



## Inspection Report

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TYLER FOLAND  
3292 Pearl Drive  
Monroe, MI 48162

Customer ID: **6002855**  
Certificate: **34-C-0439**  
Site: 002  
Tyler Foland

Type: NEW SITE INSPECTION  
Date: 10-APR-2023

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### 2.4 Critical

#### Non-interference with APHIS officials.

The licensee interfered with the inspection by providing false information to APHIS inspectors. Inspectors reviewed the licensee's Facebook page prior to inspection. At least a dozen photos show the licensee's spider monkey being exhibited without direct control. At the inspection, ACI Bongard asked the licensee how he exhibited his spider monkey at events. The licensee stated that the nonhuman primate wears a harness that is attached to a leash and the licensee controls the leash. When confronted with the Facebook photos, the licensee stated that he was never told he couldn't do that. The licensee blatantly lied to inspectors about his handling techniques for the nonhuman primate at exhibition events as there is no harness or leash seen in the photos. Providing false and inaccurate information to an APHIS inspectors interferes with their ability to complete an AWA inspection and determine compliance with the AWA.

A licensee shall not interfere with any APHIS official in the course of carrying out his or her duties.

#### 2.40(a)

#### Attending veterinarian and adequate veterinary care (dealers and exhibitors).

At the inspection, the licensee identified and shared information regarding his attending veterinarian. When the lead inspector contacted the veterinarian, the veterinarian stated that the licensee had not been in contact for nearly a year and that the licensee needed to find a new attending veterinarian. Without an attending veterinarian, the animals at this

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facility may not receive adequate veterinary care to ensure their health and well-being. Each exhibitor shall have an attending veterinarian who shall provide adequate veterinary care to its animals in compliance with all components of 2.40.

The licensee must have an attending veterinarian to provide guidance on adequate veterinary care and to oversee the adequacy of other aspects of animal care.

### 2.75(b)(1)

#### **Records: Dealers and exhibitors.**

Since the last routine inspection, the licensee acquired two ferrets and one fox and disposed of one kangaroo, one chinchilla, three guinea pigs, one fox, and two ferrets. The licensee did not have any records pertaining to these animal acquisitions and dispositions. Acquisition and disposition records are necessary to be able to accurately track animals being used in regulated activities to ensure their legal acquisition, proper care, humane transportation, and to be able to track and trace animals in the case of an animal disease outbreak. The exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose information concerning animals purchased or otherwise acquired, owned, held, leased, or otherwise in his possession or under his control, or which is transported, sold, euthanized, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his possession or under his control. All information found within section 2.75(b)(1) should be recorded, maintained, and made available for inspection.

The licensee must create and maintain complete records documenting the acquisition and disposition of facility animals.

### 3.61

#### **Primary enclosures used to transport live rabbits.**

A green plastic storage tote, measuring approximately 32in long by 20in wide by 18in tall, was being used to transport rabbits to exhibition events. The lid to the tote had 9 holes, approximately ¼ to ½ inch in diameter, drilled through to

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provide ventilation. Also, the tote was not appropriately labeled with the words "live animal" or "wild animal" and did not have markings to indicate the correct upright position of the container. A transport container without adequate ventilation could lead to difficulty breathing or respiratory distress. Additionally, a lack of markings may lead to improper handling of the enclosure and potential injury or discomfort of the animals. No person subject to the Animal Welfare regulations shall offer for transportation or transport in commerce any live rabbit in a primary enclosure that does not conform to the requirements found in 3.61, including sufficient ventilation and labeling.

The licensee must use a compliant transport enclosure for the rabbits when traveling.

### 3.79(d)

#### Mobile or traveling housing facilities.

The licensee's Facebook page has numerous photos of instances where there is no barrier between his spider monkey and the public. Additionally, the monkey is not under direct control of an experienced handler when the public is present. The licensee cannot be observed in any of the photos. The following briefly describe each instance.

1. The monkey is sitting on the head and shoulder of an individual, whose face cannot be observed due to the location of the monkey. Next to that individual, is a young girl who appears to be having her hair pulled by the monkey. Then there is a third individual whose hand is seen reaching out, petting the monkey's neck. The monkey is not attached to any harness, collar, or leash and the licensee cannot be observed anywhere nearby.
2. The monkey has the left thumb of a young girl in its mouth. While the monkey is sitting on the head and chest of an individual, whose face is barely visible due to the location of the monkey. The monkey is not attached to any harness, collar, or leash and the licensee cannot be observed anywhere nearby.
3. The monkey is sitting on the lap of an infant who is sitting on the lap of an individual. The monkey is directly facing the infant, wrapping its right arm around the neck of the infant. The monkey is not attached to any harness, collar, or leash and the licensee cannot be observed anywhere nearby.

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4. The monkey is outside in what appears to be an unfenced yard with large trees. The monkey is standing in front of two young girls. The monkey is not attached to any harness, collar, or leash and the licensee cannot be observed anywhere nearby.

