



Inspection Report

ROBERT SAWMILLER
16761 COUNTY ROAD 25A
WAPAKONETA, OH 45895

Customer ID: **2942**
Certificate: **31-C-0221**
Site: 002
DAVID EICHER

Type: ROUTINE INSPECTION
Date: 17-FEB-2021

2.75(b) Repeat

Records: Dealers and exhibitors.

When the inspectors asked the licensee for records, he stated he had his Program of Veterinary Care. When asked specifically for records of acquisition, disposition, and animals on hand the licensee stated that he had no records. The licensee stated to APHIS inspectors that he has never been advised of the need to keep records for animal acquisitions such as births or dispositions such as deaths. On an inspection dated March 4, 2020 the licensee was cited for a failure to maintain records as required by the Animal Welfare Act regulations.

Every exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning animals other than dogs and cats, purchased or otherwise acquired, owned, held, leased, otherwise in his or her possession or under his or her 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 or her possession or under his or her control.

Records of animals acquired or added to the facility, transported, deaths and births must be kept ensuring animals can be tracked and traced back in case of animal disease and to ensure the animals are acquired from a licensed facility.

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OFFICER

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3.127(b) Direct Repeat

Facilities, outdoor.

There is one male cougar that is approximately 6 years old housed singly in an enclosure that has two plastic tank-type structures for shelter. This animal is currently in poor body condition with ribs and vertebrae visible. There is a small amount of bedding in each structure that is excessively wet and soiled. One shelter also contains a small amount of meat that the licensee stated was left over from the prior feeding. The licensee states that he does not remove food, but rather leaves it until the animals eat it. The cougar was laying in one shelter when inspectors approached the enclosure, but got up and exited upon our approach. The animal had areas of soiled wet fur on its hind end from where it was laying. Additionally, the remainder of enclosure was covered in snow. The cougar walked abnormally shaking each foot intermittently clearly reluctant to walk in the snow and showing signs of discomfort. There is currently no clean, dry place for the cougar to walk or lay anywhere within it's enclosure or the shelters provided.

The 2 female brown bears and 1 male brown bear are co-housed in a single primary enclosure with three individual metal barrels provided for the bears to use as shelters. The male and female black bears are currently co-housed in the same primary enclosure with 2 metal barrels provided for the bears to use as shelter. The two juvenile brown bears have two shelters provided – one metal barrel and one square plastic tank type shelter. The smaller juvenile brown bear has a rough coat and is thin.

At the time of the last inspection the licensee implemented temporary measures to alleviate the suffering of the bears by wrapping the barrels with blankets for insulation and adding fresh bedding to the barrels provided for shelter from the elements. Due to recent snow the blankets have become wet and the bedding is now wet and soiled. There is snow present in most of the barrels present for shelter. The majority of the hay/straw that had been added for bedding is now strewn across the enclosures. What remains in the barrels is discolored and appears wet. The barrel which the adult male black bear is currently housed in has no bedding in much of the barrel and there is a several inch hole now visible in

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the bottom of the barrel. The licensee said that he has been there to care for the bears in the last 2 weeks but declined to speculate when. He refused to answer whether he had cleaned or replaced bedding at any time since the last inspection instead asking if there was a regulation for that.

The local ambient temperature was 2 degrees F at 9AM, 7 degrees at 10:45 AM (when the inspection began), and approximately 17 degrees F when the inspection concluded. Surface temperatures were taken for each of the metal barrels in several locations using a RayTek IR Thermometer. The inside of the majority of the barrels were 18-24 degrees F. The warmest measurements were in the 31-34 degrees F for a barrel which was in direct sun. The combination of wet/soiled bedding and wet snow-covered blankets prevents them from providing appropriate insulation and therefore they are no longer adequate.

Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals.

The prior attempts to correct this noncompliance were temporary and have not been maintained. Correct by ensuring that permanent measures are implemented to prevent chronic reoccurrence of suffering due to continued deterioration of these temporary measures which are not suitable to the weather. Ensure that there are an adequate number of appropriate shelters which are constructed and insulated using materials suitable to the climate. Enough shelters and shelter space must be provided so that all animals housed in the primary enclosure can access a shelter area at the same time to allow them to escape the cold temperatures, and precipitation. These shelters must be able to be maintained in a dry and sanitary manner.

