@wdcs.org.

Illustration: Linda Shaw

Produced by:

WDCS, Whale and Dolphin Conservation Society
Brookfield House
38 St. Paul Street
Chippenham
Wiltshire SN15 1LY
U.K.
Tel. (44) (0)1249 449 500
Fax. (44) (0)1249 449 501
Website: www.wdcs.org
Email: info@wdcs.org
Registered Charity No. 1014705
Registered Company No. 2737421.

WDCS, US
P.O. Box 820064
Portland, Oregon 97282-1064
U.S.A.
Tel/Fax. (503) 235-7050

HSUS, The Humane Society of the United States
2100 L Street, NW
Washington, DC 20037
U.S.A.
Tel. (301) 258-3048
Fax. (301) 258-3080
Website: www.hsus.org
E-mail: nrose@hsus.org

Introduction

Opportunities for physical contact with whales and dolphins, including touching, feeding and swimming with both wild and captive animals, are increasing in range and intensity. The last five years have seen a dramatic growth worldwide in human-dolphin interaction programs at public display facilities, which both stimulate and meet the public's demands to get closer and closer to these unique and fascinating animals. Few will deny that a personal encounter with a dolphin or whale is a stimulating and moving experience but, until now, little attention has been paid to the potentially negative consequences of such intimacy.

For many years, WDCS and The HSUS have expressed concerns about the potential risks to both humans and dolphins associated with physical interaction programs. This new report produced by WDCS and The HSUS focuses on one type of interaction - dolphin petting and feeding programs (hereafter known as 'Petting Pools'). The report is based on a five year study of Petting Pools operated by Sea World in the United States (US), but its findings are representative of the problems and hazards inherent in Petting Pools operated by other facilities.

We conclude that the intense and poorly regulated physical interactions between inexperienced members of the public and dolphins in crowded Petting Pools pose unacceptable risks to both humans and dolphins. These risks should be of great concern to the public, the travel and insurance industries, public display facilities themselves, and the US agencies which are not meeting regulatory responsibilities.

WDCS and The HSUS believe that the compelling evidence presented in this report justifies the immediate closure of all Petting Pools on public safety and animal welfare grounds.

An overview of dolphins in captivity

For over one hundred years, whales and dolphins (collectively known as cetaceans) have been captured in the wild and held captive; objects of humankind's desire for animal entertainment and, more recently, for personal interaction. Thousands of whales and dolphins are held in tanks and sea-pens all over the world, but the species

most commonly displayed and used in performance and interaction programs, including in Sea World's Petting Pools, is the bottlenose dolphin.

Public display facilities, irrespective of the capacity of their tanks or sea-pens and the sophistication of their behavioral enrichment programs, are simply unable to accommodate the physiological, behavioral, social and environmental needs of these complex and wholly aquatic species. As this report depicts, by imposing human contact on captive dolphins, Petting Pools exacerbate the stress already wrought by captivity, and are entirely unacceptable.

Who is responsible for dolphins?

As this report illustrates, issues relating to captive cetaceans (including capture and international trade, as well as interaction with the public) are inextricably linked to the protection of their wild counterparts. Although this seems obvious, the US government's legislative oversight of captive and wild marine mammals has been fractured since 1994.

Currently, all jurisdiction over the care and maintenance of marine mammals within public display facilities resides with the Animal and Plant Health Inspection Service (APHIS) of the US Department of Agriculture. APHIS's regulatory authority is governed by the US Animal Welfare Act (AWA)¹. Prior to 1994, however, jurisdiction for the care of captive marine mammals was shared by the National Marine Fisheries Service (NMFS), whose authority derived from the Marine Mammal Protection Act (MMPA)². NMFS regulates activities that impact wild marine mammals, including their capture from the wild. The 1994 amendments to the MMPA, however, removed most of NMFS's authority to regulate captive display facilities. Though NMFS is still responsible for issuing permits for captive display, and authorizes the transfer of animals between facilities, it has virtually no jurisdiction over the welfare and care of these animals once they are within a facility.

