

AGENDA

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, September 27, 2022, 9 AM

How to Participate in the Board of Commissioners Meeting			
In-Person	Zoom Video	Zoom Phone Audio	Facebook LiveStream
Kalapuya Building 4500 Research Way Corvallis, OR	Click for Zoom link	Dial: 1(253) 215-8782	Click for Facebook LiveStream link
	Zoom Meeting ID: 841 7547 4711		
	Zoom Passcode: 658447		

1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

2. Comments from the Public

Time restrictions may be imposed on public comment, dependent on the business before the Board of Commissioners. Individual comment may be limited to three minutes.

3. Review and Approve Agenda

BUSINESS MEETING

4. New Business

- 4.1 Benton County Talks Trash Workgroup Member Vacancy Replacement – *Darren Nichols, Community Development Director*

5. Other

ORS 192.640(1)" . . . notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects."

The Board of Commissioners may call an executive session when necessary pursuant to ORS 192.660. The Board is not required to provide advance notice of an executive session. However, every effort will be made to give notice of an executive session. If an executive session is the only item on the agenda for the Board meeting, notice shall be given as for all public meetings (ORS 192.640(2)) and the notice shall state the specific reason for the executive session as required by ORS 192.660.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the Board of Commissioners Office, (541) 766-6800.

**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, September 27, 2022**

Zoom link: <https://us06web.zoom.us/j/84175474711?pwd=VHZhYkU0ZDNzOUZqdTRvREFpVG1aQT09>

Livestream: <http://facebook.com/BentonCoGov>

9:00 a.m.

Present: Nancy Wyse, Chair; Pat Malone, Commissioner; Xanthippe Augerot, Commissioner; Matt Wetherell, Acting County Administrator; Vance Croney, County Counsel

Excused: Joe Kerby, County Administrator

Staff: Marriah De La Vega, Amanda Makepeace, BOC staff; Cory Grogan, Public Information Officer; Sean McGuire, Sustainability; Erika Milo, BOC Recorder; Darren Nichols, Community Development; Jef Van Arsdall, Sheriff's Office

Guests: John Harris, Horsepower Productions; Sam Imperati, Oregon Consensus; Liz Irish, Ann Kreager, Arlene Merems, Joann Phillips, Eileen Stark, Nettie Schwager, Richard Weber, residents

Chair Wyse called the meeting to order at 9:00 a.m.

I. Opening:
A. Introductions
B. Announcements

There were no announcements.

II. Comments from the Public

Arlene Merems, resident: Merems expressed frustration and disappointment at having to defend the 2018 Exotic Animal Ordinance (EAO), which was well-informed by scientific evidence. Merems was a lead advocate who provided a body of information to the Board and worked with Counsel on the EAO, which is intended to stop the suffering of wild and exotic animals in traveling animal acts. Merems did not know the Fair Board (FB) was working to repeal the EAO until reading about it in the *Gazette-Times*. The FB previously declared a conflict of interest and referred the matter to the Board of Commissioners (BOC), yet has been working on this repeal for two years. As lead, Merems should have been notified and included in any process to change the EAO. Merems stated the FB has misled the BOC with false and flawed information. The proposed permit program will not address the animal welfare issues in this industry, which subjects animals to constant travel and severe confinement. There are similar bans in 137 local jurisdictions. Merems asked the BOC to stop the EAO repeal effort and to meet with her to discuss the matter.

{Exhibit 1: Merems Letter 9/24/22}

{Exhibit 2: Merems Letter 9/26/22}

{Exhibit 3: Merems ADI in Support of the Traveling Exotic Animal & Public Safety Protection Act (TEAPSPA)}

{Exhibit 4: Merems One Pager in Support of TEAPSPA}

Nettie Schwager, resident: Schwager stated that any kind of traveling act using wild animals is cruel; there is no way to meet the needs of these animals and make this situation humane. The original EAO should stay in place. There is a consensus among animal welfare experts, veterinarians, behaviorists, and biologists that life for animals in the circus is not worth living. Many nations have banned animal circuses due to cruelty. The EAO was a mark of progress; a repeal would be backsliding.

Ann Kreager, resident: Kreager ceded her speaking time to Merems.

Merems continued: the EAO is about animal welfare, not conservation (as mentioned in the January 2021 Fair Board letter). There is almost no State or Federal oversight for animal shows. This issue cannot be handled with a permit. The County cannot provide oversight. There is no one locally with the expertise to understand all the related issues. EAO supporters want to prevent bringing these animals here in the first place. The species list brought up in the FB appeal is finite, focused on mammals and some species of shark that suffer most in this industry; it does not include birds, amphibians, most reptiles, and domestic animals. An edit removed horses, but that was not corrected in the approved EAO.

Eileen Stark, resident: Stark stated that when she heard about the stingray exhibit, she felt the EAO was doing its job, which is to ban all wild and exotic species from traveling acts, excluding farmed or companion animals like horses and dogs. A circus performance is entertainment, not education. It does not teach children to respect animals and does not help conservation of wild animals. Captive breeding does not address loss of habitat, poaching, or hunting. More than two-thirds of Americans say they are concerned about use of animals in circuses and shows. 49 countries ban or limit use of animals in traveling acts, and 111 United States jurisdictions have passed partial or full bans. Some popular and profitable shows are animal-free. Please keep the EAO.

Richard Weber, resident: The proposed permit system in place of the EAO is what the County used previously, and does not address the animal welfare issues in the industry. There is little Federal oversight in this industry. Oversight by local animal control and wildlife agencies is expensive and wastes local resources. Permits do not address public health and safety. Keeping wild, distressed animals in temporary enclosures in close proximity to the public can be dangerous. 12% of Asian and 2% of African elephants in North America have tuberculosis, which is communicable to humans. The Fair Board has misinformed the BOC in its interpretation of the EAO and its rationale for appeal. Please leave the well-researched EAO in place.

Wyse thanked the commenters and stated that the Board will discuss this in future.

Augerot agreed the issues are complex. The Board has not taken any action yet to change the Ordinance, and will discuss the matter further.

