

COPY



March 11, 2011

Certificate Number: 73-C-0001
Customer: 3954

United States
Department of
Agriculture

(b)(6)

Animal and Plant
Health Inspection
Service

Carson & Barnes Circus
P.O. Box J
Hugo, OK 74743

Animal Care
Western Region

Dea (b)(6)

2150 Centre Ave.
Building B
Mail Stop # 3W11
Ft. Collins, CO 80526
Phone 970-494-7478
Fax 970/494-7461

Thank you for your faxes of March 9 and 10, 2011, inquiring about the possibility of placing 0.1 Asian elephant house name "Rosie" with (b)(6). I would also like to use this response as a jumping-off point to discuss tuberculosis control measures in the Carson & Barnes Circus herd as a whole.

Rosie is known to have been exposed to tuberculosis because she was housed with Joy, and she was reactive to the TB STAT-PAK test on her most recent sample. Testing requirements for an animal in this circumstance (a "Group 3" elephant, in the *Guidelines for the Control of Tuberculosis in Elephants*) consist of trunk wash cultures and TB STAT-PAK testing every three months for one year, beginning the day after the last exposure to Joy, then every six months for two years. If she tests reactive to the MAPIA test at some point in this testing regimen, her classification and testing requirements will change at that time. Moving Rosie to Maine will not change either her classification or her testing requirements.

Rosie is not restricted from travel due to her present classification. However, your plan to house her in Maine for a few years triggers other requirements under the Animal Welfare Act and regulations. Unless (b)(6) intends to become licensed by USDA, the Maine location will become a site under the Carson & Barnes Circus license. This entails a prearranged site visit by an inspector to approve your (b)(6) once it is completed, and all of the requirements for an elephant housing facility will apply. Do you plan to have a qualified elephant handler at your new site at all times necessary for working with Rosie? If not, is (b)(6) and if so, what is his experience? Also, would you be so kind as to inform us how Rosie injured her front leg, and what therapies are presently in place?

Animal Care has been informed that 0.1 elephant "Isla", recently found to be infected with tuberculosis, has been removed from contact with her herdmates and is housed separately at this time. This is an appropriate action. We would like to know if you have consulted with your attending veterinarian and have reached a decision about treating this animal. If your veterinarian has medical/technical questions, Dr. Denise Sofranko, Field Specialist for Elephants, can assist with answers and with referrals to experienced and qualified experts in tuberculosis and elephant medicine, including veterinarians who have successfully treated elephants infected with tuberculosis.

Once an infected animal like Isla has been found in a herd of this size, it is helpful to review the history of the groups in which she has been housed, in terms of identifying potentially exposed and therefore higher-risk animals. This information, in concert with a diagram or diagrams of the housing facilities, can form the first step in the formation of a herd tuberculosis control and eradication plan. Such a plan should lead to decisions about which animals should be housed and/or travel together, as well as an informed testing strategy. The



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latter should take into account animals both on the premise and on the road. This plan should be formulated by the licensee and attending veterinarian. We ask that you provide us with a copy of your plan if you have developed one, and again offer our assistance if needed with references and consultation with Dr. Sofranko. It is likely that TB STAT-PAK testing of some of your animals will need to be completed while they are in travel status. Please provide this office with an updated itinerary for your elephants, continue to do so throughout the season, and indicate the travel location and dates where you would like testing to be accomplished, so that Animal Care can schedule this activity accordingly.

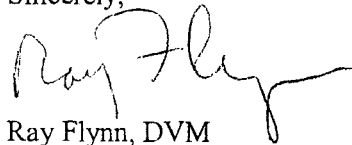
It is essential to the health of your animals and staff that the issue of potential transmission of tuberculosis from Isla to other animals by objects such as tools and the shoes of animal care personnel be addressed. This is accomplished by instituting strict biosecurity measures. Separate tools and equipment for Isla's housing area are needed. Larger pieces of equipment which must be used in all animal areas, such as Bobcats, should be disinfected after use in Isla's housing area. Limiting personnel who work with Isla and who also work with other animals to the minimum number possible is very important. Changes of outer clothing, including shoes, and carefully maintained footbaths between barns are strongly indicated. Persons working with Isla directly or in her housing structure should wear N95 or better respirators, and should themselves be tested for tuberculosis as advised by your attending veterinarian, local/county health officials, or a qualified medical doctor with knowledge of infectious diseases. We also recommend that the need for TB skin testing all of your employees and any handlers who work with your elephants be assessed in consultation with one or more of these resources/experts.

I hope that this information is useful in your formation of an approach to deal with this issue, and also hope that you are involving your veterinarian fully in developing your plans. If you feel that it would be helpful, we can schedule a conference call to discuss your circumstances and any questions in depth. Participants on the call might include your attending veterinarian; any and all Circus representatives you deem appropriate; Dr. Sofranko; Cathy Niebruegge, ACI, your USDA inspector; Ms. Niebruegge's supervisor, Dr. Sabala; and me. It might also be appropriate to include an epidemiologist. We would only ask that you provide us with a diagram of the facility with the housing areas for each of the elephants designated thereon, in advance of the call.

