

# 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.<sup>1</sup>

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

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<sup>1</sup> *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



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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