

# COMMITTEE NEWS



## Animal Law

### Implementing an Invasive Alien Species Humane Framework that Balances Ecosystem Health with Animal Dignity

#### Introduction

"I let a spotted lanternfly survive. Then 50 tried to kill me. Kill it! Squash it, smash it ... just get rid of it!" was the advice from Pennsylvania's Department of Agriculture.<sup>1</sup> The enthusiasm to kill spotted lanternflies arises from their presence as an invasive alien species (IAS), which is defined as a species "whose introduction and/or spread threaten biological diversity."<sup>2</sup> Moreover, IAS "are one of the biggest causes of biodiversity loss and species extinctions, and are also a global threat to food security and livelihoods."<sup>3</sup> Nevertheless, this outlook fails to account for a bug's right to avoid being squashed or inherent animal rights, "which refers to the idea that animals do have a moral status, and should be entitled to live lives that are free from abuse by humans."<sup>4</sup>

Some scholars argue that these inconsistent views illustrate an inherent (and perhaps unresolvable) conflict between the theories of rights of nature, a legal

[Read more on page 29](#)

**By: Jenny Bass**

*Blake Fulton Quackenbush*

*Jenny Bass received her LL.M. in Animal Law and a J.D. from Vermont Law School. Her first career was as a technician, designer, and production manager in the live entertainment industry. She has several publications and short articles. Her focus is on animal law, environmental law, and climate change law. She is currently working at the Blake Fulton Quackenbush law firm.*



#### In This Issue

- Implementing an Invasive Alien Species Humane Framework... 1
- Chair Message... 2
- Headline Animal Law News... 6
- Legislative and Regulatory Developments... 14
- The Gateway Species to Changing the World for All Animals... 21
- Ecocide and Wildlife Crime Through the Lens of Human Rights, Gender, and Corruption... 22
- Grieving Companion Animals, Honoring their Life, and... 23
- An Interview with Kathryn Evans... 24
- Animals as Authors in the Age of AI: Reconsidering... 26
- New ALC Member Profile... 27



## Chair Message

*“Life is for service.”* - Fred (Mister) Rogers

**Stewardship** – the careful and responsible management of something entrusted to one’s care - Merriam–Webster

### Honored to be here

Welcome to the Animal Law Committee’s outstanding Fall 2025 newsletter! Having enjoyed being enlightened and inspired by reading the newsletter for nearly two decades, and having contributed a few articles over the years, this is a truly wonderful experience. It is an honor to write these words and to serve the Committee, fellow members, the ABA and legal profession, the public, and, of course, animals, their interests, protection and well-being.

### Looking back with gratitude and ahead with anticipation

As Chair, I am mindful that my service is that of a steward, and as such, committed to responsibly and thoughtfully doing my very best with these duties entrusted to me. Beginning with the Committee’s inaugural ABA year 2004 – 2005, the Committee is fortunate, to have been led by: Barbara Gislason, Kristina Hancock, Gilda Mariani, Meena Alagappan, Joan Schaffner, Mariann Sullivan, Ledy Vankavage, Rebecca J. Huss, Yolanda Eisenstein, Chris Green, Bonnie Lutz, Stacy Evans, Daina Bray, Jane McBride, Fran Ortiz, AJ Albrecht, Lenore Montanaro, Katie Barnett, Alexandra Cerussi and Molly Armus. I am especially grateful to Yolanda Eisenstein who first appointed me a Vice Chair over a decade ago, and Lenore Montanaro whose graceful and steadfast efforts led me to this point. Each and every chair has helped build and sustain the Committee’s good work in fulfilling its mission and been a teacher in one way or another.

For nearly two decades, Joan Schaffner has served with great distinction as the Editor of this newsletter. This issue we recognize and honor Joan’s contributions by naming her Editor Emeritus.

Being a service-oriented steward for this ABA year also means being a sturdy, supportive and useful bridge for the leaders to follow, most immediately Chair Elect Raj Reddy and Chair Elect Designee Rebecca Critser. Their countless contributions to the Committee, hard work and intelligence will continue to carry us forward to even greater progress. With our Immediate Past Chair and new Newsletter Editor Molly Armus’ grace and wisdom as a guide, may this writer be a good bridge.

### Serving on the Committee makes this a better world one person at a time – starting with you

The Committee’s mission is to “address all issues concerning the intersection of animals and the law to create a paradigm shift resulting in a just world for all.” In

### James Gesualdi

James F. Gesualdi, P.C.

*James F. Gesualdi is the ALC Chair and an animal law attorney in private practice spanning over 35 years. He is the author of EXCELLENCE BEYOND COMPLIANCE: Enhancing Animal Welfare Through the Constructive Use of the Animal Welfare Act. He has published other numerous articles including as a regular contributing columnist to the San Diego Zoo Wildlife Alliance Academy’s e-Newsletter (Getting Better All the Time) on continuous improvement and advancing animal interests, protection, and well-being for ten years. Mr. Gesualdi was a former Special Professor of Law, Hofstra University School of Law, taught Animal Law, and has lectured extensively on constructive approaches to building consensus and fostering transformative, sustainable change to better serve animals. He served as Chair of the New York State Bar Association Committee on Animals and the Law and was the founding Co-Chair, Suffolk County Bar Association Animal Law Committee. He was a Vice Chair of the American Bar Association’s first Animal Law committee and The Young Lawyers’ Division Animal Protection Committee. Mr. Gesualdi was the inaugural recipient of the New York State Bar Association Committee on Animals and the Law Exemplary Service Award (2018), and recipient of the American Bar Association, Tort Trial and Insurance Practice Section, Animal Law Committee Excellence in the Advancement of Animal Law Award (2019).*



other words, to make this a better world for animals and people. In contributing to this effort, there are ample opportunities to serve, and in doing so, foster positive change and your own personal and professional development.

- Be an informed member via announcements, activities and events, reviewing meeting minutes and reading this newsletter (or going deeper by using the most recent newsletter index of two decades of content, found [here](#)).
- Be present and participate in Committee and subcommittee meetings.
- Build your own community through your contributions and presence and joining gatherings at in-person conferences and the virtual Animal Law Exchange.
- Go even further and speak at a Committee or subcommittee meeting or program, write for this newsletter or numerous other outlets, mentor or be mentored, work on a resolution and report to be presented to the ABA House of Delegates in hopes of being adopted as official ABA policy, and/or get involved in a subcommittee and/or Committee leadership role.
- Be creative and suggest an innovative way in which you can fill an unmet need on that Committee and in support of its mission.

All of the above are representative of what you can do, how well you do it is up to you as is our impact on the world outside of this very special Committee.

## The amazing effect of investing yourself in making the most of Committee membership

The depth and variety of Committee experiences provide fulfilling pursuits for our diverse members. Law students, young lawyers, lawyers loving or interested in animals working in a wholly unrelated practice area, and attorneys with day “jobs” and leading roles within Animal Law are all welcome and invited to seek and find the right place or places within the Committee. This is a caring community full of conscientious professionals and unique opportunities. As with everything in life, the more you invest yourself in the Committee, the greater the return on that investment personally, professionally, and towards making a difference for animals (and people who care about and work on behalf of them).

Gratefully here to serve the Committee with you. 

**James Gesualdi**, *Chair, ABA TIPS Animal Law Committee*

***“The best way to find yourself is to lose yourself in the service of others.”***

- Mahatma Gandhi





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## Headline Animal Law News

# ANIMALS IN AGRICULTURE

## Fifth Circuit Hears Oral Argument in Unique First Amendment Case

By: Emily B. Torres

On September 4, 2025, the U.S. Court of Appeals for the Fifth Circuit heard [oral argument](#) in a case that considers important constitutional issues. *Dubash v. City of Houston, et al.* was initially filed in 2023 by two animal advocates who allege their speech was curtailed due to the nature of its content, in violation of the First Amendment. The incidents occurred at Discovery Green, a well-known park in Houston, where the plaintiffs were displaying documentary footage (without sound) captured inside concentrated animal feeding operations, also known as factory farms. Despite peacefully asserting their constitutional right to remain, the advocates were repeatedly told by park employees to stop playing the videos. One advocate was arrested, kept in jail overnight, and charged with criminal trespass, although the charges were subsequently dropped.

Discovery Green's own [Park Rules](#) describe the park as a "dedicated public park" and confirm that the City of Houston owns the park. Despite this, the City appears to have suggested it did not have [responsibility](#), as a state actor, while a private organization was operating the park day-to-day. The defendants [claimed at the district court](#) that the park is a "limited public forum," which requires less free speech scrutiny than a "traditional public forum." They also [argue](#) that the plaintiffs' display of the videos was expressive conduct rather than speech, and therefore not protected by the First Amendment.

The U.S. District Court for the Southern District of Texas [granted](#) the defendants motion to dismiss, but the plaintiffs [appealed](#) to the Fifth Circuit in February 2025. Readers can learn more about the case by listening to the [Animal Law Podcast's](#) most recent episode, which featured two of the attorneys representing the plaintiffs, and by reviewing the friend-of-the-court [amicus brief](#) filed by the American Civil Liberties Union (ACLU) of Texas.



## ANIMALS IN SCIENCE AND TECHNOLOGY

### Discarded in Barrels: The Hidden Cost of Animal Experiments in Canada

**3,600 seconds.** That's how long beagles at St. Joseph's Hospital in London, Ontario, were reportedly kept in **induced cardiac arrest** for human research. In August 2025, whistleblowers revealed that dogs were being "**humanely sacrificed**" and their hearts removed for experiments. Outrage followed, as reports described **bodies discarded in garbage bags** or stored in barrels marked with their names.

Four of the names, **Croissant, Toast, Rye, and Bagel**, belonged to dogs who spent their short lives inside the laboratory, anticipating the next procedure, rather than enjoying the love of a family.

The lab sourced its "test subjects" from a **USDA breeder in Wisconsin**. This breeder had been cited with **311 violations** since 2022, yet those violations averaged just \$177 per dog.

Charu Chandrasekera, founder of the **Canadian Centre for Alternatives to Animal Methods**, stated: "[j]ustifying the use of animals because it has worked in the past at a time when new technologies weren't available is like praising the telegraph in the age of Zoom."

Public outcry shut down St. Joseph's dog experiments. Ontario **Premier Doug Ford** announced, "I have now directed our team to start hunting down anyone else doing research on dogs or cats."

Yet outside of Ontario, tens of thousands of dogs remain in laboratories across North America. The future of research should prioritize innovative, non-animal alternatives that drive biomedical progress rather than animal suffering. How many more whistleblowers will it take before this transition becomes a reality?

**By: Daria Bednarczyk**

## COMPANION ANIMALS

### Recent Developments in Companion Animal Law

On July 24, 2025, the California Court of Appeals, First Appellate District, issued its ruling in ***Caru Society for the Prevention of Cruelty to Animals v. Susan B. Anthony, Case No. A167001***. This was a second appeal in an animal abuse case. The defendant operated a business called California Carolina Dogs out of various

**By: Thomas Mugavero**



properties in Solano County. In 2017, Caru filed a complaint against Anthony under the Corporation Code, alleging various code violations, including: maintaining more than four dogs on her property; allowing her dogs in public places unleashed; having excessive structures on her property; and allowing her dogs to bark incessantly. The trial court entered a permanent injunction against Anthony in 2019, but this was found on appeal to be overbroad and the case was remanded (*Caru Society for the Prevention of Cruelty to Animals v. Anthony*, Case No. A160487, Jun. 7, 2022).