III. Review and Approve Agenda

The following items were added to the agenda under V. New Business:

- 5.1 State Transportation Improvement Fund (STIF) appointment -- Nancy Wyse, Commissioner**
- 5.2 Donation to Vietnam War Memorial Fund -- Xanthippe Augerot, Commissioner**

IV. New Business

4.1 Benton County Talks Trash Work Group (WG) Member Vacancy Replacement – *Darren Nichols, Community Development Director*

Nichols explained that the Board appointed the WG in August 2022, but one member resigned due to a conflict. Nichols provided several documents (see packet) including a list of people who joined the first two WG meetings remotely, a list of people who formally applied to be WG members, and a list of people who requested email updates on the project. The WG has held two of eight meetings, so it is important to find an individual who is already up to speed on the issues and process, and to consider the need for a balanced WG.

Wyse suggested Catherine Biscoe or Ken Kenniston.

Malone stated Catherine Biscoe was on his short list.

Augerot suggested someone who lives closer to the landfill and can advocate for the neighborhood. Kevin Kenaga and Ken Eklund have spoken to the Board multiple times on landfill issues. Kenniston lives in Corvallis.

Wyse noted Kenniston has been involved in the issue for years.

MOTION: Malone moved to appoint Catherine Biscoe to replace the vacancy on the Benton County Talks Trash Work Group with a community member consistent with the Board's adopted charter. Wyse seconded the motion, which **carried 2-1** (Augerot opposed).

Counsel suggested that the Board recommend an alternative in case Biscoe declines.

Augerot noted that Biscoe is currently alternate for Christopher McMorran, who would need another alternate.

Wyse invited a nomination for second choice.

Augerot would also support Jeffrey Morell, a landfill neighbor who previously served on the Solid Waste Advisory Council. Morell has been out of the country for a few years, but is returning and has tried to stay involved.

MOTION: Augerot moved to appoint Jeffrey Morell to fill the vacancy on the Benton County Talks Trash Work Group in the event that Biscoe cannot fill the position. Malone seconded the motion, which **carried 3-0**.

V. Other

5.1 State Transportation Improvement Fund (STIF) Advisory Committee Appointment – *Nancy Wyse, Commissioner*

Wyse asked whether the Board should appoint Bob Keith to the STIF Advisory Committee, and what area of representation Keith would hold. In the Ordinance, four categories of representation must be filled, and others are optional. Wyse asked if the Board should appoint Keith now even if that doubles up some areas of representation, or hold off in hopes of finding someone in an optional category.

Augerot felt the Board should hold the position open; the four mandatory seats are covered, so the Committee can begin work. But STIF's mandate includes special transportation for people with disabilities, and people of lower income, who are typically under-represented in this context. Augerot would like to find a member who represents the broader disability community or is low-income. There is already one bicycle advocate.

Wyse felt Keith would do well, but was willing to do more recruitment if time allowed.

Augerot preferred to hold Keith's application and do a little more searching.

Malone felt that taking more time made sense.

Counsel noted that the Board cannot hold Keith's application. To generate a different applicant pool, Counsel recommended targeting the position advertisement to a different audience and promoting through different means.

Wyse asked Wetherell to pass that message to communications staff.

5.2 Donation to Vietnam War Memorial Fund — *Xanthippe Augerot, Commissioner*

Augerot noted that many veterans in Benton County do not use services or are affiliated with other resources, so are not counted in demographics. Augerot is married to a Vietnam veteran. Augerot proposed donating \$500-\$1,000 towards the Vietnam War Memorial at the State Capitol.

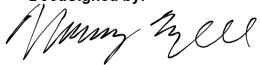
Malone noted this is a one-time donation.

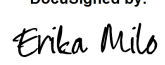
Augerot and Wyse concurred.

MOTION: Augerot moved to make a \$1,000 commitment to the Vietnam War Memorial Fund to make sure the Vietnam War Memorial becomes a reality at the Oregon State Capitol grounds. Malone seconded the motion, which **carried 3-0.**

VI. Adjournment

Chair Wyse adjourned the meeting at 9:38 a.m.

DocuSigned by:

 85593F1F843F4FD...
 Nancy Wyse, Chair

DocuSigned by:

 C7429A6070FD4C7...
 Erika Milo, Recorder

** NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*

WORK SESSIONS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 09/27/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Board of Commissioners

Contact Name * Darren Nichols

Phone Extension * 5417666394

Meeting Attendee Name * Darren Nichols, Sam Imperati

Agenda Item Details



Item Title * Benton County Talks Trash Workgroup Member Vacancy Replacement

Item Involves * Check all that apply

- ☒ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☒ Discussion and Action
- ☐ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☒ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 30 Minutes

Board/Committee Involvement *
☒ Yes
☐ No

**Name of
Board/Committee**

Benton County Talks Trash

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Advertisement*

☐ Yes

☒ No

Item Issues and Description

Identified Salient Issues*

The Board will be asked to appoint a workgroup member to replace a vacancy created following the resignation of Brandon Bates from the workgroup.

Options*

1. Appoint a replacement member
2. Leave the seat vacant

Fiscal Impact*

- ☐ Yes
- ☒ No

Mandated Service? * ☒ Yes
☐ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Mandated Service Description * If this agenda checklist describes a mandated service or other function, please describe here.
The County has specific responsibilities and contractual agreements relating to the management of solid waste and disposal.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values * Select all that apply.

- ☒ Vibrant, Livable Communities
- ☒ Supportive People Resources
- ☒ High Quality Environment and Access
- ☒ Diverse Economy that Fits
- ☒ Community Resilience
- ☒ Equity for Everyone
- ☒ Health in All Actions
- ☐ N/A

Explain Core Values Selections * Solid Waste and disposal management impact nearly every organization and individual in Benton County; in this manner, solid waste management touches most if not all of the core values of the 2040 initiative.

Focus Areas and Vision * Select all that apply.

