

November 18, 2015

Philip K. Ensley, DVM, Dipl. ACZM

Mr. Tom Batta, Assistant Secretary for  
USDA's Office of Congressional Relations  
United States Department of Agriculture  
Office of the Secretary  
Washington, D.C. 20250

**RE: Attached letter from Secretary Vilsack dated September 18, 2015**

Dear Mr. Batta:

I recently received from Mr. David Gellman, Staff Assistant/Legislative Correspondent for Rep. Raúl M. Grijalva a copy of Secretary Vilsack's September 18, 2015 letter to Rep. Raúl Grijalva. The letter indicated you should be contacted for further questions or concerns, specifically regarding the welfare of African elephant Nosey owned by Mr. Hugo Liebel.

As a veterinarian I have spent three decades in zoo and wildlife medicine, studying the past sixteen years in particular cases of alleged abuse of captive and performing elephants and other species. I have observed unsound judgement and carelessness by USDA/APHIS officials with respect not only to Nosey but also elephants in the Ringling Brothers and Barnum & Bailey Circus, and more recently two elephants exhibited by the Carden family.

**Regarding the African elephant Nosey:**

I wish to compare the findings from the initial **CONSULTATION REQUEST AND REPORT** conducted I believe by Dr. Alison Morton at the University of Florida's School of Veterinary Medicine on November 7, 2014 to the more recent findings of the May 2015 examination referred to by Secretary Vilsack. During the November 2014 examination the owner reported under **History** that Nosey had "...no episodes of obvious lameness..." and presents with "no history of any significant health concerns or events or treatment for lameness." However, this information is false. I observed Nosey in person on August 9-10, 2014, and again on September 7-8, 2014, and noted severe lameness indicative of suffering, that in my professional opinion was likely caused by arthritis. I notified Secretary of Agriculture Vilsack, Dean James W. Lloyd of the University Florida's School of Veterinary Medicine and Dr. Romero Isaza on the Veterinary School faculty of my opinions. In addition I conveyed my findings to USDA/APHIS officials Mr. Kevin Shea, Dr. Chester A. Gipson, and Drs. Betty J. Goldentyer, Denise M. Sofranko, and Nora E. Wineland. I have reviewed numerous videos confirming that Nosey's condition is ongoing.

Moreover, on Nosey's November 2014 **Examination Findings** at the University of Florida it was documented that "She did exhibit mild gait asymmetries characterized by occasional shorter

stride of her right hind limb when turning more tightly to the right, a tendency to place her right hind limb more laterally away from her body, and when getting up from sternal recumbency, she pushed off more with her left hind and was more weight-bearing on her left hind limb.” “Examination of her hind limbs and pelvis revealed mild to moderate asymmetry characterized by mild to moderate generalized atrophy of the musculature of the gluteal region of the right hind limb. Examination of her dorsal pelvis and sacral region revealed a more prominent and more dorsally placed ileum just to the left of the sacral area on the left hind limb.” Under **PHYSICAL EXAMINATION FINDINGS/Comments** there was documented “Mild atrophy of musculature over right hip; mild abduction of right stifle at rest and decreased elevation of right hindlimb when walking at a fast-pace.” These findings in my opinion are consistent with musculoskeletal disease to include arthritis.

I am requesting a copy of the exam results referred to in Secretary Vilsack’s letter addressing the follow up lameness and radiographic evaluation conducted in May 2015 during which Nosey was carrying riders. In doing so I would like to learn as well the findings of consulting veterinary radiologists who may have reviewed these studies. I made the recommendation to the Dean of the School of Veterinary Medicine at the University of Florida in a letter dated January 21, 2015 to call upon consulting radiologists to review the studies conducted on Nosey. Lastly, I would like information as to what medications Nosey has received between these examinations or had been administered at or near the time of the examinations. As I am sure Secretary Vilsack is aware, Mr. Liebel’s claim that Nosey has no history of lameness is in direct contradiction to videos and observations of Nosey from 2014-2015. Because of these facts, there continues to be considerable attention from the public and qualified observers regarding the welfare of this elephant and I am sure the requested May 2015 examination report will be of critical interest to all individuals following this case.

