

October 13, 2014

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave. S.W., Rm 200-A
Washington, DC 20250

Via e-mail and UPS: agsec@usda.gov; tom.vilsack@usda.gov

Dear Mr. Secretary:

Recently I had the opportunity on September 29, 2014, to meet with Mr. Shea and Dr. Gipson along with Ms. Delcianna Winders, Deputy General Counsel with the PETA Foundation, regarding the urgent need to confiscate the female African elephant Nosey and seek revocation of the Animal Welfare Act (AWA) license of her exhibitor, Mr. Hugo Liebel (license number 58-C-0288) shown below with Nosey:



Last March I was requested to review the case of 32 year old female African elephant Nosey for the PETA Foundation. I found this to be **“the worst, most prolonged, documented example of an uncorrected case of suffering and abuse in an elephant I have ever reviewed.”** As I conveyed to Mr. Shea and Dr. Gipson, I did not arrive at this opinion without careful consideration of the facts and my experience in reviewing cases of alleged abuse and mistreatment of captive elephants over the past fourteen years and earlier during a thirty year plus career in zoological medicine.

My chief concern following the meeting of 29 September is the complete breakdown at every level by USDA/APHIS personnel from the head of USDA/APHIS on down to the inspectors who performed recent inspections on Nosey that resulted in a failure to recognize and report arthritis and progressive osteoarthritis, often referred to as degenerative joint disease. These are serious conditions causing suffering and chronic pain that did not just appear overnight. These are progressive conditions acquired cumulatively caused by an improper standard of care and living conditions and inadequate veterinary care.

I traveled half way across the country to Washington, DC, to attend a meeting only to find Mr. Shea and Dr. Gipson totally unprepared to respond to the simplest questions concerning Nosey, even though they knew that we wanted to discuss Nosey and had received detailed correspondence about her case. **I found Mr. Shea and Dr. Gipson indifferent to the suffering and pain which Nosey demonstrates.** Mr. Shea and Dr. Gipson have never seen Nosey, however have undoubtedly been appraised of my observations and concerns thru e-mails sent to USDA/APHIS Drs. Goldentyer, Sofranko, and Wineland, to which I have never received a response, and through correspondence that I understand that PETA has sent to Mr. Shea and Dr. Gipson directly.

There appears to be an administrative indifference and no sense of urgency in this case, but what is most troubling is that I could not detect one ounce of expression of care or concern for the welfare of Nosey. I detected back peddling and damage control from Mr. Shea and Dr. Gipson by their responses that USDA/APHIS is looking into this matter by “thoroughly reviewing this situation” which is unacceptable given the time that has lapsed. **There appears to be negligence and incompetence at every level, in particular within in the inspection process and the inability to recognize the inadequate veterinary care being provided to Nosey.**

Also during our discussion the names of female Asian elephants Karen and Nichole were briefly mentioned, both belonging to the Ringling Bros. and Barnum & Bailey Circus. On Sunday, September 5, 2014, I saw these elephants at a performance in Denver. Karen has the same split left rear toe nail that I observed during a Federal Court ordered inspection in 2007 in Auburn Hills, Michigan and again documented in Denver on Sunday:



This condition remains unchanged as documented in this photograph I made during the 2007 inspection:



Regarding Nichole I observed an opened toe nail abscess on her right front foot:



This abscess was previously documented during an inspection I performed for the City of Los Angeles Division of Animal Services in 2012:



During the meeting on 29 September I inquired about seeing USDA/APHIS' inspection reports regarding these two elephants and was informed I would have to file a Freedom of Information Act request to read these reports which I understand will take months. These two elephants should no longer be performing under the standard of care and living conditions that have produced these unhealed injuries, and maintaining them under these current conditions will continue to cause suffering and cruelty.

The Veterinarian's Oath indicates that I, "...use my scientific knowledge and skills for the benefit of society through the protection of animal health and welfare, the prevention and relief of animal suffering, the conservation of animal resources, the promotion of public health, and the advancement of medical knowledge."

Regarding the American Veterinarian Medical Association, it's policy "Animal Abuse and Animal Neglect" states: **"The AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities, whether or not reporting is mandated by law."**

I am a licensed veterinarian in Colorado and on July 1, 2007, it became mandatory for Colorado veterinarians to report animal cruelty and animal fighting.

Regarding these cases I believe the following three steps are warranted:

1. Written letters of reprimand should be sent to all supervisory level personnel from Mr. Shea's office all the way down to Nosey the African elephant.
2. Replace the person or personnel directly responsible for the captive and performing elephant inspection process.
3. **Nosey is in critical condition requiring confiscation, immediate appropriate veterinary care, and relocation to a facility that can provide for her special needs.**

4.

Very truly yours,

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cc: Mr. Kevin Shea, Administrator, USDA/APHIS (kevin.a.shea@usda.gov); Dr. Chester Gipson, Deputy Administrator, USDA/APHIS/AC (chester.a.gipson@usda.gov)

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