On remand, the trial court again issued an injunction, with two essential prongs. First, the defendant was prohibited from having more than four dogs on any of her properties at any time. This was upheld on appeal, even though some of her properties were in jurisdictions that did not limit the maximum number of dogs allowed. The second prong allowed Caru to maintain a census of the defendant's dogs, and to "enter defendant's properties to receive custody of any dogs that defendant must make available for humane surrender." The appellate court found this prong again overbroad, as it made no mention of any process by which Caru's decision to seize any dogs might be challenged.

Although it comes at the end of the opinion, the Court also rejected the defendant's argument that the California penal code was the only means by which a humane society might be allowed to seize an animal. As such, Caru was authorized to "seize defendant's excess dogs based on her many violations of state and local animal protection statutes, but only so long as defendant's due process rights are respected."

In recent legislation, Delaware passed [Senate Bill 174](#), which creates an animal abuse offender registry. Individuals convicted of misdemeanor and felony animal abuse will remain on the registry for five and fifteen years, respectively. Shelters are required to consult the registry and are prohibited from adopting animals to individuals on the registry. Rhode Island enacted [Senate Bill 180](#), [House Bill 5668](#), prohibiting the practice of declawing a cat for other than medically necessary purposes. Rhode Island also enacted [Senate Bill 649](#), [House Bill 5569](#), modeled on the Pet Insurance Model Act.



## DIVERSITY EQUITY INCLUSION JUSTICE

### District Court Holds Pet Fee Waiver is Not Necessarily a Reasonable Accommodation Under the Fair Housing Act Despite HUD Guidance to the Contrary

By: Rebecca Critser

Judge Sarah Vance of the United States District Court for the Eastern District of Louisiana held on [July 16, 2025](#), that plaintiff Michaela Henderson was not entitled to reside at Five Properties apartment with her dog, Tydus, unless Henderson paid the \$400 pet fee. This was despite Henderson's having made a request for a reasonable accommodation considering her mental health disability. Henderson had provided documentation from a nurse that stated her disability and her need to reside with Tydus due to that disability. However, Five Properties reasoned, and the US District Court judge agreed, that Henderson had failed to "provide sufficient information to demonstrate she could not enjoy the use of the apartment without a waiver of the animal fee." Ultimately, this holding relied on Henderson's ability to afford the \$400 fee.

This holding contravenes [2020 HUD guidance](#) on the issue, which clearly indicates emotional support animals are covered by the Fair Housing Act and are not "pets." While the court considered this guidance, it was only obliged to give *Skidmore* level deference and ultimately found the guidance unpersuasive.

It is this author's opinion that the court wrongly described the requested accommodation as the "fee waiver" and that the actual accommodation requested was the emotional support animal (ESA). Absent the ESA, the fee or fee waiver is immaterial. The reasonable accommodation requested is the ESA, whom the tenant sought to have without fee to achieve parity with non-disabled residents. The Fair Housing Act persistently and consistently states that covered persons shall be [afforded "equal opportunity to use and enjoy" the dwelling](#). Non-disabled residents need not pay a fee to enjoy residing at the dwelling. They need only pay a fee to have a pet. But a pet does not provide the same benefit to a non-disabled resident that an ESA provides to someone like Henderson who lives with a mental disability and relies on Tydus for a "calm and stable" environment. Consequently, under this court's ruling, Henderson is subject to a \$400 fee to equally "use and enjoy" the Five Properties apartment.

The Department of Justice filed an amended complaint in a related but separate case in the same court on June 17, 2025. [United States v. Five Properties](#), No. 25-cv-1213 "J" (4), also alleges a violation of the Fair Housing Act pursuant to the landlord's failure to waive their "pet fee" for a resident upon request of a reasonable



accommodation pursuant to a mental health disability. The defendants have filed a motion for summary judgement, set for hearing September 17, 2025.

## EQUINE LAW

### Lawsuit Challenges USDA's Adjudication Process to Enforce the Horse Protection Act

By: Krista Wirth

On August 21, 2025, the U.S. Court of Appeals for the Fourth Circuit, in an unpublished opinion, [affirmed](#) the denial of a preliminary injunction sought by Tennessee Walking Horse owner, Joe Manis, to enjoin the United States Department of Agriculture (USDA) from conducting proceedings related to enforcement of the Horse Protection Act (HPA).

The Fourth Circuit decision follows a May 2023 [complaint](#) filed by USDA's Animal and Plant Health Inspection Service against Manis, alleging that Manis violated the HPA by seeking to show a sore horse in a Virginia horse show. "[Soring](#)" is the abusive practice of deliberately inflicting pain on a horse to produce an exaggerated gait. In February of 2025, a USDA administrative law judge ruled that Manis [violated](#) the HPA and imposed a \$10 civil penalty and one-year disqualification from the industry.

In response to the HPA complaint, Manis filed a collateral [complaint](#) against USDA in March of 2024, asserting that USDA's adjudication process to enforce violations of the HPA violated the U.S. Constitution's Appointments Clause, Seventh Amendment right to a jury trial, and other constitutional provisions.

The U.S. District Court for the Middle District of North Carolina [denied](#) Manis' motion for a temporary restraining order and preliminary injunction against USDA, determining that Manis failed to show a likelihood of success on the merits as to each of the constitutional challenges. On appeal, the Fourth Circuit declined to address Manis' likelihood of success on the merits but affirmed the denial of the preliminary injunction, determining that Manis failed to sufficiently demonstrate irreparable harm.

In August of 2025, the district court [ruled](#) for USDA and dismissed all claims. Manis has [appealed](#) to the Fourth Circuit.



## INSECTS AND POLLINATORS

### The Laws of Biology Rewritten: Iberian Harvester Ant Queens Give Birth to Different Species of Ant

By: Connor Barnes

The field of entomology experienced a paradigm shift this September. A group of primarily French researchers published a study in *Nature* that observed an Iberian harvester ant queen give birth to a builder harvester ant male. To gauge the incredibility of this discovery, not only are these ants distinct species from one another, but they are thought to have diverged around five million years ago, roughly **during the same time** that humans and chimpanzees separated from a common ancestor. This reproductive marvel, thought to be induced by a need for a worker caste and performed via sperm retention, has altered the traditional understanding of biological reproduction and led to the coining of a new scientific terminology: **xenoparity**, meaning “foreign birth.”

This breakthrough has the potential to disturb current interpretations of animal and insect law. For example, the **Endangered Species Act** prohibits certain acts against listed species. If a non-protected species can give birth to a protected species, would both parent and offspring need to be considered endangered to benefit from the Act’s protection? As the treatment of animals differs between jurisdictions – that is, whether a species is native or invasive – how will the possible birth of a non-native species challenge the standards set for which animals are eligible for protection in a particular geographical area? Whatever the case, this scientific breakthrough demonstrates the limitations of human knowledge and serves as a reminder that the facts that underlie a law or its interpretation are subject to change.

## INTERNATIONAL ISSUES

### Comparative Update: U.S. Trade Ruling on Māui Dolphins and New Zealand’s Wildlife Act Amendment

By: Bianka Atlas

Two recent decisions highlight the role of courts and legislatures in scrutinizing how governments balance trade and development against wildlife protection.

In *Māui and Hector’s Dolphin Defenders NZ Inc. v. National Marine Fisheries Service* (Slip Op. 25-113), the U.S. Court of International Trade (CIT) vacated National Oceanic and Atmospheric Administration (NOAA) Fisheries’ **January 2024 decision** authorizing continued imports of New Zealand seafood from set-net and trawl fisheries. The plaintiffs argued New Zealand’s protections for the critically



endangered [Māui dolphin](#) were inadequate under the U.S. [Marine Mammal Protection Act](#) (MMPA). Under the MMPA, products that were caught with technology that “results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards” must be banned. Judge Choe-Groves agreed NOAA’s comparability determination was unsupported by evidence and reasoned analysis necessary under the MMPA. [While the court did not immediately ban imports](#), the case highlights how U.S. trade law can hold foreign fisheries practices to domestic marine mammal protection benchmarks. NOAA must file revised comparability findings by **November 24, 2025**, setting out how New Zealand’s regulations meet the U.S. standard.

In New Zealand, the High Court’s **March 10, 2025** ruling in [Environmental Law Initiative v The Director-General of the Department of Conservation](#) found unlawful a Wildlife Act permit allowing incidental killing of kiwi and bats. The court held section 53 of the Act did not authorize such incidental harm absent a genuine protective purpose. In response, Parliament passed the [Wildlife \(Authorisations\) Amendment Act](#) on **May 12, 2025**, clarifying that incidental take authorizations are permissible only when consistent with protecting wildlife overall.

Together, these cases reveal parallel trends – judicial insistence on rigorous statutory compliance, and legislative or regulatory responses aimed at reconciling conservation with economic activity. Both developments demonstrate how the law can be used to compel higher standards of protection for endangered species.

## WILDLIFE

### [Center for Biological Diversity, Friends of the Everglades, & Miccosukee Tribe of Indians Sue to Shut Down “Alligator Alcatraz”](#)

On June 27, 2025, the Center for Biological Diversity and Friends of the Everglades [sued](#) the U.S. Department of Homeland Security, Immigrations and Customs Enforcement, the Florida Division of Emergency Management, and Miami-Dade County, seeking to stop the construction of a mass immigration detention facility (“Alligator Alcatraz”) within the Greater Everglades, Big Cypress National Preserve, and Big Cypress Area. These are protected and ecologically sensitive wetlands that serve as habitat to numerous threatened and endangered species, including the Florida panther, Florida bonneted bat, and Everglade Snail kite.

By: Krista Wirth



“The decision to construct a mass migrant detention and deportation center [in this location] was made without conducting any environmental reviews as required under NEPA [National Environmental Policy Act], without public notice or comment, and without compliance with other federal statutes such as the Endangered Species Act, or state or local land-use laws,” the [complaint](#) states.

In July, the Miccosukee Tribe of Indians of Florida [intervened](#) in the case. “The Miccosukee people have lived in and cared for the land now known as the Big Cypress National Preserve (the “Preserve”) since time immemorial,” the Miccosukee Tribe said in their [motion](#). “Tribal members’ rights to use the Preserve for traditional and ceremonial purposes . . . likely will be impaired by the operation of a federal detention facility thereon.”

In August, the U.S. District Court for the Southern District of Florida [issued](#) a preliminary injunction, prohibiting further construction and the detention of additional persons at the facility and ordered that the facility be dismantled within sixty days. In September, a divided Eleventh Circuit [stayed](#) the preliminary injunction pending appeal, stating that “neither the ‘construction’ nor the ‘use’ of the Facility constitute[d] a ‘major federal action’ under NEPA.” [➤](#)



## Legislative And Regulatory Developments Affecting Animals

### ANIMALS IN AGRICULTURE

#### Improving Enforcement of Animal Transport Laws

**By: Emily B. Torres**

Animals raised and consumed for food in the United States are often transported long distances while experiencing conditions such as overcrowding, [extreme temperatures](#), injury and death from [severe truck crashes](#), [disease spread](#), and more. A [report](#) published last month by the Animal Welfare Institute reviews the state of livestock transportation, and finds a lack of sufficient enforcement of existing laws.

