

PLAINTIFFS' EXHIBIT DD
To Plaintiffs' Opposition to Defendants' Motion
For Summary Judgment
Civ. No. 03-2006 (EGS/JMF)



52-c-0137

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United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

4700 River Road
Riverdale, MD 20737

May 11, 1999

Ms. Julie Strauss
Feld Entertainment, Inc.
Ringling Brothers and Barnum & Bailey Circus
8607 Westwood Center Dr.
Vienna, VA 22182

Dear Ms. Strauss:

We have completed our review of the lesions observed on two juvenile elephants, Doc and Angelica, during the inspection of the Center for Elephant Conservation in Polk City, Florida, on February 9, 1999 (copy enclosed). Without divulging the identity of the facility, we solicited several elephant experts to review the photographs and history of the situation. After careful consideration of the issue, we find that the handling of these two elephants was not in compliance with the Animal Welfare Act regulations, specifically Section 2.131(a)(1) "Handling of animals" (Title 9, Code of Federal Regulations). We believe there is sufficient evidence to confirm the handling of these animals caused unnecessary trauma, behavioral stress, physical harm and discomfort to these two elephants.

It was the opinion of several of the expert reviewers that there are other methods available to separate juvenile elephants from their mothers that would be less stressful and not cause lesions such as those observed on Doc and Angelica. While the method used may be traditional, it is incumbent on every licensee to review their handling practices to ensure they are compliant with Animal Welfare Act regulations and consistent with currently accepted standards. We appreciate that the management of Feld Entertainment is committed to full compliance with the Animal Welfare Act, and as such, feel certain that you will address this situation to ensure that it does not reoccur.

On a separate matter, we have received Dr. Murray Fowler's report of his evaluation of the lameness observed in another elephant by the name of Lechamee. Based on Dr. Fowler's evaluation, we will consider Lechamee fit for continued travel and performing as explained in his evaluation. We appreciate Ringling's response regarding this concern.



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Ms. Julie Strauss

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If you have any questions regarding this letter or the Animal Welfare Act, please feel free to contact Dr. Elizabeth Goldentyer in our Eastern Regional Office or me.

Sincerely,

W. RON DeHAVEN

W. Ron DeHaven
Deputy Administrator
Animal Care

cc:

K. Vail, OGC, Washington, DC
E. Goldentyer, AC-ER, Raleigh, NC
B. Kohn, AC, Riverdale, MD
J. Rogers, LPA, Riverdale, MD

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