ANIMALFOLKS

June 10, 2018

Prosecuting Attorney Gregory F. Donahue
City of Alexandria
710 Broadway
Alexandria, Minnesota 56308

Cc: Police Chief Rick Wyffels
Detective Jay Halverson #107
Alexandria Police Department
501 3rd Avenue West
Alexandria, MN 56308

RE: Dismissal of charges against Bio Company (DBA Bio Corporation), Case No. 21-CR-17-2412

Mr. Donahue:

I am writing in regard to the animal cruelty case cited above. We understand the 25 counts of animal cruelty against Bio Company were dismissed. At the time of dismissal, you indicated there was "new" evidence, which led to this decision. We requested this evidence, along with other case data.

In the data mailed to us, a letter from Dr. Carol Cardona, a veterinarian with the University of Minnesota, was included. This letter that had been submitted to Mr. Bill Wadd, associated with the Bio Company. We assume this is the new evidence you referenced.

We sent this letter to Dr. Brian L. Speers, who specializes in birds and is highly respected in the field of avian health, and asked for his opinion. Dr. Speers disagreed with the statements made by Dr. Cardona. Further, four other veterinarians (Dr. Susan A. Brown, Dr. M. Scott Echols, Dr. Michelle G. Hawkins, and Dr. Joanne Paul-Murphy), all avian experts, agreed with Dr. Speers' assessment and co-signed the letter. We have attached this letter for your review.

We also showed Dr. Cardona's letter to Julie Ponder, DVM MPH, who is an Assistant Professor at the College of Veterinary Population Medicine/College of Veterinary Medicine/University of Minnesota and the Executive Director of The Raptor Center at the College of Veterinary Medicine (MN). Dr. Ponder's expertise is in Avian Medicine and Surgery and Wildlife Health. Dr. Ponder also disagrees with the opinions made by Dr. Cardona. Dr. Ponder said she is available to speak with you about this issue, if needed.

Animal Folks' concerns with Dr. Cardona's statements and the dismissal:

1. **Incorrect understanding of pigeon anatomy and suffering.**
   All veterinarians we spoke with, each of whom are leading authorities in avian health, disagreed with Dr. Cardona's opinions and her description of pigeon anatomy and bird suffering. **Please see the attached letter.**

2. **Euthanasia guidelines.**
   Of critical importance to this case are also the methods used by the company to kill animals, and if these methods are considered ethically and morally sound. The AVMA provides euthanasia guidelines. These guidelines clearly state that drowning, of any animal, is not acceptable. Further, it is not "justifiable" to drown pigeons (Minn. Stat. sec. 343.20 subd. 3), when these guidelines provide clear direction and alternatives. **Please see the attached guidelines.**

3. **Pest control.**
   Dr. Cardona states "What you do at the Bio Corporation should be considered pest control." While some individuals or businesses choose to define some animals as pests, pigeons, like all animals, are sentient beings who can feel pain and suffer. Whether an animal is or is not a pest is irrelevant; the killing methods employed by Bio Corporation should not create pain and suffering for the animals.

4. **Industry standards.**
   Dr. Cardona stated "the practice of drowning pigeons is consistent with what the industry standard is." Any policy or practice of a commercial enterprise or industry must comply with Minnesota statutes pertaining to the humane treatment of animals. Chapter 343.20 subd. 3 defines cruelty as "every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death." 'Industry standards' do not overrule Chapter 343; in fact, Minnesota anti-cruelty statutes are established to protect animals and hold individuals and businesses accountable for their actions.

5. **Cruelty – veterinarian role**
   Dr. Cardona concludes in the letter "In light of this [referencing her prior opinions], I don't think that this form of inducing death should be classified as animal cruelty." It is the role of the veterinarian to offer a medical determination of the animal's health and well-being or, in this case, a correct explanation of the animal's anatomy and capability to feel pain and suffer. It is not the veterinarian's role to determine what is and isn't animal cruelty; that is for a judge or jury to decide. Dr. Cardona's medical determination is inaccurate, and must be corrected.

REQUEST

Animal cruelty cases can be complex due to the various species involved and the expertise needed in animal anatomy and health to understand each species.

Inaccurate information has been presented and promoted about pigeons, suffering, and Minnesota law.

If it is true that Dr. Cardona's statements contributed to the dismissal of the 25 counts of animal cruelty against Bio Company, we ask that you reassess the decisions made by your office based on Dr. Cardona's letter.

Further, we are concerned that the press release from Bio Company (based on Dr. Cardona's letter and the dismissal of charges) provided misleading information to the public, the industry, and other prosecutors. An acknowledgement by your office that the information provided by Dr. Cardona is in error is necessary, not only for this case but to correct the record should any future criminal cases involving birds in Minnesota be pursued.

If we can assist you with any further experts in animal health or animal law or data on this subject, please contact me.

Regards,

Ann Olson
On behalf of Animal Folks
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Attachments: 2