



March 24, 2023

Michael Mitrick, President
Pennsylvania Board of Game Commissioners
Via email: pgccomments@pa.gov

Re: Proposed rulemaking amending 58 Pa. Code § 147.282 (Menageries)

Dear President Mitrick and members of the Pennsylvania Board of Game Commissioners,

On behalf of the Humane Society of the United States, the Global Federation of Animal Sanctuaries, Four Paws, World Animal Protection, Animal Welfare Institute, Animal Legal Defense Fund, the International Fund for Animal Welfare, and our collective Pennsylvania members, I respectfully request that the Pennsylvania Board of Game Commissioners vote against the proposed rules to amend 58 Pa. Code § 147.282. The proposed rules would significantly weaken Pennsylvania's public safety law by expanding public contact opportunities with captive wild animals.

The Commonwealth's existing regulations promote conservation, protect public safety, and promote animal health by prohibiting, with limited exceptions, contact with wildlife and exotic wildlife.¹ In 1987, the Pennsylvania General Assembly strengthened the game statutes to better safeguard the public from attacks by exotic wildlife,² an acknowledgment of the dangerous nature of captive animals.

Pennsylvania's current law is working. It is precisely because of the existing statutory and regulatory prohibitions on public contact with wild animals (and effective enforcement) that we do not see the number or types of injuries from public contact activities that we have documented in other states. The HSUS has tracked more than 2,000 dangerous incidents since 1990 involving various types of captive wildlife. Our records indicate that Pennsylvania has experienced only two dangerous incidents related to public contact activities during that time: children fell off a spooked camel at a circus and a woman was injured while feeding an elephant at a county fair. Pennsylvania's current law safeguards residents and visitors from risks inherent in offering close encounters with wild animals and should remain unchanged.

Because of Pennsylvania's strong laws, the Commonwealth has not been at the forefront of the nationwide proliferation of animal exhibitors offering public contact activities. According to data recently published by the US Department of Agriculture (USDA) (which regulates exhibitors pursuant to the federal Animal Welfare Act (AWA)), licensed exhibitors offering interactions between the public and animals as part of their business almost doubled between 2019 and 2021 (increasing from 25% of all USDA-licensed exhibitors to 44.4%).³

¹ 34 Pa. Stat. and Cons. Stat. Ann §§ 102, 2961; 58 Pa. Code §§ 147.242(b), (c), 147.262, 147.282(b)-(d),

² H.B. 167, Gen. Assem. of Penn., Session of 1987, *An Act Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, safeguarding the public from attack by exotic wildlife*, Printers No. 185, available at: <https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=1987&sessInd=0&billBody=H&billTyp=B&billNbr=0167&pn=0185>.

³ 88 Fed. Reg. 1151, 1152

Just one example of a public-contact-based exhibitor is [SeaQuest Interactive Aquariums](#), a chain of shopping mall-based exotic animal petting zoos where visitors are “invited to touch, feed, and participate in animal interactions—including exotic mammals and aquarium fish.” SeaQuest expanded rapidly, opening ten locations in shopping malls in just seven years, including East Coast locations in New Jersey, Connecticut, Virginia, and Georgia along with unsuccessful attempts to open in New York and Florida. SeaQuest’s website documents an abundance of public contact interactions with wildlife: SeaQuest Fort Worth currently offers for sale *over 4,600 tickets for animal interactions for a one-week period in April 2023*.⁴ Injuries to the public and staff are a direct result of this business model. Dozens of people—children and adults, visitors, and employees—have reported injuries sustained from public contact activities with wildlife (from coatimundi, sloths, otters, and reptiles, among others) at multiple SeaQuest locations. The USDA, which has been criticized by its own Office of Inspector General for inadequate enforcement of the AWA, has cited SeaQuest at least twenty times since 2019 for public contact handling and safety-related AWA violations.

