



IN DEFENSE OF ANIMALS

March 17, 2010

Dr. Robert Gibbens, DVM
Western Regional Director
USDA, APHIS, Animal Care
2150 Centre Ave. Bldg. B
Mail Stop #3W11
Fort Collins, CO 80526

Via Fax 970-494-7461

Dear Dr. Gibbens:

Please consider this to be a formal complaint concerning the Houston Zoo, Certificate #74-C-0082 (Customer ID 3877), with regard to the pregnancy of two of its Asian elephants, Shanti and Tess, both due to give birth this year. It is our contention that, given the existence of the Elephant Endotheliotropic Herpesvirus (EEHV) at the zoo and the clear risk it presents to naïve Asian elephant calves, the breeding practices that purposefully produced these pregnancies and expected births constitute a violation of safe handling and veterinary care regulations under the Animal Welfare Act, as described below. We are requesting an investigation into the matter, and further request the issuance of a policy statement clarifying that the decision to allow breeding under these circumstances is a violation of the Animal Welfare Act and regulations.

The presence of EEHV presents a high risk of infection and death for elephant calves born at the Houston Zoo. The likelihood is substantial that any calves born at the Houston Zoo will be exposed to EEHV, a hemorrhagic disease with a near 90 percent mortality rate.

The Houston Zoo has long been considered a “hot spot” for the herpes virus, yet it continues to breed elephants. To date, six elephants born at the Zoo have died from EEHV. The most recent was Mac, who died at age two in November 2008. Further, not one elephant born at the Houston Zoo is alive today, which calls its breeding program seriously into question.

Reportedly, four of the zoo’s five Asian elephants, including Shanti and Tess, have tested positive for EEHV. (<http://www.chron.com/disp/story.mpl/metropolitan/6852126.html>) Despite over a decade of research since this disease was first discovered, very little is known about EEHV or the means by which it is transmitted, however, the presence of the virus in a facility renders it more likely that it will recur there.

For the Houston Zoo to willfully bring vulnerable newborn calves into a situation where there is such a high risk of exposure to the potentially fatal EEHV clearly violates the requirements of Sec. 2.131 of the Regulations, which provide that:

(b)(1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, **physical harm**, or unnecessary discomfort.

And

(d)(1) Animals shall be exhibited only for periods of time and **under conditions consistent with their good health and well-being.** (Emphasis added.)

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Further, this violates Section 2.40 of the Regulations, which requires that exhibitors have in place a program of veterinary care which includes, “(b)(2) The use of appropriate methods to **prevent, control**, diagnose, and treat diseases and injuries...” (Emphasis added.)

The only available method at this stage for preventing EEHV in the Houston Zoo’s elephants, which the zoo is failing to employ, is to refrain from breeding more calves. The Zoo’s decision to allow breeding to continue is irresponsible, potentially deadly to the new babies, and violates the Animal Welfare Act and accompanying regulations.

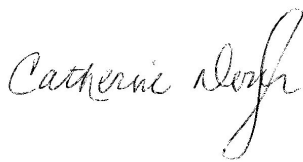
The AWA contains a clear requirement that an exhibitor provide adequate veterinary care, and that veterinary care is not permitted to be simply reactive. The facility is required to follow appropriate methods to “ **prevent, control**, diagnose, and treat diseases” and the only way to prevent or control EEHV from infecting juvenile elephants, the individuals at highest risk, is to prevent births in facilities with individuals affected by EEHV.

The very fact that current science does not provide a mechanism to determine which elephants may develop or shed the virus should not deter the agency from adopting a policy against bringing young elephants into herpes-affected facilities, either through birth or transfer from another facility. If anything, lack of knowledge about EEHV calls for the agency to err on the side of caution and adopt a pro-active policy that prevents the infection and possible deaths of young elephants in such high-risk situations. Without clear direction from your agency, these zoos will continue to put elephants into situations of completely avoidable risk, and more baby elephants will die avoidable deaths.

Therefore, IDA hereby requests that APHIS determine that the deliberate breeding of Asian elephants from the Houston Zoo violates the veterinary care provisions of the AWA regulations in that it fails to use the only currently available methods to prevent and/or control EEHV exposure in young, endangered elephants. We ask a further determination that safe handling regulations are violated in that babies born here will likely be subject to physical harm, and in that conditions which subject juvenile elephants to the grave risk of the usually-fatal herpes virus are certainly not consistent with their good health and well-being.

We appreciate hearing from you on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Doyle". The signature is written in black ink and is positioned above the typed name and title.

Catherine Doyle
Director, Elephant Campaign
zoos@idausa.org