

Attachment A

Senate Agriculture & Natural Resources

SB21-135 Prohibit Certain Animals In Traveling Animal Act

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Binion Cervi Against Cervi Rodeo	The Colorado ag industry greatly supports the local economy, contributing approximately \$47 billion each year and employing more than 195,000 people, not to mention international exports, which total around \$2 billion annually. We feel bill 135 is just the first step in trying to do away with the Ag industry. The left for many years has used untruths to try and do away with Agriculture in Colorado and the United States. We need to stand up and stop the left and protect our way of life. If we let this go what will they do next? Please join me in saying no to bill 135.



Animal Defenders International

6100 Wilshire Blvd., Suite 1150, LOS ANGELES, CA 90048. Tel: +1 323 935 2234 Fax: +1 323 935 9234
www.adiusa.org usa@ad-international.org

In support of Colorado SB21-135 *The Traveling Animal Protection Act*

Animal Defenders International (ADI)¹ offers the following in strong support of the *Traveling Animal Protection Act* ([SB21-135](#)), with our many thanks to its sponsors – Senators Ginal and Zenzinger, and Representatives Duran and Froelich. ADI has worked on this issue for years around the world, and we were honored to work closely with local advocates on this measure. We are committed to support this effort; we remain available to provide additional data and testimony, and to answer any questions or concerns. To that end, we offer this introduction to just a bit of the extensive data demonstrating these acts are inherently inhumane, and a known public health and safety risk. Please let us know if you might like further information about any of the data or hyperlinks included here. We begin with a brief introduction as to who we are, so you may better understand us as a source of information on this topic:

ADI is a non-profit organization that works around the world to make change for animals. We have worked at all levels of government on the circus animal issue in particular, from initial investigations to crafting legislation and implementing rescue efforts. ADI's award-winning documentary [Lion Ark](#)² depicts the triumphant rescue and rehoming of 25 ex-circus lions to *The Wild Animal Sanctuary* in Colorado, after Bolivia's nationwide ban on such acts. Following our successful campaigns to ban traveling wild animal acts throughout Peru and Colombia, we rescued more than [110 animals](#),³ including 27 ex-circus lions who live in peaceful retirement at the [ADI Wildlife Sanctuary](#)⁴ in South Africa. Our team's most recent rescue rehomed 21 former circus lions and tigers to sanctuary after Guatemala banned such acts nationwide. ADI's US legislative campaigns include recent successes in NJ, HI, and CA; ongoing state efforts in CO, CT, IL, MA, NC, NY, OR, PA, and WA; and the bipartisan federal bill [TEAPSPA](#).⁵

As you likely know, the Feld organization (FEI, parent company to Ringling) closed down the largest animal-act based circus tour in the US. FEI attributed its decision to decreasing ticket sales over the last decade, admitting “**It isn't relevant to people in the same way**” — we'd certainly agree. Public opposition to traveling animal acts is growing; [>2/3 of Americans say they're concerned about the use of animals in circuses](#); [forty-six diverse nations have banned such acts, and >100 US jurisdictions](#)⁷ have passed some similar form of ban or restriction.

Using animals this way teaches us nothing about what it means to be wild. Rather, the science shows these acts perpetuate misconceptions that fuel wildlife trade and trafficking, and so endanger the individual animals, wild populations, and humans. True conservation demands we teach future generations what a wild animal really is, and that is not a plaything or prop for entertainment or selfie clickbait. These shows are part of the trade chain fueling the challenges before us, demanding action not just globally and nationally, but also regionally and individually. Wildlife exploitation and trade are globally-recognized primary drivers of the biodiversity crisis and the pandemics era, both inextricably entwined with the other great crisis of our time – the climate crisis. In recent months, the World Economic Forum, UNEP, the Convention on Biological Diversity, the Intergovernmental Panel on Biodiversity and Ecosystems, the World Bank, the FAO, and others have documented these connections to call for urgently-needed transformational change in the way humans relate to, trade in, consume, and too often destroy nature.⁸ If this pandemic has taught us anything, it's that we cannot avoid the challenges before us. Moreover, economic analyses make clear this necessary change actually costs far less and promises far greater opportunity than inaction.

“There is no future for business as usual ... To successfully address [these challenges] will require tackling the ... drivers of nature loss – ... trade, production and consumption ... and the values and behaviours of society.”⁹

There is substantial and growing evidence that even with the best intentions these shows simply can't provide what these animals need, and unfortunately, there is a good deal of evidence that physical abuse and deprivation are systemic throughout the industry. The *World Association of Zoos and Aquariums* opposes the “keeping and transporting of animals under inadequate conditions, e.g. roadside zoos or circuses/ entertainment”¹⁰; the *Global Federation of Animal Sanctuaries (GFAS)*, the *Southeast Asia Zoos and Aquariums Association*, and the *British Veterinary Association* similarly describe circus animal acts as unacceptable. Two University of Bristol studies on the welfare of animals in circuses examined peer-reviewed scientific literature on the subject and concluded that **circus animals are “inevitably impoverished” and stressed.**¹¹ A 2017 report presented evidence of the public safety risks associated with wild animal circus acts, concluding that **“[i]ncidents involving animals in circuses occur regularly and frequently, causing varying degrees of public disorder or even the injury or the death of people.”**¹²

A 2016 comprehensive global analysis examined **>650 experts and organizations (including animal trainers) and the prevailing science on this issue around the world.** to conclude that “by their very nature, circuses are unable to provide species of wild animals with conditions that meet their species-specific physical, psychological and behavioural needs.”¹³ The 2016 report described this life for animals as one that is **‘not a good life’ or even a life ‘worth living’; it also found that any education or conservation role would likely be “marginal,” and “outweighed by the negative impression generated by using wild animals for entertainment.”**¹⁴

- “... we were unable to find where or how the animals ... are sourced, or the extent of the trade in the animals ... **significant turn-over in stock. It is unclear what happens to wild animals that are no longer used ... an extensive trade** in many of these species to the public. This is **based on misconceptions about the animals** ... and is a particular problem for smaller species such as meerkats. ...
- **Adequate space is particularly important for wide-ranging species such as large cats, bears and elephants, but also has a significant impact on the welfare of smaller species of mammal, birds and reptiles.** ...
- Restraint is often used in circuses and can cause injury and distress in both domestic and nondomestic animals and limits opportunities to perform species-typical behaviors such as socialising, which will impact psychological welfare in social species such as elephants, equids and camelids, and can cause health problems by limiting exercise opportunities. ...
- Two-thirds of studies into the effects of human or visitor presence on a diversity of non-domesticated species, including a study of circus tigers, found **evidence of visitor-induced stress.** ...
- we could find no scientific evidence to suggest that some species of wild animals (vertebrates or invertebrates) are more suited to life in a travelling circus ...”¹⁵

The *Federation of Veterinarians of Europe* also recommend wild animals cannot tolerate and do not belong in circuses:

“There is little or no educational, conservational, research or economic benefit derived from the use of wild mammals in travelling circuses that might justify their use. In addition to the welfare considerations, the use of wild mammals in circuses can represent serious animal health and public health and safety risks.”¹⁶

In 2015, the *American Bar Association* passed **Resolution 105**,¹⁷ urging local, state, and federal prohibitions against possession and import of wild animals; in so doing, they flatly rejected a proposed circus exemption:

[urging] “all federal, state, territorial, and local legislative bodies and/or governmental agencies to enact comprehensive laws that prohibit, unless otherwise exempted, the private possession, sale, breeding, import, or transfer of dangerous wild animals, such as big cats, bears, wolves, primates, and dangerous reptiles, in order **to protect public safety and health, and to ensure the humane treatment and welfare of such animals.**”¹⁸

The *New York City Bar Animal Law Committee* supports the [proposed federal bill](#),¹⁹ as well as [state and local parallels](#).²⁰ The *Wildlife Conservation Society* (which includes the *Bronx Zoo*) also opposes the use of wild animals in traveling circuses: “[Many circus animals are forced to perform unnatural or dangerous behaviors and have a substandard quality of life due to traveling and housing conditions.](#)”²¹

These shows are not only cruel, they’re dangerous. In 2014, an apparently well-regarded and experienced trainer was [killed by an elephant](#)²² while working in close physical contact. The trainer reportedly had a 30-year relationship with “his girls” - Opal and Rosie – two *Carson & Barnes* elephants in their forties who lived in the circus from the time they were taken from the wild in 1969 and 1970. His many years of experience training circus elephants, his later knowledge as a veterinarian working with elephants at the *Bronx Zoo* and as head elephant trainer at an Oregon safari park, and his reportedly close-knit bond and long-term relationship with Opal and Rosie were not enough to prevent his being crushed to death.

There are numerous reports of worker deaths despite years working and familiarity with the animals, including, among far too many others: [a lion that attacked its trainer](#) (2019, Ukraine);²³ a [tiger that killed its trainer](#) (2018, China)²⁴; a ['severely stressed circus camel' that attacked and killed its American caretaker](#) (2014, Mexico)²⁵; an [elephant that killed its trainer](#) (2010, Pennsylvania)²⁶; and a [tiger that killed its trainer in front of 200 “horrified” schoolchildren](#) (1997, Pennsylvania).²⁷ **These incidents are not rare or singular, but rather occur with alarming regularity, impacting circus workers, bystanders, other animals, and the public at large.** The public is largely unaware how often these tragic incidents occur; even a small sampling makes their frequency all too clear:

- **October 2016: a tiger attacked its trainer during [Pages White Tigers’ performance](#)**²⁸ in Florida; another **trainer entered the flimsy cage to assist, leaving the cage door open, which, lacking any lockout space or other similar protections, exposed patrons and the entire fairgrounds to deadly harm.** [The video](#)²⁹ shows teachers attempting to turn shocked schoolchildren away; a patron yelling ‘close the door! close the door!’ and the sound of fear rising in the trainer’s voice as she attempted to fight off the tiger - exposing her knowledge of the truth, that is, they don’t really have control. (This fair welcomed the same licensee back several months later, publicly accepting and disseminating the exhibitor’s false claim that it was an unrelated separate entity, though a simple review of its federal licensure revealed their misrepresentation.) This [exhibitor later made the same false claim again elsewhere. Remarkably, the federal inspector reportedly stated that the open cage door wasn’t significant, claiming tigers are ‘conditioned to remain within their enclosure until commanded to exit.’](#)³⁰ This stunning occurrence is just a sample of widespread issues in oversight and accountability (discussed further below).
- **February 2017: [another tiger escaped in Florida, causing panic. A witness recounted: “One man locked 20 people he didn’t even know into a horse trailer at that moment, because everyone was running and screaming in fear ... It was not thought out, it was not planned well, it could’ve been avoided.”](#)**³¹
- **May 2017: [a lion tore into its trainer’s throat \(France\), a woman was seriously injured by an elephant \(Czechoslovakia\), a bear jumped out of the circus ring, into the audience, attacking a patron \(Ukraine\), and an escaped zebra crashed into a truck](#)** (Florida)³²
- **August 2017: [a kangaroo escaped \(NY\)](#)**³³ and **[a tiger mauled its trainer \(China\)](#)**,³⁴
- **September 2017: [another tiger escaped and was shot as it roamed residential backyards, threatening family pets \(GA\)](#)**,³⁵ FEI (Ringling) - who was transporting the escaped tiger for owner Alex Lacey - reportedly **wasn’t aware of the tiger’s disappearance until Atlanta police tracked them down.**

- [October 2017: 2 tiger cubs killed their keeper \(India\),³⁶ a tiger escaped \(China\),³⁷ a herd of zebras escaped \(Hungary\),³⁸ a lion bit a patron's hand \(South Africa\),³⁹ and a bear attacked its handler \(Russia\).](#)⁴⁰
- [November 2017: an elephant killed its handler \(Thailand\),⁴¹ tigers escaped in France⁴² and China,⁴³ and another tiger attacked its keeper \(Russia\).](#)⁴⁴
- [December 2017: an elephant rampage killed one and injured 12 persons \(India\).](#)⁴⁵
- [January 2018: a lion and tiger attacked a horse in a cruel \(but not uncommon\) act featuring both predators and prey \(China\).](#)⁴⁶
- [February 2018: a circus worker had both arms torn from his body by tigers \(Guatemala\).](#)⁴⁷
- [March 2018: a truck transporting elephants careened across a highway, killing one elephant, injuring four others, and putting everyone at risk \(Spain\).](#)⁴⁸ The authorities' investigation there reportedly indicated the elephants' movement inside the truck destabilized it as the driver switched lanes to pass, stating that "[With five unpredictable animals, each one of them weighing three to four tons, accidents can happen no matter how much care has been taken.](#)"⁴⁹
- [June 2018: a circus elephant escaped \(Germany\),⁵⁰ a frightened circus bear attacked its trainer](#) and, like so many others, received a vicious beating in response (Russia).⁵¹
- [July 2018: two circus elephants attacked a third, slamming her to the ground and into the audience, throwing one rider, and placing the elephants, riders, and spectators at great risk \(Germany\).](#)⁵²
- [August 2018: a baby elephant escaped in southern Italy.](#)⁵³
- [September 2018: zebras escaped \(for at least the fourth time from UniverSoul Circus\) in New Orleans,⁵⁴ at least 7 were injured when a camel ran amok in Pittsburgh,⁵⁵ and a tiger was beaten and dragged back into the ring as she suffered a seizure \(Russia\).](#)⁵⁶
- [October 2018: a 4-year old lay in a coma, fighting for her life after a lioness dragged her into a circus ring; as noted in various media, the "lioness did nothing unexpected"](#)(Russia).⁵⁷ Also that October, reflecting common misperceptions perpetuated by this industry about what it means to be wild, [an Indiana mom allowed her toddler to pet a serval, which featured as 'entertainment' for a birthday party, and which subsequently attacked and bit the young child.](#)⁵⁸
- [November 2018: yet another young child was attacked by a circus animal,](#) in that case, a leopard (Russia).⁵⁹