2.40(b)(2) Direct

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

One male cougar was found to be in poor body condition at the time of inspection. Both the ribs and vertebrae were easily visible despite the length of the fur and there was little fat evident. Additionally, this animal walked gingerly,

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intermittently shaking each of its paws and appeared uncomfortable. The water for this animal was frozen and when presented with water it drank for a prolonged time indicative of thirst.

The licensee stated that this animal was approximately 6 years old and that he has been thin it's entire life. He stated that he has discussed the condition with the attending veterinarian prior but could not recall when or how long ago. When pressed, he stated that it likely had been more than a year and possibly several.

Poor body condition and excessive thirst both can be indicators of significant disease. Given the seriousness of this condition particularly when combined with the extreme temperatures this animal needs to be examined by a veterinarian to ensure that appropriate treatment is provided.

All exhibitors must ensure that appropriate methods are used to prevent, control, diagnose and treat diseases.

Additionally, exhibitors must ensure that there is a mechanism of direct and frequent communication with the attending veterinarian so that timely and accurate information is conveyed regarding problems concerning animals' health, behavior, and well-being.

Correct by ensuring that this animal is evaluated by a veterinarian and that the veterinarian's instructions regarding diagnosis and treatment are followed.

Correct by: 3PM on February 17, 2021

2.126(a)(4) Critical

Access and inspection of records and property; submission of itineraries.

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There are three juvenile brown bear cubs currently being individually housed in plastic totes in the residence of the property owner. The licensee refused to allow APHIS inspectors access to this portion of the premise during the inspection. The licensee has been given access to the house by the property owners to check on his cubs. Inspectors requested to enter the building during the inspection so that the housing, heating, and feeding of these animals could be evaluated. The licensee brought the cubs to the door of the house for visual assessment only. All three cubs were vocalizing excessively and sounded hungry and/or distressed. Inspectors were not able to evaluate the suitability of the housing. The licensee also refused to answer questions about the content of the formula and shut the door after inspectors asked where in the house the cubs were kept after less than a minute of the inspectors observing the cubs. When we asked where the bears were kept in the house, he refused to answer several times. He later joked that they were kept in the "bear room" saying it was a whole room built just for them.

Failing to allow inspectors access to buildings and premises where animals are housed prevents APHIS Officials from determining compliance with the Animal Welfare Act and Regulations. In this case, it also prevented inspectors from determining the cause for vocalizations which were consistent with distress of these animals. Inspectors must be allowed access to facilities and property as APHIS officials determine necessary for determining compliance with the Animal Welfare Act.

Correct by: 10 AM February 18, 2021.

2.125 Critical

Information as to business; furnishing of same by dealers, exhibitors, operators of auction sales, intermediate handlers, and carriers.

During the inspection today inspectors asked questions regarding several issues dealing with the husbandry of the animals at the facility. The licensee stated that he had been advised not to answer questions from the inspectors. The licensee stated that he makes the diet used to feed the bear cubs himself and brings it to the property for the

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caretakers to feed. He then refused to tell the inspectors what was in this diet. He produced a 5-gallon pail that was in his vehicle approximately $\frac{3}{4}$ full of off-white liquid. The licensee was asked several times about this food but refused to say what it was made from or the recipe. He stated several times 'what if it was a secret recipe' and later joked that he milks the female bears.

The licensee refused to tell inspectors where the cubs were kept in the house. Inspectors wanted to ascertain how the cubs were being housed within the residence and asked several times where the cubs housed and which room they were housed, etc. The licensee refused to answer several times and eventually joked that they were housed in the 'bear room', a room built specially for them.

The licensee refused to tell inspectors why he housed the bear cubs in separate tubs. The licensee asked why that was wrong, how they should be housed, and stated he must have a reason. Inspectors explained that keeping them together can provide warmth and social interaction, therefore, we would like to understand his reasons for separation. The licensee continued to refuse to answer.

The licensee refused to answer if bedding had been cleaned in any of the animal shelters since it was placed in the shelters which was approximately February 2, 2021. The licensee acknowledged that the property owners often do chores (typically in the evening), however, he refused to answer questions about when animals were last fed or how these chores are completed. Inspectors attempted to ask these questions several times. The licensee was either silent, made joking answers or asked the inspectors numerous rhetorical questions in response.

Although the licensee stated that much of the daily care for the cubs and the adult animals is provided by the owners of the property, the licensee stated several times that APHIS officials were not allowed to speak to the caretakers. Asking questions of the primary caretakers is an important part of the inspection process.

