

Congress of the United States
Washington, DC 20515

November 19, 2020

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

Dear Secretary Bernhardt,

We are writing to express our concerns with the Bureau of Land Management's (BLM) latest plan to employ controversial surgical sterilization methods on federally protected horses in the Confusion Herd Management Area (HMA) in Utah (DOI-BLM-UT-W020-2018-015-EA). The Environmental Assessment (EA) for this HMA, which encompasses more than 235,000 acres and is home to approximately 551 wild horses, marks the agency's fifth attempt to ovariectomize wild horses despite significant opposition and concerns from federal lawmakers, the American public, veterinarians, and the National Academy of Sciences (NAS).

The primary surgical procedure in question – ovariectomy via colpotomy – involves the manual insertion of a metal rod to blindly locate and sever the ovaries of wild mares. In general, ovariectomies via colpotomy are infrequently performed on horses as the risks can be serious – e.g., evisceration, hemorrhaging, infection, and even death. Other forms of ovariectomy have been employed on domestic horses and may be safer under certain controlled conditions, but performing these often complicated and invasive procedures on ungentled, wild horses poses significant welfare risk. From a broader perspective, the BLM's insistence on ovariectomizing wild horses seems futile at best given that such surgeries cannot practicably or safely be widely implemented on the range in what would likely be non-sterile conditions.

As you are aware, two major academic institutions, Oregon State University and Colorado State University, withdrew their support from the BLM's prior efforts to assess the outcomes of performing ovariectomies on horses in the Warm Springs HMA in Oregon.¹ In November of 2018, a federal court enjoined the BLM from proceeding with its plan to ovariectomize mares, citing concerns about the lack of independent observation and the lack of inquiry into whether the sterilization procedure was “socially acceptable”, a factor the agency previously identified as integral to its efforts.²

In the NAS's “Using Science to Improve the BLM Wild Horse and Burro Program”, the comprehensive report on management strategies commissioned by the BLM, experts directly

¹ As the July 17, 2019 letter signed by eight Senators noted, “[T]he rather troubling and unusual history of the ovariectomy experiments raises serious questions about the validity and merit of pursuing this project... 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.”

² *Ginger Kathrens, et al. v. Ryan Zinke, et al.*, Case No. 18-cv-1691.

advised against employing ovariectomies. 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 colpotomy insertion, and the subsequent risks of infection, trauma, or death.³

With the proposed Warm Springs experiments, the BLM had sought 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. While the BLM previously deemed a research study essential to its efforts to employ ovariectomies more broadly (i.e., in order to gauge the safety, efficacy, and complications of a procedure that has never been studied on wild horses), the agency is evidently abandoning the experimental route altogether – without explanation – in order to integrate ovariectomies directly into its management plans.

As indicated above, we, along with many of our colleagues in both the House and Senate, previously weighed in on this issue, urging the BLM to abandon its plans to ovariectomize mares and instead pursue scientifically supported fertility control projects, namely the use of humane immunocontraceptive vaccines.⁴ Similarly, the Fiscal Year 2020 Senate Interior Appropriations report delineated that “any population growth suppression strategies” employed by the BLM “must be proven, safe, and humane” (S. Rept. 116-123). Ovariectomizing wild mares would almost certainly fail to meet that bar. For Fiscal Year 2021, the House of Representatives overwhelmingly passed an amendment to the appropriations package directing the BLM to spend a significant portion of its funding on the safe and proven Porcine Zona Pellucida (PZP) vaccine which has been used successfully for decades to manage herds, but which the BLM to date has not implemented widely.

With respect to the Confusion HMA management plan, the EA specifically notes that “as the surgery would be conducted at a private facility, public observation of the surgical procedure would not be allowed.” A federal court previously found that the BLM’s restrictions on public observation of the procedures likely violated the plaintiffs’ First Amendment rights. While the BLM evidently might grant one non-BLM affiliated veterinarian the opportunity to observe the ovariectomies, questions remain as to whether observations will actually be allowed and if so, how the single observer would be selected. As such, the BLM’s plan again impedes meaningful independent observation given that the BLM is unambiguously seeking to carry out surgical sterilizations away from public view.

