

GOVERNMENT OF PUERTO RICO

16<sup>th</sup> Legislative  
Assembly

4<sup>th</sup> Ordinary  
Session

**PUERTO RICO SENATE**

**S. R. 1514**

August 27, 2010

Presented by *Mrs. Romero Donnelly*

Referred to

**RESOLUTION**

To express the most forceful objection, on behalf of the Puerto Rico Senate, to the intentions of Bioculture Puerto Rico, Inc. of importing over four thousand (4000) primates of the macaca fascicularis to the Island of Puerto Rico, for the purpose of breeding them for later use in experimentation; and request that the United States Department of Agriculture (USDA) and The Fish and Wildlife Services (FWS) deny any and all permit requests to import macaca fascicularis into Puerto Rico.

**EXPLANATION OF MOTIVES**

Earlier this year, Puerto Rico's Senate Environmental Committee investigated the approval of the aforementioned project and uncovered serious improprieties in various stages of the process. The committee found that Bioculture Puerto Rico, Inc. improperly characterized the nature of the future operations of its facility and that government agencies responsible for granting approval for the facility failed to adequately consider the detrimental impact that the project would have on local citizens and their water supplies and land.

According to the Senate committee, even though the importation, breeding, and sale of nonhuman primates does not fit Puerto Rico's definition of an "agricultural" operation, Bioculture classified the facility as such in its permit applications and constructed the facility on land specifically designated for agricultural use. This finding was upheld by a Superior Court judge in Guayama who found that Bioculture's construction permit should not have been issued because the land is not zoned for such a facility. The judge issued an injunction to bar further construction, but construction was subsequently allowed to continue pending the outcome of the appeal after an order by an appeals court judge.

The Senate committee also determined that Bioculture's construction permit was issued improperly because the Puerto Rico Regulations and Permits Agency did not consider an Environmental Impact

Determination, which is required by Puerto Rico's Environmental Policy Act. This determination is necessary because the committee found that the Bioculture facility may create water-contamination issues for local residents and because Bioculture is building on land that contains culturally significant archeological artifacts and is home to *animals that are included on the U.S. Fish and Wildlife's endangered species protection list*. In fact, during the past month of March 2010, the U.S. Environmental Protection Agency fined Bioculture \$3,250. for violating the federal Clean Water Act.

Overall, the Senate committee revealed that the company has had to be "stopped in their activities by at least four agencies, in all the cases, for failure to fulfill the agreements or permits given" and that the "action and non actions of the company with respect to the protection and integrity of the cultural, historic and archaeological resources of the land has [been] absolutely inadmissible and reprehensible." The Senate committee's final report concluded that it "is not sensible" for Puerto Rico to support the project.

According to 9 CFR §2.11(5) and (6), the USDA will not issue a license to any applicant who "[i]s or would be operating in violation or circumvention of any Federal, State, or local laws" or who "[h]as made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies ... or is otherwise unfit to be licensed and the Administrator determines that the issuance of a license would be contrary to the purposes of the Act."

According to 50 CFR § 13.21 , the Fish and Wildlife Service will not issue a license to any applicant who "(1)...has been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility," "(2) has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application," "(3) failed to demonstrate a valid justification for the permit and a showing of responsibility" or whose authorization requested "(4) ...potentially threatens a wildlife or plant population." Also, the FWS may deny a permit application if "(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified."

Bioculture's consistent disregard for, and noncompliance with, local and federal regulations governing its project in Puerto Rico undoubtedly meet these criteria, and as such, the Puerto Rico Senate requests that the USDA and the FWS deny all permit applications that the agencies receive from Bioculture, PR.

***BE IT RESOLVED BY THE PUERTO RICO SENATE:***

- 1 Section 1. - Express the most forceful objection, on behalf of the Puerto Rico Senate, to the
- 2 intentions of Bioculture PR of importing over four thousand (4000) primates of the macaca fascicularis to

3 the Island of Puerto Rico, for the purpose of breeding them for later use in experimentation; and request  
4 that the United States Department of Agriculture (USDA) and The Fish and Wildlife Services (FWS)  
5 deny any and all permit requests to import macaca fascicularis into Puerto Rico.

6 Section 2.- Copy of this Resolution shall be delivered to The Secretary of the Department of  
7 Agriculture, Tom Vilsack, USDA Eastern Regional Director, Dr. Elizabeth Goldentyer, and US Fish and  
8 Wildlife Service, Special Agent-in-Charge Jim Gale.

9 Section 3. - This Resolution shall be in effect immediately upon its approval.