- ☒ Community Safety
- ☒ Emergency Preparedness
- ☒ Outdoor Recreation
- ☒ Prosperous Economy
- ☒ Environment and Natural Resources
- ☒ Mobility and Transportation
- ☒ Housing and Growth
- ☒ Arts, Entertainment, Culture, and History
- ☒ Food and Agriculture
- ☒ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection * Solid Waste and disposal management impact nearly every organization and individual in Benton County. Benton County's policies and actions in turn impact County residents and the mid-Willamette Valley; in this manner, solid waste management touches most if not all of the core values of the 2040 initiative both in and around Benton County. The Benton County Talks Trash workgroup represents the Board's focused, intentional effort to request and support community-based recommendations for collaborative approaches that address solid waste and disposal.

Recommendations and Motions

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Item Recommendations and Motions

Staff

Recommendations*

The County's selected third-party facilitator and staff recommend appointing a community member to replace the vacant seat.

Meeting Motions*

I move to ...
appoint [insert name here] to replace the vacancy on the Benton County Talks Trash workgroup with a community member, consistent with the Board's adopted charter.

Attachments, Comments, and Submission

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Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Community Members Interested_092022 - redacted.pdf	91.38KB
Benton County Talks Trash Charter and Bylaws 8- 18-22 Final Draft.pdf	426.82KB

Comments (optional) If you have any questions, please call ext.6800

Department Approver JOE KERBY

Department Approval

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Comments

Signature

Hanna Kwiatkowski

BOC Initial Approval

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Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

County MAURA KWIATKOWSKY

Administrator

Approver

Comments

Counsel Approval

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Comments

Signature

Vance H. Choney

County Administrator Approval

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Comments

Signature

Hanna Kwiatkowski

BOC Final Approval

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Comments

Signature



Amanda Makepeace



Community Development Department

Office: (541) 766-6819

360 SW Avery Avenue

Corvallis, OR 97333

co.benton.or.us/cd

MEMORANDUM

To: Benton County Board of Commissioners

From: Darren Nichols, Community Development Director

Date: September 22, 2022

Re: Request to fill one vacant seat on the Benton County Talks Trash workgroup

Following the Board's guidance at its Tuesday September 20, 2022 meeting, attached please find a list of interested parties for the Benton County solid waste and disposal workgroup.

As the Board discussed, the Benton County Talks Trash workgroup has one vacancy following the resignation of a prior appointee. Recognizing that the workgroup has already begun its work and has held two meetings, the Board asked for a list of parties who have expressed an interest in the topic of solid waste and disposal, as well as those who have participated in one or more of the workgroup's two initial meetings.

Staff recommends the Board appoint an individual from one of these lists or any other community member the Board believes will help achieve a balance of perspective on the workgroup.

For additional context, please feel free to refer to the Workgroup's Charter.

The following information is attached to assist in the Board's decision making process:

Attachment A includes the lists of individuals who joined the workgroup's remote meeting option. Several of the names are listed as apparent online pseudonyms. NOTE: several individuals joined the meetings in person but did not sign the available public sign-in sheet.

Attachment B is a list of parties who formally expressed interest in response to the County's request. The Board reviewed this list when it appointed members to the initial workgroup.

Attachment C is a list of parties who have requested to be included in the workgroup's email update list and the County's solid waste email list.

Attachment D is the Board's adopted Workgroup Charter.

Meeting ID	Topic	Start Time	End Time	User Email	Duration (M Participants)
81543431547	Benton County Talks Trash Workgroup - RECURRING - Do Not Del	9/15/2022 14:45	9/15/2022 19:06	bocinfo@co.benton.or.us	261 31

Name (Original Name)	User Email	Total Duration (Minutes)	Guest
BOC Info	bocinfo@co.benton.or.us	261	No
Sam Imperati		261	Yes
Greg Storms (Greg Storms KD7SRC)		27	Yes
Chuck Gilbert		257	Yes
Daniel Redick (he/him# Benton County)		255	Yes
Debbie Palmer		248	Yes
Roeland		48	Yes
Kevin Kenaga (iPad (5)Kevin Kenaga)		246	Yes
WG Alt - Julie Jackson - Republic Services (Julie Jackson)		240	Yes
Alcyon's iPad (2)		195	Yes
lindaray		20	Yes
Becky Merja		242	Yes
Bryn Hazell		52	Yes
Kirk Rensmeyer		59	Yes
Pam Vaughan# City of Corvallis		241	Yes
WG ALT Andrew Johnson# Marion County		240	Yes
Ken Eklund		146	Yes
Greg Storms		203	Yes
Marge Popp		8	Yes
Jeffrey Condit		228	Yes
Catherine Biscoe (Catherine)		53	Yes
Susie Martin (S M)		218	Yes
Vance Croney		94	Yes
iPad (8)		10	Yes
Debbie's iPhone		68	Yes
Shane S		174	Yes
Inga's iPhone		42	Yes
WG# Liz Irish# Benton County Planning Commission		240	Yes

Meeting ID	Topic	Start Time	End Time	User Email	Duration (M Participants)
85699775642	Benton County Talks Trash Work Group	9/8/2022 14:09	9/8/2022 19:07		298 49

Name (Original Name)	User Email	Total Duration (Minutes)	Guest
Public Information# Benton County		294	No
Chuck Gilbert		277	Yes
Greg Verret# Benton Co.		288	Yes
WG ALT# Andrew Johnson# Marion County		282	Yes
Adam Meyer (Facilitation Support) (Adam Meyer - ODF)		281	Yes
Stephen Gerritson		166	Yes
Ken Eklund		277	Yes
WG Alt Jen Brown (Jen Brown)		276	Yes
Vance Croney		161	Yes
Private phone number		10	Yes
Higgins		276	Yes
Pam Vaughan# City of Corvallis		159	Yes
John		97	Yes
Jeffrey Condit		270	Yes
Hugh G		6	Yes
IeRM P. Schmidt-Pathmann		168	Yes
jmcvoy		8	Yes
Kevin Kenaga (iPad (5)Kevin Kenaga)		267	Yes
Debbie Palmer		269	Yes
DOROTHY BALISOK		173	Yes
Becky Merja		258	Yes
faye		17	Yes
Larry		253	Yes
WG (Edward Pitera)		112	Yes