Traveling shows' collapsible and temporary facilities raise serious public and worker safety and health concerns. Workers and the public are often in close proximity to these wild animals with limited, if any, protections. In 2014, the *US Court of Appeals DC Circuit* upheld a decision that an animal exhibitor employer violated the (general duty clause under the) *Occupational Safety & Health Act* by exposing animal trainers to recognized hazards despite the employer's arguments its trainers were qualified, trained in safety procedures, and familiar with the mammal.⁶⁰ In a similar case examining an employer's general duties, OSHA settled with the *Knoxville Zoo* after the [elephant trampling death](#) of a trainer.⁶¹ OSHA also required the *Knoxville Zoo* to replace its free contact management system with protective containment as part of the settlement agreement. AZA subsequently transitioned to ask the same of its members; thereafter, a number of those in the circus industry dropped out of the AZA, choosing membership instead in groups such as ZAA (*Zoological Association of America*), CFA (*Circus Fans Assn. of America*) or EMA (*Elephant Managers Association*), which promote free and direct contact between elephants (or other animals), workers, and the public.

Circus workers typically have limited if any species-specific training (save perhaps that related to circus tricks), and the local venue operators/workers may have no knowledge of the animals' innate needs or history. **Parents purchasing tickets for their children to take photos with tigers or to ride on an elephant's back have no way of knowing the animal's history, training, escape risk, stressors, anxiety level, triggers, injury, or illness.**

ADI released [video of one elephant pushing another into the stands and swiping at her trainers during rehearsal.](#)⁶² This *Carson & Barnes* elephant (Isa) was giving rides to children later the same week; she also later escaped along with 2 other *Carson & Barnes* elephants (Kelly & Viola) at a shrine circus event, while still wearing their ride saddles. **Isa, Viola, and Kelly have a history of repeated escapes, but continue to give rides to children.** ADI [filmed them in Pennsylvania](#) during a *Garden*

Brothers tour, demonstrating stereotypic rocking as they tried to endure blaring noise.⁶³ *Garden Brothers* toured with *Carden* elephants Betty and Bo in 2018. ADI videos show [Betty so lethargic she drags her trunk along the ground](#),⁶⁴ and Bo's alarmingly significant swaying and rocking stereotypies. A *Commerford* elephant named Beulah was used to give rides and perform until just before her death, which occurred soon after [this photo \(showing her collapsed on the ground\)](#) went viral.⁶⁵ Federal inspectors later acknowledged that the exhibitors were aware of Beulah's serious illness, but required her to perform regardless. Though the media reported they died "natural" deaths, elephants their age in the wild are not decrepit or even aged, but are instead vibrant matriarchs who breed well into their sixties.⁶⁶ *Commerford's* lone remaining elephant (Minnie) still tours for performances and rides, despite her own tragic history of escape and incidents.⁶⁷ Life off the tour is no better for circus animals – ADI [filmed circus animals cramped and crowded in a stall](#), taunted or largely ignored, as they pushed one another for some semblance of space.⁶⁸

Animal acts traveling to Colorado fare no better. Craig Wagner/ CJ's Great Cats World regularly brings its wild cat act to Colorado despite repeated, longstanding issues, including, as described in a [2013 USDA Complaint, attacks on humans and negligence in the care and exhibition of its animals](#).⁶⁹

"The gravity of the violations herein is great, and include repeated noncompliance with the Regulations and failure to meet the minimum Standards for handling animals, resulting in injuries."⁷⁰

Years after [ADI's investigation revealed horrible abuse by Mike Swain against Krissy](#)⁷¹ (an elephant apparently owned by his father's company, *Trunks & Humps*), **she is still forced to give rides in Colorado**. ADI's undercover investigator witnessed and [filmed](#) Mike Swain as **he repeatedly beat, hooked, kicked, and screamed at Krissy – again and again and again – driving her to her knees and to the ground, and kicking her in the face**. ADI's investigator also **witnessed Krissy extensively confined, trying to escape, banging on her trailer door with her trunk, dismantling the electric fence several times, throwing objects (including hay, stones, feces, rubber dishes) at workers and the public, cornering and pushing workers, and eating rubbish** (plastic and paper bags). ADI filed a complaint, requesting USDA initiate its own independent investigation for Krissy. USDA's subsequent nonresponse relied upon Mike Swain's representations that he did not own Krissy and that he no longer handled elephants. Even though Mike Swain was himself a licensee (federal license #74-C-0449, for *Enterprising Elephants*⁷²), USDA claimed they had "no way" of checking on his treatment of elephants. And, remarkably, at the Colorado Senate Committee hearing on this bill in 2020, Swain presented an altogether different story, declaring his long history showing elephants in Colorado and lobbying you so he may continue to do so. The legislative file on the bill from last session also included a letter, apparently provided to the Colorado legislature from a veterinarian purporting to speak on behalf of Mike Swain (and others with *Trunks & Humps*), which described the vet's experience over the last decade working with and referencing Mike Swain in connection with *Trunks & Humps*, and with the ownership and handling of the *Trunks & Humps* elephants, including Krissy, the elephant ADI caught Mike Swain abusing during our [investigation](#).⁷³ Contrary to Swain's representation to the federal authority that he no longer owns or handles elephants (per USDA in their response to ADI's complaint), it appears that Mike Swain has continued and still seeks to continue to handle and present elephants, including Krissy, for rides and performances in Colorado and elsewhere. To make false statements to the relevant authorities in connection with licensure under the *Animal Welfare Act* violates both Colorado state and federal law.

We've reviewed USDA reports relating to Mike Swain (under federal license #74-C-0449), for at least the years 2002-2016; not one - not those around the time of our complaint or in the years since - include the slightest mention or follow-up regarding our complaint or what the USDA themselves described was "Michael Swain beating up on an elephant." USDA's failure to do the bare minimum to protect Krissy (or the kids who might ride her) demonstrates the criticisms the *Office of Inspector General* (OIG) has repeatedly leveled at the agency for years, and underscores the need for state action.