According to this division of responsibility, the regulation of Petting Pools should fall under the jurisdiction of APHIS, but the reality is shamefully different. Regulations for the 'Handling, Care, Treatment and Transport of Marine Mammals' (the Humane Handling Regulations) were established under the AWA in 1979³. It was

Life in confinement

Cetaceans - bottlenose dolphins in particular - are among the most complex and highly intelligent of mammals; renowned and celebrated for their close family bonds, boundless energy, co-operative hunting strategies and complicated communication. The difference between a dolphin's existence in the wild and under the control of humans in captivity is immeasurable: Not only is the scale and complexity of its physical environment dramatically reduced, but every single aspect of its life - from the size and composition of its social grouping, to the food it eats and the hours it sleeps - is determined by humans. Tragically, as witnessed in other highly developed mammals whose very essence is extinguished in confinement, in many facilities captive dolphins have higher rates of infant mortality and a lower survival rate than their wild counterparts.



This obese dolphin has apparently succeeded in competing with other Petting Pool dolphins for fish provided by visitors. Photo: WDCS

RIGHT: During the busiest times at a Petting Pool, seemingly hundreds of people can almost entirely surround a dolphin pool. Photo: WDCS



Even in 'refuge areas', underwater viewing walls ensure that the dolphins are never far from the sight or sounds of visitors. Photo: WDCS



ABOVE AND BELOW: Begging for attention at a typical Petting Pool interaction. Photos: WDCS



Orcas, too, can be subject to petting in public display facilities. Photo: WDCS

no alternative but to bring this issue to the attention of the public, the media and the travel and insurance industries. We encourage each to respond responsibly to the information provided.

What is a Petting Pool?

Marine mammal Petting Pools permit the visiting public to lean over the perimeter of a pool to touch and/or feed animals such as dolphins, sea lions, belugas and even orcas (killer whales). Although we have deep concerns about the growing number of Petting Pools in a number of countries, this report focuses on

not until the 1990s that human-dolphin interaction programs became popular at US public display facilities and, accordingly, specific provisions were agreed in respect to 'swim-with-the-dolphin' (SWTD) programs in 1998, including vital provisions relating to refuge areas, staff training, maximum interaction times and provisions for addressing unsatisfactory, undesirable or unsafe behavior⁴.

Remarkably, however, these SWTD Regulations specifically excluded the animals that, in our opinion, are most in need of protection, and the programs most in need of statutory oversight - Petting Pools. Furthermore, following protests by representatives of the US captivity industry who claimed they were caught unawares by the SWTD Regulations' intended application to their 'shallow water interactive programs', the SWTD Regulations were suspended in April 1999. This has left all US public display facilities that provide human-dolphin interaction programs without any specialized requirements crucial to the protection of both visitors and dolphins.

Four years later, the SWTD Regulations are undergoing revision and new standards are expected to be published during 2003. We anticipate that, despite our best efforts, these new rules will again exclude Petting Pools. In view of the fact that the basic findings in this report have been known to the relevant authorities since 1999, we find this omission astonishing and unacceptable.

As it is apparent that the US authorities will not take responsibility for, and public display facilities will not submit to, proper regulation of Petting Pools, WDCS and The HSUS have

three (originally four) dolphin Petting Pools at Sea World Parks in the US which illustrate the problems of such human-dolphin interaction. These facilities, in Florida, California and Texas (and, originally, in Ohio), market an opportunity for the public to touch and feed 'fun-loving' and 'playful' bottlenose dolphins. To help the public attract the attention of the dolphins, fish is sold periodically from a booth near the pool. Present around the pools are uniformed Sea World employees, including animal care staff and members of the Education Department who give presentations to visitors over the pools' public address (PA) system.

WDCS and The HSUS have been studying Sea World's dolphin Petting Pools since 1996; making more than 30 unannounced day-long visits over this period to observe and record the conditions of the animals and the interactions between them and human visitors. A summary of our findings, including a statistical analysis of potentially harmful human and dolphin behavior, was reported to the US authorities in 1999, who forwarded a copy to Sea World. During the following three years, and as recently as October 2002, investigators have observed some changes at the Petting Pools that appear to respond to our assessment of the risks to both humans and dolphins. Although we welcome these minor improvements, we have observed nothing to dissuade us from the conclusion that these are inhumane and unjustified regimes that pose unacceptable risks to both humans and dolphins.

Our 1999 report to APHIS was based on 72 hours of video, recording 189 feeding

sessions at four Sea World Petting Pools in 1996 (Sea World Orlando in Florida, Sea World San Diego in California, Sea World San Antonio in Texas and Sea World Cleveland in Ohio). The study recorded and assessed human and dolphin behaviors which appeared to present direct or indirect risks to the health and welfare of visitors or dolphins, including biting and butting, and the feeding of foreign objects and potentially contaminated food. It also considered staff intervention and other factors that might have a direct impact on the welfare of both dolphins and humans. These other factors included gull harassment, feeding regimes, access to refuge areas, and the potential for the bi-directional transmission of disease.