WG (Ginger Rough)	243	Yes
james rodell	61	Yes
Heather Krimsly	237	Yes
Janet Wolf-Eshe	19	Yes
Private phone number	38	Yes
jsimpkins	127	Yes
Jerry	54	Yes
fischler	150	Yes
Debbie's iPhone	27	Yes
Holly	108	Yes
Private phone number	92	Yes
Jo Ann	88	Yes
Bekki	83	Yes
Janet Lee	62	Yes
Liz Irish	3	Yes
WG Liz Irish Benton County Planning Commission	276	Yes
WG# Ed Pitera# Resident# Polling Member	135	Yes

Community Members

Pam	Wilson
Helen	Higgins*
Lori	Bullis
Pam	Vaughn
Kathryn	Duvall
Linda	Brewer
Lyn	Powell*
Kimberly	Powell
Ramsey	McPhillips
Becky	Merja
Don Alan	Hall
Steve	Chase
Ed	Pitera*
Catherine	Holdorf*
Priya	Thakkar
Peggy	Lynch
Jeffrey	Morrell*
Glenn	Zinkus*
Kevin	Higgins
Louisa	Shelby*
John	Deuel*
Ken	Kenaston*
Mary	Parmigiani*
Christophe	McMorran*
Salah	Miller*
Joe	Parmigiani*
Pablo	Garcia*
Brandon	Bates*
Curtis	Wright
Paul	Richard**

1 Names with an (*) denote community members who submitted a formal application/informational questionnaire prior to 11:59 PM Thursday August 18, 2022.

2 Names with an (**) denote community members who submitted a formal application/informational questionnaire after 11:59 PM Thursday August 18, 2022.

Email Address	First name	Last name	Benton County Email Subscription Lists
<u>Emails redacted to protect privacy of individual community members</u>			
	Bryan	Cornell	Solid Waste Workgroup
	Rose	Holdorf	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Chris	Bentley	Justice System Improvement Program -- Updates,Solid Waste Workgroup,Organic Subscribers
	marge	popp	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Evelyn	Lee	Media Contacts,Justice System Improvement Program -- Updates,Solid Waste Workgroup
	Dorothy		Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Debra	Johnson	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Sandra	Bean	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	LEE	Bryan	Homelessness,Buzz + Enews call for content,Solid Waste Workgroup,Organic Subscribers,BC employees 8/23/22
	Nick	Meltzer	Homelessness,Solid Waste Workgroup
	Bennett	Hall	Homelessness,Solid Waste Workgroup
	Jessica	McDonald	Justice System Improvement Program -- Updates,Homelessness,Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
	Mardi	Blisland	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
	Rebecca	Landis	Solid Waste Workgroup,Key Contacts
	Bruce	Bartlett	Solid Waste Workgroup
	S	Hoff	Solid Waste Workgroup
	AUGEROT	Xanthippe	Justice System Improvement Program -- Updates,Homelessness,Solid Waste Workgroup,AJ Retirement,BC employees 8/23/22,Benton County Adv B&C Staff
	KERBY	Joseph	Justice System Improvement Program -- Updates,Homelessness,Solid Waste Workgroup,BC employees 8/23/22,Benton County Adv B&C Staff
	CRONEY	Vance M	Homelessness,Solid Waste Workgroup,BC employees 8/23/22
	FARLEY	Teresa	Justice System Improvement Program -- Updates,Solid Waste Workgroup,BC employees 8/23/22
	STOKES	JonnaVie	Media Contacts,Justice System Improvement Program -- Updates,Hispanic heritage,OSU Media list,Homelessness,BOC Advisory Committees,Solid Waste Workgroup,Key Contacts,Oregon County Commissioners,Organic Subscribers,COVID-19 Vax Information,PHO Test,BC employees 8/23/22,Benton County Adv B&C Staff
	VERRET	Greg J	Solid Waste Workgroup,BC employees 8/23/22,Benton County Adv B&C Staff
	Jim	Day	Media Contacts,Justice System Improvement Program -- Updates,Solid Waste Workgroup
	Kathryn	Duvall	Solid Waste Workgroup,Organic Subscribers
	Cat	Newsheller	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Wendy	Byrne	Solid Waste Workgroup,Organic Subscribers
	Laurie	Chaplen	Justice System Improvement Program -- Updates,Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Heather	Krimsly	Justice System Improvement Program -- Updates,Solid Waste Workgroup
	DJ	Mason	Solid Waste Workgroup
	Linda	Brewer	BOC Advisory Committees,Solid Waste Workgroup,Key Contacts
	Phil	Hayes	Homelessness,BOC Advisory Committees,Solid Waste Workgroup,AJ Retirement,Key Contacts
	Debra	Higbee-Sudyka	Justice System Improvement Program -- Updates,BOC Advisory Committees,AJ list 2,Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
	Ken	Kenaston	Justice System Improvement Program -- Updates,BOC Advisory Committees,Solid Waste Workgroup,Key Contacts,Organic Subscribers,COVID-19 Vax Information
	John	McEvoy	Justice System Improvement Program -- Updates,BOC Advisory Committees,Solid Waste Workgroup
	Jeff	Morrell	BOC Advisory Committees,Solid Waste Workgroup,Key Contacts
	John	Sarna	Justice System Improvement Program -- Updates,BOC Advisory Committees,Solid Waste Workgroup
	John	Simpkins III	BOC Advisory Committees,Solid Waste Workgroup,Key Contacts
	Judy	Sundquist	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Gina	Flak	Solid Waste Workgroup,Organic Subscribers
	D	Lane	Justice System Improvement Program -- Updates,Solid Waste Workgroup
	WILLIAMS	Inga	Justice System Improvement Program -- Updates,Buzz + Enews call for content,Solid Waste Workgroup,BC employees 8/23/22
	Stephanie	Kerst	Justice System Improvement Program -- Updates,Solid Waste Workgroup
	Sean	Scorvo	Justice System Improvement Program -- Updates,Solid Waste Workgroup
	Christina	White	Justice System Improvement Program -- Updates,Solid Waste Workgroup
	Laura	King	Justice System Improvement Program -- Updates,Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
	callahb		Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Joyce	Maitland	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	BYER	Laurel	Justice System Improvement Program -- Updates,Solid Waste Workgroup,BC employees 8/23/22
	tayloala		Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	ALTENBACH	Bernard S	Solid Waste Workgroup,BC employees 8/23/22
	BROWN	Jennifer	Buzz + Enews call for content,Solid Waste Workgroup,BC employees 8/23/22
	Daryl	LONG	Solid Waste Workgroup,BC employees 8/23/22
	DETRICH	Ron	Solid Waste Workgroup,BC employees 8/23/22
	GJOVIK	Lars	Solid Waste Workgroup,BC employees 8/23/22
	KURTZ	Gordon P	Buzz + Enews call for content,Solid Waste Workgroup,BC employees 8/23/22
	KWIATKOWSKI	Maura	Solid Waste Workgroup,BC employees 8/23/22
	MALONE	David	Solid Waste Workgroup,BC employees 8/23/22
	MCGUIRE	Ian	Solid Waste Workgroup,BC employees 8/23/22
	MILLEHRER	Owen	Solid Waste Workgroup,BC employees 8/23/22
	MILO	Erika	Solid Waste Workgroup,BC employees 8/23/22
	MOORE	Joseph	Solid Waste Workgroup,2022 Fair Volunteers,BC employees 8/23/22
	NICHOLS	Darren	Solid Waste Workgroup,2022 Fair Volunteers,BC employees 8/23/22
	RAY	Linda	Buzz + Enews call for content,Solid Waste Workgroup,BC employees 8/23/22
	REDICK	Daniel	Buzz + Enews call for content,Solid Waste Workgroup,BC employees 8/23/22
	TRACY	Tami	Solid Waste Workgroup,BC employees 8/23/22
	TURKISHER	Robert	Solid Waste Workgroup,BC employees 8/23/22
	tweet37		Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Peggy	Lynch	Homelessness,BOC Advisory Committees,Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
	jdodson		Solid Waste Workgroup
	Kevin	Kenaga	Solid Waste Workgroup,Organic Subscribers
	fisher		Solid Waste Workgroup
	k	Jones	Solid Waste Workgroup
	Sara	Gelser	Justice System Improvement Program -- Updates,Solid Waste Workgroup
	Nick	Fowler	Justice System Improvement Program -- Updates,Solid Waste Workgroup,Organic Subscribers
	ctfrancis		Solid Waste Workgroup
	Catherine		Solid Waste Workgroup
	Liz	Irish	Solid Waste Workgroup,Organic Subscribers
	Edward	Pitera	Solid Waste Workgroup,Organic Subscribers
	Isleeman		Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	MARDIS	Joe L	Solid Waste Workgroup,BC employees 8/23/22
	Daniel	Youngberg	Solid Waste Workgroup,Organic Subscribers
	Pamela D.	Wilson	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax information
	Catherine	Stearns	Solid Waste Workgroup,Organic Subscribers