It is foolish to expect that animals living under severe chronic stress, confinement, and abuse will never lash out or try to escape. In 2015, two zebras escaped from *UniverSoul Circus* in Philadelphia, costing local dollars and distracting local authorities; these zebras escaped again in Oakland a few months later, then again later in Florida (where one crashed into a truck), and yet again in 2018, in New Orleans. A subsequent USDA report regarding the zebras' Philadelphia escape revealed one zebra was injured, but did not receive veterinary care until the circus moved on to North Carolina. USDA directed *UniverSoul* to implement policies to prevent further escape; however, the zebras escaped at least 3 times thereafter, highlighting the failure of the circus and the USDA to adequately address the issue. Unfortunately, there are numerous reports of escapes or rampages that did not end well, including:

- [At least 7 were injured, in mere seconds, when a camel ran amok in Pittsburgh.](#)⁷⁴
- Janet, in [Palm Bay, FL: 17 spectators were injured; a mother and 5 children were still riding the elephant when this rampage began.](#)⁷⁵ The police officer reportedly broke down and cried afterwards for having to shoot such a beautiful animal; he testified before Congress to end the use of wild animals in circuses, noting that **local law enforcement is not prepared to deal with a rampaging elephant.** Another witness recounted to ADI that, with all the bullets flying, it “was like a war zone.” The trainer (Tim Frisco) reportedly testified later that he saw Janet throw local police officer Doyle, then very nearly stomp his head.

“I have never seen a situation as frightening - or one I was less capable of controlling - than that day the elephant ran wild. The greatest shock to me as a police officer was when I discovered that the owner and trainer ... had absolutely no control over her He had no plan for such an emergency and his only strategy was to keep yelling at me to shoot her. I have discovered that, once an elephant goes out of control, nothing can be done. It is not a predictable or preventable accident. The only thing that can be done - and even this is a danger to the public - is to get a battery of police officers in with heavy weapons and gun the elephant down.” Police officer Blayne Doyle, transcript testimony to Congress, noting that local law enforcement is unprepared and incapable of handling an elephant rampage.

- Tyke, in Honolulu, HI: [this was Tyke's third rampage after suffering years of abuse. The Hawaii rampage ended with one dead, 13 injured, and Tyke being shot at least 87 times.](#)⁷⁶ The police officer who killed Tyke later became an advocate for ending the use of wild animals in circuses. This incident remains a strong memory for locals even 20 years later, and is the subject of the documentary [Tyke: Elephant Outlaw.](#)⁷⁷ **HI was the second US state to ban traveling wild animal acts.**
- The video of this elephant turning over a car went viral; what's also striking however, appears just moments earlier - [note the stunning proximity between these three nervous and agitated elephants \(including the elephant who subsequently overturned a car\), and two baby carriages and an elderly gentleman on a scooter.](#)⁷⁸
- [Reportedly, 2 died and 24 were injured at an incident in a schoolyard, where one elephant threw his rider and another threw four riders; their trainers - men who raised them - missed or ignored certain precursors.](#)⁷⁹
- Smith, a [circus lion, attacked a patron \(school teacher\) in front of her students.](#)⁸⁰ Earlier that week, the circus rebuffed authorities seeking to confiscate the illegal circus act, and a court action was filed. Remarkably, just two days later, **the circus brought a patron into the ring, assured her it was safe, and placed her in a prey position before a predator.** The predator predictably attacked; the teacher was hospitalized, but thankfully survived. Smith was later rescued by ADI, and now lives in peace at the [ADI Wildlife Sanctuary.](#)

These animals did not 'go berserk' or 'wild' or 'rogue.' They were and remain wild animals. Domestication cannot be trained into an individual animal; it takes certain genotypes and many generations of breeding an entire population of animals, and even then some species cannot be domesticated.⁸¹ There is no conclusive evidence that wild animals habituate to travel and there's no evidence that familiarity equates to security.⁸² According to self-proclaimed “circus historian” LaVahn Hoh: [“No one can actually tame a wild beast no matter how gifted they are, or how much time they spend with their animal.”](#)⁸³

Federal oversight of traveling animal acts is costly, problematic, and unmanageable. [Nominal licensing fees and minimal, inconsistent monetary penalties don't cover oversight costs: they are largely borne by taxpayers.](#)⁸⁴ Moreover, federal oversight occurs, if at all, via the *Animal Welfare Act* (which presumes to deal with the humane treatment of animals) and the *Occupational Safety and Health Act* (to address worker safety). As the agencies are quick to say, **neither has public safety as its mandate.** Oversight is complicated by the limited number of inspectors and the events' transitory nature. APHIS' Office of Inspector General (OIG) **repeatedly reports numerous inspector deficiencies, including limited to no follow-up to noncompliance citations and failure to consult animal experts to determine if enclosures or barriers are sufficient to protect the public.**⁸⁵ The feds certainly failed Krissy.

OIG concluded that APHIS needs to strengthen the inspection process, citing, among other issues:

- **Safety conditions questioned at 48% of licensed exhibitors observed**
- **Periodic supervision lacking**
- **Failure to identify safety-related deficiencies during inspections**
- **Failure to document conditions & require corrective action**
- **Lack of consistency in safety determinations**
- **Inspectors did not regularly consult with agency animal expert to determine if an enclosure or barrier was sufficient**
- **Inspectors not always aware of incidents - exhibitor reporting not required**
- **Lacked a process to ensure inspectors were aware of details of incidents at exhibitors' facilities nationwide**
- **Inspectors could not locate traveling exhibitors to conduct critical re-inspections**

OIG further declared that, without clear & consistent standards, APHIS **can't adequately ensure the safety of the animals or the public.**⁸⁶ **OIG has repeatedly criticized agency oversight here, citing vague standards that are consistently challenged in the field and in the courtroom, and overworked, underperforming agencies, which frustrate inspectors and regulated entities, and leave animals and humans unprotected. OSHA inspections generally rely upon self-reporting alone** and often by the time a complaint or inspection request is made, the circus has moved on to another jurisdiction. It is not uncommon for the agencies to report their hands are tied once the circus leaves town.

Regional, state, and local agencies don't typically have the benefit of cross-jurisdictional communications or authority. Local authorities often lack the funding, familiarity, or facilities to deal with exotic species, and largely rely upon federal licensing or otherwise defer upstream to federal agencies, who nevertheless maintain public safety is not their mandate. Local law enforcement is not expecting or trained to handle wild animal escapes; too often they are surprised to learn that there is no back-up plan, and that the responsibility has been dropped in their laps. Sheriff Lutz, of Zanesville, Ohio, speaks [in this video](#) in support of the federal *Big Cat & Public Safety Protection Act*, on the challenges for law enforcement with wild animal escapes.

Many circuses lease their animal acts, which further complicates oversight, as circuses can claim they're not responsible for or mislead the public regarding violations related to animals they exhibit, but don't actually own.