**Regarding the Ringling Brothers and Barnum & Bailey Circus elephants:**

Secretary Vilsack’s letter made reference to my meeting with USDA/APHIS officials (Mr. Kevin Shea and Dr. Chester A. Gipson on September 29, 2014) during which he indicated there were discussions on “related matters” regarding Ringling Brothers and Barnum & Bailey Circus elephants Karen and Nichole referred to as well in my letter of October 13, 2014, to Secretary Vilsack. I observed these two elephants in Atlanta, Georgia, at the Philips Arena during February 11-13, 2015, for Fulton County Animal Services and managed by LifeLine Animal Project. My report included observations and a video made of the elephants walking from the transport trailer revealing Nichole to be noticeably lame.<sup>1</sup> She has had toe nail cracks, chronic severe nail bed abscesses, and episodes of interdigital swelling, and a history of left front lameness, and has been noted historically to be extremely stiff-legged.<sup>3</sup> Another elephant seen on video, possibly Sara, demonstrated pelvic soreness and subtle rear limb lameness. Sara has periostitis and osteoarthritis of the left and right proximal and distal intertarsal (ankle) joints.<sup>2</sup>

During performances in Atlanta Karen was noted performing on a spindle, placing additional weight on her left rear foot, even though she had a split toe nail on that foot, which I first documented during a federal court-ordered inspection in 2007.<sup>4</sup>



Karen performing on a spindle placing increased weight on her split left rear toe nail at the Philips Arena on February 11-13, 2015



Close up of Karen's unhealed split left rear foot toe nail documented in the photograph directly above

Two elephants, Karen and Nichole, were seen during each main elephant performance.



Karen (left) and Nichole (right) during the main elephant performance at the Philips Arena on February 11-13, 2015.

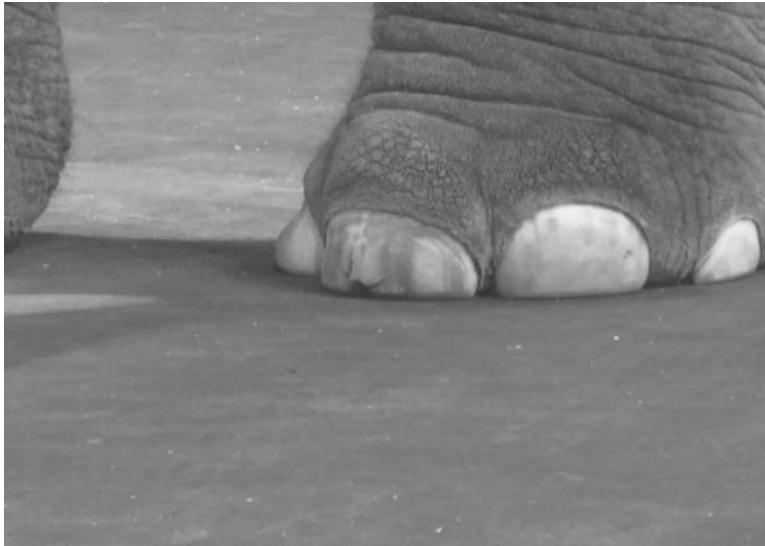


Close up of Nichole's left front foot on February 11-13, 2015 revealed a full vertical nail bed abscess seen on the medial most visible toe nail on the near appearing left front foot



Nichole's vertical toe nail abscess is better appreciated as a dark blackened area on the face of the left front medial toe nail during the main elephant performance at the Philips Arena on February 11-13, 2015.

In another Asian elephant named Kelly Ann an ongoing toe nail crack was clearly visible on her left rear foot that has remained unhealed as far back as 2009.



Kelly Ann's unhealed left rear toe nail crack at the Philips Arena on February 11-13, 2015.

Two Ringling Brothers and Barnum & Bailey Circus Asian elephants Asia, 47 years of age, and April, 5 years of age, were observed between performances on September 12, 2015, in Loveland, Colorado. Video documentation during two performances revealed an abnormal gait in the younger elephant April. Asia has a long history of limping, limb stiffness, lameness, cuticle abscess, toe nail cracks, ear wounds, radiographic evidence of digital fractures, and bull hook wound punctures.<sup>5</sup>



April on the left and Asia on the right between performances in a holding area where Asia was videoed while demonstrating stereotypic weaving back and forth behavior on September 12, 2015, in Loveland, Colorado.

