

Captive Animal Litigation, Legal Loopholes, and Sanctuaries

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30TH ANNUAL ANIMAL LAW CONFERENCE BUILDING A BRIGHTER FUTURE



Personal Views and Opinions

Standard Disclaimer:

Opinions are personal and not necessarily representative of those of the Animal Legal Defense Fund or any clients.



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The Problem











Animal Welfare Act (AWA)

7 U.S.C. § 2131 et seq.

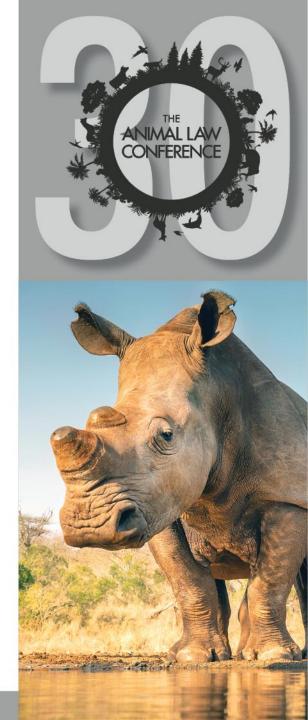
- Primary federal law providing minimum requirements for the humane care and treatment of animals used for research, exhibition, or use as pets
 - The AWA does not apply to all animals
- License and registration scheme for animal dealers, exhibitors, handlers, carriers, researchers, breeders
- U.S. Department of Agriculture (USDA) enforces the AWA, primarily through inspections conducted by the Animal and Plant Health Inspection Service (APHIS)





AWA Enforcement and Animal Confiscation

- AWA enforcement in practice: warning letters, settlement agreements, and administrative proceedings resulting in fines, cease-and-desist orders, license revocation
- AWA license revocation is rare, and animal confiscation is rarer
- Mandatory duty for the USDA to promulgate regulations for confiscation when an animal is suffering. 7 U.S.C. § 2146(a).
- Current regulations allow animal confiscation in narrow situations. 9 C.F.R. § 2.129.



Case Study: Cricket Hollow Zoo

 Animal Legal Defense Fund led six lawsuits involving Cricket Hollow Zoo under federal and state laws

- Cricket Hollow Zoo's AWA violations were so vast that the USDA revoked its license, but it did not confiscate the animals
- *Kuehl v. Sellner*, 965 N.W.2d 926 (Iowa Ct. App. 2021) upheld finding that the roadside zoo constituted a public nuisance due to violations of animal neglect laws

Des Moines Register

Mountain lions, grizzly bears among 110 animals missing from lowa roadside zoo, group says

desmoinesregister.com/story/news/2020/01/09/cricket-hollow-animal-park-animals-missing-iowa-roadside-zoo-animal-legal-defense-fund-claims/4420426002



Case Study: Robert Sawmiller d/b/a Wildlife on Wheels

A rare instance of USDA animal confiscation

- Animal Legal Defense Fund v. Vilsack, No. 1:21-cv-00623
 (D.D.C. Mar. 9, 2021)
- Administrative Procedure Act challenge to the USDA's renewal of Sawmiller's AWA license, despite previous inspections showing 19 non-compliances
- The USDA initiated administrative proceedings to revoke his AWA license during the case





Robert Sawmiller d/b/a Wildlife on Wheels





"Revoke and Run" Litigation

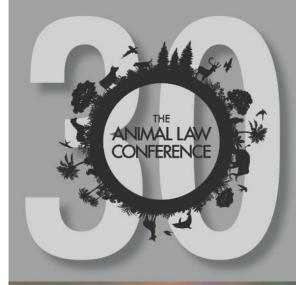
- Animal Legal Defense Fund filed a petition for rulemaking to fill this gap in 2016, which the USDA denied in 2022
- Animal Legal Defense Fund v. Vilsack, No. 1:22-cv-03146
 (D.D.C. Oct. 17, 2022)





Future Considerations

- Close legal loopholes in the AWA that allow the USDA to abandon animals after license revocation or termination
- Create legal infrastructure that considers costs and care of confiscated animals
- Stop the problem at the source: prohibit captive animal breeding and trafficking
- Support legitimate sanctuaries







Thank you!

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