On September 10, 2025, Rep. Dina Titus (D-NV) re-introduced [H.R. 5286](#), the [Humane Transport of Farmed Animals Act](#), to address some of these issues. The Act would amend the [152-year-old Twenty-Eight Hour Law](#)—which, subject to certain exceptions, prohibits transporters from confining animals to a vehicle or vessel for more than twenty-eight consecutive hours without unloading them so they can eat, drink water, and rest. It would require the Secretaries of Agriculture and Transportation to “develop a mechanism for conducting investigations or inspections” to determine whether any carrier “has violated or is violating” the law. Until now, advocates have said enforcement of the Twenty-Eight Hour Law is [lax](#).

The Humane Transport of Farmed Animals Act would also amend the [Animal Health Protection Act](#) to prohibit persons from transporting livestock animals in interstate commerce that are “unfit to travel.” This would include “sick, injured, weak, disabled, or fatigued” animals; animals who are blind in both eyes; animals who cannot stand without help; certain pregnant or postpartum animals; animals who cannot be moved without further suffering; and certain newborn animals, among others. Transporting unwell animals is not only a serious animal welfare problem but a public health risk, because inhumane conditions during transport often result in an increased [spread of pathogens](#) such as bird flu. The Act seeks to address this concern, among others.

The bill has been referred to the House Committees on Agriculture and Transportation & Infrastructure.



## ANIMALS IN SCIENCE AND TECHNOLOGY

### Legislative Update: NIH Policy Shifts Reflect ABA Resolution 502 on Animal Testing Alternatives

The American Bar Association's [Resolution 502](#), adopted at the 2024 Midyear Meeting, calls on Congress and federal agencies to promote the development and use of methods that replace, reduce, and refine the use of animals in research and testing. The resolution also urges the removal of barriers and the creation of [incentives to expand non-animal approaches](#) in federally sponsored and regulatory research.

**By: Monica Engebretson**

Recent actions at the National Institutes of Health (NIH) reflect these priorities. In April 2025, NIH announced a new initiative to advance human-based research technologies, including tissue chips and computational models, with the aim of reducing reliance on animal models. The agency also established the [Office of Research Innovation, Validation, and Application](#) to coordinate development and application of non-animal methods. Since July 2025, NIH no longer issues Notices of Funding Opportunities [restricted solely to animal models](#).

These steps parallel provisions in the Humane and Existing Alternatives in Research Sciences (HEARTS) Act ([H.R. 1291](#)), which was highlighted in the report accompanying Resolution 502. The HEARTS Act amends the Public Health Service Act to ensure that non-animal methods are prioritized, through the establishment of a federal center to accelerate non-animal research, expanded training and interagency collaboration, and reforming the grant review processes to better account for alternatives.

Together, Resolution 502, the HEARTS Act, and NIH's recent policy shifts signal growing federal alignment around replacing animal testing with modern, human-relevant research methods.

## COMPANION ANIMALS

### Tail Wags for Trooper: Florida's New Law Protecting Dogs in Natural Disasters

[Unanimously](#) passed by the Florida Senate on March 4, 2025, Trooper's Law makes restraining and abandoning a dog prior to a natural disaster a third-degree felony. The new law carries a penalty of up to five years in prison, or a fine not more than \$10,000, or both.

**By: Zoe Morton &  
Megan Senatori**



Trooper's Law is [inspired by a dog](#) who was tied to a fence and abandoned along Interstate 75, north of Tampa, in the midst of evacuations ahead of Hurricane Milton. The dog was spotted by an officer from the Florida Highway Patrol and found in chest-high floodwater just before the officer rescued him.

Florida law already prohibited abandoning "an animal" (defined in [Florida Statute § 828.02](#) as "every living dumb creature"). [Trooper's Law](#) makes it a felony to restrain a dog outside during a natural disaster and subsequently abandon the dog. The abandonment law applies not only to legal owners of animals, but also to custodians or other persons in charge of an animal.

In addition to sparking legal change, [Trooper](#), who was named after his rescuer, has found happiness after being adopted by a family in Parkland, Florida.

Trooper's Law takes effect October 1, 2025.

## DIVERSITY EQUITY INCLUSION JUSTICE

### Harvard USDA Petition and FISCAL Act Seek Dietary Inclusivity in National School Lunch Program

Two independent efforts are seeking dietary inclusivity in the National School Lunch Program (NSLP). First, in June of 2025, Harvard Law School's Animal Law & Policy Clinic and Religious Freedom Clinic submitted a [petition](#) for rulemaking to the U.S. Department of Agriculture (USDA) on behalf of Jain Americans and over 35 Jain organizations across the United States.

The petition [urges](#) USDA to recognize students' religious dietary requirements as needs, not mere preferences. "The failure to provide nutritionally adequate meals that align with the sincerely held religious beliefs of students violates the First Amendment" and "has a disparate impact on religious minorities," the petition states. "It undermines [students'] academic performance, restricts their participation in extracurricular activities, ... causes significant social and emotional harm" and "places an inequitable burden on families."

Additionally, in April of 2025, a bipartisan group of congressional leaders [introduced](#) the Freedom in School Cafeterias and Lunches (FISCAL) [Act](#) to require that schools participating in the NSLP offer non-dairy, plant-based milks in cafeterias. Currently, schools participating in the program are only [required](#) to provide a milk substitute if a student has a physician-documented disability that restricts their diet – an onerous

By: Krista Wirth



requirement that does not accommodate non-disability related dietary needs, religious needs, and preferences.

“Most of this nation’s children of color are lactose intolerant, and yet our school lunch program policy makes it difficult for these kids to access a nutritious fluid beverage that doesn’t make them sick,” Senator Cory Booker [said](#). “This bipartisan and bicameral legislation will bring greater equity to the lunchroom, by giving students the option to choose a nutritious milk substitute that meets their dietary needs.”

## EQUINE LAW

### Horse Protection Act Faces Legal Setbacks: Federal Court Strikes Down Key Provisions

By: Debra Hamilton

The Horse Protection Act (HPA), designed to prevent “soring” horses to achieve exaggerated gaits, encountered major legal obstacles in 2025. After the [USDA](#) published comprehensive amendments in May 2024, implementation has been repeatedly delayed due to court challenges.

Originally scheduled for February 2025, [new regulations](#) faced immediate industry opposition. On January 31, 2025, Judge Matthew J. Kacsmaryk of the U.S. District Court for the Northern District of Texas vacated most proposed changes in *The Tennessee Walking Horse National Celebration Association et al v. United States Department of Agriculture et al* (No. 2:24-cv-00143). The court found the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) exceeded its regulatory authority by [implementing](#) blanket prohibitions on pads, action devices, and chemical substances for [Tennessee Walking Horses and Racking Horses](#).

The [vacated provisions](#) would have transformed horse show oversight by eliminating industry self-regulation and replacing designated qualified persons with [federal inspectors](#). The court also [struck down](#) new dermatological [standards](#) for identifying soring, citing due process concerns.

[APHIS](#) has postponed the effective date until February 1, 2026, leaving the equine industry operating under [existing regulations](#) while officials reassess their approach to combating soring practices.



## INSECTS AND POLLINATORS

### Wisconsin Pollinator Protection Package Update

In May 2025, Wisconsin lawmakers introduced a comprehensive Pollinator Protection Package aimed at safeguarding the state's declining pollinator populations. The [seven-bill package](#), led by Rep. Lee Snodgrass (D-Appleton), Rep. Elijah Behnke (R-Chase), and Sen. Jeff Smith (D-Brunswick), addresses the crisis facing over 400 pollinator species in Wisconsin through pesticide regulation and native plant promotion. The bipartisan initiative currently awaits action in the Agriculture Committee.

By: Andre Abassi

Key provisions include: allowing local governments to regulate pesticide use to protect pollinators ([AB 287/SB 292](#)); prohibiting mislabeling of pesticide-treated plants as “pollinator-friendly” ([AB 288/SB 294](#)); banning neonicotinoid insecticides on DNR-managed lands ([AB 289](#)); and requiring state agencies to plant native prairie species ([AB 291/SB 293](#)). The package also proposes creating “Protect Pollinators” specialty license plates and designating the federally endangered rusty patched bumblebee as Wisconsin's state native insect.

Despite strong environmental and agricultural arguments – pollinators account for \$55 million in Wisconsin crop production annually – the [bills](#) have not advanced since being referred to the Agriculture Committee. This marks the second attempt at passage; an identical package failed in 2021. [Wisconsin remains one of only 19 states without legislative protections for pollinators](#), even as local governments like Eau Claire transform public lands into pollinator-friendly habitats. As the 2025 legislative session continues, advocates emphasize the bipartisan nature of food security concerns tied to pollinator health.

## INTERNATIONAL ISSUES

### Historic Unity: How Decades of Groundwork Led to Maya Forest Protection

The Calakmul Declaration represents decades of diplomatic groundwork culminating in unprecedented trilateral commitment. International coordination began in the 1970s, with ongoing efforts including the GIZ-funded [Selva Maya Programme](#) (since 2000) and the Mesoamerican Biological Corridor initiative.

By: Debra Hamilton

The breakthrough came August 15, 2025, when, for the first time in diplomatic history, Belize's Prime Minister John Briceño met with Mexican President Claudia



Sheinbaum and Guatemalan President Bernardo Arévalo in [Calakmul, Mexico](#). Sheinbaum's strategic choice to host the meeting in the forest's heart created powerful symbolism.

Since 2016, directors and technical staff from border protected areas met regularly, supported by the Selva Maya Program, coordinating cross-border patrols and tackling threats like forest fires and illegal hunting. These relationships created the operational framework enabling political agreement.

The Declaration creates a massive wildlife sanctuary spanning 5.7 million hectares – home to over 7,000 species, including 200 at-risk and 250 endemic species. The corridor safeguards critical habitat for endangered species, including jaguars, Baird's tapirs, spider monkeys, and resplendent quetzals.

[María José Villanueva](#), Director General of WWF Mexico, declared “The Maya Forest unites our countries not only geographically, but also culturally, socially, environmentally, and economically.” Maya leaders responded through the Maya Leaders Alliance, calling for “cultural traditions and customary stewardship at the heart of conservation.”

This achievement demonstrates how sustained technical cooperation can create the foundation for historic commitments, in this case resulting in Latin America's second-largest nature reserve.

## WILDLIFE

### Wildlife Legislative Updates

*Endangered Species Act (ESA)*. As Vanessa Kranz explained in the summer 2025 ALC newsletter, the U.S. Fish & Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) proposed a rule to change the ESA's definition for ‘harm,’ which would dramatically decrease the ESA's protections for federally listed threatened and endangered species. Public comments for the proposed rule ([90 FR 16102](#)) were due May 19, 2025. On [June 27, 2025](#), the agencies submitted their proposed changes, which are not yet available to the public.

*Migratory Bird Treaty Act (MBTA)*. In 2021, the FWS proposed a rule ([86 FR 54667](#)) to increase protections for migratory bird populations by codifying its stance – and promulgating supporting rules – that the MBTA “prohibits incidental take of migratory birds.” On [April 21, 2025](#), the FWS [withdrew 86 FR 54667](#), to

By: Jessica Chapman



prevent the MBTA from impeding the Secretary of the Interior's [Order No. 3418](#), "Unleashing American Energy."

