

June 8, 2023

*Austin Animal Advisory Commission*

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**Via email**

Re: Support for Proposal to Ban Public Contact with Wild Animals

Dear Austin Animal Advisory Commissioners:

I am writing on behalf of PETA and its more than 30,000 members and supporters in the Austin area to urge the Austin Animal Advisory Commission to approve the proposal recommending a ban on public contact with wild animals at for-profit zoos and aquariums, not accredited by the Association of Zoos and Aquariums (AZA).

Austin has the unfortunate distinction of being home to Austin Aquarium, a for-profit roadside zoo that is a cesspool of neglect and a minefield of public safety hazards. During a four-month period in 2022, a PETA investigator worked undercover at Austin Aquarium and [documented](#) widespread suffering and neglect, including animals left without appropriate treatment, abandoned lizards, escaped venomous snakes, and animals exhibiting signs of psychological distress. PETA's eyewitness also documented 34 incidents of animals attacking people, including guests and employees, almost none of which were reported appropriately. Ex. A (Chart of Animal Bites, March 2022-June 2022). PETA alerted local authorities to the myriad of animal welfare and public safety concerns documented at Austin Aquarium and requested legal action. Ex. B (PETA Complaint, July 19, 2022). Despite existing laws that prevent cruelty to animals (Tex. Penal Code § 42.092), impose reporting and quarantine requirements for wild animal bites (Tex. Health & Safety Code § 826.041, 25 Tex. Admin. Code § 169.25), and authorize Animal Services to classify wild animals as dangerous, which would prevent public contact (Austin City Code §§ 3-1-1(3), 3-5-1), **nothing was done**. Predictably, on May 18—10 months after PETA blew the whistle on the health and safety hazards at Austin Aquarium—yet another [bloodied customer](#) was at the emergency room after a lemur [reportedly](#) attacked her during a public encounter. Austin Aquarium has plagued the Austin community for almost a decade, and it exemplifies the critical need for an easily enforceable, straightforward prohibition on public contact with wild animals.

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PETA FOUNDATION IS AN OPERATING  
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- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

Austin Aquarium is the poster child for the risks associated with direct contact encounters at for-profit, unaccredited facilities. While last month's lemur attack was the most recent *reported* incident, Animal Services has repeatedly quarantined wild animals at Austin Aquarium because a customer or emergency medical facility reported an animal bite:

August 28, 2022: A kinkajou (Banana) bit a 12-year-old boy during an encounter. The boy went to the emergency room. Ex. C. Banana was quarantined for 30 days. The United States Department of Agriculture (USDA) issued a critical repeat citation and an official warning for an alleged violation of the Animal Welfare Act (AWA) for the incident. Ex. D (Citation); Ex. E (Warning)

June 13, 2022: A lemur (Wally) bit a 10-year-old child during an encounter. The child sought emergency medical treatment for three puncture wounds. Ex. F. Wally was quarantined for 30 days. The USDA issued a critical citation and an official warning for an alleged violation of the AWA for the incident. Ex. G (Citation); Ex. E.

August 24, 2019: A lemur (Jasmine) bit a 17-year-old during an encounter. Ex. H. The teenager went to the hospital and was administered post-exposure rabies shots. Jasmine was quarantined for 30 days.

January 21, 2019: A lemur (Jasmine) bit a guest's hand during an encounter. A medical facility treated the punctures. Jasmine was quarantined for 30 days. Ex. I.

November 11, 2018: A lemur (Jane) bit a 10-year old child during an interaction. Jane was quarantined for 30 days. Ex. J.

**These are just the reported incidents.** Out of the 34 incidents of animal attacks documented by PETA's eyewitness over a four-month period (Ex. A), public records show that *only* 1 was reported to Animal Services, which means 97% of the animal related injuries at Austin Aquarium are going unreported. Ex. F.

Austin Aquarium is part of a larger trend nationwide of entirely interactive for-profit animal attractions that prioritize unfettered direct access to wild animals. The number of facilities across the country offering public encounters with wild animals has increased significantly over the past few years,<sup>1</sup> and with that increase has come countless incidents of animals biting, scratching, or otherwise injuring unsuspecting customers. For example, [earlier this year](#) a teenager was bitten by a sloth during a public encounter at a roadside zoo in Michigan, and had to undergo post-exposure rabies treatment. Last year, a 17-month old child [was attacked](#) by a lemur at a petting zoo in Georgia, which left the child with "blood gushing out" of his head. Also last year, a three-year old was rushed to the hospital for a gaping wound that needed stitches after an iguana at SeaQuest Fort Worth [attacked him](#). Recently, the USDA [fined](#) the interactive facility SeaQuest for six different incidents where guests were injured while interacting with wild animals, including bites from otters, coatimundis, and a kinkajou.