Because of both the popularity and dangerousness of these activities, the USDA is considering strengthening federal regulations relating to public contact just as Pennsylvania’s proposed regulations would weaken our public safety regulations regarding captive wildlife. In an advanced notice of public rulemaking, the USDA cited the increasing number of exhibitors offering these experiences, the prevalence of noncompliance with existing handling regulations, and the number of resulting injuries to humans and animals as well as animal deaths.⁵

These problems arise because even wild animals born in captivity and hand-raised remain wild—they maintain their wild instincts, are unpredictable, and even young animals can inflict serious injuries through bites and scratches. These animals can and do spread deadly viral, bacterial, fungal, and parasitic infections that pose serious health risks to humans. And, public contact remains a poorly-regulated activity. There are many exhibitors—including some based in Pennsylvania—with records of unsafe handling and dangerous incidents.

During the September 2022 PGC meeting, a Pennsylvania exhibitor sought approval to offer public contact activities with kangaroos. These animals are no more safe than other captive wildlife. With their long, muscular tail, powerful hind legs, and dagger-like toenails that can slice open a human’s abdomen, kangaroos are very dangerous. Two people were injured during public interactions with kangaroos at two different attractions in Alabama. In one case, a 9-year-old girl needed 14 stitches after a kangaroo

⁴ Interactions are comprised of: a three-mammal interaction (ten tickets, twelve times daily); an Asian small-clawed otter interaction (one ticket, twelve times daily); a “choose your own adventure” interactive experience (that can include birds) (ten tickets, 12 to 16 times daily); an interactive bird experience (including a parakeet aviary) (ten tickets, between 12 to 16 times daily); an “ultimate safari bundle” interaction (ten tickets, 16 times daily); a kinkajou encounter (five tickets, five times daily); a sugar glider encounter (one ticket, four times daily); a wallaby encounter (four tickets, between six to seven times daily); an “ultimate adventure bundle” interaction (one ticket, three times daily); an “EpiQuest” interaction (one ticket, four to seven times daily); and a sloth interaction (one ticket three to six times daily)). SeaQuest Fort Worth, Tickets, <https://ecom.roller.app/seaquestfortworth/checkout/en-us/products> (availability for the week of April 9, 2023) (accessed March 10, 2023).

⁵ 88 Fed. Reg. 1151, 1152 (“Insufficient experience and knowledge of personnel and inadequate safeguards in activities involving exhibited animals can endanger both the animals and the public, particularly in activities involving public contact with wild or exotic animals. In 2021, 44.4 percent (969/2182) of APHIS’ licensed exhibitors offered interactions between the public and animals as part of their business, representing a 1.8-fold increase from 2019 (25 percent; 505/2024). Between 2019 and 2021, 119 “handling” non-compliances were reported in eFile on APHIS inspection reports, 12.6 percent of which led to human or animal injury, or animal death. Species used in such interactions include large carnivores, megavertebrates, and nonhuman primates. Most interactions involved full contact (32 percent) or protected contact (43.7 percent) interactions between animals and the public. The risks to public safety inherent in these activities place the animals involved at an increased risk for harm. In situations in which an animal may pose a risk to public safety (for example, a child entering an animal’s enclosure), the animal may be euthanized or otherwise harmed in an attempt to protect the public.”)

reached through the enclosure fence, grabbed the girl by her hair, and [bit her on the head](#). In another case, a visitor went to an urgent care center to receive a tetanus toxoid vaccine after being bitten while petting a young kangaroo. And, an Ohio man was hospitalized following a 15-minute attack by his 6-foot tall, 200-pound kangaroo. Kangaroos and wallabies also seem to be proficient escape artists. There have been countless reports of pet kangaroo and wallabies escaping from petting zoos, with many killed by cars or never recaptured.

Lemurs, which belong to a group of primates known as prosimians, are also commonly used for public contact encounters. Prosimian experts with the Association of Zoos and Aquariums oppose using them as ambassador animals and note that “prosimians are highly social species with high conservation value and this message should never be diminished by overt human contact, leashes/harnesses or misrepresented imagery.”⁶ Such misrepresentation in imagery leads to skewed public perceptions of the animals’ endangered status in the wild while making these species appear suitable as pets. At least 14 people have been injured by lemurs used in public handling. In one case, a 7-year-old boy had to receive a series of rabies prevention shots after being bitten by a lemur at a New York roadside zoo. A judge ordered that three lemurs at the facility be killed and tested for rabies.