A 2015 Philadelphia (*UniverSoul*) circus event featured three elephants who were barred from performing by New York City and the city of Dallas, citing concerns regarding positive tuberculosis testing, a disease that is transmissible to humans. (Actually, NYC also barred their tiger act, citing inadequate caging.) While these same elephants were performing in Philadelphia, [UniverSoul Circus took action against Dallas over its decision to bar them, and the judge sided with the city health officials.](#)⁸⁷ Wisconsin (*Carden Circus* - elephants) and Indiana (*Ringling* workers) also denied entry to certain exhibitors, citing tuberculosis concerns. **Despite increasing concern regarding the issue of**

tuberculosis in captive elephants, the [USDA subsequently announced it would no longer require annual tuberculosis blood tests](#),⁸⁸ contrary to [USAHA recommendations](#).⁸⁹

From the *National Association of Public Health Veterinarians*:

- No US federal laws address pathogen transmission risk at venues where the public has contact with animals...
- Direct contact with dangerous animals (nonhuman primates, certain carnivores) should be completely prohibited. ...
- Certain domestic, exotic, or wild animals should be prohibited from exhibition settings where a reasonable possibility of animal contact exists, especially nonhuman primates and certain carnivores⁹⁰

The 2020 [IPBES Report on Biodiversity and Pandemics](#) described the “most important reservoirs of pathogens with pandemic potential are mammals”, citing primates and camels particularly.⁹¹

To ban wild animal circus acts altogether is cleaner, less costly, and more easily enforced than the current, costly, admittedly problematic and ineffective regulatory oversight. As it stands, reported violations often devolve into expensive 'battles of the experts' over the question or level of harm, even where illegal acts may be documented. These battles are expensive for both the taxpayers and the industry, much more so than simple, objective determinations as to whether a prohibited animal may be present.

Banning wild animal acts does not have to mean the end of the circus. There are more than 20 human-performance circuses in the US, including some who were once animal exhibitors. *Forbes Magazine*⁹² and *The Wall Street Journal*⁹³ quote major players from US circuses describing diversification away from "traditional" acts and identifying the primary economic driver in today's circus as being the celebrity clown - not the animals. Ringling's closure was its own refocus on human performance divisions of parent company FEL's live shows, such as *Disney on Ice*, *Monster Jam*, and *Marvel*, whose success likely contributed to the rise in Feld's ranking on Forbes wealthiest Americans list (rising from #375 to #246, reflecting an increased net worth, from \$1.8 billion in 2014 to \$2.7+ billion in the time since they retired their elephants). Perhaps the most familiar human-performance circus to you may be *Cirque du Soleil*, which had its first show in 1990, and has since grown to a >\$800 million enterprise, appearing 8 times in the top-ranking international tours. *Lions Club International* has turned away from such acts, as has the [Wawa Shrine Circus](#), who said:

[Our moral compass doesn't point us in that direction anymore ... These animals weren't meant to be in that world and were put into that service. We just don't agree with it. So we are distancing ourselves from that and going forward with a new model.](#)⁹⁴

Unlike the noted decline in attendance at animal circuses, human-performance shows are proliferating worldwide. Human-performance circuses are popular; they require labor, create jobs, are great fundraisers, and can bring dollars to communities without exposing citizens to chronically stressed and abused animals.

We urge you to support the Colorado *Traveling Animal Protection Act* (SB21-135) ~ it's time to protect animals and Colorado families from these cruel and dangerous events.

Thanks for your consideration.

All my best regards


Christina Scaringe, General Counsel
Animal Defenders International
www.ad-international.org

-
- ¹ www.ad-international.org
- ² See <http://www.lionarkthemovie.com>.
- ³ See <https://www.youtube.com/watch?v=Bcm4tvc8G5Y>
- ⁴ See <https://adiwildlifesanctuary.org.za>.
- ⁵ More information regarding *The Traveling Exotic Animal and Public Safety Protection Act* (HR2863/ S2121) available at <https://www.congress.gov/bill/116th-congress/house-bill/2863?q=%7B%22search%22%3A%5B%22hr2863%22%5D%7D&r=1&s=2>.
- ⁶ 2015 Gallup Poll, available at <https://news.gallup.com/poll/183275/say-animals-rights-people.aspx>
- ⁷ See <https://www.stopcircussuffering.com/circus-bans/>
- ⁸ See, for example, the World Economic Forum's (WEF) *New Nature Economy Report* series (2020), available at <https://www.weforum.org/reports/new-nature-economy-report-series>; WEF's *Global Risks Report 2020*, available at <http://reports.weforum.org/global-risks-report-2020/>; the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services' (IPBES) *Report on Biodiversity and Pandemics* (2020), available at <https://ipbes.net/pandemics>; IPBES' *Global Assessment Report on Biodiversity and Ecosystem Services* (2019), available at <https://ipbes.net/global-assessment>; *Leaders' Pledge for Nature*, at <https://www.leaderspledgefornature.org>; and *State of the Planet*, UE Secretary General (2020), available at <https://www.unep.org/news-and-stories/video/state-planet-latest-secretary-general>.
- ⁹ World Economic Forum's *New Nature Economy Report* series: *The Future of Nature and Business* (2020), available at http://www3.weforum.org/docs/WEF_The_Future_Of_Nature_And_Business_2020.pdf.
- ¹⁰ WAZA *Code of Ethics*, (2003).
- ¹¹ See Harris, Iossa, & Soulsbury, *A review of the welfare of wild animals in circuses*, School of Biological Sciences, University of Bristol (2006), and *Circus Captivity is beastly for wild animals*, Andy Coghlan, *New Scientist* (May 2009).
- ¹² *Wild Animals in EU Circuses* (2017), available at http://www.eurogroupforanimals.org/wp-content/uploads/E4A-Circus_Report-Digital-OK-v2.pdf?utm_source=PDF&utm_campaign=CircusReport.
- ¹³ Dorning, Harris, Pickett, *The welfare of wild animals in traveling circuses* (2016), available at https://www.ad-international.org/admin/downloads/adi_c01d3ee14f17115f6f5c51e93beb52b9.pdf; additional information available at <https://www.dropbox.com/home/SCS-TEAPSPA>.
- ¹⁴ Dorning, Harris, Pickett, *The welfare of wild animals in traveling circuses* (2016)(emphasis added), available at https://www.ad-international.org/admin/downloads/adi_c01d3ee14f17115f6f5c51e93beb52b9.pdf; additional information available at <https://www.dropbox.com/home/SCS-TEAPSPA>.
- ¹⁵ Dorning, Harris, Pickett, *The welfare of wild animals in traveling circuses* (2016)(emphasis added), available at https://www.ad-international.org/admin/downloads/adi_c01d3ee14f17115f6f5c51e93beb52b9.pdf; additional information available at <https://www.dropbox.com/home/SCS-TEAPSPA>.
- ¹⁶ *FVE position on the use of animals in travelling circuses*, Federation of Veterinarians of Europe (2015), available at https://www.stopcircussuffering.com/wp-content/uploads/2015/08/fve_position_on_the_travelling_circuses_adopted_final.pdf.
- ¹⁷ Resolution 105, American Bar Association, available at https://www.americanbar.org/content/dam/aba/images/abanews/2015mm_hodres/105.pdf.
- ¹⁸ Resolution 105, American Bar Association (2015) (emphasis added) is available at http://www.americanbar.org/content/dam/aba/images/abanews/2015mm_hodres/105.pdf. The Resolution limited its referenced exemptions to "non-profit wildlife sanctuaries, facilities accredited by the Association of Zoos and Aquariums, and research institutions."
- ¹⁹ See <https://www2.nycbar.org/pdf/report/uploads/20072377-POTUS2ndTermTransitionMemo.pdf>.
- ²⁰ See <https://www2.nycbar.org/pdf/report/uploads/20072396-Prohibitingdisplayofexoticanimalsforentertainment.pdf>.
- ²¹ See Wildlife Conservation Society Memorandum of Support for a proposed ordinance in New York City, to ban the use of wild or exotic animals in traveling circuses, available at <https://www.dropbox.com/s/zjh25foh3gww051/WCS%20Memo%20of%20Support%20for%20NYC%20Int%201233a.doc?dl=0>.
- ²² Described in 2014 *Bangor Daily News* media report, available at <https://bangordailynews.com/2014/09/09/news/midcoast/hope-elephants-co-founder-found-dead-in-elephant-barn-tuesday-morning/?ref=topStories0>.
- ²³ As reported by H. Ramirez, for *News8* (April, 8, 2019), available at <https://www.wtnh.com/news/lion-attacks-trainer-during-performance-in-ukraine/1907604575>.
- ²⁴ Described in 2018 *CGTN* media report, available at <https://www.youtube.com/watch?v=3UajxPXJ8rc>.
- ²⁵ Described in 2014 *Mexico News Daily* media report, available at <https://mexiconewsdaily.com/news/tulum-man-dead-camel-attack/>.
- ²⁶ Described in *CNN* media report (April 10, 2010), available at <http://www.cnn.com/2010/US/04/10/circus.worker.elephant/index.html>.
- ²⁷ As reported by L. Clark, for the *Orlando Sentinel* (May 9, 1997), available at http://articles.orlandosentinel.com/1997-05-09/news/9705090201_1_franzen-lucca-circus.
- ²⁸ As reported by M. Wagner, for the *NY Daily News* (Oct. 26, 2016), available at <https://www.nydailynews.com/news/national/tiger-named-gandhi-attacks-trainer-front-33-kids-article-1.2845909>.
- ²⁹ As reported by M. Wagner, for the *NY Daily News* (Oct. 26, 2016), available at <https://www.nydailynews.com/news/national/tiger-named-gandhi-attacks-trainer-front-33-kids-article-1.2845909>.
- ³⁰ As reported by B. Klein, for *The Delaware Gazette* (February 16, 2017), available at <https://www.delgazette.com/news/49384/records-reveal-more-about-circus-tiger-incident>.

