



October 13, 2011

David Kimmel  
President and Chief Operating Officer  
Georgia Aquarium

**Via e-mail: [dkimmel@georgiaaquarium.org](mailto:dkimmel@georgiaaquarium.org)**

Dear Mr. Kimmel:

I am writing on behalf of PETA to respectfully request that the Georgia Aquarium immediately cease causing the unjustifiable suffering of the beluga whales, whale sharks, Asian small-clawed otters, and other marine and land animals by subjecting them to noise so excessive and distressing that—according to three aquarium workers—it causes many of the animals to fight, a violation of Georgia's cruelty-to-animals law, GA. CODE ANN. § 16-12-4(b).

On Friday, October 7, 2011, I attended the Georgia Aquarium party to celebrate the start of Atlanta Pride. PETA was among the sponsors of the festival in Piedmont Park, and although I do not patronize aquariums, I was curious about this event when I learned that loud dance music would be featured, given the ultra-sensitive hearing of the beluga whales held captive in the tanks adjacent to the dance floors. Music was played by DJs in both the Oceans Ballroom and the lobby at volumes so high that it was audible even *outside* the building. Despite the aquarium policy that dictates a maximum decibel level permitted for such music, the volume was such that it was impossible for guests to easily communicate with each other and employees without shouting. I spoke with different guides stationed throughout the aquarium, all of whom stated that the music bothered the animals at each exhibit, often causing the animals to attack one another.

Under Georgia's cruelty-to-animals law, it is a misdemeanor for a person to cause "unjustifiable physical pain or suffering to any animal by an act, an omission, or willful neglect." GA. CODE ANN. § 16-12-4(b). A first violation of this section is punishable by a fine of up to \$1,000, imprisonment for up to one year, or both. *Id.* § 17-10-3(a)(1).

As you must know, the four beluga whales at the Georgia Aquarium—Grayson, Qinu, Maris, and Beethoven—are particularly susceptible to debilitating stress, anxiety, and suffering from excessive noise. Belugas are very social beings who, in nature, gather in large pods of 100 or more. They are Arctic animals who travel thousands of miles each year in the wild, guided by an intricate sonar system centered in what looks like a bump on their forehead. They make high-pitched squeaks and whistles that bounce off their surroundings in the wide open ocean to help them migrate, forage, breed, and socialize.

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This sonar system, which combines all their key senses, is thwarted in the relatively tiny aquarium tanks. Loud parties with thumping music at the aquarium have further devastated the lives and psyches of these uniquely gifted animals. In nature, belugas have been shown to display "strong avoidance reactions" to the sounds of approaching ships 20 to 30 miles away, including separating from their pods and large groups, asynchronously diving in a frantic attempt to escape the noise. *See* Convention on the Conservation of Migratory Species of Wild Animals, *Delphinapterus leucas*, [http://www.cms.int/reports/small\\_cetaceans/data/D\\_leucas/d\\_leucas.htm](http://www.cms.int/reports/small_cetaceans/data/D_leucas/d_leucas.htm). In recognition of this acute sensitivity to excessive noise, it has been reported that the aquarium shipped the belugas to different facilities during construction of the dolphin exhibit.

Yet in three independent conversations with aquarium tour guides at different exhibits, each noted that the animals were distressed during this and many previous events held at the aquarium featuring music. At the beluga exhibit, where a beluga who was identified as Beethoven was squirming, twisting, and angrily snapping at a seal, I questioned a guide whose nametag read "Judy" about whether the music bothered Beethoven and the others because they communicate by sonar. "Well, yes, it does bother them, especially the males," she said candidly. "When the music gets loud, they tend to attack the harbor seals." At the whale-shark exhibit, the guide named "Lisa" responded similarly: "It does bother them, especially the males, and it bothers me. It's not supposed to go above a certain decibel, but who knows." In the Amazon River exhibit, where Asian small-clawed otters were cowering together on a platform under a bright light, the guide whose nametag read "David" said, "Sometimes they don't like the music. It makes them get to fighting." He made it clear that this event was not the first to cause the animals to suffer from excessive noise, stating, "This summer, we had Jazz Fridays, and I can't say the animals were fans. When it got loud, they got to fighting."

Despite actual knowledge that music and other noises at this volume are profoundly distressing to, at the very least, the belugas and the animals they attack when this stress and frustration manifests itself as aggression, even from sources as far as 30 miles away, and an alleged policy requiring the volume of music played to remain below a specified decibel level, the aquarium continues to willfully subject the animals in its care to excessive noise during planned events.

In light of the unjustifiable suffering caused to these animals, we urge the Georgia Aquarium to adopt a strict policy to prohibit all but soft ambient or classical music without percussion at the facility and ensure that the volume of that music does not reach a level capable of causing distress or suffering to any of the animals in its care (i.e., no dance music, jazz, rock, or other beat-driven loud music during parties). We also urge the aquarium to adopt mandatory reporting procedures and remedial measures for employees to follow when it is evident to them—as it was to all three tour guides last week—that such a level has been reached.

I look forward to your response to these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Mathews", with a long horizontal flourish extending to the right.

Dan Mathews  
Senior Vice President  
PETA