



**United States
Department of
Agriculture**

Animal and
Plant Health
Inspection
Service

4700 River Road
Riverdale, MD
20737

MAR - 9 2010

Dear Concerned Citizen:

Thank you for you writing to Secretary Thomas J. Vilsack concerning Lolita, an orca kept at the Miami Seaquarium.

We recognize your interest in Lolita's welfare. Our Agency of the U.S. Department of Agriculture (USDA) enforces the Animal Welfare Act (AWA), a law that helps protect certain animals, including marine mammals such as Lolita, by establishing minimum care and handling standards for their maintenance. Under the AWA, we require individuals who breed certain animals for commercial sale, use them in research, exhibit them to the public, or transport them commercially to be licensed or registered with us. Our officials conduct inspections to ensure that the animals are provided adequate food and water, housing, sanitation, veterinary care, and room to move about normally in their cages, pens, or pools as required by the AWA.

During our most recent inspection of the Miami Seaquarium, our officials found Lolita to be healthy, and she and the other marine mammals at the facility were receiving excellent veterinary care. Miami Seaquarium has a fulltime attending veterinarian who has outstanding credentials in marine mammal veterinary medicine, and Lolita's handlers are well trained. Miami Seaquarium also meets AWA regulations requiring that social marine mammals, such as orcas, be housed with at least one compatible animal of the same or biologically related species. Lolita has shared her tank for many years with Pacific white-sided dolphins that are, like Lolita, cetacean mammals.

While many people have expressed concern about the size of Lolita's pool, our measurements indicate that it meets the AWA space requirements for marine mammals. The figures specifying the minimum space requirements are taken from section 3.104 of the AWA regulations. The volume requirement for Lolita's pool is 25,943 ft³; the actual



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volume is 49,308 ft³. The surface area requirement is 1,808.64 ft²; the actual size is 7,326 ft². The depth requirement is 12 feet; the actual depth ranges from 12 to 20 feet. Finally, the minimum horizontal dimension (MHD) requirement is 48 feet; the actual MHD measurement is 80 feet in one direction and 60 feet in the other. We did not include the medical pool area in our MHD measurements of the main pool. Therefore, use of the medical pool area does not diminish the size of the main pool. While we understand the interest concerning a larger tank for Lolita, the AWA limits our authority to enforcing the law's minimum standards. As we stated previously, Lolita's tank meets the AWA minimum requirements.

While we recognize that you believe Lolita should be transferred to a sea pen in her native habitat, our Agency cannot mandate that Lolita be released from the Miami Seaquarium. As long as exhibitors like the Miami Seaquarium meet the AWA requirements, we are obliged to license them to exhibit their animals. Our authority to confiscate animals is limited to those situations in which an animal is suffering and action is not taken to alleviate the condition, or environments that directly cause an animal to be in imminent danger of suffering or death. This has not been the case with Lolita or with the location of her tank.

Again, we appreciate your concern for Lolita's welfare. For more information about the AWA and our Agency's enforcement activities, we encourage you to visit our Web site at www.aphis.usda.gov/ and select "Animal Welfare" on the left side of the page.

Sincerely,



Chester A. Gipson
Deputy Administrator
Animal Care