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before the  
**Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining**

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Good afternoon Chairman Lee, Ranking Member Wyden and other members of the subcommittee. My name is Nancy Perry and I am the Senior Vice President for Government Relations for the American Society for the Prevention of Cruelty to Animals (ASPCA), a national non-profit organization dedicated to the prevention of cruelty to animals throughout the United States. Thank you for inviting me here today to testify before the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining about the multi-tiered, non-lethal proposal we endorse for the management of wild horses and burros by the Bureau of Land Management (BLM).

Founded in 1866, the ASPCA is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. For over 150 years, our organization has been committed to equine welfare. We have fought to protect horses from cruelty and strived to find homes and provide safeguards for horses. In our early days, we focused on improving medical care for horses by inventing the first operating table and ambulance for horses. We provided water for working horses who served as the primary form of transportation until the 1930s. Most recently, in 2018, the ASPCA established its Equine Welfare Department with a goal of good welfare for all equines, achieved through three primary areas of focus: Increasing support and opportunities for horses to safely transition to new homes; improving and increasing safety net support; and increasing legal protections for equines and support for law enforcement in effectively responding to equine cruelty.

Over the past decade, we have pursued federal policies to prevent domestic and wild horses from going to slaughter. The ASPCA opposes the slaughter of domestic or wild horses for a host of reasons – it is cruel, unsafe, and absolutely unnecessary to send any horse to slaughter for human consumption. Repeated polling demonstrates that at least 80% of the American public opposes the practice. We do not raise horses as food animals and we do not consume horsemeat. The legal presence of a horse slaughter industry encourages cruelty and neglect and creates welfare problems as owners are so concerned about horses ending up in the slaughter pipeline that they have been afraid to sell horses when they needed to. Several predatory schemes have led to horses being stolen or fraudulently obtained and then funneled into the slaughter pens, to the great distress of the owners that loved them. Wild horses, in particular, are a focal point for Americans, as a symbol of our Western heritage and the subject of special federal protections. Acting on these concerns, Congress has repeatedly passed floor and committee votes against horse slaughter, preventing the use of tax dollars to prop up this stigmatized and inhumane industry via appropriations since 2007. We also worked in the field, following roundups and documenting humane concerns and then campaigning for changes in roundup procedures, holding facility care, and other aspects of the U.S. Bureau of Land Management's (BLM) program managing wild horses and burros. Over the last year, we successfully pressed the BLM to restore protections for wild horses and burros following a policy change that would have opened a pipeline to send our iconic herds to slaughter in Mexico and Canada. These efforts are all important for individual horses and burros but we have been watching a slowly building storm that we fear will overshadow all other concerns.

At the very center of our name and central to our mission is the concept of “prevention” and we have been raising alarms with the BLM, the general public, and the wild horse advocacy community that there has been an appalling lack of preventative management throughout the history of the wild horse and burro program – and especially in the last two decades. We fear that the failure to utilize workable, humane, and safe fertility control on free-roaming herds could lead to their demise. Rather than working to prevent the growth of the rangeland population, the agency has concentrated its finances and energy on removing horses and storing them in pastures and pens. This utterly unsustainable approach is not sensible, nor is it humane or protective. At some point, the pens will be full, and the free-roaming populations will grow beyond their boundaries. We can argue about what the right number of horses is for the land they inhabit, we can debate about which user has the greatest claim to these public lands, and we can endlessly search for and wait on some new invention that will resolve this fundamental problem, but none of those strategies actually helps shift this program away from a reactive and fundamentally flawed approach to what is an eminently solvable dilemma. We believe that without instituting a new non-lethal, on-range management strategy for the herds, we will simply be exacerbating the problems to the point where the protections we have worked to retain will be eroded and it will be all but impossible to protect the herds from all-out lethal management in some form. It is our deep commitment to protecting wild horses from the fate of slaughter that leads us to endorse the proposal I am here to discuss today.