Petting Pools: A threat to dolphin welfare

In the wild, dolphins appear to lead some of the most active lives in the ocean: travelling sometimes up to hundreds of miles a day; using complicated, often co-operative, hunting strategies to catch fish; and socializing in constantly changing groups. The confinement of dolphins is believed to be a source of considerable physical and psychological stress.

As if the fact of confinement itself were not stressful enough for a dolphin - trapped with associates that it can neither choose nor avoid, with its movement restricted and most of its choices removed - dolphins in human interaction programs must contend with additional sources of stress that are currently unregulated by the responsible authorities. Stress can increase an animal's susceptibility to disease. Case studies of mortality and illness in captive bottlenose dolphins suggest that stress, resulting from social instability and ensuing aggressive interactions inherent in a captive environment, is likely to contribute to these effects. These additional sources of stress include:

Lack of refuge

A lack of respite from human contact during Sea World's long opening hours may have serious implications for the health and welfare of its Petting Pool dolphins.

The suspended Federal Regulations in respect to SWTD programs appropriately acknowledged that captive dolphins involved in human interaction programs need rest periods and refuge from visitors. Accordingly, they required that interaction time for each dolphin should not exceed two hours per day and designated that each 'program cetacean' should be free from public interaction for at least ten continuous hours out of every 24. Furthermore, the Regulations provided that dolphins should have unrestricted access to a sanctuary area where they could retreat from human contact.

In contrast, although the booths selling fish open only periodically, visitors to Sea World still have non-stop access to Petting Pool dolphins for as many hours as the park is open - up to 12 hours/day in summer months. This leaves the animals little time when the parks are closed to rest or engage in undisturbed social interactions. Furthermore, outside of opening hours, staff must undertake medical checks and pool maintenance, as well as training and supplemental feeding - further reducing time free from human disturbance.

At the time of our last visit, the Petting Pool at Sea World San Antonio provided no annexed 'refuge area' to which dolphins can theoretically retreat from visitors. The other Sea World Petting Pools did offer such 'refuge', but we have observed that these are often closed off while the Park is open. Sea World San Diego (whose refuge area was closed off during a visit in September 2001) also has a section of perimeter wall over which the public cannot (and are requested not to try to) reach the dolphins beneath. However, this section of wall comprises a large underwater viewing window, through which visitors try to attract the dolphins' attention. At Sea World Orlando, even the refuge area itself includes such a window. At Sea World Cleveland (which was sold to the Six Flags chain in January 2001), we observed dolphins confined in the gated-off refuge area undergoing medical treatment.

Nutritional problems

APHIS regulates how food intended for captive cetaceans should be prepared and handled "so as to minimize bacterial or chemical contamination and to assure the wholesomeness and nutritive value of the food"⁵. The Humane Handling Regulations (which apply to Petting Pools) provide that feeding by members of the public is only

Noise

During the busiest times at a Petting Pool, a large crowd of people can almost entirely surround the pool, the clamor of their voices adding to the noisy environment of the park itself. Although Sea World staff present at the Petting Pools ask visitors not to splash the water or slap the sides of the pool, and acknowledge that 'sound can irritate the dolphins', some visitors nevertheless try all means to attract the dolphins' attention, whether or not a feeding session is in progress (i.e., the booth is selling fish), including tapping coins and other hard objects against the pool wall.

Additionally, according to its web site, Sea World conducts between 100-120 fireworks displays every year, including nightly shows from mid June through Labor Day at the beginning of September.



Sunglasses are common trouble items at Petting Pools.
Photo: WDCCS

Where do the dolphins come from?

Although many public display facilities endeavor to breed cetaceans, significant numbers of whales and dolphins continue to be taken from wild populations to supply the growing demands of the captivity industry and to compensate for the premature deaths it causes in many facilities. Methods used to capture and transport cetaceans can be shockingly cruel, and many individuals die during capture operations or in transit. Although the capture of wild cetaceans from US waters is currently prohibited (except under special permit), wild cetaceans continue to be captured by and traded between many other countries and may ultimately be imported into the US. Records show that Sea World displays dolphins captured from the wild as well as those born in captivity.



Because of the sheer size of dolphins competing for fish in a Petting Pool, their abrupt movements in a confined area may put visitors at risk of harm.
Photo: WDCCS

permitted under the supervision of a uniformed employee or attendant who must ensure that the animals receive the proper amount and type of food, and only food supplied by the facility where the marine mammals are kept.

