



## PUBLIC WITNESS TESTIMONY

### House Appropriations Subcommittee on Interior, Environment, and Related Agencies Fiscal Year 2021

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**January 29, 2020**

Good morning Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee. My name is Katie Kraska and I am the Senior Manager of Federal Legislation for the American Society for the Prevention of Cruelty to Animals (ASPCA), a national non-profit organization dedicated to animal protection. I greatly appreciate this opportunity to testify before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies about the non-lethal and sustainable management of our nation's wild horses and burros under the care of the Bureau of Land Management, and am here to speak in support of a humane, new path forward for the Wild Horse and Burro Program (WHBP).

Founded in 1866, the ASPCA is the oldest animal welfare organization in North America and serves as the nation's leading voice for animals. From our very inception, when founder Henry Bergh fought to improve the treatment of carriage horses, we have worked to protect horses from cruelty as their roles have changed in society, from our primary form of transportation to revered athletes, work partners, and pets. In our early days, we focused on equine veterinary care, inventing the first operating table and ambulance for horses. More recently, in 2017, we established a dedicated Equine Welfare department working to increase support and opportunities to find homes for horses, improve safety net resources for horse owners in need, and increase legal protections and support for law enforcement to effectively respond to equine cruelty.

Wild horses and burros are a key segment of this population. These icons of the American West are among the few animals specifically protected under their own federal law, which was enacted in 1971. Critical to achieving our goal of good welfare for all equines is the permanent end of the slaughter of American horses, both domestic and wild. The American public overwhelmingly opposes this practice, which is unavoidably inhumane, creates huge and unnecessary challenges for rescue work, and instills fear in the equine community. Recognizing this, Congress has repeatedly passed measures through the appropriations process to prohibit the slaughter of horses on American soil. Wild horses and burros have been protected from lethal management since the late 1980's and there have been no horse slaughter facilities operating in the U.S. due to Congressional action since 2007. We greatly appreciate this subcommittee's inclusion of the prohibition against slaughter each year, and most recently, the extension of these protections to herds on U.S. Forest Service lands in the FY 2020 Interior Appropriations bill.

However, wild horses and burros need more than these protections to thrive for generations to come. They also need proactive, humane, sustainable management. And this is something that, overall, the BLM has failed to provide. As of March 1, 2019, the BLM estimates that there are 88,090 wild horses and burros on BLM public lands, and this figure increases by approximately 15%-20% per year. Though the ASPCA does not agree that 31.6 million acres of land allotted for wild horses and burros can only support 27,000 individuals, we know that achieving a

sustainable WHBP requires a stable population over time. Unfortunately, the current strategies implemented by the agency are not capable of achieving this goal and have instead led to exponential population growth. Rather than controlling population growth through humane fertility control vaccines, the BLM has focused almost exclusively on removing horses and burros from their home range and moving them into expensive, off-range holding facilities. This has resulted in a growing on-range population, as herd growth accelerates after removals,<sup>1</sup> and a growing off-range population, which is steadily devouring a larger and larger portion of the WHBP budget. Over time, the Program has dug a deeper and deeper hole, with a majority of BLM's programmatic funds being spent on off-range holding, rather than active on-range management.

Despite the negativity and polarization that has plagued this issue for decades, we want to focus on solutions. For the first time, and in large part due to this subcommittee's leadership, we have an opportunity to slowly but surely steer this program back onto a sustainable and humane course. Without a humane solution, lawmakers may resort, even if reluctantly, to inhumane proposals. That is why we developed a comprehensive, science driven, non-lethal management plan that will get the program on track within a decade. This is an incredibly polarizing topic that has vexed administration after administration, Congress after Congress. That is why it is a privilege to be able to thank the Chair, the Ranking Member, members of the subcommittee, and their staff for taking unprecedented action in the FY 2020 Interior Appropriations bill. Though we have only just begun the course correction of this program, it takes courage and expertise to recognize the need for action, and to direct BLM to make the necessary changes. For the first time in a long time, we are carving a humane path forward for these iconic animals, of which Americans can be proud.

The ASPCA, along with other humane groups, recognized that the BLM's Wild Horse and Burro Program not only needed an overhaul, but needed direction on how to accomplish it. Our goal was to shift the long-held reliance on round ups and removals to on-range management achieved via safe and humane fertility control, a move that will, if faithfully implemented, effectively end the costly off-range program and the need for large-scale removals. Decades of research has demonstrated that on-range management with fertility control is not only possible, it is the fiscally responsible choice. Making a major course correction will take time, and temporary measures like some targeted removals in highly impacted areas will be needed to enable fertility control tools to take effect. Our proposal contains four interdependent strategies that must be implemented simultaneously to have a meaningful effect: 1) immediate and robust application of proven safe and humane fertility control to manage the on-range population; 2) shifting horses currently in off-range BLM corrals to humane, cost-effective pasture facilities; 3) increasing wild horse and burro adoptions; and 4) removals of horses from densely populated herd management areas to reduce the population that must be managed on-range, the need for which will decrease over time as the program rebalances towards on-range management, with strict adherence to the BLM's Comprehensive Animal Welfare Program.<sup>2</sup> Our plan will not succeed if the agency fails

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<sup>1</sup> National Research Council. "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward." 2013. Washington, DC: The National Academies Press. <https://doi.org/10.17226/13511>.