## **BLM’s Wild Horse and Burro Program Today**

Wild horses and burros are unique as one of a handful of species specifically protected under federal law, similar to protections established for bald and golden eagles. As icons of the American West and an integral part of our cultural heritage, wild horses and burros have rightly been protected under the Wild Free-Roaming Horses and Burros Act of 1971 and allocated areas of federal lands to freely roam in perpetuity. While these legal protections remain a critical component of a sustainable wild horse program, the BLM has struggled to effectively manage and implement the Act. As populations have grown, there has been increasing polarization regarding how to manage wild horses and burros. Many of the groups involved with the wild horse management issue — including animal welfare groups, landowners, conservationists and cattle ranchers—have disagreed on how best to balance the agency’s mandate with their competing interests.

In the over 45 years since Congress charged the BLM with protecting our country’s wild horses and burros, Americans have witnessed the agency’s Wild Horse and Burro Program deteriorate into a continuous cycle of costly roundups and removals with little regard for the mandate specified in the Wild Free-Roaming Horses and Burros Act or on-range management of the herds. In fact, the BLM has removed almost 270,000 horses and burros since the inception of this program with little to show for their efforts.<sup>1</sup> The BLM currently dictates that the nationwide Appropriate Management Level (AML), the precise population number that the Agency hopes to maintain on the range, is 26,690 horses and burros. They now estimate, as of March 1, 2019, there were 88,090 horses and burros on Herd Management Areas (HMAs) in the West, with an estimated additional 48,375 as of May 2019, being

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<sup>1</sup> Total removals between 1971-2017 was 258,102, and total removed in 2018 was 11,472, so the total at the beginning of 2019 is 269,574. [https://www.blm.gov/sites/blm.gov/files/wildhorse\\_programdata\\_2018PLS\\_0.pdf](https://www.blm.gov/sites/blm.gov/files/wildhorse_programdata_2018PLS_0.pdf)

housed off-range in corrals and pasture facilities.<sup>2</sup> The off-range portion of the Wild Horse and Burro Program accounts for well over half of the Agency's programmatic budget, and that percentage continues to rise. In other words, on-range and off-range wild horse and burro populations are both increasing under the BLM's current management program.

Though the ASPCA does not agree that the 31.6 million acres allocated to wild horses and burros can only support 27,000 animals – 1,184 acres per animal – we do know that in order to have a sustainable management program for wild horses and burros as well as the other species that share the range, we must maintain populations at a consistent level over time. Wild horse and burro herds can grow at a rate ranging from 15%-20%, meaning that their populations can quadruple every decade. And though we are deeply troubled by the gradual reduction of habitat for wild horses and burros since the program was established – HMA's have been reduced by 41% since 1971 – we know that climate trends and urbanization are changing the Western landscape and that unchecked herd growth is not a win for anyone - especially the equines who call that land home.

## **A Change in Paradigm**

Recognizing that the BLM's Wild Horse and Burro Program is in dire need of an overhaul, the ASPCA joined other humane and wild horse advocacy groups in spearheading dialogue with a diverse group of stakeholders to determine if there would be enough overlapping interest in helping the BLM find a new way of managing these herds. A critical requirement for these conversations was that all parties agree to set aside our differences and set aside lethal management methods, such as selling wild horses and burros for slaughter and killing healthy wild horses and burros for population reduction. To our surprise, many organizations and industry leaders saw the utility of a cooperative approach and were willing to come together to identify potential non-lethal, effective courses of action. As a result of more than three years of conversation, study, debate, and collaboration, we have endorsed a non-lethal, humane, and sustainable approach to on-range management that would implement a sweeping fertility control program on the range and eventually release the BLM, the horses and burros we seek to protect, and millions of tax dollars from a continuous cycle of round-ups, removals, and long-term holding. We appreciate BLM's recent acknowledgement of the need for reform in the Wild Horse and Burro Program and are encouraged by their recognition of the need for long-term strategies for on-range management. The approach we have put forward will, within a few years, provide significant relief for the range and enable stakeholders to come together around a single, non-lethal, solution.