The adequate supervision of public feeding of Petting Pool dolphins is unattainable in the context of sometimes hundreds of visitors crowding around the enclosure over the course of hours. We believe that it is impossible for Petting Pools to meet the requirement of the Humane Handling Regulations that individual dolphins receive the proper amount and type of food. For example, we have observed visitors to Petting Pools feeding sandwiches, French fries, bread, popcorn and the contents of drink containers to the dolphins. These incidents were either not observed by Sea World staff, or no attempt was made to stop them, within the sight of investigators.

The fish fed by the public only constitutes a portion of the daily diet of Petting Pool dolphins (40% according to Sea World

Orlando staff in 1999). Animal care staff then provide supplemental food to each dolphin individually. Investigators occasionally observed trainers conducting supplemental feeding during opening hours, in what appeared to be an attempt to provide ‘visitor entertainment’.

The Humane Handling Regulations require that staff are “able to recognize deviations from a normal state of good health in each marine mammal so that food intake can be adjusted accordingly”⁶. However, the continued obesity of some Petting Pool dolphins recognized in repeated visits to Sea World suggests that supplemental feeding does not take into account the amount of fish that each dolphin receives from the public.

Foreign objects

Dolphins are curious animals that are attracted by unfamiliar objects in their environment. Sadly, however, as the government-maintained Marine Mammal Inventory Report and other published sources reveal, many captive cetaceans have died after swallowing foreign objects. We are concerned that the provision by untrained and poorly supervised visitors of a significant proportion of their food and stimulation makes Petting Pool dolphins particularly vulnerable to eating dangerous objects.

A Sea World staff member supervising an underwater inspection of the bottom of the

Paper fish containers are among the common items found in the mouths of Petting Pool dolphins.
Photo: WDCCS





LEFT AND ABOVE: Evidence of injuries, both new and old, can be found in Petting Pool dolphins. Photo: WDCS

San Diego Petting Pool in September 2001 acknowledged to a WDCS observer that visitors regularly drop personal items, such as keys and sunglasses, into the pool, which must be retrieved to avoid harm to the dolphins. Pool-bottom inspections during opening hours were not observed by investigators before 2001, and may have been initiated in response to our 1999 report to APHIS, which included a report of a calf at Sea World San Diego picking up a coin from the bottom of the pool. Although these inspections are a welcome development, we remain concerned that they do not address the problem of visitors feeding foreign objects directly to the dolphins.

During our periodic visits to Sea World, we have observed a wide variety of items actually entering the mouths of Petting Pool dolphins, including several pairs of glasses, paper fish containers, a stone, a baby's pacifier, coins, a metal park souvenir, a bottle top and a hair barrette. Each of these has the potential to cause gastrointestinal blockage, poisoning or even death.

The risks of behavioral conditioning

As Sea World explains on its website, its trainers use food as a 'primary reinforcer' to let an animal know when it has performed a desired behavior. In the case of unwanted behavior, the trainer remains motionless and silent for three seconds. But as the site acknowledges, "Because we really don't



Several Petting Pool dolphins are obese, despite a legal obligation to adjust captive dolphins' food intake to ensure a "normal state of good health". Photo: WDCS

Harassment by gulls

The Petting Pool at Sea World San Diego attracts a large number of gulls and other birds that are present all day on the perimeter wall of the Petting Pool and aggressively snatch fish from visitors' hands and dolphins' mouths during feeding sessions. The presence of the birds and their droppings is not only unhygienic and potentially dangerous (their beaks can break human skin and may be the cause of some injuries observed to the dolphins), but they also appear to irritate the dolphins who are sometimes observed to chase them off - only for the birds to resume their offensive a few seconds later.

Contaminated fish

In addition to concerns relating to the quantity of fish that is fed to each Petting Pool dolphin, the quality of fish is also at issue. With hundreds of people buying fish to feed the dolphins each day, it is impossible to control how, and for how long, fish is handled before it is offered to the dolphins. Exposure to air, sunlight and visitors' hands will exacerbate bacterial growth in raw fish and, although hand-washing facilities are provided, Petting Pool staff do not require visitors to wash their hands prior to handling fish and feeding the dolphins.

Staff warn visitors not to feed damaged or broken fish to dolphins, noting that bones can cut dolphins' stomachs or throats. Despite these warnings, however, investigators observed damaged fish being sold at the fish booths and some visitors still break up fish to provide more opportunities to feed Petting Pool dolphins.

