



Congress of the United States
House of Representatives
Washington, DC 20515

June 21, 2019

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We write today to express our concern with the Bureau of Land Management's (BLM) proposed surgical sterilization experiment to be conducted on wild horses in the Warm Springs Herd Management Area in Oregon (DOI-BLM-ORWA-B 050-2019-0013-EA (Spay Feasibility and On-Range Outcomes Environmental Assessment)).

While we understand the BLM's need to manage populations of wild horses, we are concerned about the rationale behind the decision to employ the "ovariectomy via colpotomy" method as a means of mass sterilization and are seeking clarification as to whether the agency has taken into account some of the unusual circumstances and disconcerting factors surrounding this project. In light of the November 2018 federal court ruling against the BLM, effectively blocking the agency from conducting the prior iteration of these experiments due to concerns over potential First Amendment public observation rights violations and because certain changes to the experimental protocol appeared arbitrary and capricious^[1], we would urge the BLM to abandon plans to pursue these experiments.

In its comprehensive 2013 report outlining strategies for improving wild horse management in the United States, the National Academy of Sciences (NAS) explicitly warned against employing ovariectomy via colpotomy on wild horses, noting that the "possibility that ovariectomy may be followed by prolonged bleeding or peritoneal infection makes it inadvisable for field application."^[2] In 2015, a NAS panel charged with considering various research proposals recommended against funding an ovariectomy via colpotomy project, noting that the procedure did not warrant further research, while also indicating that complication rates may be higher than expected.

It is our understanding the current proposal is substantially similar to, and indeed attempts to revive portions of, the discarded 2016 (DOI-BLM-OR-B000-2015-0055-EA) and 2018 (DOI-

BLM-ORWA-B050-2018-0016-EA) proposals on which the BLM sought to partner first with Oregon State University (OSU) and then with Colorado State University (CSU) in conducting and overseeing surgical sterilization experiments on wild horses.

In 2016, OSU withdrew from this project, leading the BLM to find a new academic institution – Colorado State University – to partner with for the 2018 proposal. CSU's experts were slated to monitor the procedure and provide follow-up welfare assessments of the horses that underwent the surgery. However, on August 8, 2018, CSU terminated its partnership with the BLM in conducting the ovariectomy research study such that the university would no longer be involved in any capacity. On August 22, 2018, the BLM announced it would move forward with the project regardless, dropping plans to partner with an academic institution to help oversee and carry out the experiment and issuing a revised Environmental Assessment without the CSU components. On November 13, 2018, a U.S. District Court granted a preliminary injunction halting the project for the aforementioned reasons, and later that month the Interior Board of Land Appeals formally vacated the Decision Record authorizing the experiments. Indeed, in a positive turn of events, the BLM announced in February of 2019 that it planned to return some of the rounded-up horses to the range and administer scientifically-proven immunocontraceptive vaccines to stabilize population growth.

We ask that you shed light on the BLM's reversal and new decision to push forward with the ovariectomy project – after three failed attempts to undertake the surgical sterilization experiments – as well as the decision to forgo working closely with an academic institution for the purposes of conducting this type of research study. At what stage did the BLM decide that identifying an academic partner that would provide expertise in equine veterinary medicine and welfare was no longer necessary to the project?

It is especially perplexing that in the new 2019 EA, as well as in the 2018 revised EA, the BLM continues to rely on CSU's Institutional Animal Care and Use Committee (IACUC) approval as a justification for continuing the project, despite CSU's withdrawal. The IACUC's approval was premised on CSU's participation and ability to provide oversight; the proposed experiment fundamentally changed at the point where CSU removed itself (and its team of veterinary and behavioral experts) from the project – most notably, through the absence of the welfare observations, which formed a crux of the proposal published on June 29, 2018, but are no longer a component of the project the BLM is attempting to yet again undertake.

The BLM received thousands of comments in opposition to the experiment. However, the current and previous proposals do not appear to incorporate any substantive revisions based on public input. Again, we would ask that the agency refrain from implementing this controversial mass surgical sterilization project given the agency's statutory mandate to uphold the welfare of these animals and the serious constitutional concerns that have been raised.

