

September 5, 2024

Sarah Helming
Deputy Administrator, Animal Care
U.S. Department of Agriculture

Via e-mail: [REDACTED]; ac.complaints@usda.gov

Re: Request to Investigate Aya Katz for Continued Unlicensed Exhibition in Violation of the Animal Welfare Act

Dear Ms. Helming:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) investigate Aya Katz for continuing to exhibit a chimpanzee without a license as required under the Animal Welfare Act (AWA).

The AWA prohibits a person from exhibiting regulated animals without a valid license from the USDA. 7 U.S.C. § 2133; 9 C.F.R. § 2.1. The AWA defines an “exhibitor” as “any person (public or private) exhibiting any animals . . . to the public for compensation.” 7 U.S.C. § 2132(h); 9 C.F.R. § 1.1. The USDA has recognized that anyone who has “animals on display to the public” must be licensed as an exhibitor, including “[a]nyone who uses regulated animals to promote or advertise goods and services . . . even if [such person does] promotions with only a single animal.”¹ A federal court has similarly held that making “animals available to the public by displaying them online through Cameo and OnlyFans platforms for compensation” constitutes exhibition under the AWA, requiring a valid license.²

Aya Katz is a vlogger who, upon information and belief, resides at [REDACTED], mailing address [REDACTED]. On her monetized YouTube channel, which features more than 3,000 videos, Katz regularly and almost exclusively posts videos displaying a chimpanzee named Bow, whom Katz keeps at her residence and allows to “groom” her—an activity she features frequently in her videos.³ Katz also maintains a store on her YouTube channel, where she sells merchandise such as shirts and mugs printed with photos of herself and Bow.⁴

By displaying Bow, a chimpanzee, to the public for compensation via her monetized YouTube channel, Katz constitutes an “exhibitor” under the AWA—consistent with how both the USDA and a federal court have interpreted that term. Per the USDA’s Animal Care Public Search Tool, however, Katz does not hold any USDA license—

¹ See USDA, *Licensing and Registration Under the Animal Welfare Act: Guidelines for Dealers, Exhibitors, Transporters, and Researchers* (Rev. Feb. 2019), at 14, 15; see also *In Re: Lloyd A. Good, Jr.*, 49 Agric. Dec. 156, 174 (U.S.D.A. June 22, 1990) (holding that the USDA’s determination that a person acts as an exhibitor “simply by making [animals] available to the public” is reasonable and consistent with statutory authority).

² *United States v. Lowe*, No. 20-CV-0423-JFH, 2021 WL 149838, at *13 (E.D. Okla. Jan. 15, 2021).

³ @AyaKatz, YouTube, available at <https://www.youtube.com/user/ayakatz>.

⁴ @AyaKatz, “Store,” YouTube, available at <https://www.youtube.com/@AyaKatz/store>.

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nor would she qualify for one for the reasons specified below.

PETA previously reported Katz's unlicensed exhibition of Bow, leading the USDA to cite Katz for violating 9 C.F.R. § 2.1 in September 2023.⁵ In the inspection report, the USDA stated definitively that Katz "requires a license issued by USDA Animal Care."⁶ Nearly a year later, Katz has still failed to obtain a license, continues to flagrantly violate the AWA, and has faced no consequences from the USDA. Since the citation, Katz has publicly posted at least 94 videos of Bow to her YouTube channel.⁷ She has also posted at least 10 members-only videos featuring Bow.⁸

Additionally, the conditions in which Katz keeps Bow likely constitute a take of a federally protected species under the Endangered Species Act (ESA). Based on her videos and other public postings, Katz primarily confines Bow to a barren pen on her property, where she has deprived him of any interaction with other chimpanzees for effectively his entire life. A federal court has previously ruled that the ESA prohibits keeping a chimpanzee "in isolation, depriving him of the social interaction and psychological stimulation fundamental to his well-being," and depriving a chimpanzee of "complex and sanitary environments."⁹