Furthermore, despite staff requests to return dropped fish to the booth, some visitors have been observed feeding the dolphins with fish that have been dropped and stepped on.

always know what is reinforcing to marine mammals, any reaction has the potential to be reinforcing”⁷.

Dolphin experts have noted that “a whole range of inappropriate behaviors can be inadvertently conditioned by people who feed marine mammals in the wild, ranging from increased aggressive competition between animals, to ‘pushy,’ aggressive or threatening behaviors directed at humans”⁸.

Our research indicates that this same conditioning may be occurring in Petting Pool dolphins and that visitors may inadvertently be training dolphins to perform dangerous behaviors. It is clear from our observations of Petting Pools that the ‘pushiest’ dolphins, and those most willing to tolerate physical contact, get the most attention - and thus the most fish - from the public.

Petting Pools: A threat to the welfare of Petting Pool visitors

Exposure to physical injury

It is vital that public display facilities fully report data about injuries incurred by visitors in order that the public can make informed choices about whether to participate in dolphin interaction programs such as Petting Pools. Full reporting of, and access to, such information is also necessary for the travel industry to decide whether and how to market such programs and for insurers, both of tourists and the facilities themselves, to assess the physical and legal risks to which their respective clients are exposed, in order to determine insurance coverage and premiums.

However, since the suspension of the SWTD Regulations in 1999, there has been no legal requirement for public display facilities in the US to report injuries incurred by visitors in human-dolphin interaction programs to the authorities, nor for the facilities to provide contact details to enable visitors to report complaints or injuries themselves. Nevertheless, media reports and historic government records reveal a range of serious injuries caused to visitors by captive dolphins in interactive programs,

including cuts, bruises, broken bones, bites and rakes.

Because of the sheer size of dolphins and their concentration in Petting Pools, abrupt movements and occasionally aggressive competition for food can put visitors at risk of physical harm. During visits to Sea World's Petting Pools since 1996, we have both directly observed, and been told of, several incidents, including bites, head butts and trapped hands. The risk of visitor injury is recognized in SWTD and other interactive programs, including a study conducted in 1994 on SWTD programs which details aggression and other high-risk behavior by dolphins directed at the visitors in the water with them⁹.

Sea World is clearly aware of the risk of injury to its Petting Pool visitors and its concerns are reflected in the warnings given by staff over the PA system to keep hands out of dolphins' mouths and away from their sharp teeth. At Sea World Cleveland, visitors were warned not to touch the entire head area of the dolphin.

However, these safety warnings - and the reasons for them - are not adequately reinforced on admission tickets and signs and do not appear to be heeded by visitors, some of whom have been observed taking risks in order to achieve the closest or longest possible interaction with the dolphins. For example, visitors have been observed holding young children, and even babies, out over the pool to better enable them to touch the dolphins. In at least one case we observed, this resulted in a child being hit full in the face by a dolphin interacting roughly with another.

We are concerned that the selective attention of the public on the most assertive/least shy dolphins not only results in some animals becoming grossly obese, but may actually reinforce and perpetuate dangerous attention-seeking behavior in dolphins, such as lunging out of the water and snatching fish.

Staff oversight

Apparently recognizing the need for comprehensive oversight by staff of physical interactions between dolphins and visitors to ensure the safety of both, the former SWTD regulations established a minimum ratio of one qualified attendant to three visitors in SWTD programs. WDCS and The HSUS are concerned that many more



LEFT: Visitors have been observed feeding the dolphins with fish that have been dropped and stepped on. Photo: WDCS



The laceration to the lower tip of this dolphin's jaw is exposed to a visitor's touch. Photo WDCS

members of the public can participate in a Petting Pool feeding session than a SWTD session and, although visitors are not in the water with the dolphins in Petting Pools, they may have at least as much hands-on contact with the animals. We therefore believe that the ratio of staff to visitors at Petting Pools needs to be at least equivalent to the former SWTD requirements - to ensure control over the nature and extent of interactions between visitors and the dolphins and the safety of both parties.

