

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS, et al.,**

**Plaintiffs,**

**v.**

**RINGLING BROS. AND BARNUM &  
BAILEY CIRCUS, et al.,**

**Defendants.**

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**Case No. 1:03-CV-02006 (EGS/JMF)**

**DEFENDANT FELD ENTERTAINMENT INC.’S RESPONSE IN  
OPPOSITION TO PLAINTIFFS’ EXPEDITED MOTION TO ENFORCE  
THE COURT’S SEPTEMBER 26, 2005 ORDER**

**EXHIBIT F**



**United States  
Department of  
Agriculture**

**Marketing and  
Regulatory  
Programs**

**Animal and Plant  
Health Inspection  
Service**

**Animal Care**

# **Exhibitor Inspection Guide**

**November 2004**

<b>HEALTH RECORDS</b>	All exhibitors must maintain specific health records for <b>marine mammals</b> and should maintain health records for all regulated animals. [3.110, Policy #3, Policy #21]
<b>Requirement</b>	<p><b>Health records are not specifically required by the AWA regulations, except for marine mammals. Therefore, a lack of health records or inadequacy of the health records may not be cited as a stand-alone violation, except for marine mammals.</b></p> <p>The citation of inadequate veterinary care for a sick animal may include a reference to the lack or inadequacy of health records, if appropriate.</p> <p>Health records, if maintained, should be:</p> <ul style="list-style-type: none"> <li>• current</li> <li>• legible</li> <li>• sufficiently comprehensive to demonstrate the delivery of adequate veterinary care</li> <li>• consistent with professional standards</li> </ul> <p>The system of health records may be described in the written Program of Veterinary Care for those exhibitors not employing a full time veterinarian.</p>
<b>Contents</b>	<p>Health records should include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• identity of the animal</li> <li>• description of any: <ul style="list-style-type: none"> <li>▶ illness</li> <li>▶ injury</li> <li>▶ distress</li> <li>▶ behavioral abnormality</li> </ul> </li> <li>• dates, details, and results (if appropriate) of all medically-related: <ul style="list-style-type: none"> <li>▶ observations</li> <li>▶ examinations</li> <li>▶ tests</li> </ul> </li> </ul>

**Records**  
**Health Records**

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- ▶ procedures, such as:
  - vaccinations
  - fecal examinations
  - radiographs
  - surgeries
  - necropsies
- treatment plans which should include:
  - ▶ diagnosis
  - ▶ prognosis, when appropriate
  - ▶ type of treatment
  - ▶ frequency of treatment
  - ▶ duration of treatment
  - ▶ criteria and/or schedule for re-evaluation by the attending veterinarian
  - ▶ allowable activity level for the animal
  - ▶ restriction, if any, for the animal
- treatment history which should include:
  - ▶ dates of all treatment
  - ▶ names of drugs or other medications given
  - ▶ dose & route
  - ▶ frequency
  - ▶ duration of treatment
- resolution of any noted problem(s)

**Record-keeping**

Health records may be kept in any format that the exhibitor chooses.

*Group health records*

Routine husbandry and preventive medical procedures performed on a group of animals may be recorded on herd-health type records.

*Individual health records*

Treatment of an individual animal should be on an entry specific for that animal.

**Availability**

Health records should be readily available for review.

	<p>Health records at an exhibitor’s facility may be held by:</p> <ul style="list-style-type: none"> <li>• the attending veterinarian</li> <li>• exhibitor</li> <li>• other designated employee(s)</li> </ul> <p>If health records are divided between personnel, the records should be:</p> <ul style="list-style-type: none"> <li>• appropriately cross-referenced</li> <li>• complete</li> </ul> <p>Health records should be held:</p> <ul style="list-style-type: none"> <li>• for at least 1 year after the animal’s disposition or death</li> <li>• longer than 1 year as required by other applicable laws or policies</li> </ul> <p>A copy of an animal’s health records should accompany the animal when it is transferred to another exhibitor, licensee/registrant, person or location.</p> <p>The transferred health record should contain:</p> <ul style="list-style-type: none"> <li>• the animals’ medical history</li> <li>• information on any ongoing or chronic problems</li> <li>• most current preventive medical procedures, such as:             <ul style="list-style-type: none"> <li>▶ vaccinations</li> <li>▶ deworming</li> </ul> </li> </ul>
<p><b>Species Specific</b></p>	<p><b>Marine Mammals [3.110]</b></p> <p>Individual marine mammal medical/health records <b>must</b> be kept and include the following information, at a minimum:</p> <ul style="list-style-type: none"> <li>• animal identification/name [3.110(d)(1)]</li> <li>• a physical description, such as: [3.110(d)(1)]             <ul style="list-style-type: none"> <li>▶ identifying markings</li> <li>▶ scars</li> </ul> </li> <li>• age [3.110(d)(1)]</li> <li>• sex [3.110(d)(1)]</li> </ul>