ATTACHMENT C

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Catherine bdanger	Biscoe	Justice System Improvement Program -- Updates,Homelessness,Solid Waste Workgroup,Organic Subscribers
irubymoon		Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
Kenagy	Peter	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
pbgrebe		BOC Advisory Committees,Solid Waste Workgroup,AJ Retirement,Key Contacts
WYSE	Nancy	Solid Waste Workgroup
doug	Bisland	Justice System Improvement Program -- Updates,Solid Waste Workgroup,AJ Retirement,BC employees 8/23/22
alcyonlord		Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
Bryn	Hazell	Solid Waste Workgroup,Organic Subscribers
Jennifer	Gervais	Justice System Improvement Program -- Updates,BOC Advisory Committees,Solid Waste Workgroup,Organic Subscribers
Julie	Jackson	Solid Waste Workgroup,Organic Subscribers
Rolland	Baxter	Justice System Improvement Program -- Updates,Solid Waste Workgroup,Organic Subscribers
Bink	Lyon	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
Edwardsson		Solid Waste Workgroup
Kenneth	Larson	Solid Waste Workgroup,Organic Subscribers
Annette	Mills	Solid Waste Workgroup,Key Contacts
rmkapsenberg		Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
MCGUIRE	Sean	Justice System Improvement Program -- Updates,Homelessness,Buzz + Enews call for content,Solid Waste Workgroup,Organic Subscribers,BC employees 8/23/22
Christopher		Solid Waste Workgroup,Organic Subscribers
alderspring		Solid Waste Workgroup
MALONE	Patrick	Justice System Improvement Program -- Updates,Solid Waste Workgroup,AJ Retirement,BC employees 8/23/22
PK	Haggerty	Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information
Cliff	Adams	Solid Waste Workgroup
dwingp		Solid Waste Workgroup
psp		Solid Waste Workgroup
Brandon	Bates	Solid Waste Workgroup
Brian	Fuller	Solid Waste Workgroup
Brian	May	Solid Waste Workgroup
Chuck	Gilbert	Solid Waste Workgroup
John	Deuel	Solid Waste Workgroup
Ginger	Rough	Solid Waste Workgroup
jfritz		Solid Waste Workgroup
Joel	Geier	Solid Waste Workgroup
Louisa		Solid Waste Workgroup
Mary	Parmigiani	Solid Waste Workgroup
Nancy	Whitcomebe	Solid Waste Workgroup
Russ	Knocke	Solid Waste Workgroup
Ryan	McAlister	Solid Waste Workgroup
Sam	Imperati	Solid Waste Workgroup
Shane	Sanderson	Solid Waste Workgroup
Sean	Edmonds	Solid Waste Workgroup
Alh		Solid Waste Workgroup
Bailey	Payne	Solid Waste Workgroup
Bkienholz		Solid Waste Workgroup
Stearns_Cm		Solid Waste Workgroup
Penning,Fred		Solid Waste Workgroup
Ian	Macnab	Solid Waste Workgroup
Jwhittedge		Solid Waste Workgroup
Johmann		Solid Waste Workgroup
Futureeverything		Solid Waste Workgroup
Marge	Popp	Solid Waste Workgroup
Pam	Vaughn	Solid Waste Workgroup
Pkhaggerty		Solid Waste Workgroup
Jay	Simpkins III	Solid Waste Workgroup
Jeff	Kleinman	Solid Waste Workgroup
Timberframing		Solid Waste Workgroup
Priya	Thakkar	Solid Waste Workgroup
Paul	Nietfeld	Solid Waste Workgroup
Brian		Solid Waste Workgroup
Stephen	Fitzgerald	Solid Waste Workgroup
Jsmgold		Solid Waste Workgroup
Kandhusa		Solid Waste Workgroup
Adamhyla		Solid Waste Workgroup
Rae	Norris	Solid Waste Workgroup
Thom	Hewes	Solid Waste Workgroup
Funkkh		Solid Waste Workgroup
Grant	Carlin	Solid Waste Workgroup
Tyrone	Belgarde	Solid Waste Workgroup
Solamente1rmh		Solid Waste Workgroup
Brad	Low	Solid Waste Workgroup
Abc255		Solid Waste Workgroup
Jrockett		Solid Waste Workgroup
Biohazard...		Solid Waste Workgroup
Pam	Wilson	Solid Waste Workgroup
Duane	Liner	Solid Waste Workgroup
Aaron	Harris	Solid Waste Workgroup
Andrew		Solid Waste Workgroup
Papadop		Solid Waste Workgroup
Cody	Franz	Solid Waste Workgroup
George	Heilig	Solid Waste Workgroup
Greg	Blackmore	Solid Waste Workgroup
Jeff	Condit	Solid Waste Workgroup
Gregory.C.Reed		Solid Waste Workgroup
Jennifer.B.Ringo		Solid Waste Workgroup
Annemary.Myers		Solid Waste Workgroup
Elise.X.Kelley		Solid Waste Workgroup
Brian.H.Wolfer		Solid Waste Workgroup
Jarod_Jebousek		Solid Waste Workgroup
Brian.Fuller		Solid Waste Workgroup

