

April 5, 2018

Major Rob Beaton
Division of Law Enforcement
Florida Fish and Wildlife Conservation Commission

Via e-mail: rob.beaton@myfwc.com

Re: Amending the Captive Wildlife Regulations Pertaining to Elephant Rides

Dear Major Beaton,

I am writing on behalf of PETA and its more than 6.5 million members and supporters worldwide—including over 311,000 in Florida—to encourage the Florida Fish and Wildlife Conservation Commission (FWC) to protect animal welfare and public safety by eliminating its antiquated rule authorizing elephant rides (hereinafter "Elephant Ride Rule"). I am unable to attend the public meeting today, *see* 44 Fla. Admin. Reg. 991 (Mar. 2, 2018), and ask that you consider these brief written comments.

In 2013, a woman who tried to get a selfie with a 13,000-pound elephant named Rajah at Two Tails Ranch in Williston nearly died when the elephant crushed her against the bars of the enclosure. She spent months in the hospital recovering from a collapsed lung, liver and kidney lacerations, damage to her spleen (which had to be removed), broken ribs, a broken wrist, and several large degloving wounds.

Rajah's story isn't unique. [Dangerous interactions](#) with captive elephants have resulted in dozens of [human deaths](#) and catastrophic injuries. An elephant named Carol [crushed](#) a trainer to death in Fort Lauderdale—an eyewitness stated that the elephant "had him going like a rag doll"—yet Carol is used for rides to this day. In Palm Bay, an elephant named Janet Kelly went on a [rampage](#) while carrying children on her back. She injured 12 people and threw a police officer to the ground before the officer was forced to shoot and kill her. Afterwards, he [called for](#) Florida to ban elephant rides.

Modern elephant facilities recognize that as highly intelligent, multiton wild animals, elephants pose a grave risk to public safety when placed in close contact with humans. That's why it's been years since any zoo accredited by the Association of Zoos & Aquariums (AZA) has offered elephant rides. Indeed, the AZA generally prohibits keepers (and therefore the public) from interacting with elephants except through a protective barrier. Likewise, the Occupational Safety and Health Administration has [found](#) that sharing space with elephants is "likely to cause death or serious physical harm to employees" in violation of federal worker safety law.

The fact that special authorization is required for rides fails to protect public safety. The Elephant Ride Rule relies on self-reporting of dangerous incidents by exhibitors who have a vested interest in continuing to earn money from the rides. For example, in 2004 the elephant Nosey, who was recently seized from Davenport-based exhibitor Hugo Liebel, threw a handler to the ground with her tusk, sending him to the hospital with a head injury. In an [affidavit](#), the worker reported that Nosey has struck out at people in the past. Liebel paid a federal fine as a result of this attack and other animal-welfare violations. Yet there is no evidence that FWC ever learned of the serious injury to this worker or revoked Liebel's elephant ride authorization as required by law.

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-PETA

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There is simply no way to predict which elephant will lash out and when. Yet under the Elephant Ride Rule, only those who have "caused a serious injury or death to a handler, trainer, member of the public, or other person within five years prior to application" are automatically barred from rides. The public would be horrified to know that all other elephants—including those who've injured or killed a human outside of the five-year threshold—may be approved, as long as FWC weighs the circumstances of past dangerous incidents, the seriousness of the injuries, and the number of incidents the elephant has been involved in. For example, Two Tails Ranch gives rides on an elephant named Roxy, even though she previously stepped on and crushed a worker's pelvis.

This also fails to recognize that an elephant's past behavior has no bearing on what she'll do in the future. As explained in the enclosed [comments](#) of elephant training professional Les O'Brien, elephants used for rides are trained through extreme violence and domination. Starting in infancy, after being torn away from their mothers, these animals undergo violent training that teaches them that disobeying a trainer will result in painful punishment. In one such training session, Tim Frisco—who is the current head trainer at [Carson & Barnes Circus](#), an Oklahoma-based outfit that leases elephants to circuses that visit Florida—was caught on video [attacking elephants](#) with a bullhook and an electric prod while they screamed during a training session. Yet as elephants such as Janet Kelly demonstrate, no amount of training can overcome the natural instincts of a sensitive, emotional, powerful wild animal. Frisco was charged after Janet Kelly's escape, and likely had a hand in her training.

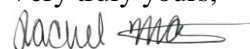
The Elephant Ride Rule also doesn't require FWC staff to consider escapes and other dangerous incidents that don't cause serious injury or deaths to humans. This means that when the Garden Bros. Circus performed in Florida this year, it was free to offer rides on the elephants Isa and Viola (leased from Carson & Barnes), even though both have been involved in multiple dangerous episodes. Isa was [filmed](#) attacking another elephant at a circus venue, and once escaped from a circus and remained at large for [weeks](#) before being recaptured. Viola once ran from her handlers after being spooked by a rabbit and fell into a ravine. *Both* elephants escaped from a circus in 2014 because of distressing audience noise. They ran amok for nearly an hour, injuring themselves and causing damage to the venue and its guests' cars in the parking lot.

These incidents demonstrate that having experienced supervision and barriers at elephant ride sites also fails to protect elephants and the public. A human with a bullhook is no match for a rampaging elephant, as the footage of Isa and Janet Kelly demonstrates. Nor are the "barriers" that FWC routinely approves—typically flimsy metal barricades—which may as well be lines in the sand. The fact that FWC requires an "emergency plan" involving a high-powered firearm or tranquilizers only further endangers the public. If an elephant attacks someone at a crowded circus or gets loose in the streets, gunning her down is nearly as dangerous to bystanders as it is to the elephant. Elephant exhibitors are "showfolks," not marksmen.

Repealing this rule is well within the FWC's broad authority under Fla. Stat. Ann. §§ 379.303-.304 to enact captive-wildlife regulations that protect public safety and animals. These regulations already prohibit most full contact with Class I animals. *See* Fla. Admin. Code r. 68A-6.0023(3)(a)2.a. The only exceptions are small felids, small juvenile apes, and—nonsensically—massive, powerful elephants. *Id.* None of these wild animals are suitable for public contact, yet elephants are particularly inappropriate given their size and strength and the abuse inherent in rides. Eliminating this exception would further the purposes of the law.

The Elephant Ride Rule endangers elephants and the public. PETA urges FWC to repeal it.

Very truly yours,



Rachel Mathews, Esq.

Associate Director | Captive Animal Law Enforcement

202-680-8276 | RMathews@petaf.org