Beyond violating the AWA and ESA, Katz's conduct with respect to Bow gravely endangers herself, her community, and Bow. Chimpanzees are extremely dangerous and can seriously injure humans, even those with whom they are familiar. Their upper body strength is upwards of five times that of an adult man, and their teeth can bite through bone.¹⁰ Because their moods change erratically and they move quickly, chimpanzees can easily damage property or maim individuals they encounter in a matter of minutes.¹¹ It is within chimpanzees' nature to be aggressive when they are in high-stress situations, and if Bow were to escape—as could happen easily considering Katz's frequent direct contact with him and the lack of oversight for the conditions in which he's kept—he would likely encounter an unfamiliar, stressful environment that would agitate him and lead to unpredictable, potentially dire consequences. Similar circumstances have repeatedly resulted in tragedy, such as in 2009, when the chimpanzee Travis escaped a private residence in Connecticut and "ripped off [a neighbor's] hands, nose, lips and eyelids" before he was ultimately shot to death,¹² and in 2021, when the chimpanzee Buck escaped a private

⁵ See USDA Inspection Report (Sep. 29, 2023).

⁶ *Id.*

⁷ See @AyaKatz, Videos, YouTube, available at <https://www.youtube.com/@AyaKatz/videos>. See also @AyaKatz, "Gentle Grooming of Nose & Hand" Video (Oct. 2, 2023), YouTube, available at <https://www.youtube.com/watch?v=3oYnEzHV4GA>, which was the first video Katz posted after the citation. In the video's caption, she thanks several members and invites viewers "to support [her] channel as a member and receive special perks."

⁸ See @AyaKatz, Members-only Videos, YouTube, available at <https://www.youtube.com/watch?v=xAjG3MVO0A0&list=UUMOMFOFKeAjwLWAINrCvQVxvQ>;

⁹ *Missouri Primate Foundation v. People for the Ethical Treatment of Animals, Inc.*, 2017 WL 4176431, *2 (E.D. Mo. 2017); see also *People for the Ethical Treatment of Animals, Inc. v. Sawyer*, 2021 WL 6211391, *1 (E.D. Mo. 2021) (granting summary judgment on PETA's ESA claims).

¹⁰ Daniel Nasaw, *Chimpanzee biographer: "you can't trust them,"* THE GUARDIAN (Feb. 19, 2009) <https://www.theguardian.com/world/deadlineusa/2009/feb/19/usa-animals>.

¹¹ Katherine Harmon, *Why Would a Chimpanzee Attack a Human?*, SCI. AM. (Feb. 19, 2009) <https://www.scientificamerican.com/article/why-would-a-chimpanzee-at/>.

¹² *Chimp Victim Charla Nash*, CBS NEWS (Nov. 12, 2009), available at <https://www.cbsnews.com/pictures/chimp-victim-charla-nash/>.

residence in Oregon and mauled the owner's daughter, resulting in Buck being shot.¹³ By failing to stop Katz's unlicensed exhibition of Bow, a regulated animal, and to ensure his proper protection under the AWA, the USDA is increasing the likelihood that Bow may perish in a catastrophic incident like these.

PETA urges the USDA to investigate and hold Katz fully accountable for her continued unlicensed exhibition of Bow. PETA further urges the USDA to refrain from issuing any license to Katz in the future, on the grounds that she is ineligible for a license because she "[h]as not complied with the requirements of [9 C.F.R.] § 2.1," "[i]s not in compliance with the [AWA]," and is "unfit to be licensed" such that the "issuance of a license would be contrary to the purposes of the Act." 9 C.F.R. § 2.11(a)(1), (2), (7).

Thank you for your attention to this important matter. Please inform me of the complaint number that your agency assigns to this correspondence.

Very truly yours,



Molly Johnson
Senior Counsel and Manager of Regulatory Affairs
Captive Animal Law Enforcement



Cc: Devon Flanagan, Trial Attorney, ENRD, Dept. of Justice
Seth Barsky, Deputy Assistant AG, ECS, Wildlife and Marine, Dept. of Justice
Meredith Flax, Assistant Section Chief, ENRD, Dept. of Justice

¹³ David K. Li and Kurt Chirbas, *Oregon deputy fatally shoots chimpanzee after it bites owner's daughter*, NBC NEWS (June 23, 2021), available at <https://www.nbcnews.com/news/animal-news/oregon-deputy-fatally-shoots-chimpanzee-after-it-bites-owner-s-n1272105>.