During the Wildlife Subcommittee's first 2025-2026 meeting (co-hosted with the International Animal Law Subcommittee), members discussed government management of cougars and bears who live near human communities. To continue conversation, the following list identifies bear-relevant legislation jurisdictions proposed in 2025. California introduced [Bill No. AB 1038](#), to allow the use of dogs for bear hunts. Wyoming rejected [Bill No. HB 0186](#), to limit licenses for recreational grizzly bear hunting, with exceptions for "wildlife management purposes." Montana rejected [Bill No. HB 258](#), which proposed aligning the state's wolf hunting season with its bear hunting season. Visit Wildlife for All's [legislative tracker](#) for additional updates. ➤

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# ANIMAL LAW DOCKET

## Practice Tips For Animal Law Cases

### The Gateway Species to Changing the World for All Animals

“If dogs run free, then why not me, across the swamp of time?”<sup>1</sup>

“Like a dog, like a dog, I’m always there...I wish I had a dog’s heart instead of this one.”<sup>2</sup>

The concept of a “gateway drug” is that it is one that leads the user down a path to using stronger, more impactful substances. The theme and hypothesis of this short piece is that dogs and cats, who are the constant home-life companions for so many, are the gateway animals for change, who can lead decisionmakers, and the animal law movement in general, up the path to stronger, more impactful expansion of protections for all other animals. That is, the best way to promote change for all nonhumans is to begin with the species that many humans think are deserving of legal protection because of their connection to us. And those species are our pets/companion animals, who many people live with and in whom humans most often recognize the similarities, and not the differences, between humans and other species. By starting with these species, and demonstrating the need and reasons for granting them greater protection under the law, we have a better chance of breaking through the invisible barrier between considerations of “us” (humans) and “them” (nonhumans).

The hypothesis has already been proven successful, but is one that could be relied on much more, not just to give greater protection to our most common pets, but strategically, to advance the interests of those animals with which we have less of an emotional connection, but whose lives many animal advocates are focused on helping.

Think of it this way: if you are trying to convince a judge, or a legislator, to do the right thing for animals, there is a decent chance that that person either has a dog or cat in their house, or knows someone who does, and believes the human-animal bond is a real thing. But they probably don’t think of pigs when they envision that connection—just traditional household pets. Nor do they consider the capacity for

[Read more on page 36](#)

**Bruce A. Wagman**

*Riley Safer Holmes & Cancila*

*Bruce Wagman is a lawyer with Riley Safer Holmes & Cancila with an almost exclusive practice in animal law (litigation, legislative drafting, education, and counseling), representing both individuals and animal protection organizations. He teaches animal law at three Bay Area law schools, is coeditor of the Animal Law casebook, soon to be in its sixth edition, and the 2017 book Wildlife Law and Ethics, and coauthor of A Global Worldview of Animal Law, published in 2011.*



## Ecocide and Wildlife Crime Through the Lens of Human Rights, Gender, and Corruption

This article discusses the intersection of human rights, gender inequality, transnational crime, and wildlife crime. It highlights the global spread of wildlife crime through corruption, money laundering, illicit financial flows, and technological innovations that increase opportunities for illegal wildlife markets. The author analyzes these growing trends alongside the development of the doctrine of ecocide, an international instrument to combat transnational crime against the environment and wildlife, as well as the impact of environmental degradation on human rights and gender inequality.

### The Evolution of Ecocide as a Legal Concept

In 1970, at a Conference on War and National Responsibility in Washington, D.C., Professor Arthur Galston, a biologist at Yale University, proposed a “plea to ban ecocide”, also considered as “a new international agreement to ban ecocide”.<sup>1</sup>

In 1972, in his keynote address at the Stockholm Conference on the Human Environment, Olof Palme, then Swedish Prime Minister, explicitly discussed ecocide, with particular focus on the Vietnam War.<sup>2</sup>

In 1973, Professor Richard Falk published an International Convention on the Crime of Ecocide. He considered ecocide to be a crime during war and peacetime.<sup>3</sup>

Several nations have since criminalized ecocide, with Vietnam being the first to do so in 1990—a decision influenced by its experience in the Vietnam War.<sup>4</sup>

The legal groundwork for establishing ecocide as an international crime has advanced significantly since that time.

### How do we Define Ecocide?

In June 2020 the Stop Ecocide Foundation convened an Independent Expert Panel for the Legal Definition of Ecocide (IEP). The IEP proposed the following definition of ecocide to be added to the Rome Statute (RS) of the International Criminal Court (ICC): “‘ecocide’ means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.”<sup>5</sup>

[Read more on page 39](#)

**By: Elena Pavlova**

*Elena Pavlova is a lawyer from Russia. She began her career in animal law in 2017 by joining the ABA TIPs Animal Law Committee (ALC)—inspired by its values of animal protection—and participating in the International Animal Law Summits in the U.S. from 2017-2019. She is also an expert in human rights, gender issues, and transnational crime. As an international consultant, she worked with UN Women on a human rights project in Tajikistan in 2022, as well as with the UN Development Programme (UNDP) and the U.S. State Department on an anti-corruption project in Vietnam in 2024.*



## Grieving Companion Animals, Honoring their Life, and Legal Gaps That Shape Their Rest<sup>1</sup>

### Introduction

Losing a beloved companion animal can leave a deep emotional void,<sup>2</sup> yet society often diminishes the significance of this grief. Many people struggle to mourn openly or find support, making rituals and memorialization crucial tools for coping. From private burials to cremations and commemorative ceremonies, these practices allow the bereaved to maintain bonds and process their loss. Despite their importance, legal restrictions and inadequate industry oversight can prevent families from honoring their companion animals in meaningful ways or exasperate grief.

By: **Vanessa J. Kranz**

*Vanessa J. Kranz is a recent graduate of Vermont Law & Graduate School. She works as an Investigator with the Vermont Human Rights Commission and will be admitted to practice in Vermont this year. She is passionate about human and non-human animal rights.*

### Grieving Differently: Rituals and Memorials in Companion Animal Loss

When an individual or family experiences the loss of their companion animal, that loss can feel equal to that of losing a human family member or friend,<sup>3</sup> but it is also a different kind of loss. Emergency veterinarian, Dr. Sarah Hoggan explains in her Ted Talk on companion animal grief that, “[t]he societal diminishment of pet loss grief, the unconditional love that makes the human animal bond, and our pet’s inability to speak, all make pet loss grief different from losing a human.”<sup>4</sup>

Some of that difference is due to disenfranchised grief—a kind of grief that “is not or cannot be openly acknowledged, publicly mourned, or socially supported.”<sup>5</sup> Grief over companion animals can be especially hard when people feel unsupported, lonely, or misunderstood, or are urged to quickly replace their companion animal. Research shows that continuing bonds, which are attempts to preserve emotional bonds after a companion animal’s death, serve both as a continuation of the human-animal connection and a way to cope with grief.<sup>6</sup>

The loss of a companion animal loss is deeply personal, and everyone manages their grief in unique ways. Many individuals utilize ceremony rituals and memorialization methods, such as bodily interment, cremation, celebrations of life, and directing self-interment alongside their companion animal upon their death. Religion and spirituality can help individuals cope by promoting continued bonds “reducing the intensity of grief.”<sup>7</sup> Thus, burial and



[Read more on page 47](#)



## The Animal Law Conversation

# An Interview with Kathryn Evans

**What does your role as a Staff Attorney at Legal Impact for Chickens (“LIC”) entail? What is a typical day like for you?**

My role is litigation focused, so sometimes that is researching potential cases, reviewing new undercover investigations, and looking for ways that we as a non-profit can make sure the laws that protect the animals affected are enforced. With cases that are in active litigation, I do tasks like draft complaints and briefs, and deal with all stages of discovery. And our team is always helping each other with things like strategy decisions and honing legal arguments on the different cases each attorney is working on.

We are a small organization—just four lawyers and an operations manager—so we also all take on extra tasks. I have a background in employment law, so I do a lot of our human resources work, which provides more variety in my day-to-day work.

**What are some of the skills you’ve developed working on such a small team? Any major challenges?**

LIC is both small and new (we were founded in 2021), so that means we do a lot of work ‘from scratch’ compared to my previous jobs where there was often a template or past example to work from. I’ve gotten really great experience as a still relatively new lawyer doing ground-level research on a lot of different areas of law, and I have a lot of control over the cases I am working on.

**What was your journey into animal law? Have you always known you wanted to work in animal law? What jobs and other experiences led you to your current position?**

During law school, I explored quite a bit. My internships spanned family law, immigration, and gender and sexuality discrimination. I did a year-long employment law clinic that I liked, and that gave me experience with complaint drafting. My first job out of law school was at a plaintiff-side employment law firm. I was doing a lot of whistleblower retaliation and discrimination cases. That gave me great experience working with clients, developing facts, negotiating, and filing agency complaints.

While I was in that job, I was volunteering for Humane World for Animals and D.C. Voters for Animals. I loved those experiences, and they spurred me to try and get into animal law full-time.



**Kathryn Evans**

*Legal Impact for Chickens*

*Kathryn Evans is a Staff Attorney at Legal Impact for Chickens. Kathryn obtained her J.D., magna cum laude, from NYU Law. She began her legal career at a plaintiff-side employment law firm and then moved to litigating humanewashing cases on behalf of consumers before joining LIC. Kathryn currently serves on the board of D.C. Voters for Animals. She is licensed to practice in the District of Columbia and New York.*

**Interview By:**

**Michael Swistara and  
Kailey McNeal**

*Michael Swistara and Kailey McNeal serve as the Young Lawyer Vice Chairs for the TIPS Animal Law Committee. Michael is a Staff Attorney at the Animal Legal Defense Fund. He also serves as Co-Chair of the ABA’s International Animal Law Committee. Kailey is a second-year associate at Jones Day in the Washington, D.C. office. She also serves on the TIPS Standing Committee on Diversity and Inclusion. Please email [mwistara@aldf.org](mailto:mwistara@aldf.org) or [kaileymcneal@gmail.com](mailto:kaileymcneal@gmail.com) with questions or suggestions for future interviews.*



### ***What advice do you have for aspiring young lawyers interested in animal law?***

As the person who runs LIC's hiring processes, I see firsthand how hard the job market is—especially for the growing pool of people interested in animal law. And so, on the one hand, getting internships and clinics in animal law is very useful. But on the other hand, if you only focus on animal law in law school and you are unable to get an animal law job immediately, you might be stuck. So if you aren't absolutely set on animal law, it is good to get a variety of experience in law school. And that includes litigation and policy experience! For young lawyers who want to switch into animal law, see if you can volunteer pro bono for an animal protection organization, or even volunteer for a local animal shelter to demonstrate your interest in helping animals.

### ***How do you balance the emotional toll of working in animal law, especially given the fact that your position is fully remote?***

It can definitely be tough, especially when we have to review undercover footage and write about it with great detail in court filings. I have a dog, so sometimes I will just take a break to sit on the floor with her. Everybody on our team knows that the job can be emotionally tough, and so we are all supportive of each other's needs, whether that's taking the rest of the day off if you need it or taking regular time out for therapy.

