



NONHUMAN RIGHTS PROJECT

July 24, 2024

USDA APHIS Animal Care
4700 River Road
Riverdale, MD 20737

RE: Animal Welfare Act Complaint on behalf of Happy, an elephant held captive by the Wildlife Conservation Society (21-C-0020), Bronx, NY

I am writing from the Nonhuman Rights Project on behalf of Happy, a 53-year-old Asian elephant who was captured in Thailand and brought to the United States in the 1970s. She has been held captive by the Wildlife Conservation Society at the Bronx Zoo since 1977 and has lived alone for the past 18 years. The Nonhuman Rights Project has been advocating to secure Happy's freedom since 2018.

As part of our advocacy for Happy, we regularly monitor her when the elephant exhibit is open to the public via the monorail the zoo operates. It is our understanding that Happy has not been outside in at least a week, likely longer. This is not normal behavior for Happy or any elephant. During previous years when the elephant exhibit was accessible to the public, Happy had been outside almost daily. We are greatly concerned about why Happy has been confined to the zoo's elephant barn and why she has not been seen outside in the exhibit's main one-acre yard. We fear that Happy is not going outside because: 1) she is physically unable to leave the barn, 2) she is under great psychological distress due to her prolonged isolation in an impoverished environment and is refusing to leave the barn, and/or 3) she is being denied access to the main yard.

Elephants are extremely cognitively and emotionally complex beings who have evolved to move—they are active more than 20 hours a day in the wild.¹ Based on scientific studies and observations it is well established that when elephants are forced to live in isolation and in small spaces, they often develop serious physical and emotional problems—including obesity, arthritis, osteoarthritis, osteomyelitis, depression, and reproductive and psychological disorders. Captive elephants suffer from neural deterioration, brain damage, and death of critical parts of their brain.² They often exhibit stereotypic behavior, such as rocking and swaying, which is a sign of brain damage and indicative of severe psychological distress. **Happy's confinement indoors for at least a week is deeply concerning and we fear that physical and psychological distress that she has suffered from for decades is now reaching a point of crisis.**

¹ Poole, Joyce et al. "Mind and Movement: Meeting the Interests of Elephants." (2009).

² Jacobs, Bob, Rally, Heather, Doyle, Catherine, O'Brien, Lester, Tennison, Mackenzie and Marino, Lori. "Putative neural consequences of captivity for elephants and cetaceans" *Reviews in the Neurosciences*, vol. 33, no. 4, 2022, pp. 439-465. <https://doi.org/10.1515/revneuro-2021-0100>.



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In addition to these concerns, conditions at the zoo are such that it is unable to provide Happy of the space and environment that an elephant needs. She spends several months a year in a barn, does not have space to escape the monorail which causes stress, and does not have the space or environment to engage in normal behavior. The AWA requires provision of sufficient space that enables adequate freedom of movement.³ Poor condition, debility, stress, and abnormal behavior patterns indicate that Happy is suffering from chronic lack of sufficient space.

We request that the United States Department of Agriculture immediately conduct a welfare check on Happy, investigate all non-compliances with the AWA, and take appropriate action including confiscation of Happy.

The Nonhuman Rights Project will help the USDA facilitate transfer to an accredited elephant sanctuary that can meet her needs.

Thank you for your prompt attention to this urgent matter.

Sincerely,

A handwritten signature in black ink that reads "Courtney Fern". The signature is written in a cursive, flowing style.

Courtney Fern
Director of Government Relations
Nonhuman Rights Project
cfern@nonhumanrights.org

³ 9 C.F.R. § 3.128.