The primary goal is to shift the long-held reliance on round ups and removals to on range management achieved via safe and humane fertility control, effectively ending the costly off-range program. 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 targeted removals in highly impacted areas will be needed to enable fertility control tools to take effect.

It is important to note that the following proposal requires no additional authorizing measures to be implemented. If given the resources, the BLM could begin implementation of this plan immediately.

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<sup>2</sup> Bureau of Land Management, Program Data. Accessed July 12, 2019. <https://www.blm.gov/programs/wild-horse-and-burro/about-the-program/program-data>

The ASPCA therefore urges the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining to encourage the Agency to move forward with this proposal and generate oversight mechanisms to see that it is implemented swiftly and effectively.

#### A. Commitment to Non-lethal Management

Gridlock and hyperpolarization of the wild horse issue has revolved largely around one major disagreement - whether wild horses and burros should be killed or sold to slaughter for human consumption as a shortcut population control mechanism. The American public, and the majority of Congress, have made it abundantly clear time and time again that lethal management is not an acceptable option. For decades, Congress has confirmed its opposition to the lethal management of our nation's wild horses and burros; it did so again most recently in the FY2019 Consolidated Appropriations Act, the current funding vehicle for the Department of Interior, and most recently in the U.S. House of Representatives passed FY2020 Interior Appropriations bill.

All stakeholders who have agreed to this proposal have agreed to remove lethal management from consideration. For the sustainability of the strategy we endorse, it is critical for the agency to commit to non-lethal management rather than pressing to relax legal restrictions on sale to slaughter or mass killing of healthy horses. Quite the contrary, key stakeholders, including the ASPCA, would pull support for the proposal if the agency does not commit to a program that protects these iconic animals from slaughter. We urge the Committee to abandon such controversial, inhumane, and ineffective suggestions and instead focus on methods of management that we can all agree will bring long-term, sustainable results, just as all stakeholders endorsing this proposal have done.

#### B. The Stakeholder Proposal

The ASPCA envisions a day when wild horses and burros can be humanely managed exclusively on the range. We, along with the other humane and animal welfare groups supporting the proposal, have devoted a great deal of time and energy to making that possible by studying the population dynamics of various management options, exploring the greatest challenges for on-range management implementation, and have used this knowledge to provide an outline of the essential steps we believe must be taken, as a whole, in order for on-range management to become the norm so that we can protect wild horses and burros into the future. BLM has a variety of options at its disposal to follow that guidance. Effective, humane management will require a scientifically supported and multifaceted approach able to withstand the ebb and flow of political tides. That is why the recent endorsement of several industry and local stakeholders has offered a real hope for a lasting approach that will better protect these herds through the period of implementation. It is critical the following strategies be implemented simultaneously:

- **Robust fertility control program:** Comprehensive large-scale application of proven safe and humane population growth control strategies to help stabilize wild horse and burro populations on the range and achieve a better balance in herd numbers where necessary.
- **Strategic gathering:** Targeted gathers of horses and burros in locations with threatened and endangered species or densely populated Herd Management Areas to protect forage, range health and water supplies and enable effective non-lethal fertility control efforts.

- **Relocating horses and burros:** Move horses and burros lingering in corral facilities, and those taken off the range, to large cost-effective, humane pasture facilities that provide a free-roaming environment for wild horses and burros as lifetime sanctuaries.
- **Increased adoptions:** Support and promote the adoption of wild horses and burros into good homes to improve the lives of horses and burros in holding pastures, reduce the total cost of the program, and redirect funds to long-term strategies for the care and sustainability of horse and burro populations. Provide marketing, transport, handling and training that will dramatically improve the adoptability of rehomed horses and burros.