### ***Speaking of things outside of work, we heard you are an avid actor! How did you get involved in theater, and what insights do you have to share with other young lawyers who don't want their entire life to be in the law?***

I got into acting after becoming an attorney. Coming out of COVID isolation, I wanted a way to meet people, laugh, and work on my public speaking, so I took improv classes for two years. I really liked performing and I liked the people I met, but I was always stressed that I didn't know what would happen next on stage. So, I switched over to acting classes to try scripted work. This past summer, I was in my first play and that was so much fun. I am currently on break from that while I gear up for a trial, but the goal is to get into community theater as a hobby.

Having something outside of work is important. Taking a class with other people where you need to be present and can't think about work is so helpful. During rehearsals for my play, we were rehearsing something like nine hours a week, and that's a lot, but it was nice to have time blocked on my calendar and know that I had to focus on my work before then. I think that made me more disciplined and productive overall. ➤



Student Spotlight

## Animals as Authors in the Age of AI: Reconsidering ‘Original Intellectual Conception’

### Introduction

Walking through the jungle one day, Naruto discovered something unusual: a camera. Curious, Naruto picked it up and, after some investigation, took hundreds of selfies. When the camera’s owner, a professional photographer, recovered the camera, he was astonished by the images and posted them online under his own name. Naruto subsequently sued the photographer for the rights to the selfies. Since Naruto took the photos, isn’t he the author? The court answered in the negative because one fact complicated the matter: Naruto is a macaque monkey.

### Animals As Authors

In *Naruto v. Slater*, the court held Naruto was not an author under the Copyright Act (“Act”), which states that copyrightable works are “original works of authorship fixed in any tangible medium of expression.”<sup>1</sup> However, there is no definition of “author” in the Act. Courts must look to other sources to interpret what “author” means under the Act. First, the court in *Naruto* took Congress’s silence on animals as authors under the Act as evidence that Congress did not intend to include animals in the definition. The *Naruto* court suggests, under its narrow interpretation of “author,” that Congress should amend the Act to include animals as potential authors if they wish to. Next, the court cites the Compendium of U.S. Copyright Office Practices (“Compendium”) as evidence of how the U.S. Copyright Office (“USCO”) defines authors for copyright protection purposes. Quoting *Burrow-Giles Lithographic Co. v. Sarony*, the Compendium states that since “copyright law is limited to ‘original intellectual conceptions of the author,’ the Office will refuse to register a claim if it determines that a human being did not create the work.”<sup>2</sup>

However, the *Burrow-Giles* court disagrees with the *Naruto* court’s interpretation of congressional silence. There, the Court wisely held that courts can grant copyright protection to photographs, even though “photographs” were not explicitly included under the Act because “. . . [t]he only reason why [they] were not included in the [Act] is probably that they did not exist, as photography . . . was then unknown, and the scientific principle on which it rests . . . [has] been discovered long since that statute was enacted.”<sup>3</sup> This logic should have guided

By: Olivia Villamagna

*Olivia Villamagna is a second-year evening law student at Chicago-Kent College of Law. She is a Junior Associate of the Chicago-Kent Law Review and is passionate about the intersection of innovation and emerging legal questions in animal law. She earned her B.S. in Human Factors from Embry-Riddle Aeronautical University and her M.S. in Industrial Engineering from Purdue University. Before law school, she worked in the aerospace industry for six years. This past summer, she worked with Banner Witcoff, focusing on intellectual property law. This fall, she is externing with Animal Counsel, who encouraged and mentored her in writing this article.*



[Read more on page 51](#)



## NEW ALC MEMBER PROFILE



### Daria Bednarcyk

Daria Bednarcyk's career journey is a powerful testament to the impact of moral conviction: she swapped lab coats for legal textbooks to advocate against the animal experiments she once performed.

For six years, Daria worked at a genomics research facility conducting live animal procedures. While initially doing what her job required, she eventually faced an ethical wall.

"I experienced a lot of emotional burnout and fatigue and could no longer handle the procedures we were doing on animals," Daria shared.

This ethical crisis spurred her to leave the lab and enroll in a master's program at Vermont Law and Graduate School. It was there, in classes like Animals and the Law, that her fundamental beliefs were challenged. She embraced the concept of speciesism, questioning the arbitrary distinction between her companion animals and those used in research, agriculture, and entertainment. "I had dogs and other pets, so why was it okay to treat other types of animals differently?" This pivotal realization led her to go fully vegan and pursue a J.D. with a concentration in Animal Law, determined to make the biggest possible impact.

While pursuing her law degree, Daria quickly gained diverse legal experience, working with organizations such as Humane World for Animals, Animal Partisan, and the Virginia Office of the Attorney General's Animal Law Unit. She also participated in Vermont Law's Farmed Animal Advocacy Clinic and was selected as an Animal Legal Defense Fund (ALDF) Student Scholar. Her published project, which addressed the lack of protection afforded to farmed animals during natural disasters, highlights her commitment to overlooked legal gaps.

Daria admits that her internship experiences revealed a surprising truth: "What surprised me most was how much pushback animal advocates receive. You think these are issues we could be united on, but having open conversations about improving the lives of animals is extremely contentious."

Daria is committed to shaping the next generation of animal advocates. While in law school, she became a virtual adjunct instructor at her alma mater, Husson

### By: Holly Spainhower

*Holly Spainhower is an attorney and animal advocate. She most recently served as a Law Scholar for Change at Mercy for Animals, where she supported in-house legal counsel and promoted federal policy initiatives to enhance farmed animal welfare. Previously, Holly spent eight years combating violence against women as an attorney at AEquitas. She resides in Virginia with her husband, son, and two rescue dogs.*



University, teaching undergraduates about careers involving animal welfare—from grooming and rescue work to vet technology—aiming to spark a new passion among college students.

Her leadership extends to the ABA TIPS Animal Law Committee, where she serves as a Co-Chair of the Science & Technology Subcommittee, focusing on the new frontier of animal issues. This includes areas like genetically modified animals, animals used in social media, and the ethics of holographic zoos.

Daria now serves as a Postdoctoral Fellow at the Johns Hopkins Bloomberg School of Public Health, where her work focuses on policy solutions that promote non-animal methods in scientific research. Her primary interest lies in bridging the gap between scientists and animal advocates.

“Our goals are similar, but rather than focusing on what unites us, we often focus on what sets us apart,” Daria explained. “I want to change that. My goal is to create change in a way that works for people dedicated to both animal protection and rigorous scientific analysis that advances research.”

In her downtime, Daria enjoys spending time in her native New England with her most important companion, Topanga, a dog whom she rescued from Turks and Caicos. ➤



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*Implementing... Continued from page 1*

theory that gives ecosystems and species rights, and the individual rights of animals. These two viewpoints may be reconcilable when examined through a One Health approach. This article proposes a practical way to navigate the conflict between rights of nature and individual animal rights by utilizing a humane invasive alien species framework, which may then be implemented into international treaties such as the Convention on Biological Diversity (CBD). The four steps of the framework include prevention, investigating if removal is required, humane non-lethal removal, and finally humane lethal removal. The goal of the framework is to shift the current worldwide status quo of lethal removal to humane, cheaper, and more effective methods of invasive species control.

## **Balancing Rights of Nature with the Dignity of Individual Animals Through a One Health Approach**

The implementation of the “right to a healthy environment” varies across 150 jurisdictions, generally taking one of two forms.<sup>5</sup> The first interpretation gives individuals rights to hold States accountable for environmental harms that impact humans, but not to protect the environment for its own sake.<sup>6</sup> The second interpretation gives ecosystems and their non-living components, such as rivers, legal rights to be protected for the use of people but also for the wellbeing of nature itself.<sup>7</sup>

The rights of nature doctrine originate from two sources. The original source is from some Indigenous Peoples traditions and arguably includes individual animal rights.<sup>8</sup> As Minnie Degawan states, “Indigenous Peoples do not have a single word for biodiversity simply because we do not separate nature from us.”<sup>9</sup> The second source of rights of nature arises from environmental law and concepts such as environmental personhood. Comparatively, individual animal rights provisions are considered in fewer than a dozen constitutions.<sup>10</sup>

Most animals are sentient, which means they have “feelings and have cognitive abilities, such as awareness and emotional reactions.”<sup>11</sup> The humane treatment of animals, which avoids suffering, should be the floor of animal rights. This concept appears to conflict with the natural world, which is inherently void of moral agency, including animals killing for sustenance, low infant survival rates, and disease.<sup>12</sup> However, humans should focus on reducing the suffering they cause, not the suffering from natural interactions in ecosystems. Thus, the paradigm of protecting ecosystems from IAS’ damage versus the humane treatment of individual animals is reconcilable.



Some scholars and courts propose that the rights of individual animals should be disregarded in favor of ecosystem health arguing that to maintain the health of an ecosystem, some animals, such as IAS, may need to be removed.<sup>13</sup> This conflict is heightened because eradication typically creates a healthier ecosystem by maintaining the health of the species adapted to that ecosystem.<sup>14</sup> For example, when rats were introduced by visitors to Anacapa Island, the rodents annihilated the sea bird population.<sup>15</sup> The birds built their nests on rocks providing accessibility for invasive rats, which multiplied quickly, wiping out generations.<sup>16</sup> The sea birds have limited space to lay their eggs, so without the eradication of the rats, the sea bird populations in the area would not be able to survive.<sup>17</sup>

The key to balancing the needs of individual animals and ecosystem health could be through a One Health approach, which is “an integrated, unifying approach that aims to sustainably balance and optimize the health of people, animals and ecosystems.”<sup>18</sup> The reduced suffering of an individual animal ought to be an element of a One Health approach, while individual animal rights are inherent in the rights of nature. As Kristen Stilt states, “[a]t the most fundamental level, if nature has rights, and if nature includes animals, then rights-based claims could be made on behalf of animals using existing rights of nature doctrine and strategy.”<sup>19</sup> Some courts have deemed rights of nature to include rights of individual animals; for example, in the Estrellita case, the court found that the woolly monkey Estrellita was a part of nature, and there for could exert her rights under the rights of nature doctrine.<sup>20</sup>

Preventing the use of rodenticide illustrates how a One Health approach can be effective for the ecological control of IAS.<sup>21</sup> If there is an invasive rat species and rat poison is used for eradication, then it will likely result in negative outcomes for more than the rats.<sup>22</sup> Most rat poisons are anticoagulants, which cause uncontrollable internal bleeding leaving the animals in agony for days.<sup>23</sup> Further, other wildlife may be harmed by consuming the poisoned rat, and the poison may also harm plants and humans by entering the air, soil, and waterways.<sup>24</sup> Though the poison reduces the population of the IAS, the negative outcomes for the ecosystem may outweigh the benefits.

A One Health rights of nature approach could include rewilding.<sup>25</sup> For example, introducing more native species into the environment improves the overall health of the ecosystem for the plants and animals.<sup>26</sup> Rewilding may not be the best solution to combat every IAS, but healthy ecosystems are more likely to increase biotic resistance, which means it reduces “the probability of successful establishment or spread of an invasive population.”<sup>27</sup> An example of this is the reintroduction of beavers to restore upstream ecosystems.<sup>28</sup> These ecosystems are more resilient against wildfires and in consequence climate change; this resilience also increases the survival of native species, which allows for a stronger defense against the spread



of IAS.<sup>29</sup> The world is in a feedback loop of biodiversity loss, which leads to weaker ecosystems that are more susceptible to invasion and harm from climate change.<sup>30</sup>

## How to Implement a Humane Invasive Alien Species Framework

Implementing a humane framework for managing IAS would balance the needs of ecosystems with the rights of individual animals. The humane framework consists of four main steps.