Public contact with wild animals is inherently dangerous. Human handling "is recognized as a significant stressor for wild animals," and any public contact is inherently stressful because it forces these animals into interactions with unfamiliar individuals whom they would naturally shun, causing

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<sup>1</sup> Wild and Exotic Animal Handling, Training of Personnel Involved With Public Handling of Wild and Exotic Animals, and Environmental Enrichment for Species, 88 Fed. Reg. 1151, 1152 (Jan. 9, 2023) (according to USDA approximately 44% of exhibitors licensed under the AWA offered interactions between the public and animals in 2021, up from just 25% in 2019).

them to feel unsafe.<sup>2</sup> Captivity and training do not negate a wild animal's hard-wired behavior patterns and it does not take much for humans to trigger those instincts, potentially resulting in injury or worse. Public contact can further stress wild animals by disrupting their eating, sleeping, and other natural behavioral patterns due to forced confinement, light invasion, noise disturbance, and other factors.<sup>3</sup>

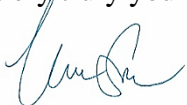
The stress of public encounters not only increases the likelihood of a wild animal exhibiting injurious or aggressive behavior, but also increases an animal's susceptibility to zoonotic diseases by weakening their immune systems.<sup>4</sup> The Centers for Disease Control and Prevention (CDC) recognizes animal bites as one of the most common sources of zoonotic disease exposure and infection, which often requires treatment and hospitalization in humans.<sup>5</sup> Any direct contact between humans and animals carries an inherent risk of transmitting zoonotic diseases such as Salmonella, E. coli, tuberculosis, COVID-19, and rabies.<sup>6</sup> Rabies is nearly universally fatal once contracted, but even the possibility of exposure is often fatal for animals, who may be euthanized for rabies testing to assess the exposure risk for humans.

For all the reasons outlined above, reputable facilities do not allow the kind of unfettered direct access to wild animals that is the hallmark of interactive roadside zoos like Austin Aquarium. Accreditation by the AZA means that a recognized and respected accrediting body has certified that a facility possesses the requisite expertise and meets the highest professional animal care and public safety standards, among other things. Accreditation provides Austin with a professional standard of care benchmark that is administratively easy to verify. It is reasonable for Austin to use AZA accreditation as a basis to identify those facilities that are qualified to handle wild animals, and do so based on professionally accepted standards of animal care and public safety.

Direct contact between wild animals and the public intrinsically puts everyone at risk—irrespective of an animal's perceived ability or lack of ability to injure humans. Those risks are amplified at unaccredited, for-profit facilities, like Austin Aquarium, where staff have minimal experience or training, and there are limited, if any, safety policies and procedures in place. As Austin Aquarium's track record demonstrates, when it comes to public encounters, this facility does not care about the welfare of the animals involved or the risks for the people involved. Public encounters at roadside zoos, like Austin Aquarium, are centered on one thing: profits.

PETA fully supports the proposal to recommend banning public contact at unaccredited, for-profit zoos and aquariums, and encourages the Austin Animal Advisory Commission to approve this proposal.

Very truly yours,



Michelle Sinnott, Esq.  
Director, Captive Animal Law Enforcement

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<sup>2</sup> See Warwick, C., et al., *Mobile Zoos and Other Itinerant Animal Handling Events: Current Status and Recommendations for Future Policies*, *Animals* (2023) 13(2):214, at 26, available at <https://doi.org/10.3390/ani13020214>.

<sup>3</sup> Warwick, *Mobile Zoos and Other Itinerant Animal Handling Events*, at 24, *supra* note 1.

<sup>4</sup> See e.g. Butcher, G. D., & Miles, R. D. (2019), *Disease Prevention in Commercial Aviaries*. University of Florida IFAS Extension, available at <https://edis.ifas.ufl.edu/publication/VM006>.

<sup>5</sup> *Compendium of Measure to Prevent Disease Associated with Animals in Public Settings*, CDC 3 (2005), <http://www.cdc.gov/mmwr/PDF/rr/rr5404.pdf>.

<sup>6</sup> *Id.* at 2-4.