The four synergistic tiers of this approach – comprehensive fertility treatment at the outset, gathers and removals, public-private partnerships, and adoptions – are crucial to the ultimate success of this plan. Failure to effectively implement any part of this program jeopardizes the success of a holistic and sustainable wild horse and burro program. If employed correctly, this plan will result in a balanced and sustainable population over the next decade, significant cost savings for the American taxpayer in the long term, and a success story for an iconic species. It will completely shift the focus of the program away from roundups and removals and finally institute an effective and comprehensive on-range management approach, completely eliminating the placement of horses and burros in long-term holding in five years’ time, balancing annual removals - if needed - with annual adoption rates and enabling the phase out of long-term holding facilities.

#### *a. Fertility Control*

The Wild Free-Roaming Horses and Burros Act is clear that on-range management should be prioritized over roundup and removal as the primary method of wild horse and burro management. The only way to provide a safe future for wild horses and burros on the range is to implement an effective fertility control program. The stakeholder proposal we are jointly putting forward considers fertility control methods that are proven to be safe, humane, and effective.

Existing technologies, such as immunocontraceptive vaccines, fit squarely in this category. ZonaStat-H, a version of the Porcine Zona Pellucida (PZP) contraceptive vaccine that has been used for decades to manage horse and deer populations, is one example that is registered by EPA and commercially available. A 2013 National Academy of Sciences report noted the promising capabilities of this and other forms of chemical fertility control.<sup>3</sup> Yet in FY2018, the BLM administered a meager 702 fertility control treatments. Despite decades of urging from stakeholders and Congress, the BLM has failed to effectively implement any of the fertility control tools at its disposal. The ASPCA appreciates BLM’s recent public acknowledgements that fertility control methods must be a significant part of wild horse population management, but for it to work it must be effectively and robustly implemented.

According to PZP expert Dr. Allen Rutberg<sup>4</sup>, “[t]wo long-acting contraceptive vaccines are available now. Peer-reviewed scientific publications demonstrate that both PZP-22 and GonaCon can produce 5-7

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<sup>3</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>4</sup> Research Associate Professor, Department of Biomedical Sciences, Tufts-Cummings School of Veterinary Medicine and Director, Center for Animals and Public Policy

years of sharply reduced fertility in free-roaming wild horses with one initial treatment and a single booster two to three years later. We believe that efficacy of current forms of these vaccines has been adequately demonstrated, and they can and should be applied now on a large scale to manage BLM wild horse populations.” Longer-lasting vaccines like GonaCon and PZP-22 are ready for implementation and will further lower costs and stress on the herds by reducing the frequency of treatment.<sup>5</sup> Other fertility control technologies and longer-acting vaccines are in various stages of research currently, and will only help to enhance the available methods the BLM has at its disposal. As newer technologies and advancements become available and are shown to be safe and humane, there could be additional cost-savings and benefits. Transparency and public process will be critical to enable scientific and public input, ensuring that these tools are safe, humane, and not used overzealously.

To test the efficacy and feasibility of this approach, the ASPCA consulted population ecologists, economists, wildlife biologists, fertility control experts, and rangeland specialists to investigate population dynamics of various management strategies and how a nationwide fertility control program would work. We believe that a balanced wild horse and burro program is achievable in 5-6 years under certain conditions, if we start immediately and incorporate the tenants outlined above. Balance means that no more animals would be entering off range holding than could be adopted out in a given year. To be effective, treatment must be administered to a large percentage of the target herd and this is no easy feat in vast areas where horses are accustomed to evading capture. Thankfully, some herds are approachable on foot and therefore can be vaccinated from the ground or through methods that lure them into pens using food or water. This is already very effectively and efficiently done by a small army of volunteers and some BLM staff and we applaud those who are on the ground providing proof that this method is viable for some herds. Unfortunately, we estimate that a very small number of the overall population fit into this category.