Over the last five years, however, we have observed only one or two uniformed animal care staff in attendance during feeding sessions, in addition to 'Education' staff who conduct narrations, including public safety warnings, throughout the day. Although training staff regularly asked individuals not to sit, stand or climb on the perimeter wall, they did not, within sight of investigators appear to observe or intervene to prevent the following, potentially dangerous, visitor behavior:

- Thrusting a battery-operated fan with blades at dolphin's head;
- Touching within inches of a dolphin's eye or blowhole with pointed fish containers, park maps and other objects;
- Touching dolphins' blowholes and eyes;
- Offering fish containers, sunglasses, wristwatches, cigarettes, and other foreign objects to dolphins;
- Spitting into the dolphin pool;
- Suspending a baby out over the water and holding a child by its ankles;
- Feeding broken fish and fish that had been dropped and stepped on;
- Teasing dolphins by deliberately pulling a fish away or holding it out of reach to encourage the dolphin to rise out of the water.

The potential for disease transmission

The National Marine Fisheries Service (NMFS) has acknowledged that the potential exists for transmission of diseases between wild marine mammals and humans¹⁰. Since marine mammals are known to carry pathogens that can infect humans, the Service, in conjunction with the US Marine Mammal Commission, is currently conducting a survey of marine mammal handlers and professionals investigating zoonotic disease occurrences¹¹.

As NMFS has noted, not only do bites from marine mammals carry a danger of infection, but there are a number of disease agents that are common to both humans and marine mammals and can be transmitted between them. For example, a variety of opportunistic bacteria found on the skin of dolphins may pose a threat to human health, and several fungal and viral agents which can affect marine mammals have been or can be transmitted to humans.

WDCS and The HSUS are concerned that the potential for transfer of viral, bacterial and fungal infections between dolphins and humans may be greatly enhanced by the direct physical contact taking place at Petting Pools. Although Petting Pool dolphins may be regularly screened for disease, there is no legal requirement to do this and, in any event, it is impossible to determine what illnesses visitors may carry and transmit to the dolphins.

Furthermore, although Petting Pools provide hand-washing facilities, visitors are not required to use them and investigators observed very few visitors washing their hands after physical contact with the dolphins. Several people even continued to eat snacks while they handled both raw fish and the dolphins.

Injuries and disabilities

In addition to observing 'rakes' (scratches caused by teeth) on Petting Pool dolphins, we have also recorded several fresh wounds to the face, jaws and dorsal fins of several dolphins, including the severed tip of a lower beak, lacerations and gouging to beaks and a fresh cut to the head. We are concerned that, in such a competitive and crowded environment as a Petting Pool, these injuries may be the result of 'bullying' type behavior by dominant dolphins.



The US government has launched a public campaign to deter feeding, touching and swimming with dolphins in the wild. Photo: NOAA/NMFS/OPR



This wild dolphin, which was routinely fed by people, has injuries around its eye and throat. Photo: Thomas Murphy

Vandalism

Many of the human activities that pose a risk to Petting Pool dolphins have also been documented by NMFS in the wild, including enticement of dolphins with alcohol and human food. NMFS has even reported the use of baited lines. Sadly, the government's Marine Mammal Stranding Records contain numerous accounts of wild dolphin deaths caused by ingestion of inappropriate materials. One person was observed trying to feed a firecracker to a wild dolphin.

What do visitors learn at Petting Pools?

Any US facility applying to the government for a permit to capture or import a marine mammal for public display must demonstrate that the facility offers “a program for education or conservation purposes that is based on professionally recognized standards of the public display community”¹².

However, the requirement is easily satisfied because education programs have only to meet standards that are recognized as benchmarks by the captivity industry. These standards are not set or monitored by an independent public institution or regulatory agency and, not surprisingly, NMFS has never denied a public display permit on the grounds of insufficient educational value¹³.

Sea World claims to be “striving to provide an enthusiastic, imaginative, and intellectually stimulating atmosphere to help students and guests develop a lifelong appreciation, understanding, and stewardship for our environment” and “to instill a respect for all living creatures”¹⁴. Although information about dolphin biology, behavior and, to a lesser extent, conservation, is provided through display boards and narration by Education staff, the context in which the information is delivered at a Petting Pool seriously diminishes its value and impact.

Hand-feeding dead fish to obese dolphins in a cramped, overcrowded and featureless tank of chemically-treated water provides visitors with scant insight into normal dolphin behavior in the natural environment. By reducing dolphins, and indeed other species, to a theme-park attraction, Petting Pools may be perpetuating a dangerous indifference towards their welfare and that of their wild counterparts.

Wild dolphins at risk

WDCS and The HSUS are concerned that, by promoting and reinforcing the acceptability of feeding and touching dolphins, captive feeding programs will encourage the public to repeat their experiences with wild cetaceans.