The first step is prevention, which is the single most effective way to mitigate the harm from IAS.<sup>31</sup> Once an IAS takes hold in an ecosystem the costs are infinitely higher, and it can be nearly impossible to remove some species.<sup>32</sup> Only about 4% of the budget for working with IAS is allocated to prevention, even though removal typically costs ten times more than preventive measures.<sup>33</sup> The world spends about \$423 billion a year on the removal of IAS.<sup>34</sup>

The second step is considering if IAS removal is necessary, in order to fully account for the complex changes in ecosystems caused by climate change and habitat destruction. For instance, a species may need more leeway to spread to a new ecosystem to prevent extinction because of the uninhabitability of their native range from climate change.<sup>35</sup> This mechanism provides States the flexibility to address the ever-changing landscape presented by climate change. There may not be a home for these species to return to.

The third step is non-lethal removal methods. The key to mitigating the spread of IAS is early detection and rapid response.<sup>36</sup> Eradication may not mean killing a species, and nonlethal methods should be preferred over lethal methods.<sup>37</sup> The most common argument against using humane methods is cost; if prevention was prioritized then humane methods would be affordable.<sup>38</sup> If the world shifted from removal to prevention, then there would be billions of dollars available to use more humane methods.

When selecting a nonlethal method for mitigation, a humane method should be preferred. For example, the use of mechanical removal and relocation of a species is superior to lethal removal.<sup>39</sup> If there is a population already integrated into the ecosystem, then chemical reduction methods can be utilized such as birth control.<sup>40</sup> This method has been used on animals as big as Paul Escobar's hippos in Colombia to animals as small as squirrels.<sup>41</sup> Other tactics can be utilized, such as scare tactics, where a noise or smell is used in an area to deter animals.<sup>42</sup>

The final and last possible resort is lethal removal, which should be reserved for extreme cases. When non-lethal methods are impractical then lethal methods may




be considered as a last possible resort, and only if the species is detrimental to the ecosystem. For example, barred owls are considered invasive on the West Coast, consuming such large quantities of prey that they are driving both their prey species and competing owl populations toward extinction.<sup>43</sup> They are out competing other owls due to their larger size, and causing more damage to the ecosystem because they are generalist feeders.<sup>44</sup>

Fish and Wildlife sated that removal was not a practical option, as the species is already overpopulated in its native range, and birth control measures would be too slow to prevent the extinction of the spotted owl and other affected species.<sup>45</sup> Some scientists argued that the only way to prevent extinction of the spotted owl is lethally removing the barred owls.<sup>46</sup> Even in this case, the lethal method used is important. The removal test had professional marksmen that the government will permit the public to shoot these owls.<sup>47</sup> This change may have inhumane outcomes and would likely result in casualties of the spotted owl, who look very similar to barred owls.<sup>48</sup>

Again, though it may not work in every situation, the best method for lethal removal of IAS is to implement a One Health approach by rewilding the ecosystem and introducing as many native species as possible.<sup>49</sup> The stronger an ecosystem is, the higher its resilience is to fighting outside forces such as IAS and climate change.<sup>50</sup> This concept is illustrated through the reintroduction of the Tasmanian Devil to mainland Australia.<sup>51</sup> There is an invasion of invasive feral cats and foxes that are harming biodiversity through predation.<sup>52</sup> The reintroduction will likely reduce the rate of IAS while increasing biodiversity.<sup>53</sup>

## Conclusion

Given the magnitude of the IAS problem the world must work together to prevent their spread. A One Health approach would balance the needs of the environment and individual animal dignity. This approach is best demonstrated when addressing the international issue of the spread of IAS. This ineffectiveness could be reversed by implementing a humane framework that would prioritize prevention, question if removal is required, utilize non-lethal removal methods, and finally, as a last resort, humane lethal methods. Even if one finds humane lethal removal methods unethical, it can likely be agreed that there should be a shift in the status quo from lethal removal being the first line of defense against invasive species. Implementing a humane framework could provide clear guidance and accountability while balancing ecosystem health with the humane treatment of animals. 



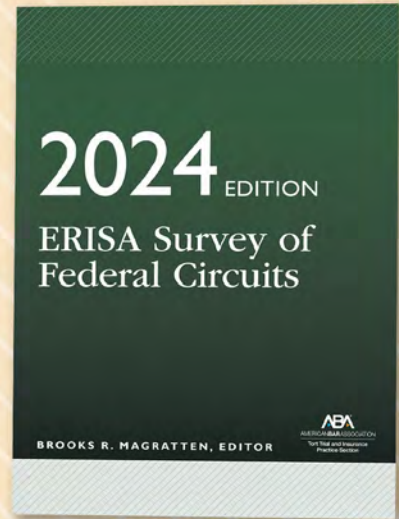
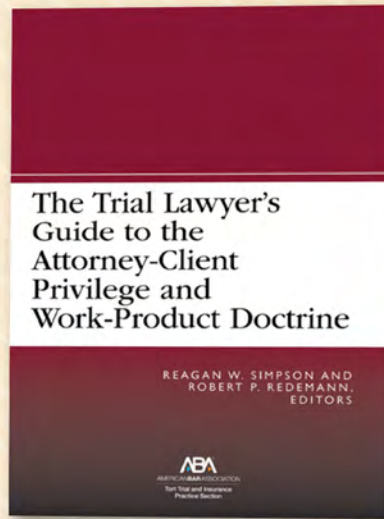
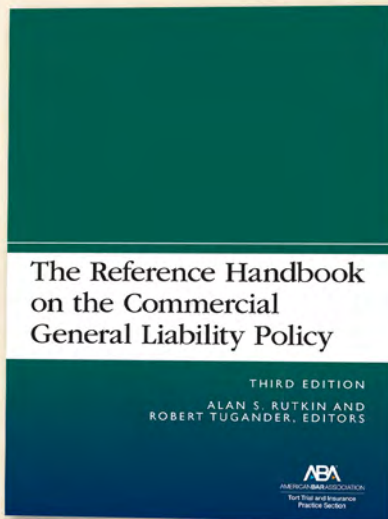
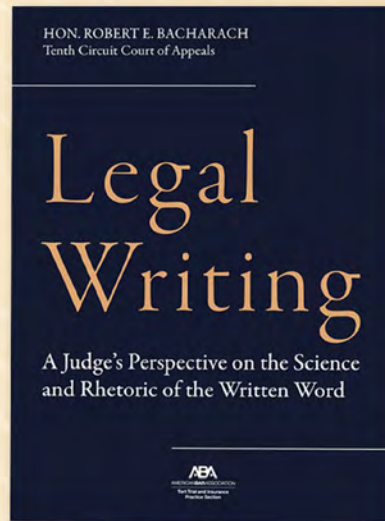
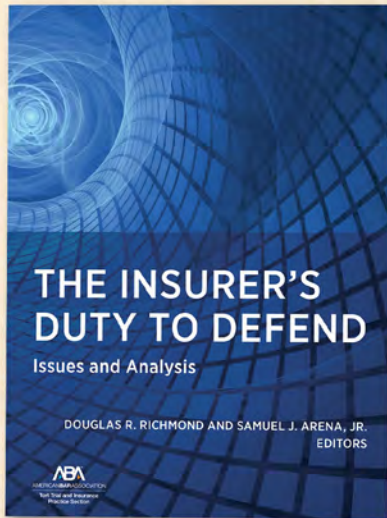
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*The Gateway... Continued from page 21*

intelligence that chimpanzees or monkeys have, and they most likely never considered any kind of sentience extant in turkeys and chickens. And the first step in getting anyone to consider positive change for animals could be the acceptance of the possibility of a connection with *any* nonhuman. The key is to get them to think of animals—any animals—in as many ways as possible as having similar traits to us. The famous Jeremy Bentham quote that the question is not whether animals can talk, but whether they can suffer, represents the core notion that could bring someone over to the animal welfare side of things. And to even *think* of animal welfare with animals they only eat is a big step, but if we start with dogs and cats, we have a much better chance of getting there.



And so the hypothesis goes, whether making a more direct connection, or simply because of our undeniable shared characteristics as living, breathing, feeling beings, lawmakers may begin to see the light about animals in general based on the connection with our pets. Because once someone has acknowledged that humans and animals might just have enough in common to care about any animals, it is a much smaller jump to the species that are not sleeping at the foot of their bed.

The proof is already obvious in the progress of animal law involving companion animals so far. In a case that gained national attention, a federal court judge appointed a law professor as “guardian” of dozens of dogs rescued from a dogfighting operation.<sup>3</sup>

Laws specifically acknowledging the human-animal bond—with dogs and cats, but not other animals—have also been enacted. In Tennessee, the “General Patton Act” (named not for the famous World War II general but for a Tennessee legislator’s dog, and originally enacted in 2001 as the “T-Bo Act”)<sup>4</sup> was the first law to establish the possibility of noneconomic damages for injuries to animals. Although that law has some significant limitations<sup>5</sup>, it still implicitly conceded that the bond exists and deserves judicial and societal recognition, by determining that these damages are for “compensation for the loss of the reasonably expected society, companionship, love and affection of the pet.”<sup>6</sup> That very concept, allowing for those kinds of damages no matter how limited, is a sea change in how we treat animals. Illinois and perhaps other states have followed with similar statutes.<sup>7</sup>

Another legislative creation honoring the bond between humans and the animals who share their homes is a law like [New York’s Agriculture and Markets Law § 353-a](#), which establishes the crime of “aggravated cruelty” that applies solely to acts against pets.<sup>8</sup> According to the court in *People v. Garcia*, “[a]ggravated cruelty to animals, represents the Legislature’s recognition that man’s inhumanity to man



often begins with inhumanity to those creatures that have formed particularly close relationships with mankind.”<sup>9</sup> Thus, both because of the egregious nature of the acts committed, and the impact the killing of pets might have on the animal’s family members, increased penalties are available for crimes against pets in New York. As the appellate court concluded, “[t]he trial court correctly observed that the legislative history of the statute indicates that the crime was established in recognition of the correlation between violence against animals and subsequent violence against human beings.”<sup>10</sup> But clearly, given the restrictive scope of the law, that correlation was focused on “violence against [*companion*] animals.”<sup>11</sup>

Some jurisdictions have tried to change the way we think of animals as our property by adopting language in their local ordinances that declare dogs and cats as “wards” to their “guardian” humans.<sup>12</sup> While the guardianship changes nothing at a legal level, and humans retain all the rights of ownership, the concept nests in our hearts and brains as a step in the right direction.

In a related vein, Connecticut’s Desmond’s Law allows (but does not require) judges to appoint lawyers and supervised law students as volunteer advocates in cases involving dogs and cats to promote “the interests of justice.”


<sup>13</sup> While the law provides no added legal protections for animals, and though it is solely in the discretion of the court hearing a case to decide whether such an advocate can appear, the mere creation of such a program establishes a higher regard and consideration of pets than other animals.