To treat the remaining herds, wild horses or burros must be in close proximity for application of fertility control. For larger herds on some land, the only way to accomplish this is by moving horses into holding pens. These roundups can be stressful for many individuals in the herds so care must be taken by those who operate helicopters or other equipment used to pressure horses into pens. The ASPCA believes that it is vital that humane standards be emphasized and holds the BLM and its contractors accountable to its own Comprehensive Animal Welfare Program, which provides standards to ensure the safety of the herds during these gathers, transport, and handling.<sup>6</sup>

Each HMA is unique, and we do not advocate for a one size fits all approach to management in all areas. However, without fertility control, wild horses and burros will eventually reproduce unchecked, continuing the cycle of repeated removals in the same HMAs that has occurred over the last 40 years. Protecting these herds means having a safe, reliable, and effective way to balance their populations. Allowing the BLM to wait any longer to move forward with a comprehensive fertility control program will make that goal harder to achieve, more expensive, and be a disservice to the many animals who will be harmed by further delay.

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<sup>5</sup> Rutberg, Allen et al. "Contraceptive efficacy of priming and boosting doses of controlled-release PZP in wild horses," 2017. *Wildlife Research* 44(2), 174-181. <https://doi.org/10.1071/WR16123>; Baker, Dan L et al. "Reimmunization increases contraceptive effectiveness of gonadotropin-releasing hormone vaccine (GonaCon-Equine) in free-ranging horses (*Equus caballus*): Limitations and side effects." 2018. *PloS one* 13(7), e0201570. doi:10.1371/journal.pone.0201570

<sup>6</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>

### *b. Strategic, Targeted Removals*

Due to the current population on the range, the BLM will be increasing its gathers of wild horses and burros. If the Agency continues to remove horses without treating the mares left on the range, growth rates will actually increase.<sup>7</sup> The NAS advised against the Bureau of Land Management's current policy of conducting roundups and removals without fertility control. Our proposal mandates fertility control application alongside gather-removals, which is specifically what the NAS identified as effective.

Even if the BLM's published population figures are imprecise, removals coupled with fertility control are still necessary in the short term. Population size is a key aspect of how field managers execute effective fertility control programs. BLM estimates that the population of horses and burros on the range is more than 88,000 and the entire population grows by 15-20% each year. It is necessary to treat 80-90% of the horses with some form of fertility control to achieve balance and manage population growth. Using BLM's figures, managers must be able to get close to approximately 70,400 animals to balance the current population, a number well beyond the agency's current physical capacity in a given year.

Dr. Allen Rutberg, one of the nation's leading experts agrees that fertility control cannot be effectively instituted without a short-term period of removals. Due to the current wild horse and burro population size on the range, it is most sensible for BLM's planned gathers and removals to target intensely affected herd areas. According to our modeling and under current conditions utilizing ZonaStat-H as the sole form of fertility control, this is required for the first 5-6 years of this proposal. Therefore, moving horses into low-cost lifelong pasture facilities will be necessary on the front end of the program as a stop gap measure in order to allow on-range techniques to work. As fertility control treatments take effect and population growth slows, the number of removals necessary will taper off and ultimately balance with the numbers of animals who can be safely rehomed or, potentially, removals will cease altogether.

### *c. Public-Private Partnerships for Cost Effective Pasture*

While the ultimate goal of this proposal is to humanely phase out the long-term off-range holding of horses in exchange for real on-range non-lethal management, we are years from achieving that goal. To accommodate the horses and burros being removed from the range as well as those currently living in corral facilities, we propose that the BLM issue a Request for Proposal (RFP) for organizations and entities throughout the United States that can provide more cost-effective humane, long-term, off-range pasture for the wild horses or burros coming off the range. The BLM would retain ownership of and be accountable for ensuring protection of the animals removed from the range, as well as enforcing consequences for non-compliance, and the animals' federally-protected status will be maintained. Some groups stand at the ready to become stewards of off-range herds, and the animals in their care would remain titled with the BLM and continue to enjoy federal protections. We believe more may emerge, once they feel confident that they would not be connected to a lethal program. The need for off-range holding will decrease over time as fertility control takes effect, removals are reduced, and adoptions are increased. All facilities involved in the program will contractually agree they will not destroy healthy, unadopted, wild horses and burros or allow sales of wild horses and burros in a way that results in their destruction for processing into commercial products or any other reasons.

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<sup>7</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>.