Not only is petting and feeding wild dolphins potentially dangerous, but in the

US it constitutes the offense of harassment under the Marine Mammal Protection Act. However, despite heavy fines, such activities have increased at an alarming rate, notably in Florida, Texas and South Carolina.

In addition to the risk of poisoning or other food-related hazards, wild dolphins that approach, or rely upon humans for food are at risk of collision with boats and their propellers, entanglement in nets, or attack by sharks.

Furthermore, wild dolphins conditioned to seek food from humans can become less willing to hunt for themselves and may not teach their young vital hunting skills. They are also in danger of becoming targets of irritated fishermen or boaters who perceive their begging as a nuisance. Dolphins have even been shot by fishermen. Wild feeding may also attract non-local dolphins to an area, placing stress on the ecosystem, which may not have the capacity to sustain the increased population.

Humans trying to interact with wild cetaceans also put themselves at risk of physical injury, and NMFS warns that swimmers and other water users may be at increased risk of aggression from dolphins looking for a handout. In two separate recent incidents in Florida, members of the public were badly bitten by wild dolphins. One needed 20 stitches to her leg, and the other needed emergency room treatment for a deep wound in her hand.

Human interactions with wild dolphins are becoming so prevalent, and the consequences so serious, that the US government has recently launched a public campaign to deter feeding, touching and swimming with dolphins in the wild (the ‘Protect Dolphins’ Program). The public display industry is uniquely positioned to educate the public about the negative impacts of interacting with wild dolphins. Yet, during our investigations, we rarely heard statements from Sea World employees that wild feeding is illegal and we understand that attempts by NMFS to encourage Sea World to provide information and literature at Petting Pools on the problems of feeding dolphins in the wild have proven unsuccessful¹⁵.

Recent visits to Sea World in the past few months indicate that messages regarding the illegality of feeding dolphins in the wild are communicated through the narration that occurs before feeding activities commence, but on an inconsistent and

limited basis. Such narration does little to educate visitors of the personal risks involved, and the harmful effects such activities have on wild dolphin populations.

Why other parks do not have petting/feeding programs

A detailed survey of public display facilities, conducted in 1989, provides interesting insights into why many parks do not have a public ‘feeder pool’ or, if they did, why they closed it¹⁶. The responses of several industry representatives to the survey vindicate our conclusions that Petting Pools are impossible to regulate and pose unacceptable risks. The survey elicited the following statements:

- “We abandoned the practice because of overfeeding, difficulties regulating amounts fed, and potential injury to the public”.
- “I suspect that the reason for a feeder pool is financial and not educational”.
- “We endeavor to de-emphasize messages of exotic animals [sic] similarity with pets and feel that this sort of message may be derived through public feedings”.
- “My objections are hygiene (the state of the public’s hands), the possibility of foreign bodies being placed in the fish... and the staffing commitment that would be necessary to police such a facility”.
- “We do not feel that feeder pools are beneficial. It encourages the public to feed other animals items that are not on their diet and could be harmful. The risk of lawsuits from being bitten is high...”

A representative of Gulf World Marine Park in Florida reported that: “anticipated problems [with dolphin-public interactive displays] included control of guests, foreign body ingestion, training difficulties stemming from inadvertent reinforcement of undesirable behavior by the public and the potential for injury to guests by sometimes too-rough dolphin play”.

Conclusions

As we have illustrated, the US government’s history of failure to regulate Petting Pools, including exempting them from regulations governing other human-dolphin interaction programs, is unacceptable. The government’s rationale for not requiring consistency of crucial welfare provisions across the range of interaction programs has never been adequately justified and we can only assume that it represents a response to pressure from the captivity industry.

As this report demonstrates, physical interaction between humans and dolphins may pose serious risks to the health and welfare of both parties. Our collective concerns apply to all human-dolphin interaction programs, but Petting Pools represent an extreme case. Our focus on Sea World’s Petting Pools in this report is intended to be illustrative of the problems present in the currently unregulated regime of public petting and feeding programs, in addition to the physical and psychological stress associated with captivity:

- Potentially unlimited numbers of inexperienced members of the public are permitted to engage in poorly regulated physical interaction with large, powerful animals in a crowded environment;
- Dolphins are enticed with food, exacerbating aggressive competition between individuals and inciting attacks by birds;
- Dolphins are accessible to the public without respite for up to 12 hours each day, often without adequate access to a physical refuge;
- The daily participation of hundreds of visitors makes it impossible to ensure that individual dolphins are receiving an appropriate amount and type of food, and are not fed dangerous foreign objects or contaminated food;
- Abrupt movements by, and aggressive competition between dolphins can result in physical injury to visitors, including bites, head butts and trapped hands;
- The selective attention of the public on the ‘pushiest’ dolphins results in obesity and may reinforce and perpetuate dangerous attention-seeking behavior;
- Physical contact between visitors and dolphins provides an opportunity for the bi-directional transmission of diseases;
- A misconception promoted and reinforced by public feeding of captive dolphins that it is appropriate to feed and touch dolphins may lead to harassment of wild dolphins.