Kinkajous are another species commonly used for public contact activities. In [2011](#), the CDC reported several cases of the parasite *Baylisascaris procyonis* (BP), commonly called raccoon roundworm, infecting kinkajous kept as pets in three states.⁷ Persons who accidentally ingest BP eggs, which are shed in the feces of infected animals, can develop serious neurologic disease. In [2009](#), a 37-year-old Indianapolis man was bitten on the finger by his kinkajou.⁸ Over the next seven weeks, the man experienced an escalating series of symptoms and was hospitalized twice before doctors determined that he was infected with blastomycosis, a rare fungal infection that can cause pneumonia and spread through the body. He was prescribed an oral anti-fungal medication for six months. In [2005](#), a University of Oklahoma microbiologist discovered a previously unknown bacteria, *Kingella potus*, had infected a 53-year-old British zookeeper after she was bitten on the arm by a kinkajou.⁹

The use of sloths and otters for public contact exhibits are also on the rise. HSUS has documented that otters—curious, highly-energetic animals with sharp teeth and powerful jaws strong enough to crack open mollusks—have injured at least 19 people in public encounters between 2019 and 2022. Otters at public handling facilities have been butchered by filtration fans, hit by employees with metal food bowls, and found exhibiting neurotic behaviors indicative of poor welfare. In 2021, the USDA advised facilities to suspend hands-on encounters with any species susceptible to COVID-19, which includes otters. Through a voluntary surveillance program, eight otters in a zoo setting were found to be infected with the virus.

Sloths are reclusive, shy, tree-dwelling animals that are uniquely unsuited for use in public interactions. They respond to fear by holding still; a sloth being handled may appear compliant when actually frightened. To feed the demand for these animals, more than 700 wild-caught sloths were imported into the U.S. between 2016 and 2020, according to U.S. Fish and Wildlife Service’s Law Enforcement

⁶ <https://ambassadoranimalsag.wordpress.com/2019/08/09/prosimians/>

⁷ Centers for Disease Control and Prevention, Raccoon Roundworms in Pet Kinkajous --- Three States, 1999 and 2010, Morbidity and Mortality Weekly Report, Vol. 60(10), 302-305 (March 18, 2011), available at <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6010a2.htm>.

⁸ Julie R. Harris et al., Blastomycosis in Man after Kinkajou Bite, Centers for Disease Control and Prevention, Vol. 17(2), (February, 2011), available at https://wwwnc.cdc.gov/eid/article/17/2/10-1046_article.

⁹ Paul A. Lawson et al., Description of *Kingella potus* sp. nov., An Organism Isolated from a Wound Caused by an Animal Bite, Journal of Clinical Microbiology, Vol. 43(7), 3526-3529 (July, 2005), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1169176/>

Management Information System data. The proposed updates to weaken Pennsylvania's public contact law is likely to play a role in increasing this trade.

Whether kangaroos, lemurs, otters, sloths, or another species of captive wildlife, these animals suffer tremendously when used for public interactions. As stated in a [2022 publication in the *Journal of Zoological and Botanical Gardens*](#), "Ethical and welfare concerns have also been raised for animal ambassadors where increased aggression, avoidance and stress behaviours have been observed in response to visitors, including stereotypies, unusual defecation, huddling and increased vigilance."

Further, the misguided demand for close encounters and selfies with wild animals fuels an industry that decimates and harasses wildlife across the U.S. and around the world. Studies confirm that seeing humans interact with endangered animals undermines conservation efforts by leading people to falsely believe that these animals are not threatened or endangered in the wild. Allowing the public to interact with wild animals in a captive setting not only inspires people to obtain wild animals as pets, it encourages people to approach and harass wild animals, whether captive or free-roaming.

These risks are inconsistent with over 25 years of Pennsylvania public policy. In light of these public health and safety, conservation, and animal welfare concerns, I urge the commissioners to decline to weaken Pennsylvania's public contact regulations and to vote against the proposed rules amending 58 Pa. Code § 147.282.

Thank you for your consideration.

Sincerely,

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