



## IN DEFENSE OF ANIMALS

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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 Woodland Park Zoo, Certificate #91-C-0087 (Customer ID 17547), with regard to the zoo's ongoing attempts to impregnate its Asian elephant, Chai. 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 aimed at producing a pregnancy and expected birth 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 Woodland Park Zoo.** The likelihood is substantial that any calves born at the Woodland Park Zoo will be exposed to EEHV, a hemorrhagic disease with a near 90 percent mortality rate.

Chai's seven-year-old daughter, Hansa, died from EEHV in 2007. The Zoo subsequently made public the fact that the strain of EEHV that killed Hansa is present in the African elephant, Watoto, who is still in the zoo and in contact with Chai. Following her death, leading EEHV expert Dr. Laura Richman stated that Hansa would have contracted the virus either through her mother or contact with another infected elephant. ([http://seattlepi.nwsourc.com/local/342326\\_elephant05.html](http://seattlepi.nwsourc.com/local/342326_elephant05.html)) As conditions have not changed at the zoo, any Asian calf born there will face the same exposure that Hansa had, and the same risk of infection.

It is important to note that the Woodland Park Zoo had sent Chai to Dickerson Park Zoo, a facility where five elephants have been infected with EEHV (four died), for breeding. A May 21, 1998 memo indicates that the Woodland Park Zoo was aware of the risk that EEHV presented and believed that Chai could bring the virus back to Seattle. The memo states, "...it was decided that the pluses (a baby elephant) outweighed the negatives...but it's important to identify and be prepared to answer questions or criticism in the event that the worst happens..."

Clearly, the Woodland Park Zoo cannot be expected to do what is in the best interest of the elephants, based on the zoo's history and the fact that conditions have not changed at the facility. The zoo continues to keep two Asian elephants and one African elephant in an exhibit of about an acre in size. The elephants spend approximately 17 hours a day for seven months each year in a tiny, outdated elephant house. Incompatibility has long been a problem at the zoo, including aggression by the elephant Bamboo toward Hansa after she was born, and between Bamboo and the African elephant Watoto.

**IDA complaint re Woodland Park Zoo**

**March 17, 2010**

**Page Two**

For the Woodland Park Zoo to willfully bring a vulnerable newborn calf 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.)

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 Woodland Park Zoo’s elephants, which the zoo is failing to employ, is to refrain from breeding. The Zoo’s decision to continue breeding is irresponsible, potentially deadly to any new baby, and violates the Animal Welfare Act and accompanying regulations.

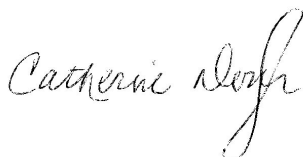
The AWA contains a clear requirement that an exhibitor provide adequate veterinary care, and that veterinary care is not permitted to be simply reactive. The facility is required to follow appropriate methods to “ **prevent, control**, diagnose, and treat diseases” and the only way to prevent or control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



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