Ringling Brothers Asian elephants, Assan, Tonka, Luna, Angelica and Mable were observed appearing in Colorado Springs at the World Arena on June 7, 2015, and at the Denver Coliseum on October 11, 2015.

In Colorado Springs Assan was documented with bilateral front foot toe lesions.



Note the two lesions on two right front toe nails and a full length vertical toe nail crack on the left front foot of Assan at the Colorado Springs World Arena on June 7, 2015.



Assan's two right front foot toe nail lesions documented on June 7, 2015



Assan's vertical full length left front toe nail crack documented on June 7, 2015

Asian elephant Mable was also documented at the Colorado Springs World Arena with a left rear vertical toe nail crack.



Mable's left rear toe nail crack documented in Colorado Springs on June 7, 2015

Of interest when the Ringling Brothers Asian elephants were seen in Colorado Springs in June 2015, then observed in Denver on October 11, 2015 at the Denver Coliseum, the elephant Mable with the left rear toe nail crack appeared to demonstrate greater discomfort and pain. At the Denver Coliseum she placed even less weight on the left rear foot.



Mable placing less weight on her left rear foot at the Denver Coliseum on October 11, 2015



Close up of the chronic toe nail crack on Mable's left rear foot as it appeared on October 11, 2015 revealing the crack had progressed the full length of the nail as compared to when she appeared in Colorado Springs four months previous on June 7, 2015.

One of Ringling Brothers Asian elephants observed both in Colorado Springs and again at the Denver Coliseum was documented with a sole protectant compound on the soles of her front



feet. This is a horse hoof care product developed for support of an unshod horse foot to create a protective coating that bonds to the foot. In elephants this is done in cases of uneven or over worn soles of the feet.



A sole protectant compound is clearly visible on the sole of this Ringling Brothers Circus elephant's left front foot noted in Colorado Springs in June, 2015 and again in Denver in October, 2015.

**Regarding two Carden family elephants:**

Mr. Batta, further concerns for performing elephants include observation of an Asian elephant named Carol, exhibited by the Carden family at the Jordan World Circus on May 5, 2015, in Pueblo, Colorado. Video documentation with and without riders reveal Carol exhibiting lameness, pelvic discomfort and pain very similar to how Nosey has been documented on numerous occasions.



Asian elephant Carol demonstrated pain, discomfort and lameness when providing rides during a circus event on May 5, 2015 in Pueblo, Colorado.



The posterior aspect of Carol's rear legs reveal puncture wound scars from previous abusive use of a bull hook, guide, or ankus documented in Pueblo, Colorado on May 5, 2015 at the Jordan World Circus.

The two Carden elephants, observed in the Jordan World Circus seen in Pueblo, Colorado, are performing the same strenuous unnatural behaviors and maintained under the same standard of care and living conditions as elephants Nichole and Karen, Mable and others, to include the female African elephant Nosey.



These two Carden family elephants, Carol on the right, observed in the Jordan World Circus in Pueblo, Colorado in May, 2015 are performing unnatural behaviors which are damaging their musculoskeletal system.

Mr. Batta, in my opinion a qualified veterinarian familiar with musculoskeletal disease of performing elephants or an equine veterinarian with special interest and expertise in lameness would agree with the principle that **in any progressive degenerative disease process, prevention- and minimization of progression is ideal**. An equine veterinarian would stress the importance of rest and keeping the animal comfortable. **Slowing the progression, versus enhancing the disease progression, is the key to providing for the welfare of an elephant or an equine with foot, limb, or musculoskeletal disorders.**

Mr. Batta, thank you for reviewing my further questions and concerns and thanking you in advance for a copy of Nosey's May 2015 lameness and radiographic examination report of findings. Also I would like to receive Mr. Shea's and Dr. Gipson's current understanding of the findings in this letter specifically with regard to the welfare of Ringling Brothers and Barnum & Bailey Circus Asian elephants Nichole, Karen, and Mable, Kelly Ann, Sara, Assan, and Carden family Asian elephant Carol.