The BLM is charged with protecting wild horses under the landmark 1971 Wild and Free-Roaming Horses and Burros Act.^[3] From a welfare perspective, the "spay" experiment raises serious concerns. Ovariectomy via colpotomy (where a rod and chain is inserted blindly in order to sever the ovaries) carries risks of infection, trauma, hemorrhage, evisceration, and even death. Indeed, part of the stated experimental goal is to quantify morbidity and mortality (the 2018 EA

also considered factors such as the incidence of aborted foals resulting from ovariectomizing pregnant mares). It seems that the agency understands the risky nature of the procedure but is nevertheless aiming to quantify precisely how dangerous it is using federally-protected animals. This is especially disconcerting given the BLM's pronouncement that no post-operative antibiotics will be administered and that no veterinary interventions will be undertaken for any recovering horses returned to the range. The risk of infection or other complications is exacerbated by the fact that, by the agency's own admission, the surgeries will be conducted in an operating space that "may not be entirely sterile".[4]

At an absolute minimum, independent veterinary and welfare oversight (not unlike what we presume the BLM was hoping to achieve through partnerships with CSU and, before that, OSU) is necessary if a project of this type is to move forward in any respect. From a broader perspective, we would urge the BLM to drop this controversial plan and instead actively pursue humane and scientifically-supported fertility control projects (e.g., the Porcine Zona Pullucida vaccine) that enjoy broad support among key stakeholders and the public at large and that pose fewer harms to the welfare of federally protected wild horses.

Thank you for your consideration.

Sincerely,



Earl Blumenauer
Member of Congress



Ro Khanna
Member of Congress



Andy Levin
Member of Congress



Ann McLane Kuster
Member of Congress

[1] *Ginger Kathrens, et al. v. Ryan Zinke, et al.*, Case No. 18-cv-1691.

[2] National Research Council. 2013. *Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/13511>.

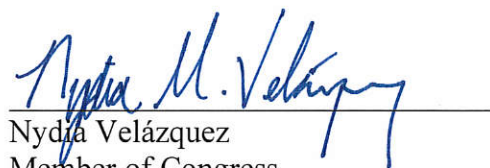
[3] The Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195). See "Section 1333. Powers and duties of the Secretary": "The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands ..."

[4] DOI-BLM-ORWA-B050-2019-0013-EA, "Spay Feasibility and On-Range Outcomes", Page 30.

