



United States
Department of
Agriculture

JUL 10 2009

Animal and
Plant Health
Inspection
Service

Ms. Catherine Doyle
Campaign Director
In Defense of Animals
3010 Kerner Boulevard
San Rafael, California 94901

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Avenue, SW

Washington, DC
20250

Dear Ms. Doyle:

Thank you for your letter of June 10, 2009, to Secretary Thomas J. Vilsack concerning the U.S. Department of Agriculture's (USDA) enforcement of the Animal Welfare Act (AWA) with regard to several exhibited elephants.

We share your concern for the welfare of these animals and appreciate the opportunity to clarify both the AWA and the role our Agency of USDA plays in enforcing it. The AWA requires people who exhibit certain animals, including elephants, to the public to be licensed with us and meet our established minimum standards of humane care and treatment. Accordingly, these individuals must provide their animals with, among other things, an appropriate diet, clean and structurally sound housing, protection from extremes of weather and temperature, and veterinary care.

To ensure that exhibitors maintain the AWA minimum standards, officials with our Agency's Animal Care (AC) program perform unannounced compliance inspections of the exhibitors' premises, facilities, husbandry practices, programs of veterinary care, records, and animal handling procedures. We also perform inspections in response to legitimate concerns and complaints received from the public. If an inspection reveals noncompliance with AWA standards and regulations, we document the problems and, if they are uncorrected, conduct a formal investigation. If an investigation results in a determination that AWA violations occurred, we pursue appropriate enforcement action which can vary from issuing warnings to confiscating animals.

While we recognize your displeasure with our regulatory enforcement involving several specific elephants, we do not believe that any of the cases you cite involved inaction on our part. In fact, we have taken enforcement action related to seven of the eight elephants you mention. In the case of Gita, we wish to clarify that our investigation—which also addressed the death of a chimpanzee at the Los Angeles Zoo—has been closed since 2008, following our issuance of a \$3,281 stipulated penalty for failure to provide adequate veterinary care. Three of the other elephants you mention (Ned, Delhi, and Lota) were confiscated by our Agency. We understand that the time frame of such operations can be frustrating, due to the complex and serious nature of confiscating and relocating large animals such as elephants. Further, our authority to confiscate is limited to situations in which an animal is suffering and action is not taken, or will not be taken,



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to alleviate the condition. (For more information on our confiscation guidelines, you may access AC Policy No. 8 on our Web site at www.aphis.usda.gov/animal_welfare/downloads/policy/policy8.pdf.) With regard to Tina, Jewel, and Queenie (Boo), we have taken enforcement action against their owner in the past and we continue to closely follow the situation with regard to their care. As you may know, we sent a detailed response about these three elephants to Ms. Suzanne Roy, Program Director of In Defense of Animals (IDA), in a letter dated June 11, 2009.

We understand that you believe Val, an elephant owned formerly by Carson and Barnes Circus and currently owned by Hanneford's Circus, was separated from her mother prematurely and that she is too young for use in exhibition. However, the AWA does not specify the weaning age of regulated animals; weaning issues currently fall within the purview of facilities' attending veterinarians, who are responsible for the husbandry and veterinary care of regulated animals. On the subject of young animals in exhibition, you may be interested to know that on May 9, 2008, our Agency published a proposed rule in the Federal Register to amend the AWA to include minimum age requirements for the transport in commerce of all covered animals. Agency officials are currently evaluating all of the comments received by the close of the comment period, and we will give these comments all due consideration as we proceed with our decisionmaking on this matter.

As you may know, we also published in the Federal Register (on August 9, 2006) an IDA petition calling for revisions of the AWA regulations to address a number of issues regarding exhibited elephants. We received over 2,200 comments during the comment period, along with a significant amount of documentation. Our AC program staff has reviewed the comments and is evaluating and determining, what, if any, regulatory changes are appropriate. You may view the notice and comments on our Animal Welfare Web page at http://www.aphis.usda.gov/animal_welfare/index.shtml by entering "APHIS Docket 2006-0044" after clicking "Federal Register" on the right side of the page.

We hope this information is helpful and assures you of our commitment to holding AWA licensees accountable for noncompliances involving exhibited elephants and other regulated animals. Please share this response with the others who signed your letter.

Sincerely,



Kevin Shea
Acting Administrator