The information provided in this letter illustrated with photo documentation demonstrates an unsafe and injurious standard of care and living conditions for elephants enforced by the use of the guide, bull hook, or ankus. **Enhancing forced unnatural behaviors does not slow the progression of musculoskeletal disease of performing elephants. Abnormal biomechanical forces on normal articulation leads to irreversible damage leading to progressive degenerative damage.**

Sincerely,  
Philip K. Ensley, DVM, Dipl. ACZM

cc. The Honorable Thomas J. Vilsack **Via e-mail and UPS:** [agsec@usda.gov](mailto:agsec@usda.gov);  
[tom.vilsack@usda.gov](mailto:tom.vilsack@usda.gov)

Representative Raúl M. Grijalva

Mr. Kevin Shea, Administrator, USDA/APHIS [kevin.a.shea@usda.gov](mailto:kevin.a.shea@usda.gov)

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Dean James W. Lloyd

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Ramiro Isaza

Betty J. Goldentyer

Denise M. Sofranko

Nora E. Wineland

Rachel Mathews

1. Ensley, P.K. May 8, 2015. Observations of Ringling Brothers and Barnum & Bailey Circus Production in Atlanta, Georgia Philips Arena February 11-13, 2015 Focusing on Six Asian Elephants (*Elephas maximus*) to Include Inspection Recommendations for a Meaningful Health Assessment of Performing Elephants.
2. Ensley, P.K. 2014. City of Los Angeles, California TASK ORDER SOLICITATION May 15, 2014 Animal Permit Related Inspection Services for the Ringling Bros. And Barnum & Bailey Circus (RBBBC) from July 9, 2014 to July 15, 2014 Focusing on nine Asian Elephants (*Elephas maximus*).
3. Ensley, P.K. July 29, 2012. Report to Determine Physical Condition and Suitability to Perform Following Inspection of Ringling Brothers and Barnum & Bailey Circus (RBBBC) at the Los Angeles Staples Center the Week of July 11-17, 2012.
4. Ensley, P.K. 2008. Expert Report. Civ. No. 03-2006 (D.D.C.) American Society For The Prevention Of Cruelty To Animals, et al. v. Ringling Brothers And Barnum & Bailey Circus, et al.
5. Ringling Bros. Barnum and Bailey Circus - San Jose Arena-HSSCV Case #A99-015840. January 2000

Attachment: Letter from Secretary Thomas J. Vilsack of September 18, 2015

S: Drive



United States Department of Agriculture

SEP 18 2015

Office of the Secretary  
Washington, D.C. 20250

The Honorable Raúl Grijalva  
U.S. House of Representatives  
1511 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Grijalva:


Thank you for your letter of July 31, 2015, cosigned by your colleagues, regarding Nosey, an elephant owned by Mr. Hugo Liebel.

We share your interest in Nosey's welfare. Since July 2013, officials with the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) have conducted numerous inspections of Nosey, and there have been two indepth lameness examinations and several routine examinations by the attending veterinarian. In May 2015, Mr. Liebel's attending veterinarian, who has at least 25 years of clinical experience working with elephants in zoos and circuses, arranged for a board-certified, veterinary, lameness and sports medicine specialist to examine Nosey. The attending veterinarian informed APHIS about the May 2015 radiographic evaluation and lameness exam, indicating that radiographs taken at that time were within normal limits and there was no evidence of lameness or abnormal gait when Nosey was carrying a load of passengers. Most recently, on August 4, 2015, APHIS officials inspected Nosey at a site in New Jersey. Mr. Liebel was cited for two Animal Welfare Act (AWA) noncompliances involving lack of availability of the written program of veterinary care and an insufficient number of employees to provide adequate care for Nosey. APHIS directed Mr. Liebel to correct the first noncompliance by August 7, 2015, and Mr. Liebel assured APHIS that he would correct the latter noncompliance immediately. APHIS will continue to inspect Mr. Liebel's facilities, regulated animals, and records for compliance with the AWA requirements.

APHIS officials also have met with Dr. Philip Ensley and are aware of his concerns regarding Nosey's gait and related matters. As they mentioned to Dr. Ensley during that meeting, he should continue to forward any new information he may have about Nosey to officials with the Eastern Region office of APHIS' Animal Care (AC) program. AC officials will review the information and take any necessary followup action that may be warranted.

Thank you again for writing. USDA is committed to ensuring the welfare of Nosey and all other animals regulated under the AWA. A similar letter is being sent to your colleagues. If you have further questions or concerns, please have a member of your staff contact Todd Batta, Assistant Secretary for USDA's Office of Congressional Relations, at (202) 720-7095.

Sincerely,

  
Thomas J. Vilsack  
Secretary

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