



November 14, 2024

Roxanne Mullaney, D.V.M.
Deputy Administrator
Animal Care
Animal and Plant Health Inspection Service
U.S. Department of Agriculture

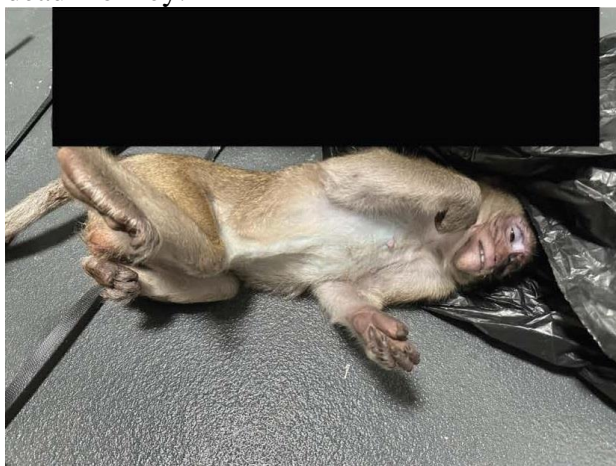
Via e-mail: Roxanne.C.Mullaney@usda.gov; ac.complaints@usda.gov

Dear Dr. Mullaney:

I'm writing on behalf of People for the Ethical Treatment of Animals—PETA entities have more than 9 million members and supporters globally—to request action from the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) against SmartLynx Airlines Malta Ltd. (USDA Certificate No. 10-T-0028) for its failure to transport a shipment of 333 monkeys from Brussels to New York properly and securely.

According to reports and photographs obtained through a public records request shared with PETA by Animal Rights, SmartLynx flight 2N6103 on July 18 violated the federal Animal Welfare Act (AWA) and several of the Animal Welfare Regulations (AWRs). This shipment may have been the airline's first with animals, as it appears it was approximately two weeks after the airline became a registrant with USDA. A brief history of the shipment is below:

- Following importation from facilities in Vietnam, a total of 333 long-tailed macaques were quarantined in France (113) and Spain (220) for three months. They were boxed up, loaded into trucks, and driven to the Animal Care & Inspection Center (ACIC) at Brussels Airport on July 17.
- The staff at the ACIC provided water and biscuits and conducted a visual inspection. Inspectors found that one of the monkeys was dead in a crate. They removed the monkey from the crate and hypothesized that the animal had reacted badly to anesthesia during capture. The report included this image of the dead monkey:



PEOPLE FOR
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TREATMENT
OF ANIMALS

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- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

- A monkey death in transit to the U.S. is concerning, particularly when the U.S. has seen a surge in monkeys arriving from Asia infected with deadly zoonotic mycobacteria, bacteria, and viruses over the past two years. There is no evidence in the inspection records that a necropsy to identify the cause of death and/or rule out any zoonotic illness was conducted on this monkey or that any other scrutiny was done or that precautionary measures were taken for the benefit of the other 332 monkeys in the shipment.
- The remaining monkeys were kept in the same wooden crates inside the ACIC building overnight. Photos by inspectors show that the crates were not properly labeled, and some may not have been properly constructed.
- The next day, the crates of monkeys were loaded into a SmartLynx plane (tail number 9H-CGN), which departed at 11:37 p.m. CET. The plane had an approximately one-hour layover in Reykjavik, Iceland, before continuing on to John F. Kennedy International Airport, landing at 3:55 p.m. ET (8:55 p.m. CET).
- Based on the USDA inspection reports search tool, it appears that the shipment wasn't inspected by the USDA upon arrival at JFK.

We believe the transport of these monkeys failed to comply with the following AWRs.

I. Failure to ensure proper marking and labeling on shipping crates

Section 3.87(f) of the AWRs states:

Primary enclosures, other than those that are permanently affixed to a conveyance, must be clearly marked in English on the top and on one or more sides with the words “Wild Animals,” or “Live Animals,” in letters at least 1 inch (2.5 cm.) high, and with arrows or other markings to indicate the correct upright position of the primary enclosure. Permanently affixed primary enclosures must be clearly marked in English with the words “Wild Animals” or “Live Animals,” in the same manner.

SmartLynx transported monkeys who appear to have been confined to crates that didn't have arrows or other markings to indicate the correct upright position and didn't have the words “Wild Animals” or “Live Animals” on the top or sides of the crates. See photos from the inspection at ACIC in Exhibit A.

II. Failure to safely contain the monkeys

Section 3.87(a) of the AWRs states:

Primary enclosures used to transport nonhuman primates must be constructed so that ... (2) The interior of the primary enclosure has no sharp points or edges and no protrusions that could injure the animal contained in it.

At least one of the crates had sharp edges around a shoddily cut ventilation hole as well as likely sharp points from staples. See the photo in exhibit B.

III. Failure to refuse shipment of animals in unsafe primary enclosures

Section 3.86(d) of the AWRs states:

Carriers and intermediate handlers must not accept a nonhuman primate for transport in commerce unless the primary enclosure meets the requirements of § 3.87 of this subpart. A carrier or intermediate handler must not accept a nonhuman primate for transport if the primary enclosure is obviously defective or damaged and cannot reasonably be expected to safely and comfortably contain the nonhuman primate without suffering or injury.

