



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 Oklahoma City Zoo, Certificate #73-C-0002 (Customer ID 3953), with regard to the pregnancy of its Asian elephant, Asha, due to give birth in the spring of 2011, and with regard to continued attempts to breed Asian elephant Chandra. It is our contention that given Chandra's history of infection with the Elephant Endotheliotropic Herpesvirus (EEHV) and Asha's likely exposure to it, and the clear risk this presents to naïve Asian elephant calves, the breeding practices aimed at producing 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 to the Oklahoma City Zoo elephants. The likelihood is substantial that any calves born to the Oklahoma City Zoo's elephants will be exposed to EEHV, a hemorrhagic disease with a near 90 percent mortality rate.

Chandra and Asha came to the Oklahoma City Zoo from the Dickerson Park Zoo, at which five elephants were infected with EEHV; four died. The only surviving elephant is Chandra, who responded to treatment after falling ill. It is especially irresponsible of the zoo to breed this elephant, who likely carries the virus and can infect her own offspring, should she conceive. She also may pose a risk for Asha's calf.

Asha was likely exposed to the virus while at the Dickerson Park Zoo. Should she carry the virus, she can pass it to her offspring. Asha and Chandra are currently held at the Tulsa Zoo, where they are being bred. Tulsa is another facility affected by EEHV; Maverick died there in 1993 at age seven.

For the Oklahoma City 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.

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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.)

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 Oklahoma City Zoo’s elephants, which the zoo is failing to employ, is to not breed. The Zoo’s decision to breed its elephants, especially Chandra who survived an active case of EEHV and likely carries the virus, is irresponsible, potentially deadly to the new babies, and violates the Animal Welfare Act and accompanying regulations.

IDA urges the USDA to take remedial steps in this matter, before any further damage is done.

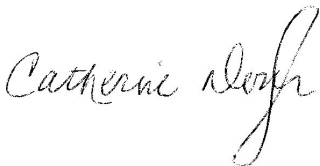
The AWA contains a clear requirement that an exhibitor provide adequate veterinary care, and that veterinary care is not permitted to be simply reactive. The facility is required to follow appropriate methods to “ **prevent, control, diagnose, and treat diseases**” and the only way to prevent or control 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 Oklahoma City 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,



Catherine Doyle
Director, Elephant Campaign
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