If you prefer, you may submit any questions about your circumstances or the requirements to this office in writing, and we will attempt to address them to the best of our ability. If you select the latter option, it would also be necessary to provide detailed facility maps or sketches along with your questions.

Please feel free to contact us at the address above, if we may be of any assistance.

Sincerely,



Ray Flynn, DVM
Assistant Regional Director
Western Region, Animal Care



PO BOX J
 HUGO, OK 74743
 P H #: 580.326.2233 FAX #: 580.326.7466

USDA
 2150 Centre Ave.
 Bldg. B, Mailstop 3W11
 Ft. Collins, CO 80526-8117

Att: Mr. Ray Flynn-

This letter is in regards to the Asian elephant Rosie. Rosie is the female elephant that was housed with Joy, the African elephant that died last winter from pneumonia. We are requesting that we be given permission to release Rosie from our immediate care to the care of

(b)(6) practice is:
 Camden Hospital for Animals
 PO Box 293
 Rockport, Maine 04856

(b)(6) graduated from Cornell University and has recently developed a water therapeutic treatment for animals. He feels that is new treatment could help Rosie's injured front leg. We are excited about this treatment and have great hopes that it would help relieve some of Rosie's pain.

Rosie would be scheduled to stay in Maine for a few years. If there was great improvement with her leg we would hope that her treatment could then continue.

(b)(6) would hope to have his facility completed in a few months and at that time we would like to then move Rosie to start her treatment. (b)(6) phone number is (b)(6) and he may be contacted directly if you have any further questions.

We are excited about this new possibility and look forward to a response from the USDA quickly so that arrangements can be made. If you would like to further discuss this you may call me at 580.326.2233 (b)(6)

I thank you for your time and attention in regards to this matter.

Sincerely,

[Redacted signature block]

MAR 9 2011

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#3954



ENDANGERED ARK

FOUNDATION

PO Box 306, Hugo, OK 74743
580/326-2233 / Fax: 580/326-9540

2150 Centre Ave, Building B
Mailstop # 3W11
Fort Collins, Co 80526-8117

To Whom It May Concern:

We here at the Endangered Ark Foundation have come to a difficult decision in regards to Joy, the African elephant that was donated to the EAF a few years back. We feel that it is in her best interest if she is moved to the Dallas Zoo, located at 650 South R. L. Thorton Freeway Dallas, TX 75203. The Dallas Zoo is scheduled to open its new "Ginats of the Savanna", a 10-acre exhibit, in 2010. We feel that it would be beneficial to Joy to be with other African elephants and that an elephant with such a sweet personality would be an asset for the zoo. Although we hate to see Joy leave our facility we feel at this time it would be the right thing, not only for the EAF but also for Joy. If for any reason in the future she would have to leave the Dallas Zoo, at that time she would be returned to the Endangered Ark Foundation. If you have any questions in regards to this matter please contact me at 580.326.2233.

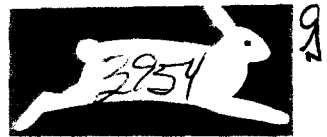
Sincerely,

(b)(6)

Barbara J Byrd
Chairman of the Board

SEP 21 2006

73(000)



PETA

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS

501 FRONT ST.
NORFOLK, VA 23510
757-622-PETA
757-622-0457 (FAX)

PETA.org
info@peta.org

June 12, 2007

Chester A. Gipson, Deputy Administrator
USDA, APHIS, AC
4700 River Rd., Unit 84
Riverdale, MD 20737-1234

1 page via fax: 301-734-4993

Dear Dr. Gipson:

It is our understanding that three elephants traveling with the Carson & Barnes Circus in Colorado were allegedly taken off the road and placed in quarantine by the USDA. We assume that this action was taken either because the elephants tested positive for *Mycobacterium tuberculosis* (TB) or because it was determined that they had been exposed to an infected elephant. **If this is indeed the case, we urge the USDA to quarantine all the elephants traveling with Carson & Barnes and to conduct an independent assessment of each elephant's TB status with all available methods, including the MAPIA test.**

As you know, the February 21, 2002, affidavit taken by the USDA from a PETA investigator working for Carson & Barnes (copy enclosed) documented the fact that the circus intentionally mislabeled trunk wash samples when elephants did not cooperate with the trunk wash procedure. In 2005, Carson & Barnes acquired a potentially infectious elephant named Joy from the Hawthorn Corporation. In a letter dated May 2004, the USDA stated that "the Hawthorn elephants present a very real risk of tubercular contagion to the national elephant herd and the general public." Furthermore, the USDA has cited Carson & Barnes for failure to have elephant attendants, handlers, and grooms tested for TB.

Thank you for your time and attention. May we please be advised of the USDA's actions in this matter? I can be reached at (b)(6)@peta.org.

Sincerely,

(b)(6)

Enclosure: Circus employee affidavit

cc: Robert Gibbens, Director, Western Region, USDA, APHIS, AC

JUN 18 2007



PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS
DEDICATED
TO PROTECTING
THE RIGHTS OF ALL ANIMALS

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