#### *d. Increasing Adoptions*

Acknowledging that adoption cannot be the sole management strategy for this program, it is vital to inspire and promote more adoptions for those horses who can enjoy a good quality of life in a domestic setting. It will also reduce cost to the taxpayer and elevate the program in the eyes of the public. We know that more homes exist for these horses. In 2017, Edge Research identified 2.3 million adults who have both the resources and the desire to adopt a horse right now. In 2018, the BLM placed 4,609 horses and burros into safe, private care through sales and adoptions. This year they are on track to surpass that number having already placed 4,223 equines into homes. Many of the current Trainer Incentive Program (TIP) trainers can train and place even more horses if resources were made available to them. Further, there is encouraging evidence that the BLM's adoptions each year could increase significantly with our groups' support. As an example, the ASPCA's adoption program, Help a Horse Home, that challenges shelters and rescues across the country to increase their adoptions, this year engaged several groups that adopt BLM equines. These groups took advantage of our tools and support and increased their adoption capacity. Matchmaking horses with adopters is a key strategy that will help increase these numbers, and this is an area where humane organizations have a wealth of background and knowledge to share. TIP trainers are already proving the dramatic impact training can have for increasing adoptions, and with added support and promotions, those numbers can grow. In addition, programs exist where wild horse and burros support people with mental and physical challenges, our nation's veterans, and 4-H youth, and these programs can be vastly expanded. Increasing the number of horses going to good homes would be a move in a positive direction and will help shift funds to other important aspects of wild horse and burro care, including the on-range fertility control work that is key for long-term success.

#### **Cost in the Long and Short Term**

Any pathway forward for the BLM's Wild Horse and Burro Program is going to require an influx of funds – indeed, continuing the status quo is a particularly costly decision. Without an intervention, the percentage of BLM's budget devoted to off range populations will continue to rise, as would the population on the range. The proposal we support would require an upfront investment in the short term, but over the long term it would generate considerable cost savings for the federal government. For implementation of a management strategy like ours, our coalition has suggested a \$50 million increase in funding to the Wild Horse and Burro Program in Fiscal Year 2020. Similar additional funding must be sustained over time and would likely need to increase in subsequent years. However, as more efficient and long-lasting fertility tools become more widely available, managers would need to have contact with herds less often and the cost of management per animal would decrease over time. Indeed, the proposal we have put forward would not only put the program back on a sustainable track for the population, but also for BLM's programmatic budget. In fact, by the tenth year of its implementation, our plan will cost less than the projected cost of BLM's status quo management methods in the same year. And the humane management plan has the added bonus that wild horse and burro populations on-range will remain at a constant level, rather than growing exponentially under the BLM's current methods. Costs from the point will decline and rebalance as the BLM shifts to a more sustainable approach.

## **Time and Agency Action**

The Wild Horse and Burro Program is at a crossroads. This is a significant moment in history for our wild herds. As noted previously, we cannot expect any strategy to solve the wild horse and burro management challenge overnight. But each year that passes without implementation means an escalation in time and resources required to make this change. It is absolutely critical that the gears start turning now. If they do not, we will be further and further away from our goal with each passing year of uncertainty and inaction. This proposal represents a bipartisan, multi-stakeholder, widely supported approach to humanely and non-lethally managing wild horses and burros to protect them from the very real threat of lethal approaches. It is not the fault of these horses and burros that they are in the predicament they find themselves today and they should not be punished for being in this completely avoidable situation. For the first time ever, a group of stakeholders traditionally sitting on opposing sides of the wild horse and burro management issue have found enough common ground to move forward on a humane, non-lethal, sustainable, and effective proposal, creating a rare opportunity to break the gridlock and move towards a brighter future for America's iconic herds. The proposal that we have laid out, and the support for it garnered from all corners of those with a stake in this issue, demonstrates the ability of a non-lethal, sustainable, humane management plan to become the status quo.

## **Appendix**

See *The Path Forward for Management of BLM's Wild Horses and Burros*.