Records  
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- physical examination information, including, but not limited to: [3.110(d)(2)]
  - ▶ length
  - ▶ weight
  - ▶ physical examination results by body system
  - ▶ identification of all medical and physical problems
  - ▶ all diagnostic test results
  - ▶ proposed plan of action for medical/physical problems
  - ▶ documentation of treatment
- visual examination information

Individual animal medical/health records must be: [3.110(d)]

- kept at the facility where the marine mammal is housed
- available for APHIS inspection

A copy of the individual marine mammal's medical/health record must accompany the animal if it is transferred to another facility, including contract and satellite facilities. [3.110(e)]

*Necropsy Reports* [3.110(g)]

The preliminary necropsy report must: [3.110(g)(1)]

- be prepared by the veterinarian conducting the necropsy
- list all pathological lesions observed

The final necropsy report must include: [3.110(g)(1)]

- all gross findings
- all histopathology findings
- results of all laboratory tests performed
- a pathological diagnosis

Necropsy reports must be: [3.110(g)(2)]

- maintained at the marine mammal's home facility
- maintained at the facility where the marine mammal died, if different than the home facility
- kept for 3 years
- available for APHIS inspection

	<p><b>Elephants</b> [2.40(b)(2), Policy #21]                  Health/medical records that should be kept and available for review by the inspector are:</p> <ul style="list-style-type: none"> <li>• TB test records (see Section 15.5 - Tuberculosis Management), and</li> <li>• necropsy records (see Section 15.4 - Necropsy Requirements)</li> </ul> <p><b>NOTE:</b> These health/medical records are not specifically required by the AWA regulations. Therefore, a lack of health records or inadequacy of the health records may not be cited as a stand-alone violation.</p>
<p><b>Traveling Exhibitors</b></p>	<p>Traveling exhibitors should have the appropriate health records for animals with the exhibitor on the road including, but not limited to:</p> <ul style="list-style-type: none"> <li>• preventive medical treatments</li> <li>• elephant TB test records</li> <li>• records pertinent to existing chronic conditions</li> <li>• records of any problems and treatments while on the road</li> </ul> <p><b>NOTE:</b> Failure to have health records cannot be cited as a “stand alone” noncompliance, except for marine mammals.</p> <p>Traveling exhibitors should have all required health/medical records for up to one year after the disposal or euthanasia of the animal(s).</p>

**RECORDS  
REQUIREMENTS**

An exhibitor must have all required records for the animals at that site or location, including traveling sites.

**Required Records**

An exhibitor must have the following records for the animals at that site or location, if applicable:

- acquisition and disposition records
  - health certificates for dogs, cats and nonhuman primates
  - exercise plan for dogs
  - environmental enhancement plan for nonhuman primates
  - current TB reports for elephants
  - Program of Veterinary Care
  - noncommercial diet approval for large felids
  - approved variances
  - microchip identification approval for dogs/cats
  - attending veterinarian approved exceptions to the regulations or standards
  - water quality records for marine mammals
  - approved water and power emergency contingency plans for marine mammals
  - documentation of training of attendants or employees working with marine mammal
  - medical records for marine mammals
  - health/medical records for all other covered animals, such as:
    - ▶ preventive medical treatments
    - ▶ records pertinent to current problems and treatments
    - ▶ records pertinent to existing chronic conditions
- NOTE: Lack of these health/medical records may not be cited as a "stand alone" noncompliance.
- necropsy records for marine mammals

**Recommended Records**

An exhibitor should have the following records, but may not be cited for lack of them:

- documentation of training for all dangerous animal handlers



**Records  
Records Requirements**

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- emergency plan for dealing with animal attacks or escapes
  - necropsy reports for elephants
  - TB reports on the elephant handlers
- Note: These reports must exist but the exhibitor does not have to make them available to you.

**A traveling exhibitor** should have these additional records with him/her on the road, but may not be cited for a lack of them:

- copy of license certificate
- last inspection
- last renewal
- health certificates for all other covered species
- itinerary