-
- ³¹ As reported by A. Quillen, for 5WPTV News (Feb. 17, 2017), available at <https://www.wptv.com/news/region-martin-county/stuart/incident-at-tiger-show-causes-firestorm-on-social-media-trainers-deny-tigers-escaped>.
- ³² Various media reports describing these incidents are available at <https://www.dropbox.com/home/SCS-TEAPSPA/Captive%20Animal%20attacks%20and%20escapes>.
- ³³ As reported by B. Axelson, for *Syracuse.com* (Aug. 22, 2017), available at https://www.syracuse.com/news/2017/08/kangaroo_loose_in_upstate_ny_village_escaped_from_nearby_fairgrounds1.html.
- ³⁴ As reported by N. Morley, for *Metro News* (Aug. 24, 2017), available at <https://metro.co.uk/2017/08/24/tiger-attacks-circus-worker-in-front-of-horrified-audience-6875936/>.
- ³⁵ As reported by Criss, Davlin, and Said, for CNN (Sept. 8, 2017), available at <https://www.cnn.com/2017/09/06/us/tiger-attacks-dog-trnd/index.html>.
- ³⁶ As reported by L. Eleftheriou-Smith, for *The Independent* (Oct. 9, 2017), available at <https://www.independent.co.uk/news/world/asia/india-zoo-tigers-kill-caretaker-death-bangalore-a7991011.html>.
- ³⁷ As reported by B. Hooper, for *UPI* (Oct. 3, 2017), available at <https://www.upi.com/Tiger-recaptured-after-escaping-from-circus-in-China/3771507042947/>.
- ³⁸ As reported by B. Hooper for *UPI* (Oct. 4, 2017), available at <https://www.upi.com/Zebras-escape-circus-run-wild-through-city-streets/1661507141393/>.
- ³⁹ As reported by A. Woolford for *Wales Online* (Oct. 22, 2017), available at <https://www.walesonline.co.uk/sport/rugby/gruesome-pictures-show-full-extent-13796845>.
- ⁴⁰ As reported by W. Stewart for the *Daily Mail* (Oct. 10, 2017), available at <https://www.dailymail.co.uk/news/article-4966692/Circus-bear-attacks-handler-continues-perform.html>.
- ⁴¹ As reported by H. Cockburn for *The Independent* (Nov. 29, 2017), available at <https://www.independent.co.uk/news/world/asia/elephant-crush-owner-death-trunk-thailand-aroused-somsak-riengngen-chiang-mai-a8082426.html>.
- ⁴² As reported by M. Cerullo for the *New York Daily News* (Nov. 24, 2017), available at <https://www.nydailynews.com/news/world/escaped-circus-tiger-shot-dead-roaming-paris-article-1.3654733>.
- ⁴³ As reported by *Press TV* (Nov. 27, 2017), available at <https://www.youtube.com/watch?v=ViserALVPgg>.
- ⁴⁴ As reported by W. Stewart for *The Sun* (Nov. 5, 2017), available at <https://www.thesun.co.uk/news/4847617/siberian-tiger-attacks-zookeeper-russia-kaliningrad-zoo-pictures/>.
- ⁴⁵ As reported by J. Robinson for *The Daily Mail* (Dec. 12, 2017), available at <https://www.dailymail.co.uk/news/article-5170217/One-dead-elephants-rampage-Indian-festival.html>.
- ⁴⁶ As reported by T. Lo for *The Daily Mail* (Jan. 15, 2018), available at <https://www.dailymail.co.uk/news/article-5270235/A-lion-tiger-attack-horse-Chinese-circus.html>.
- ⁴⁷ As reported by G. Couzens for *The Daily Mail* (Feb. 7, 2018), available at <https://www.dailymail.co.uk/news/article-5361553/Circus-worker-arms-RIPPED-TIGERS.html>. ADI was able to save these animals as part of our Guatemala rescue operation.
- ⁴⁸ As reported by EuroNews / Reuters (Apr. 2, 2018), available at <https://www.euronews.com/2018/04/02/elephant-dies-in-accident-on-spanish-motorway>, and by Agence France Press (Apr. 3, 2018), available at <https://www.scmp.com/news/world/europe/article/2140007/elephant-killed-spanish-circus-truck-crash>.
- ⁴⁹ As reported by the AP in *The Sidney Morning Herald*, quoting Albacete Civil Guard spokesman Jose Amado (Apr. 3, 2018), available at <https://www.smh.com.au/world/europe/elephant-killed-four-others-injured-after-spain-circus-truck-tips-20180403-p4z7mg.html>.
- ⁵⁰ As reported by J. Lemon in *Newsweek* (Jun. 7, 2018), available at <https://www.newsweek.com/elephant-strolling-german-town-964285>.
- ⁵¹ As reported by T. Wood in *LAD Bible* and *East2West News* (Jun. 18, 2018), available at <http://www.ladbible.com/news/animals-russian-circus-bear-attacks-its-handlers-after-being-beaten-with-stick-20180618>.
- ⁵² As reported by *Sky News* (Jul. 6, 2018), available at <https://pressfrom.info/au/news/world/-71284-dumbo-audience-is-crushed-when-elephant-falls-on-top-of-them-during-circus-performance-in-germany-and-miraculously-no-one-was-seriously-hurt.html>.
- ⁵³ As reported by A. Bosotti in *Express UK* (Aug. 28, 2018), available at <https://www.express.co.uk/news/world/1009111/Italy-news-Calabria-elephant-watch-video-circus-escape-global-heatwave-weather>.
- ⁵⁴ As reported by B. Hooper for *UPI* and the New Orleans Police Department (Sep. 11, 2018), available at https://www.upi.com/Odd_News/2018/09/11/New-Orleans-police-share-unusual-zebra-encounter/8041536688305/.
- ⁵⁵ As reported by *The SUN News* (Sep. 17, 2018), available at <https://www.bing.com/videos/search?q=k6+injured+camel+runs+amok+pittsburgh&&view=detail&mid=3C69EAB0EE361B49220E3C69EAB0EE361B49220E3&FORM=VRDGAR>.
- ⁵⁶ As reported by A. Petrov in *RT* (Sep. 24, 2018), available at <https://www.rt.com/news/439252-russian-circus-tiger-seizure/>.
- ⁵⁷ As reported by W. Stewart in *The SUN News* (Oct. 31, 2018), available at <https://www.thesun.co.uk/news/7625483/girl-mauled-circus-lion-coma-savaged-dad-reveals/>.
- ⁵⁸ As reported by T. Robinson for *WNDU* (October 29, 2018), available at <https://www.wndu.com/content/news/Popular-zoo-ambassador-pulled-off-of-rotation-after-biting-a-child-498931471.html?fbclid=IwAR1M7CFytBz9gHHR0aKbqQLKkIt5416ErWLWlZNNWII-e0--kh48Tm11tO8>.
- ⁵⁹ As reported by W. Stewart for *The Daily Mail* (Nov. 13, 2018), available at <https://www.dailymail.co.uk/news/article-6384323/Leopard-attacks-four-year-old-girl-Moscow-circus-girl-mauled-lion.html>.
- ⁶⁰ See *SeaWorld of Florida, LLC v. Perez, Secretary, US Dep't of Labor*, USCA Case number 12-1375 (2014).