John.Pouley		Solid Waste Workgroup
Matthew.Unitis		Solid Waste Workgroup
Inge_King		Solid Waste Workgroup
Bobspeaker		Solid Waste Workgroup
Mayeager		Solid Waste Workgroup
Bliss.Ben		Solid Waste Workgroup
Or2001Kir650		Solid Waste Workgroup
Lauriricher		Solid Waste Workgroup
Wbholdorf		Solid Waste Workgroup
Faye		Solid Waste Workgroup
Chrystal.Young		Solid Waste Workgroup
WillettM		Solid Waste Workgroup
Cimclapp		Solid Waste Workgroup
Judithkerr		Solid Waste Workgroup
Aaron.Harris.Rn		Solid Waste Workgroup
Haneydp		Solid Waste Workgroup
Dave		Solid Waste Workgroup
Judyclark		Solid Waste Workgroup
Bailey		Solid Waste Workgroup
Director		Solid Waste Workgroup
Randall.M.Bentz.Nfg		Solid Waste Workgroup
'Cowgerbruce		Solid Waste Workgroup
Jim.Day		Solid Waste Workgroup
Clgatien		Solid Waste Workgroup
Krimslly		Solid Waste Workgroup
Crtsmth		Solid Waste Workgroup
Rohrmanng		Solid Waste Workgroup
Juliannefreeman		Solid Waste Workgroup
Janetcharlottelee		Solid Waste Workgroup
LA	Davis	Solid Waste Workgroup
Davi	Vesely	Solid Waste Workgroup
HARTSTEIN	Sara	Justice System Improvement Program -- Updates,Homelessness,Solid Waste Workgroup,Organic Subscribers,COVID-19 Vax Information,2022 Fair Volunteers,BC employees 8/23/22
Kirk Rensmeyer		solid Waste Workgroup
Rosemary Magee		Solid Waste Workgroup
Ilene McClelland		Solid Waste Workgroup
Suzanne Lazaro		Solid Waste Workgroup
Cody Mann		Solid Waste Workgroup

“BENTON COUNTY TALKS TRASH”
WORKGROUP Charter and Bylaws
8-18-2022 Final Draft

The Benton County Board of Commissioners (BOC) has established the “Benton County Talks Trash” Workgroup (WORKGROUP) and has adopted this Charter and Bylaws document pursuant to [Code Chapter 3](#) to govern its work.

I. Background

Benton County (County) contracted with Oregon Consensus to conduct a process assessment with the following Scope:

Benton County and key stakeholders seek assistance identifying and implementing a constructive path forward relating to sustainable materials management and the future of solid waste disposal in the Mid-Willamette Valley, including at the Coffin Butte regional landfill. Following a [December 7, 2021] Benton County Planning Commission denial of a proposed conditional use permit to expand the landfill, key participants recognize that a constructive path forward could benefit from the assistance of a third-party facilitator. Key stakeholders believe that an objective assessment of the situation, conducted by an impartial third party, would be a good first step. (Emphasis added.)

Based on this original Scope, the County asked Oregon Consensus to complete a third-party situational assessment. The Benton County Solid Waste Situational Assessment Report (Assessment Report) can be found [here](#). The BOC accepted the Report during its July 19, 2022 meeting and approved funding for the process at its July 26, 2022 meeting. As a result, the Report serves as the reference document for this WORKGROUP.

II. Scope & Charge

This is a “bridge” process between past events and next steps. The process is designed to reset the current dynamics with the development of “common understandings” and recommended protocols for the future substantive consideration of the solid waste issues.

This WORKGROUP is not a decision-making body. It is a recommendation-making group with the following Scope. (See, [Assessment Report](#) for details.) The recommendations are not binding on decision makers in any subsequent land use review, but will help inform all parties going into a review process.

The WORKGROUP, with concurrence of the County staff, will prioritize the following topics.