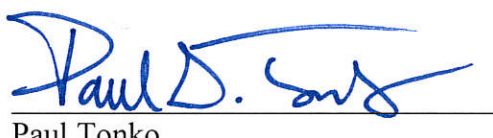

Brian K. Fitzpatrick
Member of Congress

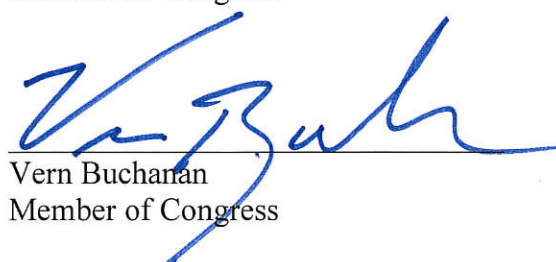

Lucille Roybal-Allard
Member of Congress

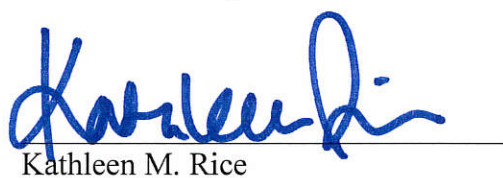

Steve Cohen
Member of Congress


Nydia Velázquez
Member of Congress


Jan Schakowsky
Member of Congress


Paul Tonko
Member of Congress


Vern Buchanan
Member of Congress


Kathleen M. Rice
Member of Congress


Bonnie Watson Coleman
Member of Congress

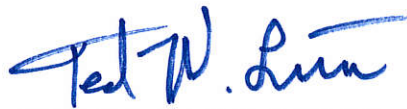

John Katko
Member of Congress


Dina Titus
Member of Congress

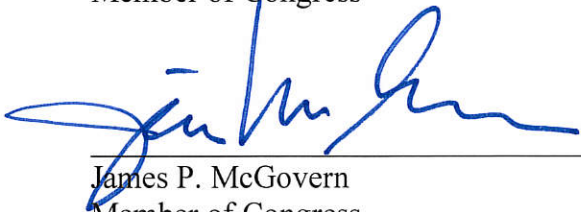

Barbara Lee
Member of Congress



John Yarmuth
Member of Congress



Ted Lieu
Member of Congress



James P. McGovern
Member of Congress



Mark DeSaulnier
Member of Congress



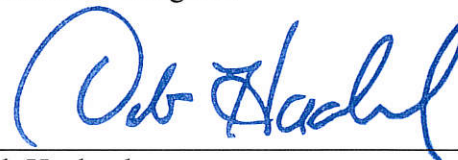
J. Luis Correa
Member of Congress



Katie Porter
Member of Congress



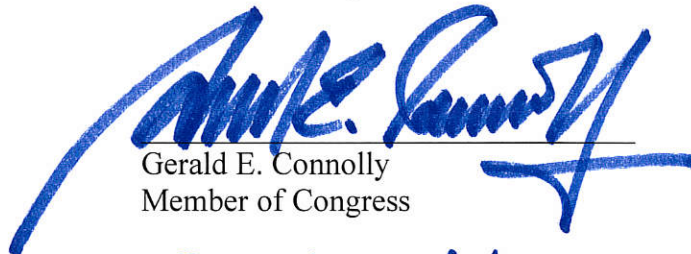
Donald S. Beyer
Member of Congress



Deb Haaland
Member of Congress



Julia Brownley
Member of Congress



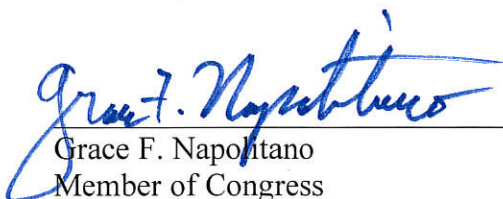
Gerald E. Connolly
Member of Congress



Joe Neguse
Member of Congress



Raúl M. Grijalva
Member of Congress



Grace F. Napolitano
Member of Congress



Matt Gaetz
Member of Congress

United States Senate

WASHINGTON, DC 20510

July 17, 2019

The Honorable David Bernhardt
Secretary, U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Bernhardt:

We are writing to express our concern with the Bureau of Land Management's current proposal to test a controversial surgical sterilization method known as "ovariectomy via colpotomy" on federally protected horses in the Warm Springs Herd Management Area (DOI-BLM-ORWA-B 050-2019-0013-EA).

The proposal, which was released earlier this summer, marks the agency's fourth attempt to proceed with these surgical sterilization experiments, despite two major academic institutions withdrawing their support from previous iterations of the project, significant public opposition to implementing this plan, and a federal court ruling enjoining the BLM from conducting the experiments.¹

The specific surgical procedure in question involves the manual insertion of a metal rod to blindly locate and sever the ovaries of wild mares. The surgeries – with as many as 25 being performed per day – would be performed at a holding facility and corral, which by the BLM's own admission may not provide aseptic operating conditions (thus further exacerbating the potential for complications to arise). Horses would remain conscious during the procedure and would receive minimal post-operative care.

In the National Academy of Sciences' "Using Science to Improve the BLM Wild Horse and Burro Program" – the comprehensive report on management strategies commissioned by the BLM – experts directly advised against employing the "ovariectomy via colpotomy" method. As the NAS noted, "the possibility that ovariectomy may be followed by prolonged bleeding or Peritoneal infection makes it inadvisable for field application." Indeed, numerous equine veterinarians have criticized the procedure given the risks of pain to the horses subjected to these ovariectomies, the need for lengthy and careful post-operative monitoring, the possibility of severing other organs due to the blind nature of the insertion, and the subsequent risks of infection, trauma, or death.