- ⁶¹ As reported by F. Hosier in OSHA's Safety News Alert (Mar. 13, 2012), available at <http://www.safetynewsalert.com/zoo-pays-fine-admits-no-fault-in-elephant-handlers-death/>.
- ⁶² See ADI's undercover investigation video, available at <https://vimeo.com/98627950>.
- ⁶³ See ADI video, featured in media report by K. Warfield, for *The Dodo* (Apr. 12, 2018), available at <https://www.thedodo.com/in-the-wild/abused-elephants-circus-pennsylvania>.
- ⁶⁴ Video available at <https://www.facebook.com/AnimalDefenders/videos/1306078336206146/>. Additional videos of Betty and Bo available upon request.
- ⁶⁵ As reported by *Western Mass News* (September 2019) at <https://www.msn.com/en-us/lifestyle/lifestyle-buzz/beulah-asian-elephant-at-the-big-e-has-died-at-age-54/ar-AAHy1Oe>.
- ⁶⁶ See, for example, Lee, P.C., Fishlock, V., Webber, C.E. et al. *Behav Ecol Sociobiol* (2016) 70: 337. <https://doi.org/10.1007/s00265-015-2051-5>.
- ⁶⁷ For more on Minnie's lawsuit, represented by NonHuman Rights Project, see <https://www.nonhumanrights.org/clients-beulah-karen-minnie/>.
- ⁶⁸ Video available at <https://www.youtube.com/watch?v=YeZTAzQDQ8&t=9s>.
- ⁶⁹ See, for example, USDA's complaint before the Secretary of Agriculture, *In re CJ's Great Cats World Park, Inc.* (2013), available at https://archive.org/details/aphis_OR08076-AC_CJs_Great_Cats_World_Park_and_Craig_Wagner_11-18-13/mode/2up.
- ⁷⁰ See, for example, USDA's complaint before the Secretary of Agriculture, *In re CJ's Great Cats World Park, Inc.* (2013), available at https://archive.org/details/aphis_OR08076-AC_CJs_Great_Cats_World_Park_and_Craig_Wagner_11-18-13/mode/2up.
- ⁷¹ For more on ADI's investigation, see <https://www.youtube.com/watch?v=Cdt-RBbmE&feature=channel> and http://www.ad-international.org/animals_in_entertainment/go.php?id=1617&ssi=10.
- ⁷² In 2017, USDA removed previously publicly-available documentation from its website, including reporting regarding animal exhibitors such as Bill Swain and Mike Swain; there remains a lack of transparency in agency oversight since that time.
- ⁷³ For more on ADI's investigation, see <https://www.youtube.com/watch?v=Cdt-RBbmE&feature=channel> and http://www.ad-international.org/animals_in_entertainment/go.php?id=1617&ssi=10.
- ⁷⁴ As reported by *The SUN News* (Sep. 17, 2018), available at <https://www.bing.com/videos/search?q=k6+injured+camel+runs+amok+pittsburgh&&view=detail&mid=3C69EAB0EE361B49220E3C69EAB0EE361B49220E&&FORM=VRDGAR>.
- ⁷⁵ Video available at <https://www.youtube.com/watch?v=9DOB3JpfsmE>.
- ⁷⁶ Archive video footage available at <https://archive.org/details/ElephantRampageHawaii1994>.
- ⁷⁷ See <http://tykeelephantoutlaw.com>.
- ⁷⁸ As reported by Barcroft TV (Jul. 17, 2018), available at <https://www.youtube.com/watch?v=0Pk3-q-Bk0>.
- ⁷⁹ Video available at <https://www.youtube.com/watch?v=qVaVp12WIOA>.
- ⁸⁰ As reported by APP America Noticias in (2014), available at <https://www.americatv.com.pe/noticias/actualidad/ong-intento-rescatar-leon-que-ataco-profesora-duenos-no-lo-entregaron-n149411>.
- ⁸¹ See E. Ratiff, *Taming the Wild*, National Geographic (March 2011) and N. Wolchover, *Why Can't All Animals Be Domesticated?* *livescience* (2012), available at <https://www.nationalgeographic.com/magazine/2011/03/> and <https://www.livescience.com/33870-domesticated-animals-criteria.html> respectively.
- ⁸² See TG. Iossa, CD Soulsbury, & S. Harris, *Are wild animals suited to a traveling circus life?* School of Biological Sciences, University of Bristol, UK (2009), citing Langley & Hunter (2001).
- ⁸³ As quoted by M. Rebhorn in *Preview: Circus historian LaVahn Hoh discusses the thrill and darkness of life under the big top* C-ville Weekly (Mar. 20, 2012), available at https://www.c-ville.com/preview_circus_historian_lavahn_hoh_discusses_the_thrill_and_darkness_of_life_under_the_big_top/.
- ⁸⁴ See ADI briefings at <http://www.federalcircusbill.org/briefings/restricting-the-use-of-wild-animals-in-circuses-the-economics-2/>.
- ⁸⁵ See, for example, 2010 and 2014 USDA APHIS Audit Reports, Office of Inspector General.
- ⁸⁶ See *Audit Report by the Office of the Inspector General, Controls Over APHIS Licensing of Animal Exhibitors (June 2010)*, available at <https://www.usda.gov/oig/webdocs/33601-10-CH.pdf>.
- ⁸⁷ *Soul Circus, Inc. v. Dallas*, DC-15-09369 (2015), see https://www.scribd.com/document/275230369/UniverSoul-Circus-v-Dallas?_ga=1.68614225.1398604802.1462988228.
- ⁸⁸ See APHIS Voluntary Elephant TB Policy (Oct. 16, 2015) at <https://content.govdelivery.com/accounts/USDAAPHIS/bulletins/11fcea8>.
- ⁸⁹ *Elephant Tuberculosis Guidelines*, United States Animal Health Association, Committee on Tuberculosis (2010), available at <https://www.dropbox.com/s/ifprsj2p0z431sx/11.11.10%20USAHA%20resolution36-2010%20re%20TB%20testing.pdf?dl=0>.
- ⁹⁰ *Compendium of Measures to Prevent Disease Associated with Animals in Public Settings*, National Association of Public Health Veterinarians (2013, 2017).
- ⁹¹ *Executive Summary*, Intergovernmental Platform on Biodiversity and Ecosystem Services (ipbes) Workshop on Biodiversity and Pandemics (2020), available at <https://ipbes.net/sites/default/files/2020-10/IPBES%20Pandemics%20Workshop%20Report%20Executive%20Summary%20Final.pdf>.
- ⁹² *The Richest People in America*, Forbes (2014).
- ⁹³ *Power Clown*, Wall Street Journal (2005).
- ⁹⁴ As reported by K. Benjoe in the *Regina Leader-Post*, quoting Stuart Larson, former circus event chairman for the Wawa Shriners (2016), available at <https://leaderpost.com/news/local-news/a-circus-without-lions-and-tigers-and-bears-oh-my>.