In the courts, while animals are still largely considered personal property, and damages are often limited for their injuries, a number of dedicated animal lawyers have been actively pushing the envelope on the amount of damages available when animals are killed, especially in cases where the killing was intentional (as opposed to the negligence involved in veterinary malpractice cases). In Washington state, the court in *Womack v. Rardon* created a new tort for “malicious injury to an animal,” which provides for increased damages over nonmalicious acts.<sup>14</sup> Meanwhile, in *Sherman v. Kissinger*, the court held that in some cases, plaintiffs could be entitled to damages for the “intrinsic value” of a companion animal who was negligently or intentionally killed.<sup>15</sup>

To close the loop and clarify: There are no laws designating “aggravated cruelty” for animals who do not live with us in our homes. There is no animal advocacy program that allows interested lawyers and law students to appear on behalf of animals other than dogs and cats. And the work done in Washington state establishing new criteria for both damages and liability generally applies only in the companion animal area.



These examples demonstrate the point of the hypothesis, and a valuable, woefully underused pathway for protection of animals like those used in agriculture, or biomedical testing, or entertainment—as well as those living their lives free in the wild. As the courts and the populace start to see them as something other than dark furry things who have no connection to us, the “gateway” will be opened wider, and animal lawyers can forge great change for those species we do not greet every morning.

“One life, but we’re not the same; we get to carry each other, carry each other.”<sup>16</sup> 

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*Ecocide... Continued from page 22*

However, ecocide is still outside the scope of the RS.

It is not clear what is meant by “damage to the environment” in the IEP’s definition of ecocide. However, in the case of animals, this gap can be filled by referring to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which defines what actions against animals and plants may qualify as environmental damage.<sup>6</sup>

**Ecocide will be Recognized by the ICC—the Question is When**

Ecocide could be prosecuted under existing international frameworks as a crime against humanity, a war crime, or genocide. To establish it as a distinct, standalone crime, however, would require a new international treaty.<sup>7</sup>

On September 9, 2024, in New York, the Pacific Island of Vanuatu, with support from Fiji, Samoa, and the Democratic Republic of the Congo, proposed to amend the RS and formally recognize the crime of ecocide in the ICC. Philippe Sands, co-chair of the IEP, stated that ecocide will certainly be recognized by the ICC—“[t]he only question is when.” However, it should be noted that the ICC’s jurisdiction is limited. Although over 120 countries, including the UK and the EU, are parties to the ICC, many major countries—including the U.S., China, India, and Russia— are not.<sup>8</sup>

On July 3, 2025, at the request of Chile and Colombia, the Inter-American Court of Human Rights (IACHR) issued Advisory Opinion (AO) No. 32. The opinion affirms that the international obligation to prevent irreversible environmental and climate harm constitutes a peremptory norm of international law. Although this advisory opinion is not binding, it is the first time a human rights court has recognized the prevention of harm to nature as a legal duty for nations. The AO clearly established “an international obligation to refrain from causing irreversible harm to the environment and climate.”<sup>9</sup>

To adjudicate environmental crimes, the ICC would apply international environmental law (IEL), international humanitarian law (IHL) (in cases of armed conflicts), and international human rights law (IHRL). This is consistent with Article 21 of the RS, which requires the Court to apply its own instruments alongside other relevant treaties and the principles of international law when suitable. According to international lawyer and human rights specialist Matthew Gillett, this holistic approach is “particularly applicable for the proposed crime of ecocide [...], which lies at the intersection of these branches of international law”.<sup>10</sup>

Colombia’s Special Jurisdiction for Peace offers a working model of this integrated methodology, applying ICL, IHL, IHRL, and domestic criminal law to prosecute environmental damage.<sup>11</sup>



Actions that harm the environment are typically evaluated for their social and economic utility rather than as criminal acts. Similarly, international humanitarian law has traditionally considered harm to nature as collateral damage, not criminal damage. Therefore, establishing individual criminal responsibility for ecocide requires integrating IHL principles into the framework of international criminal law and the ICC. This adjustment is consistent with the principle of legality.<sup>12</sup>

## An Environmental Crisis is a Human Rights Crisis

According to Article 3 of the Universal Declaration of Human Rights, “[e]veryone has the right to life, liberty and the security of person.”<sup>13</sup> The human right to life can be used as the basis for a charge of a crime against humanity.

The United Nations considers environmental degradation to be one of the most serious threats to the realization of human rights. UN Human Rights Council Resolution 48/13, adopted on October 8, 2021, formally recognized the human right to a clean, healthy, and sustainable environment. The resolution links environmental rights to other established human rights and emphasizes that their protection requires implementing Multilateral Environmental Agreements, such as the Paris Agreement<sup>14</sup> and the UN Framework Convention on Climate Change (UNFCCC).<sup>15</sup>

The resolution also notes that environmental degradation and climate change disproportionately affect vulnerable groups—including indigenous peoples, older persons, persons with disabilities, and women and girls—posing a serious threat to their fundamental human rights, including the right to life.<sup>16</sup>

On July 28, 2022, the UN General Assembly (UNGA) adopted Resolution 76/300 on the promotion and protection of human rights, recognizing the importance of gender equality and gender-responsive action to address climate change and environmental degradation, as well as the equal participation of women and girls as leaders in environmental decision-making and defenders of natural resources.<sup>17</sup>

The European Court of Human Rights also linked environmental and human rights in April 2024 when it ruled in favor of a group of Swiss women who claimed that the country’s ineffective climate policy put them at high risk of death from heat waves. In its ruling, the court stated that countries’ obligations to protect the right to life are closely linked to their efforts to combat climate change, and that “the climate crisis is a human rights crisis.”<sup>18</sup>

Recognizing and criminalizing ecocide at the global level could help address human rights violations.



## The State of Transnational Wildlife Crime

The third edition of the World Wildlife Crime Report 2024 (WWCR), issued by the UN Office on Drugs and Crime (UNODC), describes recent trends in illicit trafficking of protected species and highlights the causes of this crime at a global level. The report indicates some progress in combating wildlife trafficking, but stresses that the scale of wildlife crime remains substantial.<sup>19</sup>

According to the WWCR, corruption, money laundering and illicit financial flows influence the spread of wildlife crime globally, and technological innovations increase the ability of traffickers to access global markets. The report shows that transnational organized crime groups are operating in the world's most fragile ecosystems, from the Amazon to the Golden Triangle. Combating this threat requires a broad, global strategy.<sup>20</sup>

However, only 86 of 164 UN Member States have criminalized wildlife crime offenses as a “serious crime” under the UN Convention against Transnational Organized Crime (UNTOC),<sup>21</sup> which requires a minimum custodial sentence of four years.<sup>22</sup>

The WWCR identified several global trends, finding that wildlife crime exacerbates biodiversity losses, violence, public health risks, and gender inequality, while corruption enables wildlife trafficking to thrive.<sup>23</sup>



## The Devastating Impacts of Wildlife Crime

Thousands of threatened wildlife species are affected by trafficking. Roughly 200,000 animals are involved in the illegal wildlife trade each year.<sup>24</sup> About 15,000 African elephants are killed annually for their tusks, which has diminished their population by between 84 and 96 percent.<sup>25</sup> In the last decade, 10,000 African rhinos have been killed for their horns, leaving fewer than 30,000 today.<sup>26</sup> Shark finning has reduced shark populations worldwide.<sup>27</sup>

Illegally sold exotic species can be carriers of seeds, bacteria, parasites, fungi, and viruses. Three quarters of all infectious diseases transmitted from animals to humans originate from wild animals involved in criminal activity. Combating wildlife crime will not only protect biodiversity, but also prevent future public health emergencies.<sup>28</sup>

Corruption plays a critical role in wildlife trafficking. It undermines state governance, law enforcement efforts, and judicial systems through money-laundering and illegal cross-border financial flows, resulting in significant budget costs. Corruption permeates both legal and illegal sectors of the economy.<sup>29</sup> Wildlife crime also



involves abusive employment practices, trafficking in persons, and criminal acts against environmental defenders.<sup>30</sup>

As INTERPOL Secretary General Valdecy Urquiza stated, the illegal wildlife trade not only enriches criminal networks but also devastates biodiversity, fuels conflict, and destroys communities.<sup>31</sup>

## **The Gender Dimensions of the Environment and Wildlife Crime**

The climate crisis is not “gender neutral”. It disproportionately affects women and girls, jeopardizing their livelihoods, health, and security.<sup>32</sup> Women who act as environmental defenders also face more serious and distinct threats than their male counterparts, such as sexual violence and harms to their children.<sup>33</sup>

In Uganda, for example, women are often the primary providers for their families, responsible for securing food, water, and shelter. Due to climate change and resource scarcity, they must travel long distances to fetch water and firewood, putting them at high risk of harassment, assault, and even death.<sup>34</sup>

In the Colombian Amazon, women are disproportionately harmed by deforestation, land grabbing, illegal mining, and industrial agriculture. In Peru’s Madre de Dios region, women who act as environmental defenders face multiple forms of violence, threats, and risks. In both areas, corruption and gender-exclusionary policies deepen women’s vulnerability, highlighting the critical need to involve them in forest conservation and recognize their role in environmental protection.<sup>35</sup>

Women and men often play distinct roles in wildlife crime. Men participate directly by poaching protected species or fishing illegally. Women tend to participate further down the supply chain, either in the trade of illegal goods or as end consumers.<sup>36</sup>

However, women can and do occupy leadership positions in the transnational illegal wildlife trade. They often enter organized crime through male relatives or partners and may assume leadership if a husband or family member is imprisoned or dies—a dynamic also seen in Italian mafia networks. A prominent example is Yang Fenlan, the “ivory queen” from Tanzania.<sup>37</sup>

The gender-based division of labor in wildlife trafficking stems from the distinct ways men and women interact with the environment—a relationship shaped by distinct knowledge, experiences, and economic and social norms.<sup>38</sup> For example, studies show different perspectives on conservation; research in the U.S. and Australia found that women tend to view animals through a prism of humanism and the right to life, while men are more likely to see them as objects of consumption.<sup>39</sup>



As mentioned above, environmental degradation disproportionately impacts women, “amplify[ing] existing gender inequalities and pos[ing] unique threats to their livelihoods, health, and safety.”<sup>40</sup> As wildlife crime constitutes a significant environmental crisis, it is a key driver of these gendered harms. Therefore, it is imperative for international instruments to mandate a gender-sensitive response to wildlife crime in order to effectively combat it.