To this last point, the BLM's stated experimental goal is to quantify the rate of mortality and morbidity from conducting these surgeries on wild horses – an apparent recognition of the significant welfare risks to these federally protected animals. The 2018 iteration of the

¹ *Ginger Kathrens, et al. v. Ryan Zinke, et al.*, Case No. 18-cv-1691.

experiments – which a federal court blocked from proceeding – also sought to quantify the incidence of aborted foals after performing ovariectomies on pregnant mares.

From a broader perspective, the rather troubling and usual history of the ovariectomy experiments raises serious questions about the validity and merit of pursuing this project. Both Oregon State University and Colorado State University terminated partnerships with the BLM in helping to conduct and oversee the experiments, thereby removing any outside and independent veterinary oversight. A federal court ruled against the BLM in the 2018 proposal in part because of the lack of meaningful independent observation. Once OSU and CSU dropped out, rather than seek another research institution with experts in equine behavior and veterinary care, the BLM unilaterally decided to proceed alone, essentially asking the public to take the agency's word for it that it would provide an unbiased assessment of the outcome.

The BLM has received thousands of comments opposing the surgical sterilization experiments – many of which have called for the agency to implement fertility control options that enjoy broad support. As recently as February of 2019, the BLM announced that it would implement an immunocontraceptive vaccine program to manage the Warm Springs HMA horses – an encouraging development given the scientific consensus that such vaccines are safe, appropriate, and practical. We would ask the BLM to explain its decision to backtrack on this decision to implement a far more widely supported and humane fertility control strategy.

Wild horses are of course protected under the landmark Wild and Free-Roaming Horses and Burros Act and the BLM must take seriously its charge to protect these icons from “harassment or death.” That the agency would attempt to expend taxpayer dollars pushing through a highly controversial project that could result in injuries and infections to, or even the death of, horses under its authority may ultimately contravene its mandate under the law.

We urge the BLM to drop this controversial plan and instead actively pursue humane and scientifically-supported fertility control projects, such as the Porcine Zona Pellucida vaccine, that enjoy broad support and pose significantly less risk of harm to the welfare of federally protected wild horses. At a minimum, independent veterinary and welfare oversight is necessary if this project is to move forward.

Thank you for your prompt attention to this matter and we look forward to your response.

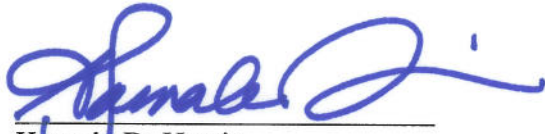
Sincerely,

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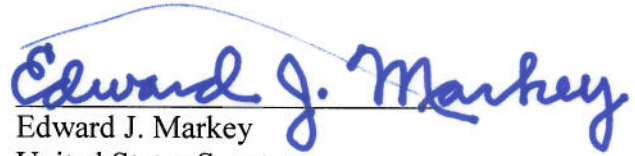
Cory A. Booker
United States Senator

A handwritten signature in blue ink, appearing to read "Tom Udall", with a long horizontal flourish extending to the right.

Tom Udall
United States Senator



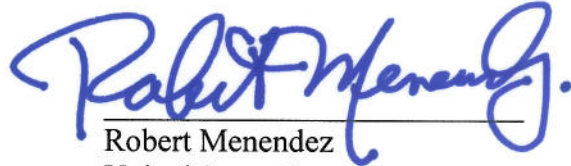
Kamala D. Harris
United States Senator



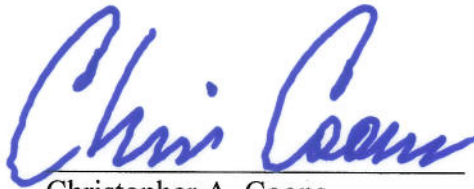
Edward J. Markey
United States Senator



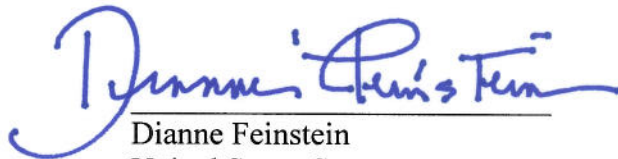
Richard Blumenthal
United States Senator



Robert Menendez
United States Senator



Christopher A. Coons
United States Senator



Dianne Feinstein
United States Senator