As described above in points I and II, it appears that at least some of the crates containing monkeys transported by SmartLynx apparently failed to meet the requirements of Section 3.87 and therefore should have been refused by the airline. However, there's no evidence that SmartLynx refused any part of the shipment.

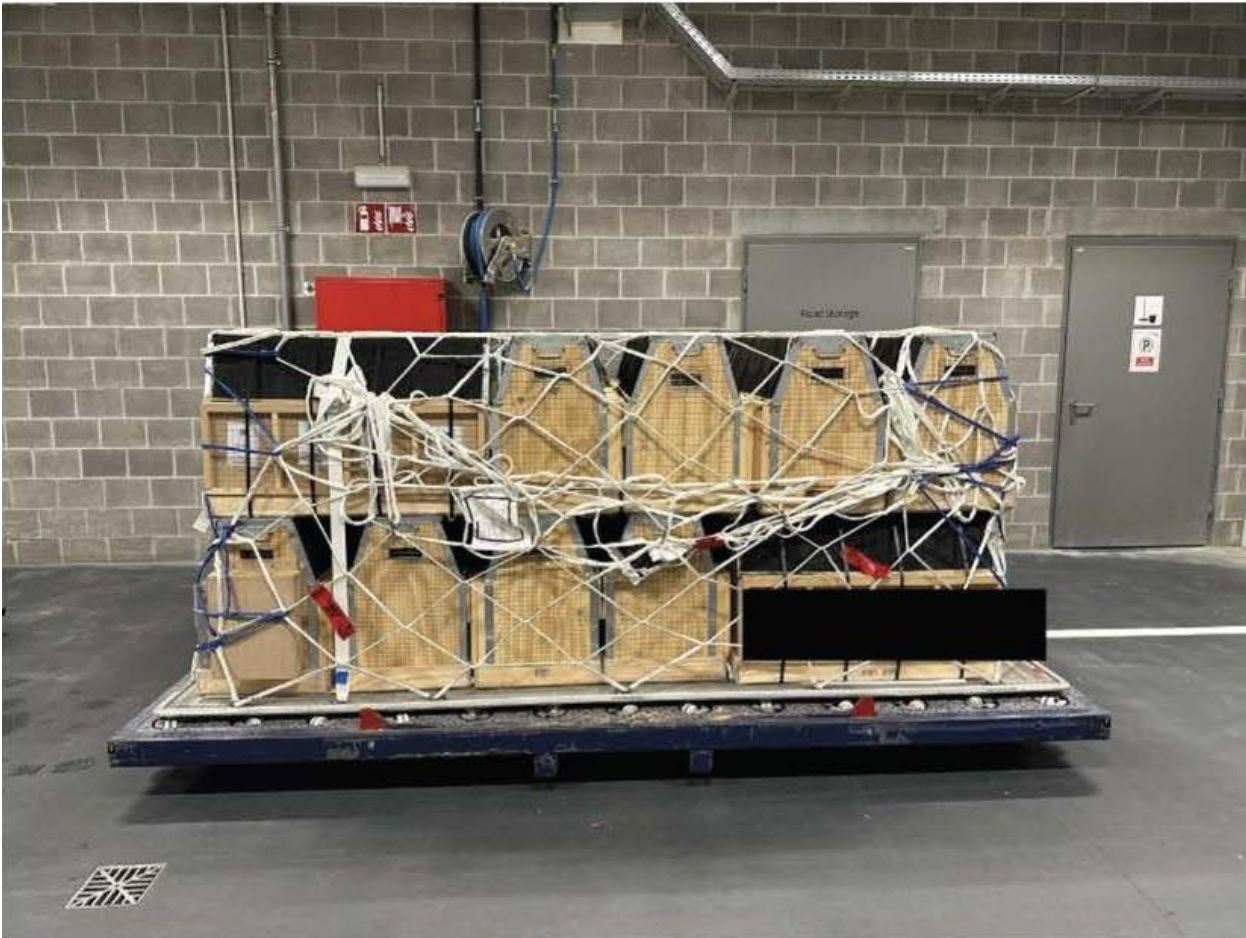
We ask that you immediately investigate and bring the full scope of your authority to bear in addressing the failures of SmartLynx's shipments of these vulnerable monkeys. Thank you for your attention to this urgent matter. If you have any questions, please contact me at KathyG@peta.org. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Kathy Guillermo". The signature is written in a cursive, flowing style.

Kathy Guillermo
Senior Vice President
Laboratory Investigations Department
PETA

EXHIBIT A



Crates inside ACIC in Brussels Airport scheduled for shipment by SmartLynx on July 18 apparently lacked arrows or other markings to indicate the correct upright position as well as the words “Wild Animals” or “Live Animals” on the sides of the crates.



Crates inside ACIC in Brussels Airport scheduled for shipment by SmartLynx on July 18 apparently lacked arrows or other markings to indicate the correct upright position as well as the words “Wild Animals” or “Live Animals” on the sides of the crates.



Crates inside the truck before being moved into ACIC in Brussels Airport before scheduled shipment by SmartLynx on July 18 apparently lacked arrows or other markings to indicate the correct upright position as well as the words “Wild Animals” or “Live Animals” on the tops or sides of the crates.

EXHIBIT B



Wood appears to be splintering from—and staples may also be protruding into—this crate, posing risks of injury for the macaque inside.