Although UN Resolution 76/300 has affirmed the importance of gender equality in addressing environmental issues, relevant international frameworks do not currently call for a gender-sensitive response to wildlife trafficking. Key actions to close this gap include incorporating gender mainstreaming into the CITES Convention and the United Nations Convention Against Corruption (UNCAC) and supporting ranger organizations and staff in protected areas in their efforts to promote gender equality on the ground.<sup>41</sup>

### **Multifaceted Approaches to Combating Wildlife Crime**

As evidence of progress, police, customs, border control, forestry, and wildlife officials from 138 countries participated in Operation Thunder 2024. Running for over three weeks from November to December, the operation led to the arrest of 365 suspects and the identification of over 100 companies and six transnational criminal networks suspected of trafficking animals and plants protected by CITES. The operation also resulted in 2,213 acts of confiscation and the rescue of many live animals, including big cats, birds, pangolins, primates, and reptiles.<sup>42</sup>

According to CITES Secretary General Ivonne Higuero, combating wildlife crime depends on increasing the commitment of national authorities.<sup>43</sup> Potential solutions include establishing better control mechanisms, such as strict permitting for harvesting and trade, veterinary inspections, and the oversight of specialized commercial outlets.<sup>44</sup>

### **An International Solution: Wildlife Crime Convention or Animal Ecocide?**

In a 2019 article, former CITES Secretary-General John Scanlon stressed that CITES is a trade convention, not a criminal law treaty, and therefore does not obligate countries to criminalize the illegal wildlife trade.<sup>45</sup> To address this gap, Scanlon suggested two potential solutions: a new international agreement on wildlife crime and the adoption of a new protocol under UNTOC.

While an UNTOC protocol is a strong option because it would require countries to criminalize wildlife crime, the administrative process could take years and may not achieve universal agreement among member states.




Scanlon argued that a new, comprehensive wildlife crime convention could be more effective. Such a convention could provide for clear legal definitions of both “wildlife” and “wildlife crime”, covering all species exploited by transnational organized crime—including fauna, flora, trees, and fish. Such a convention would also require a commitment from signatory countries to criminalize offenses like illegal harvesting, poaching, and trade, while directly addressing the corruption that fuels these global criminal networks.<sup>46</sup>

A different approach would tie wildlife crime to the crime of ecocide. The IEP definition of ecocide focuses on environmental damage, but, according to scholars Debbie Legge and Simon Brooman, “tying the fate of wild animals so closely to environmental concerns, masks issues that relate to animals alone in light of their sentient capacities.”<sup>47</sup>

In 2010, British lawyer Polly Higgins proposed a definition of animal ecocide to the UN Law Commission as the “unnecessary killing or slaughter of a wild or wild-caught animal ... to such an extent that an animal, or group of animals, lose their sentient capacity to live a natural life according to their species.”<sup>48</sup> This definition prioritizes the sanctity and rights of individual animals, rather than just their value to a species. It also distinguishes between wild and kept animals, since kept animals (farmed animals, pets, and others) are already covered by existing legislation. Recognizing animal ecocide would significantly improve wildlife welfare by preventing damage from being viewed solely through an anthropocentric lens. It would expand the concept of ecocide beyond human rights, empowering lawmakers to protect wild animals as beings with their own intrinsic right to life.<sup>49</sup>

## Conclusion

While national legislation is currently developing faster than international law, the global criminalization of ecocide is essential. One important step is to include ecocide in the Rome Statute of the International Criminal Court as a core international crime. A comprehensive approach, however, must expand the concept beyond a purely human-centered view by recognizing animal ecocide to protect wildlife in its own right. Furthermore, any strategy must address the deep links between environmental destruction, transnational organized crime, corruption, and gender inequality. Establishing a global standard with robust sanctions—including not only imprisonment but also restoration, restitution, and compensation—could help put an end to ecocide, protecting flora, fauna, and humans in the process. 



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*Grieving... Continued from page 23*

cremation rituals are a significant part of an individual's grieving process,<sup>8</sup> and they may even alleviate disenfranchised grief.<sup>9</sup> Memorializing companion animals also gives individuals opportunities to practice continuing bonds with their companion animal by being able to “communicate with and bid farewell,”<sup>10</sup> and “revisit memories as [they] process their loss and new reality.”<sup>11</sup> Given the importance of burial rituals in the grieving process, it is surprising that many after-death wishes on behalf of companion animals are prohibited by law or regulation.

## **Cemetery Burial Regulations for Humans and Companion Animals**

When it comes to burying the body or cremains of a companion animal, there is no uniform regulatory approach. In the United States, a patchwork of statutes, regulations (e.g., land use and zoning laws), local ordinances, and private cemetery rules govern where a companion animal can be buried and whether humans and animals may be buried together.<sup>12</sup> Some jurisdictions allow backyard burials on private property, while others prohibit the practice for environmental reasons.<sup>13</sup> In addition, some individuals seek to have their companion animals' ashes interred with them or to be buried alongside their companion animals. While companion animals are generally excluded from human cemeteries, this prohibition is gradually lifting.

In 2023, the Louisiana legislature passed a statute allowing private cemeteries to bury human and animal remains together.<sup>14</sup> Louisiana joined a small number of other States that sanction the interment of human and companion animal cremains together.

Since 2016, New York has allowed human and companion animals cremains to be interred together —per cemetery policy and excluding religious cemeteries.<sup>15</sup> New York is also home of one of the most famous pet cemeteries, Hartsdale Pet Cemetery and Crematory, which has been interring humans alongside their companion animals for decades.<sup>16</sup> Additionally, Hartsdale Pet Cemetery is home to The War Dog Memorial, one of the sites where military dogs may be laid to rest, as they are prohibited from interment in national veteran cemeteries.<sup>17</sup>

In 2014, Virginia passed legislation to permit joint interment of human and companion animal cremains in segregated sections of cemeteries if the companion animal is not “in the same grave, crypt, or niche as the remains of a human.”<sup>18</sup>

Some private cemeteries realize the need to provide options for families who want to be buried with their companion animals. For example, Mount Hope Cemetery in



Bangor, Maine has “Whole-Family Lots” where humans and companion animals may be buried together—a first in Maine!<sup>19</sup>

States generally only allow companion animals to be buried in designated pet cemeteries. The number of pet cemeteries in the U.S. is not clear, but it’s likely around 700.<sup>20</sup> Pet cemeteries and crematories are poorly regulated, which creates an environment where exploitation thrives.<sup>21</sup>

### Reform Efforts in the Companion Animal Cremation Industry

Recent scandals in multiple states have revealed a lack of oversight in the companion animal burial and cremation industries, prompting legislative efforts to curb abusive practices and protect grieving families. In 2019, the owner of Heavenly Acres Pet Cemetery in Michigan lost their lease to the cemetery property that had operated for forty years and served as the final resting place for more than 74,000 animals.<sup>22</sup> Families received letters “giving them a final opportunity to exhume” their beloved companion animals, despite the cemetery’s original promise of perpetual care.<sup>23</sup>

Horrified families said “they never knew the land was leased and not protected by a land deed.”<sup>24</sup> In response to the tragedy, the Michigan Senate passed bill 157 to regulate pet cemeteries, including services and merchandise offered by pet cemeteries, and penalties and remedies for enforcement.<sup>25</sup> The bill was referred to the House Committee on Regulatory Reform in June 2025 and unfortunately has not moved from there.<sup>26</sup>

The Florida Legislature recently introduced a similar law to regulate the pet cremation industry.<sup>27</sup> Senate Bill 58, named “Sevilla’s Law” would require pet cremation businesses to provide a written explanation of the services they offer, prohibit false and misleading information, and establish civil penalties for first time offenders and recidivists.<sup>28</sup> The bill has been introduced every year since 2020, after a family was denied the promised service of saying goodbye to their cat, Sevilla, prior to cremation and forensic analysis discovered Sevilla’s ashes contained “glass, metal, and human remains.”<sup>29</sup>

This past Spring, Pennsylvania Attorney General, David W. Sunday Jr. brought charges against the owner of Vereb Funeral Home and Eternity Pet Memorial.<sup>30</sup> The Office’s investigation discovered the owner stole over \$650,000 dollars from more than 6,500 bereaved families under the pretext that he cremated their beloved companion animals.<sup>31</sup> In fact, those animals’ bodies were dumped in landfills and the families were given ashes of unknown animals.<sup>32</sup> Following the disturbing charges, both chambers of the Pennsylvania General Assembly introduced bipartisan



companion legislation known as the Companion Animal Cremation Consumer Protection Act.<sup>33</sup> These bills would require clear description of services offered, certification of remains returned to families, maintenance of cremation records, health and safety standards, and penalties for noncompliance.<sup>34</sup>

Unfortunately, none of these proposed state bills have become statutes yet, but these examples demonstrate the tragic consequences from an unregulated companion animal cremation industry. On the flip side, it is apparent that state legislatures realize the damage this industry can wreak on families and are motivated to end abusive practices to prevent the exploitation of grieving families.

## Conclusion

Memorial rituals and cremation practices are central to many that are coping with the loss of a companion animal, yet legal and regulatory barriers often prevent families from honoring their companion animals as they wish. Additionally, recent scandals highlight the vulnerabilities created by inadequate oversight of the growing cemetery and cremation industry. By acknowledging the importance of these practices and implementing meaningful protections, society can support grieving families and ensure the dignity of companion animals after death. ➤

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## Endnotes

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*Animals as Authors... Continued from page 26*

the *Naruto* court as well. When Congress wrote the Act, they did not know what we now know about animals' creative capacities.<sup>4</sup> Many of these discoveries have occurred recent decades,<sup>5</sup> while the last major revision of the Copyright Act was in 1976.<sup>6</sup> Therefore, the *Naruto* court employed a weak statutory interpretation of the Act. A more reasonable interpretation would have recognized that statutes need not spell out every possible application because courts can interpret them based on current knowledge.

Additionally, the Compendium's reliance on *Burrow-Gilles* to support the position that only humans can be authors is misplaced. The Court indicates copyrightable works are "original intellectual conceptions of the author," but does not specify that animals cannot be authors. The lack of a clear definition of an "author" from the holding of *Burrow-Gilles* potentially aligns with many other courts' understanding that Congress purposefully left "author" undefined in the Act. For example, the Ninth Circuit, in *Garcia v. Google, Inc.*, argued that Congress "purposefully left 'works of authorship' undefined [in the Act] to provide for some flexibility."<sup>7</sup>

Future plaintiffs could also cite *Thaler v. Perlmutter* to support a more flexible interpretation of "author" under the Act.<sup>8</sup> *Thaler* uses a fill-in-the-blank method to determine if a non-human entity is an author under the Act. At issue was the authorship of Artificial Intelligence ("AI"), and the court reasoned that if "machine" were plugged into the Act instead of "author," it would refer to:

- A machine's "children,"
- A machine's "widow,"
- A machine's "domicile,"
- A machine's *mens rea*,
- A machine's "nationality,"
- A machine's "life" and "death."<sup>9</sup>

Since these substitutions create absurdities, the court reasoned that the Act could not be interpreted to treat AI as an author.<sup>10</sup> However, no such absurdities arise by applying the same method of statutory interpretation to the facts in *Naruto*. One could conclude that animals can be authors because animals have children, mates, a territory as a place of domicile, cognitive intentions, an origin/nationality, and a measurable lifespan.

### A Case Study in Original Intellectual Conceptions

While there are complicating policy considerations, the purpose of examining animal authorship through the lens of copyright law is *not* necessarily to advocate for



extending copyright protection to animals. Rather, it is to assert the potential value of using alternative statutory interpretation and emerging case law on AI authorship as frameworks for understanding how animals can demonstrate “original intellectual conceptions.”

By drawing on courts’ reasoning in cases regarding AI authorship and statutory interpretations of “author,” we can begin to conceptualize animals as capable of “original intellectual conception” within the law. Even if recognizing their authorship requires reimagining traditional notions of copyright ownership, it is a timely consideration of such a restructuring in the wake of AI authorship considerations. >

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#### Endnotes

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