The Confusion HMA management plan also appears to constitute a decision to proceed with this surgical procedure in disregard of the fact that the public, including many equine veterinarians, consider it to be inhumane. The BLM has received thousands of comments opposing the surgical sterilizations – many of which have called for the agency to implement fertility control options that enjoy broad support, such as PZP. Moreover, polling shows that an overwhelming majority

³ October 28, 2019 letter to the Department of Interior signed by eighty veterinarians, and November 13, 2019 letter signed by 27 veterinarians to the House and Senate Appropriations Committees.

⁴ June 21, 2019 letter to the Department of the Interior signed by thirty Representatives and July 17, 2019 letter signed by eight Senators.

of Americans, nearly eighty percent, oppose the use of ovariectomies to “manage” wild horses.⁵ In 2018, a federal court found that the BLM’s proposal to experiment on this procedure without any effort to consider whether it is “socially acceptable” was likely unlawful, given that the BLM previously stressed this was a critical inquiry. The BLM’s current plan again disregards this inquiry, claiming, without explanation, that the agency is not required to consider “social acceptability.”

Wild horses are protected under the landmark Wild 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 to push through highly controversial and unsafe surgeries 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 immunocontraceptive vaccines, which enjoy broad support and pose significantly less risk of harm to the welfare of federally protected wild horses.

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

Sincerely,



Dina Titus
Member of Congress



Cory A. Booker
United States Senator

s/ Donald S. Beyer Jr.
Member of Congress

s/ Earl Blumenauer
Member of Congress

s/ Thomas R. Carper
United States Senator

s/ Julia Brownley
Member of Congress

s/ Vern Buchanan
Member of Congress

s/ Christopher A. Coons
United States Senator

s/ David N. Cicilline
Member of Congress

s/ Steve Cohen
Member of Congress

s/ Dianne Feinstein
United States Senator

s/ Gerald E. Connolly
Member of Congress

s/ J. Luis Correa
Member of Congress

s/ Edward J. Markey
United States Senator

⁵ An October 2019 national survey conducted by The Harris Poll found that seventy-seven percent of Americans were opposed to the BLM’s proposed ovariectomy experiments. An October 2019 Public Policy Polling survey found that seventy-nine percent of Americans oppose the surgical sterilization of wild mares via procedures to remove their ovaries.

s/ Peter A. DeFazio
Member of Congress

s/ Ted Deutch
Member of Congress

s/ Robert Menendez
United States Senator

s/ Brian K. Fitzpatrick
Member of Congress

s/ Jesús G. "Chuy" García
Member of Congress

s/ Tom Udall
United States Senator

s/ Raúl M. Grijalva
Member of Congress

s/ Deb Haaland
Member of Congress

s/ Chris Van Hollen
United States Senator

s/ Alcee L. Hastings
Member of Congress

s/ Pramila Jayapal
Member of Congress

s/ Marcy Kaptur
Member of Congress

s/ John Katko
Member of Congress

s/ Ro Khanna
Member of Congress

s/ Peter T. King
Member of Congress

s/ Raja Krishnamoorthi
Member of Congress

s/ Ann McLane Kuster
Member of Congress

s/ James R. Langevin
Member of Congress

s/ Barbara Lee
Member of Congress

s/ Andy Levin
Member of Congress

s/ Ted W. Lieu
Member of Congress

s/ Alan Lowenthal
Member of Congress

s/ Carolyn B. Maloney
Member of Congress

s/ Sean Patrick Maloney
Member of Congress

s/ James P. McGovern
Member of Congress

s/ Grace Meng
Member of Congress

s/ Grace F. Napolitano
Member of Congress

s/ Joe Neguse
Member of Congress

s/ Eleanor Holmes Norton
Member of Congress

s/ Katie Porter
Member of Congress

s/ David E. Price
Member of Congress

s/ Mike Quigley
Member of Congress

s/ Jamie Raskin
Member of Congress

s/ Lucille Roybal-Allard
Member of Congress

s/ Jan Schakowsky
Member of Congress

s/ David Schweikert
Member of Congress

s/ Adam Smith
Member of Congress

s/ Thomas R. Suozzi
Member of Congress

s/ Norma J. Torres
Member of Congress

s/ Nydia M. Velázquez
Member of Congress

s/ Bonnie Watson Coleman
Member of Congress

s/ Susan Wild
Member of Congress

s/ Derek Kilmer
Member of Congress

s/ Catherine Cortez Masto
United States Senator