- A. Develop Common Understandings to form the basis of the work.** Staff to draft a document, for review by the work group, outlining common understandings to include the following informational topics by 8/25/22:

- 1) A chronological history of key Coffin Butte Landfill topics:
 - a. Size;
 - b. Specific locations;
 - c. Conditions of past land use approvals;
 - d. Compliance with prior land use approvals and SWMP;
 - e. Reporting requirements;
 - f. Assumptions (e.g. when will the landfill close;)

- g. Economics (i.e. Benefit – Cost, etc.;;) and
 - h. Examples from other jurisdictions hosting landfills, e.g.:
 - i. Typical land use conditions of approval; and
 - ii. Issue sequencing, (e.g. in what order are landfill versus hauling approvals done, etc.
- 2) A Summary of the County’s current rights and obligations to Republic Services, and vice versa, surrounding:
- a. The hauling franchise;
 - b. The landfill CUP; and
 - c. What legally can and cannot be conditions of any land use approvals (e.g. past compliance, compliance with future laws, codes, and policies, DEQ compliance, reopening, limitations on what can be brought into the County from where, required facilities and practices, reporting/compliance/financial monitoring requirements, etc.)
- 3) A Summary of the rights and obligations of other entities surrounding landfills, hauling, and sustainability initiatives, etc.:
- a. Federal;
 - b. Tribal;
 - c. State (e.g. Is DEQ prohibited from permitting another landfill west of the Cascades and what does the “regional landfill” designation mean?);
 - d. Local Government; and
 - e. Summary of the step-by-step process in ORS chapter 459 and associated timing for the cross-jurisdictional approvals of landfill applications, (e.g. DEQ) including:
 - i. What topics are within whose authority, and
 - ii. Whether, for example, the County can or should consider the topics it does not have permitting authority over when assessing the criteria outlined in Code section 53.215?

B. Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion. Specifically:

- 1) Create a common understanding document outlining which Development Code criteria are applicable to the review of a conditional use application for landfill expansion by reviewing 53.215 (Criteria,) 77.305 (Conditional Uses,) 77.310 (Review,) and 77.405 (DEQ); review Chapters 50 and 51 for context; and then:
- a. Preparing a conceptual list of any other Development Code criteria the WORKGROUP recommends be applicable; and
 - b. Developing recommended guidelines for interpreting any ambiguous provisions recognizing current statutes, regulations, case law, and County precedent, etc. Examples for consideration include:
 - i. The phrase, “Other information as required by the Planning Official” 77.310(e); and
 - ii. The terms found in Section 53.215, e.g., “seriously interfere,” “character of the area,” “purpose of the zone,” “undue burden,” and “any additional criteria which may be required for the specific use by this code.”
- 2) In doing so, refer to Comprehensive Plan for policy guidance regarding interpretation of any ambiguous Development Code provisions (see, BCC 50.015,) and Review the Planning Commission comments made during its last review of Republic Services’ CUP application for context.

- 3) Develop protocols for the timely and broad distribution of CUP-related information to the public, other governmental entities, and internal committees, groups, and divisions.

This proposed element does NOT include opining on the merits of Republic Services' expected Coffin Butte application, nor does it involve the actual writing of potential code language or recommendations that change the current steps in the existing CUP review process. The scope is limited to developing conceptual language for recommended review criteria and recommended guidelines for interpreting any existing ambiguous provisions using the below "Common Understanding" as guideposts. The WORKGROUP must operate within the legal parameters associated with its specific recommendations.

C. Scope the necessary tasks to start a Long-Term Sustainable Materials Management Plan process.

Consider topics like contracting out, subjects to be covered, who needs to be at the table beyond those in the County, and a workplan outline with a timeline for completion. Look to recent similar planning efforts across the state to assess what topics were included and what "lessons learned" should be brought forward in this process. This includes the development of the necessary foundational "common understandings" and protocols needed before beginning the actual planning process.

This element includes topics beyond the landfill, and like it, the WORKGROUP should consider the cost-benefits from the perspective of who gains benefits, and who does not, in light of Code section 23.010 [Solid Waste Management] Purpose, which states, "In order to protect the health, safety and welfare of the people of Benton County and to provide a solid waste management program, it is declared to be the public policy of Benton County to regulate solid waste management to... [see actual language for list of potential topics.]" [Section 23.100](#)

This charge does not include completing the plan. It only includes a discussion of the preliminary scoping to start that planning process.

D. Provide input on additional topics raised in the [Assessment Report](#):

1. Scope the necessary tasks to start planning for the reopening of the existing hauling agreement to be amended by July 1, 2024, which is controlled by the following provision, "This agreement shall be amended by July 1, 2024 to include the same or similar terms as the forthcoming City of Corvallis collection franchise agreement, including, but not limited to, the same termination date, as well as concepts from the consensus-seeking process;
2. Clarify the differences, with BOC feedback, between the roles, responsibilities, and protocols of SWAC and DSAC on these topics, and develop specific recommended review criteria for the evaluation of CUP applications. Related Question: "Should SWAC and DSAC use the same review criteria as the Planning Commission and the BOC;" and
3. Create a future timeline for discussing any needed changes to the Benton County Code flowing from any WORKGROUP recommendations.

E. Consider creating a public-facing document and community education campaign on these topics.

III. Guiding Principles

The WORKGROUP should consider the following guiding principles during its deliberations:

- A. **Process Goal:** Make recommendations in the best interest of the Benton County community-at-large; and
- B. **Strive for “Pareto Efficiency:”** The ideal conceptual situation where no further improvements to the community’s wellbeing can be made through a reallocation of resources that makes at least one part of the Community-at-large better off without making another part of the community-at-large worse off.
- C. **Benefit – Cost Factors:** Recommendations should consider the maximization of benefits and the reduction of costs.

IV. Membership

There are two categories: a) Polling Member; and b) Ex Officio Member. Polling Members have full rights of participation and “polling.” Ex Officio Members are “non-polling” information sources. Each may bring technical resources to the meetings. The technical resources will be able to participate in the discussions with permission of the Facilitator after a WORKGROUP discussion on the advantages and disadvantages surrounding their participation.