5. A young girl is lying on the ground with the monkey on her chest. The monkey appears to have the little finger and/or palm of the girl's right hand in its mouth. The monkey is not attached to any harness, collar, or leash and the licensee cannot be observed anywhere nearby.

6. The monkey is sitting on the backrest of a chair, which is at the level of a young boy's head. The young boy is sitting in the chair holding a ferret. The monkey is not attached to any harness, collar, or leash and the licensee cannot be observed anywhere nearby.

In all these situations, the safety of the public and the monkey are in jeopardy if the animal were to misbehave or become agitated, trying to bite or harm a member of the public. The lack of barrier and direct control can lead to the animal escaping, an animal injury, or a human injury. There must be a barrier between a mobile or traveling housing facility and the public any time the public is present, in order to restrict physical contact between the nonhuman primates and the public. Nonhuman primates used in traveling exhibits, trained animal acts, or in uncaged public exhibits must be under the direct control and supervision of an experienced handler or trainer at all times when the public is present. Trained nonhuman primates may be allowed physical contact with the public, but only if they are under the direct control and supervision of an experienced handler or trainer at all times during the contact.

The licensee must create a barrier between the animal and the public or develop a method in which the animal is trained and under the direct control and supervision of an experienced handler at all times.

### 3.80(b)(1)

#### Primary enclosures.

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The licensee has one male spider monkey. A spider monkey is a brachiating species. Thus, the primary enclosure is required to be a minimum of 84 inches (7ft) in height. The primary enclosure for the spider monkey measured approximately 6ft. The height of the licensee's enclosure for the spider monkey is one foot too short. Inappropriate enclosure height can inhibit the animal from making normal postural and behavioral movements.

The licensee must ensure that the height of the animal's enclosure measures at least 84 inches (7ft).

### 3.81

#### **Environment enhancement to promote psychological well-being.**

At the time of the inspection, the licensee could not produce an environmental enrichment program for his spider monkey.

The licensee stated that the document was in his vehicle which was offsite. Failure to provide an environmental enrichment program prevents USDA inspectors from ensuring that nonhuman primate's psychological well-being is addressed. Exhibitors must develop, document, and follow an appropriate plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates. An environmental enrichment plan must be established in writing, in accordance with the currently accepted professional standards as cited in appropriate journals or reference guides, and be approved by the attending veterinarian. Special attention regarding enhancement of the environment must be made when there are individually housed nonhuman primates that are unable to see and hear nonhuman primates of their own or compatible species.

The licensee must develop, document, and follow a plan for environmental enhancement that is directed by the attending veterinarian, and must make the document available to APHIS personnel upon request.

### 3.87

#### **Primary enclosures used to transport nonhuman primates.**

The lead inspector asked the licensee how he transports the spider monkey to exhibition events. The licensee responded by saying the animal sits with him on his lap, unrestrained in the vehicle. The animal is not placed into a transport

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enclosure. Transporting an animal that is not secure within an appropriate enclosure can lead to animal escape or injury if the vehicle were to abruptly swerve, stop, or get into an accident. Additionally, the animal could affect the operation of the vehicle. Any person subject to the Animal Welfare regulations must not transport or deliver for transport in commerce a nonhuman primate unless it is contained in a primary enclosure that meets the requirements found in 3.87.

The licensee must use a compliant transport enclosure for the nonhuman primate when traveling.

### 3.137(e)

#### **Primary enclosures used to transport live animals.**

The transport enclosure used for a chinchilla was not appropriately labeled with the words "live animal" or "wild animal" and did not have markings to indicate the correct upright position of the container. Lack of the markings may lead to improper handling of the enclosure and potential injury or discomfort of the animals. All enclosures must be marked on top and on one or more sides with the words "Live Animal" or "Wild Animal", whichever is appropriate, in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings to indicate the correct upright position of the container.

The licensee must use a compliant transport enclosure for the chinchilla when traveling.

This inspection was a site approval inspection.

This site is not ready for approval to conduct activity covered under your current Animal Welfare Act License.

Conducting regulated activities at a non-approved site is a violation of the Animal Welfare Act.

Please contact your inspector to schedule your next new site approval inspection.

This inspection and exit interview were conducted with the licensee.

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Additional Inspectors:

CARRIE BONGARD, ANIMAL CARE INSPECTOR

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### Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
6002855	34-C-0439	002	Tyler Foland	10-APR-2023

Count	Scientific Name	Common Name
000002	<i>Oryctolagus cuniculus</i>	DOMESTIC RABBIT / EUROPEAN RABBIT
000001	<i>Chinchilla lanigera</i>	CHINCHILLA
000001	<i>Ateles geoffroyi</i>	BLACK-HANDED SPIDER MONKEY
000000	<i>Osphranter rufus</i>	RED KANGAROO
000000	<i>Cavia porcellus</i>	DOMESTIC GUINEA PIG
000000	<i>Vulpes vulpes</i>	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000000	<i>Mustela putorius furo</i>	DOMESTIC FERRET
000004	<b>Total</b>	