APHIS Officials explained that obtaining the answers to questions is a critical part of the inspection process as well as the

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seriousness of refusing to such answer questions. Inspectors provided an additional opportunity to answer these questions after this explanation at which time the licensee stated 'then I just don't know' to all the questions.

Each exhibitor shall provide any APHIS official any information concerning the business of the exhibitor which may be requested in connection with the enforcement of the provisions of the Act. APHIS Officials must be able to obtain accurate and timely information as necessary to determine compliance with the regulations and standards.

Correct by ensuring you and your employees provide inspectors with answers to all questions in connection with enforcement of the Animal Welfare Act.

Correct by: 10 AM February 18, 2021.

3.127(d)

Facilities, outdoor.

The primary enclosure housing the six-year-old male cougar is 32 inches from the perimeter fence. One of the den boxes for this animal is five inches from the perimeter fence. Primary enclosures for potentially dangerous animals located less than 36 inches from the perimeter fence must be approved in writing by the Administrator of APHIS. This enclosure needs to be modified or a written variance must be approved by the administrator.

Correct by: April 17, 2021

3.129(a)

Direct

Repeat

Feeding.

The three adult brown bears, and the two juvenile brown bears were noted at time of inspection to be awake and moving.

The licensee stated that he brings food with him when he visits the facility. He also brought four three-pound bags of apples and four heads of frozen lettuce which appeared freezer burned. Additionally, there were two five-gallon buckets of chicken and about half a five-gallon bucket of red meat. The licensee stated that he is feeding approximately 3 apples, 2 pieces of chicken, and lettuce per bear. He stated that he is feeding approximately 5 lbs. of meat to each cougar. There

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was no evidence of any food or scraps in any of the bear enclosures. The frozen lettuce is not palatable for the bears. A mostly meat diet is not an appropriate diet for bears that have not eaten for a significant period. Leafy greens or other vegetable matter is more appropriate for bears that have fasted. This inappropriate diet may lead to illness. One juvenile brown bear is in poor body condition, it has poor coat condition and appears unthrifty. This animal is significantly smaller than the other juvenile it is currently housed with. The current condition of this animal indicates that it has been in a poor nutritional state for considerable time. This is likely due to poor nutrition during the fall, not being fed by the licensee while confined to the barrels, and/or competition from the other animal in its enclosure. The food provided shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices. The bears must be fed daily, or at a minimum when they awaken from hibernation/torpor to ensure they maintain an appropriate body weight to sustain them through the winter, and to alleviate suffering. Correct by ensuring that appropriate feed is on-hand and being offered to all animals at least daily since they are not in hibernation

3.130 **Direct** **Repeat**

Watering.

The three adult brown bears had only ice available in their water receptacles. The two juvenile brown bears had a very small amount of slushy water available in their water receptacle. The two adult black bears had only ice available in their water receptacle. All the brown bears were noted to be awake and moving at the time of inspection. The two adult cougars housed together had only ice available in their water receptacle. The six-year-old male cougar had only ice available in his water receptacle. The licensee stated that the property owners last did chores the prior evening. He refused to state a time that chores were usually done. The licensee provided water to all animals except the black bears at the request of inspectors. Multiple animals drank at least some water when it was presented indicating thirst. When

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the six-year-old male cougar was offered water he immediately approached and began drinking. He drank for a total of 42 seconds only stopping briefly when one of the brown bears housed next to him startled him. The length of time that this animal drank for indicates the level of thirst and is abnormal for the time of year. This animal is suffering due to a lack of potable water (at a drinkable temperature) being provided on a frequent enough basis. If potable water is not always accessible to the animals, it must be provided as often as necessary for the health and comfort of the animal. Correct by ensuring that potable water is offered to the animals as frequently as needed to sustain the health of the animals.

This inspection and exit interview were conducted with the licensee.

Additional Inspectors:

DANA MILLER

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Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
2942	31-C-0221	002	DAVID EICHER	17-FEB-2021

Count	Scientific Name	Common Name
000003	<i>Puma concolor</i>	PUMA / MOUNTAIN LION /
000002	<i>Ursus americanus</i>	COUGAR
000008	<i>Ursus arctos</i>	NORTH AMERICAN BLACK BEAR
		BROWN BEAR
000013	Total	