



**In Defense of Animals**

**PETA**

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS

October 13, 2009

The Honorable Pete Grannis  
Commissioner, New York Department of Environmental Conservation

**Via fax and e-mail: 518-402-8541 and [petegrannis@gw.dec.state.ny.us](mailto:petegrannis@gw.dec.state.ny.us)**

Dear Commissioner Grannis:

Please consider this a complaint from In Defense of Animals (IDA) and People for the Ethical Treatment of Animals (PETA) against the Ringling Bros. and Barnum & Bailey Circus for allegedly violating the terms of its Endangered/Threatened Species license agreement with the New York Department of Environmental Conservation (DEC). The DEC license explicitly prohibits all public contact with animals brought into New York.

IDA and PETA request an immediate investigation into at least eight apparent violations of the terms of Ringling's license agreement listed below. It further appears that not only did Ringling repeatedly violate the terms of its contract with the DEC, it also flaunted these violations by posting images of the public in direct contact with elephants on its Facebook and Flickr sites. In light of these repeated, willful refusals to comply with the terms under which it is permitted to bring elephants into the state of New York, IDA and PETA request that the DEC refuse to issue a license to Ringling to bring elephants into New York for a period long enough to demonstrate that the DEC is serious about protecting public safety. The DEC must enforce the terms of these licenses in order to ensure that in the future, Ringling and others applying for such licenses will honor the contractual obligations. In the event that a license has already been issued for Ringling's scheduled appearances in Buffalo from October 22 to 25, 2009, we request that the license to bring elephants be immediately revoked.

On September 3, 2009, IDA filed a complaint with the DEC dispatcher concerning the contact between members of the New York City Fire Department (FDNY) and one of the elephants then appearing with Ringling on Coney Island. The September 3 complaint was issued the number 09-014365. Subsequent to review by your Region 2 office, IDA was informed that a notice of violation had been issued and the matter assigned to DEC counsel.

Since filing the September 3 complaint, at least seven other instances in which Ringling allowed contact between members of the public and its elephants during its tenure on Coney Island have come to our attention. These instances, which apparently violate the terms of the Endangered/Threatened Species License and which Ringling was obliged to obtain in order to bring elephants into the state of New York pursuant to ECL 11-0525 and 6 NYCRR Part 175 and Part 183, include the following:

- May 1, 2009: Councilmember Domenic Recchia and students from PS 288 in Brooklyn were photographed (<http://www.flickr.com/photos/rbbbconeyisland/3493091472/>) in immediate proximity to an elephant with no barrier of any kind to ensure public safety.
- June 18, 2009: Mayor Bloomberg was photographed with Kenneth Feld (<http://www.flickr.com/photos/rbbbconeyisland/3641287738/>), and both were in immediate proximity to an elephant, again with no barrier.

- July 2, 2009: WNYW-TV weatherman Mike Woods was photographed (<http://www.facebook.com/album.php?aid=91408&id=88677062471>) hand-feeding an apple to an elephant, believed to be Suzy, with no barrier.
- July 3, 2009: Several members of the public participated (<http://www.flickr.com/photos/rbbbconeyisland/3684967913/>) in a "bun-eating" contest with three elephants in close proximity and with no barrier.
- July 31, 2009: WABC-TV weatherman Bill Evans was photographed (<http://www.facebook.com/photo.php?pid=2200022&id=88677062471>) holding the trunk of elephant with no barrier.
- August 3, 2009: Sixty children from PS 188 celebrated National Watermelon Day with no barrier separating them from three elephants, and at least one child is photographed (<http://www.facebook.com/photo.php?pid=2214881&id=88677062471#/photo.php?pid=2214881&id=88677062471>) hand-feeding an elephant with no barrier.
- August 20, 2009: A Younabe.com article ([http://www.younabe.com/articles/2009/08/20/brooklyn\\_graphic/news/brooklyn\\_graphic\\_newse.swrlhc08202009.txt](http://www.younabe.com/articles/2009/08/20/brooklyn_graphic/news/brooklyn_graphic_newse.swrlhc08202009.txt)) showed two children in immediate proximity to an elephant with no barrier and one child actually petting the elephant.

Each of these examples appears to be a clear violation of the terms of the Endangered/Threatened Species License upon which the presence of the elephants was conditioned:

Animals must be exhibited, held, transported, and housed in a manner which prevents direct contact with the public at all times. The licensee must take all reasonable and necessary measures to ensure the welfare and safety of the public and the animals, including but not limited to employing the necessary barriers or physical restraints to maintain complete control of the animals at all times, in particular, to prevent the animals from biting, clawing or scratching the public.

Thank you for your assistance. We would appreciate being kept apprised of the results of your investigation.

Sincerely,

*Deborah Robinson*

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