



VIA: USPS Certified Mail
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May 21, 2012

Tan Wan'geng, President
China Southern Airlines Co., Ltd.
6300 Wilshire Blvd., Suite 101
Los Angeles, CA 90048

SETTLEMENT AGREEMENT

Dear Sir or Madam:

Why You Are Receiving This Letter

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described in the attached Settlement Agreement. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$3,750, or other sanctions, for each violation described in this Settlement Agreement. We are offering you the opportunity to resolve this matter by paying an amount that is much lower than the maximum civil penalty.

What You Need To Do Immediately

You should review the information in this Settlement Agreement, including the citation and notification of penalty.

- If you agree to waive your right to a hearing and pay the penalty, then do the following:
 - Pay the amount due, \$14,438, by **July 5, 2012**. You can pay by check, money order, or credit card. For your convenience, we have included additional instructions for making payments.



- If you are unable to pay the full amount due by **July 5, 2012**, you may be eligible for a payment plan. To request a payment plan, you must use the enclosed form to submit a written response to this letter by **July 5, 2012**, that indicates you wish to pay the penalty and waive your right to a hearing. You must also submit a copy of your most recent federal tax return. As part of your response, please include a phone number and an email address so that we may contact you.
- If you do not agree with the terms of this Settlement Agreement, submit a written request for a hearing, with your Reference Number, to our office by **July 5, 2012**, at 4700 River Rd., Unit 85, Riverdale, MD, 20737.

If We Do Not Hear From You

If we do not receive a payment or hearing request from you by **July 5, 2012**, we will forward this matter to our Office of the General Counsel for litigation.

What To Do If You Need Help

If you have any questions concerning this letter, contact Jennifer Jones at (301) 851-2780, or call our main office at (301) 851-2948.

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Violation: February 8-10, 2008

9 C.F.R. § 2.25(a) Registration requirements and procedures.

Each carrier subject to the AWA regulations must have a valid registration.

China Southern Airlines Co., Ltd. (CSA) transported nonhuman primates in commerce without a valid registration (Air Waybill 784-10556895).

Date of Violation: February 8-10, 2008

9 C.F.R. § 3.86(c) Consignments to carriers and intermediate handlers.

Carriers must not accept nonhuman primates for transport in commerce unless the consignor certified in writing that the nonhuman primate was offered food and water during the four hours before delivery to the carrier. The certification must include specific instructions for the next feeding(s) and watering(s) for a 24-hour period and be securely attached to the enclosure.



CSA transported nonhuman primates without certification that the animals were offered food and water at least four hours prior to acceptance and without specific instructions for feeding and watering attached to the outside of the enclosure (Air Waybill 784-1055-6895).

Date of Violation: February 8-10, 2008

9 C.F.R. § 3.87(a) Primary enclosures used to transport nonhuman primates.

Primary enclosures used to transport nonhuman primates must be constructed so that the nonhuman primates are securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to the animal or to persons or animals nearby.

CSA transported nonhuman primates in enclosures that had torn mesh over the ventilation holes, allowing the nonhuman primates to place their arms through the holes. (Air Waybill 784-10556895).

Date of Violation: February 8-10, 2008

9 C.F.R. § 3.87(c) Ventilation.

Ventilation openings located on two opposite walls must be at least 16 percent of the total surface area of each wall and be located above the midline of the enclosure. Unless the primary enclosure is permanently affixed to the conveyance, projecting rims or similar devices must be located on the exterior of each enclosure wall to prevent obstruction of the openings.

CSA transported nonhuman primates in enclosures with ventilation holes that fell below the midline of the enclosure, and in non-permanently affixed enclosures without projecting rims or similar devices to prevent ventilation obstructions (Air Waybill 784-10556895).

Date of Violation: February 8-10, 2008

9 C.F.R. § 3.87(d)(2) Compatibility.

Nonhuman primates of different species must not be transported in adjacent or connecting primary enclosures.

CSA transported three species of nonhuman primates in adjacent primary enclosures (Air Waybill 784-1055-6895).

Date of Violation: February 8-10, 2008

9 C.F.R. § 3.89(a) Food and water requirements.

Nonhuman primates must be offered food at least once every 24 hours and water at



least once every 12 hours.

CSA transported nonhuman primates without providing food and water as required by the AWA regulations. Seventeen nonhuman primates in the shipment died or were subsequently euthanized from starvation and dehydration. Veterinarians treated the remaining nonhuman primates found emaciated and dehydrated (Air Waybill 784-1055-6895).

Date of Violation: February 8-10, 2008

9 C.F.R. § 3.89(c) Food and water requirements.

Food and water receptacles must be securely attached inside the primary enclosure and placed so that the receptacles can be filled from outside of the enclosure without opening the door.

CSA transported nonhuman primates in enclosures with food and water receptacles that could not be filled without opening the enclosures and exposing handlers to the animals (Air Waybill 784-10556895).

Date of Violation: February 8-10, 2008

9 C.F.R. § 3.90(b) Care in transit.

It is the responsibility of the carrier to observe nonhuman primates as frequently as circumstances allow, but not less than once every 4 hours if the animal cargo area is accessible during flight. If the cargo area is not accessible during flight, the carrier must observe the nonhuman primates whenever they are loaded and unloaded and whenever the animal cargo space is otherwise accessible. The carrier must determine whether any of the nonhuman primates is in obvious physical distress, and arrange for any needed veterinary care.

CSA failed to observe nonhuman primates to determine if they were in physical distress or in need of veterinary care. CSA transported ill, injured, or dead nonhuman primates from Los Angeles, California to Quanzhou, China and back. Seventeen nonhuman primates in the shipment died or were subsequently euthanized. Veterinarians treated the remaining nonhuman primates found emaciated and dehydrated (Air Waybill 784-10556895).