<sup>2</sup> Bureau of Land Management, Comprehensive Animal Welfare Program for Wild Horse and Burro Gathers. IM 2015-151. Accessed July 12, 2019. <https://www.blm.gov/policy/im-2015-151>

to implement any single one of those strategies. The plan envisions that BLM will shift towards primarily using the fertility control strategy to sustainably manage the population in perpetuity.

Fertility control is a demonstrably effective strategy to manage wild equids. Starting in 1990, the GAO began urging BLM to implement fertility control for wild equids, which is less expensive than removing horses from the range and paying for lifetime care in off-range facilities. The efficacy of fertility control has been confirmed through multiple studies, agency reports, and congressional reports.<sup>3</sup> Despite the strong body of supportive evidence, in FY 2018, BLM administered only 702 fertility control treatments.<sup>4</sup> However, since we have come forward with this proposal, we have been encouraged by recent BLM statements that fertility control is a critical component of any successful program and that such a program is possible with additional funding. We are also encouraged to see the agency pursue research to find longer lasting vaccines, such as the oocyte growth factor vaccine study in Nevada.<sup>5</sup> We are cautiously optimistic that BLM is finally embracing the use of effective fertility control tools as the best way to manage wild equids.

Regardless of the efficacy of any fertility control tool, it cannot work if it is not used. In developing our plan, we worked with experts in the field—population ecologists, economists, and wildlife managers—to reach a better understanding of how much it will cost and how long it will take to achieve a program where the wild equid population is controlled almost exclusively through fertility control, removals are few and far between, and the number of horses and burros adopted out mirrors the small number removed from the range. These experts built a scientific model that has allowed us to understand what effect various management scenarios would have on the total population now and in the future. This is how we reached the tiers of our proposal, through scientific analysis and strict adherence to the parameters of what can happen in reality. The math is relatively simple. The BLM’s capacity to treat a number of animals in a given year is approximately 25,000, given that approximately 5,000 are reachable by ground darting and 20,000 can be gathered. Fertility control can only stabilize the population if the vast majority of the animals receive the vaccine – upwards of 80%. We are optimistic that this capacity can increase with additional contractors, and also about new exciting research that helicopter gathers may not be the only way to coax horses into corrals.<sup>6</sup> But it is critical to achieving a balanced population that the agency initiate an on-range focus now.

For the first time in the FY 2020 appropriations cycle, both the U.S. House and Senate Interior Appropriations bills included dedicated funding and clear language directing BLM to implement

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<sup>3</sup> See e.g. 1992-1995 BLM Report; 1998 FWS rule; 2003 BLM Report to Congress; 2006 U.S. House of Representatives Report urging BLM to move forward with fertility control, citing USGS study showing \$7.7m in savings; 2008 BLM Report to Congress confirming efficacy of fertility control and citing NPS successes; 2009 BLM instruction memorandum, “for each animal that would have been maintained at long term holding for the remainder of its life after capture, the total cost savings is about \$13,000”; 2011 BLM EA on McCullough Peaks herd stating that liquid PZP is 95% effective.

<sup>4</sup> “Program Data.” U.S. Department of the Interior, Bureau of Land Management. April 27, 2018. <https://www.blm.gov/programs/wild-horse-and-burro/about-the-program/program-data>

<sup>5</sup> Bureau of Land Management, Nevada State Office. 2020. “Oocyte Growth Factor Vaccine Study.” <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=1502949>

<sup>6</sup> McDonald, Sue & Torcivia, Catherine. 2020. “Preliminary Proof of the Concept of Wild (Feral) Horses Following Light Aircraft into a Trap.” *Animals*. (10)1.

a comprehensive, on-range management program that embraces the four principles of our proposal. It is also to our knowledge the first Congressional directive for the BLM to adhere to its Comprehensive Animal Welfare Program to ensure that horses and burros on and off range are handled humanely. The final bill allocated an additional \$21 million for a humane, sustainable management program that prioritizes effective implementation of fertility control. This was a truly bipartisan effort and we applaud the subcommittee's directive to BLM to ensure that effective and humane fertility control is adopted as the central pillar of its management program. We also support the subcommittee's commitment to keep a close eye on the agency's planning and implementation of this proposal through continued oversight. If BLM complies with Congress's requirements for a humane management program, we strongly urge the committee to continue to increase funding for BLM's Wild Horse and Burro Management Program in FY 2021. From a scientific perspective, the most cost-effective way to manage this program in perpetuity is to dedicate more funding up front. The faster we act, the easier it will be to rebalance the program. However, we understand that oversight and agency buy-in are critical to the lasting success of these efforts and appreciate the Committee's consideration of such factors. We look forward to seeing BLM's forthcoming report on how it intends to use the additional \$21 million in funds, which we hope will convey their clear commitment to our proposal.

Thank you for your work on this issue thus far, and for considering this testimony regarding funding and programmatic needs for the Wild Horse and Burro Program in FY 2021.