In the clear absence of a willingness to regulate Petting Pools, at least consistently with other human-dolphin interaction programs, our findings leave the US government and the public display industry with no other option but to close all Petting Pools immediately.

Recommendations

Based on the risks to human and dolphin health and welfare posed by their physical interaction in Petting Pools, WDCS and The HSUS make the following recommendations:

To the public display industry:

- Sea World and other public display facilities to immediately close their Petting Pools;

To the US authorities:

- The US regulatory authorities to withdraw federal and state approval for all dolphin petting and feeding programs;

To the travel and insurance industries:

- Tourism and travel companies not to promote facilities and holidays that offer petting and feeding of captive or wild dolphins - and to tell customers why;

- The insurance industry to re-evaluate insurance coverage for tourists who engage in petting and feeding activities with captive or wild dolphins, and for facilities which offer such activities;

To the public:

- The concerned public to contact Sea World and its owner, Anheuser-Busch Companies Inc., to call for a closure of its Petting Pools;
- The concerned public to write to APHIS to urge stricter regulation of public display facilities in the US.

Busch Entertainment Corporation

Mr. August Busch III
CEO, Anheuser-Busch Companies
One Busch Place
St. Louis, Missouri 63118
Fax: (314) 577-2900
E-mail: dialbud@anheuser-busch.com

Sea World

Mr. Brad Andrews
Vice President, Zoological Operations
7007 Sea World Drive
Orlando, FL 32821-8097
Fax: (407) 345-5397
Email: shamu@seaworld.org

Animal and Plant Health Inspection Service (APHIS)

US Department of Agriculture
Chester A. Gipson
Deputy Administrator
4700 River Road Unit 84
Riverdale, Maryland 20737-1234
Fax: (301) 734-4993

Ms. Barbara Heffernan
Director, National Affairs
Republic Place
1776 I Street, NW, Suite 200
Washington, D.C. 20006
Fax: (202) 223-9594

1 Animal Welfare Act, 7 U.S.C. §§ 2131-2159.

2 Marine Mammal Protection Act, 16 U.S.C. §§ 1361 et seq.

3 Code of Federal Regulations, Title 9, Part 3, subpart E, Section 3.100 - 3.125. Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals.

4 Code of Federal Regulations, Title 9, Parts 1 and 3, subpart E, Section 3.111. Swim-with-the-dolphin programs.

5 9 CFR Part 3, subpart E, section 3.105.

6 9 CFR Part 3, subpart E, section 3.105.

7 <http://www.seaworld.org/infobooks/training/mmtrain.html>

8 Flanagan, P. 1996. Wild and Dangerous: Why Interacting with Marine Mammals in the Wild Can Be Harmful. Soundings 25-32, Volume 21, Number 3.

9 Samuels, A. and Spradlin, T. 1994. Quantitative Behavioral Study of Bottlenose Dolphins in Swim-with-the-dolphins Programs in the United States. Final report to the National Marine Fisheries Service, Office of Protected Resources, 56 pages.

10 Wilkinson, D. 1991. Report to Assistant Administrator For Fisheries: Program Review of the Marine Mammal Stranding Networks. National Marine Fisheries Service, Office of Protected Resources. p. 45-50.

11 <http://www.vetmed.ucdavis.edu/whc/mmsurvey.htm>

12 As provided in the Marine Mammal Protection Act of 1972, Permits, 16 U.S.C. 1374, Section 104(c): Importation for Display and Research.

13 Personal communication, Office of Protected Resources, NMFS. April 2001.

14 <http://www.seaworld.org/infobooks/training/home.html>

15 Personal communication, Office of Protected Resources, NMFS, March 2001.

16 Boling, C. 1991. To Feed or Not to Feed: The Results of a Survey. Proceedings of 19th Annual Conference of the International Marine Animal Trainers Association, November 4-8, 1991.