Senate Bill 135

- Why is this bill necessary? This is the same bill that banned circuses in California and has been introduced in the Oregon Assembly. This seems to be yet another bill introduced by out of state interests to force a viewpoint upon the citizens of Colorado.
- This is a stepping stone to more restrictive legislation such as the P.A.U.S.E. ballot initiative that is now in front of the Title Board. Even though common livestock is exempted from S 135, it is easily amended to include those exempted species in the future.
- Specific Language in S 135.
 - “Cause a Performance” paragraph contains alarming language about property rights and its usage, or lack thereof. It limits the financial benefit an owner may come by. Is this wise in the economic climate that we live in? Colorado currently has an unemployment rate higher than the national average, yet you are going to limit the opportunity of Colorado citizens to earn a living.
 - “Environmental Education Program” is also of great concern. Who defines a “professional”, “an individual qualified to impart such information”, “animal’s natural behavior, habitat, life cycle, or similar pedagogical information”? **The P.A.U.S.E. ballot initiative would define natural life span. It does not accept industry standards and common animal husbandry practices. In fact, the P.A.U.S.E. act would criminalize some of these practices and allow accusations to “be proven without allegation or proof”. This would not only affect the livestock industry, but the canine breeding industry as well.** The actual experts, including veterinarians, livestock producers, and property owners have not been included.
 - “Performance” includes carnival, race, parade, and photographs.
 - Does a ban on a Traveling Animal Act include the transportation from one state to another across Colorado?
 - Who defines a wildlife sanctuary, zoo, or aquarium? A better question, is which ones will no longer be licensed or sanctioned?
 - “Does not prohibit if part of an environmental education program if”:
 - The animal is not used more than 6 months in a calendar year.
- The language in this bill is not acceptable. Furthermore, this bill is another affront to the agriculture industry. This bill would lead to further loss of liberty when – not if – it is amended in the future.
- In a time of economic crises, the last actions the Colorado Senate should take is restricting its constituents from the opportunity to earn a living.

My name is Andrea Vendittis and I been working in the veterinary field since 2003. I have been a certified veterinary technician in Colorado since 2012. I have been working at an emergency vet hospital since 2015 and at an animal physical rehabilitation clinic since February 2020.

One of the most common ailments I have seen treated in veterinary clinics is osteoarthritis (OA). This is a very painful condition and many animals are prescribed pain medications, anti-inflammatories and other therapies, just to help them move. They often have a stiffened gait, muscle loss and are unable to do daily activities. Inactivity often exasperates this condition, so we need to keep these patients moving.

It is well known that cats are masters of hiding signs of illness and it has been shown that over 90% of domestic house cats over the age of 12 have radiographic evidence of osteoarthritis.* It is reasonable to believe that the big cats in traveling acts, fairs and circuses, living most of their lives in close confinement, suffer from osteoarthritis similar to house cats.

Elephants and other animals that I have seen at fairs, traveling acts and circuses do not appear to have the same body condition or natural gait as I have seen in wildlife videos. Do these animals, who are lacking the opportunity to move as they are designed, suffer from premature aging or osteoarthritis and if so, how it is being managed? What is being done to help preserve their muscle mass so the muscles can do their role of supporting joints and maintaining normal functions? It is well known that lack of physical activity, or proper movement contributes to muscle loss and premature aging. If elephants, camels, big cats and other large exotic animals do have osteoarthritis, it is often more challenging to treat them with the movement and medications that is often prescribed to feel and function better. When was the last time your doctor recommended to sit on the sofa instead of moving and stretching more?

I know it is very difficult to find qualified veterinarians to treat small exotic animals, such as rabbits and guinea pigs. Sadly, many of these animals have died due to the lack of experienced veterinarians to treat them – especially in an emergency. I fear for the large exotic animals who may suffer from an illness or injury because is it harder to find qualified veterinarians to treat them – especially while travelling. Try calling any veterinary clinic that is able to treat horses and other large animals and ask about their experience with exotic large animals. Now imagine you are calling after hours and during an emergency and try to determine your options.

Please support [SB21-135](#), The Traveling Animal Protection Act to keep traveling exotic animals safe and out of Colorado.

*<https://veterinary-practice.com/article/diagnosing-and-management-of-osteoarthritis-in-cats>