Organization/Interest Group	WORKGROUP Member	Polling	Ex Officio	Charge
SWAC/DSAC		X		All
SWAC/DSAC		X		All
Planning Commission		X		All
Planning Commission		X		All
Republic National		X		All but C
Republic Local		X		All but C
Public		X		All
Public		X		All
Public		X		All
Public		X		All
Public		X		All
Public		X		All
Public		X		All
Public		X		All
DEQ			X	All but D
Neighboring Jurisdiction			X	Only C
Neighboring Jurisdiction			X	Only C
Benton County Staff			X	All
Benton County Staff			X	All

Each member is allowed to assign one WORKGROUP alternate for the process. That person must have full authority to represent their Organization/Interest Group. If the alternate is attending, the primary member must provide written notice to Facilitator at least 72 hours in advance of a meeting’s start time. Assigning a replacement alternate is at the discretion of the Facilitator.

Government-to-government tribal consultation/coordination/communication will be ongoing.

V. Public Attendance

The public is welcome to attend all meetings. The facilitator will manage the meetings consistent with the Agenda, which gives priority to committee members, first to Polling members and second to Ex Officio Members. There will be time on the agenda dedicated to receiving input from the public with time limits for each person.

VI. Subcommittees

The County will evaluate the need for subcommittees, factoring in time and resource considerations. With the approval of the BOC and concurrence of staff, the WORKGROUP may create subcommittees if necessary, and allocate meeting time accordingly.

VII. WORKGROUP Material and Support

All committee materials will be provided electronically as a sustainability measure.

Meeting notices, agendas, materials, minutes (the members present, all motions, resolutions, votes taken and the substance of any discussion,) and recordings will be posted on this [webpage](#).

Technical input from agencies, organizations, or individuals with specialized expertise will be available to the WORKGROUP as issues arise.

VIII. Facilitator

The County has contracted with an independent and neutral third-party facilitator, [ICMresolutions](#), (Facilitator,) whose role is to facilitate meetings, help the WORKGROUP develop recommendations, and produce WORKGROUP reports. The Facilitator's responsibility is to the WORKGROUP process, but neither WORKGROUP membership/sponsorship, nor process participation is a substitute for independent legal or other professional advice. That is the responsibility of the process participants. The Facilitator will also be available as a resource for conflict resolution and WORKGROUP process improvement suggestions.

The Facilitator's written contract with the County is available for review. The Facilitator will not be influenced by payment source. To ensure impartiality, the County will solicit WORKGROUP input on the Facilitator's performance before changing ICMresolution's status, but the ultimate decision is the BOC's.

The Facilitator may suggest concepts for WORKGROUP consideration, but will not make any decisions.

Specific Facilitator responsibilities include:

- A. Design and support meeting process to achieve the outcomes of the process using formal agenda and meeting recordings to track progress;
- B. Ensure culturally competent practices are used to foster inclusion and the equal voice of all participants;
- C. Ensure a welcoming meeting environment where all members can participate;
- D. Ensure a safe environment for alternative opinions to be expressed;

- E. Conduct meetings in a manner to foster collaborative decision-making and consensus building; and
- F. Prevent dialogue from becoming confrontational and apply mediation practices to resolve conflict.

The Facilitator may have non-confidential, informal communications and perform facilitation activities between and during meetings. The BOC gives broad authority to the Facilitator to interpret this document and guide the WORKGROUP accordingly. The Facilitator will address situations where it appears a participant is not acting according to this document.

IX. Work Plan/Schedule

The committee will meet according to the draft work plan outlined below, which is subject to change.

Meeting One: 9/8/22
• Introductions • Review of Charter with Process Overview • Member Comments • Charge A: Discuss Common Understandings document draft • Next Steps and Homework • Meeting Evaluation
Meeting Two: 9/15/22
• Charge A continued: Develop Common Understandings • Coffin Butte Tour • Next Steps and Homework
Meeting Three: 10/6/22
• Charge B: Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion • Next Steps and Homework
Meeting Four: 10/27/22
• Charge B continued: Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion • Next Steps and Homework • Mid-Process Evaluation
Meeting Five: 11/3/22
• Charge B continued, and Charge C: Scope the necessary tasks to start a Long-Term Sustainable Materials Management Plan process • Next Steps and Homework
Meeting Six: 11/17/22

- Provide input on Charges D and E: Additional Topics
 - Hauling Reopening
 - Roles/Responsibilities
 - Timeline for code changes
 - Consider creating a public-facing document and community education campaign on these topics
- Authorize Draft to SWAC/DSAC and Planning Commission for comment
- Next Steps and Homework

Meeting Seven: 12/1/22

- Review SWAC/DSAC and Planning Commission Feedback
- Edit Draft Report
- Next Steps and Homework

Meeting Eight: 12/15/22

- Finalize Report to BOC
- Next Steps: The BOC is expected to consider the findings and recommendations in January 2023.
- Process Evaluation
- Celebration!

Please see **Exhibit A** for Calendar version.

X. Collaboration Protocols for WORKGROUP Recommendations

The WORKGROUP will follow these protocols.

- A. Quorum:** 51% of the Polling Members listed above.
- B. Meetings:** Meetings of the WORKGROUP and its subcommittees, if any, are open to the public and will include an opportunity for public comment. Notice of WORKGROUP meetings will be posted in advance of meetings on the project website.
- D. Meeting Agendas and Meeting Materials:** The Facilitator will develop Working Agendas for each meeting. Meeting agendas and meeting materials will be sent electronically to WORKGROUP members in advance of the meetings and will be posted on the project website.
- E. WORKGROUP Commitments:** The WORKGROUP members, staff, and participants will participate in good faith, which means they will:
 - 1) Prepare for and set aside time for the meetings and the entire process,
 - 2) Participate fully, honestly, and fairly, commenting constructively and specifically,
 - 3) Speak respectfully, briefly, and non-repetitively; not speaking again on a subject until all other members desiring to speak have had the opportunity to speak,
 - 4) Allow people to say what is true for them without fear of reprisal,
 - 5) Explore the topics – not debate them,
 - 6) Disagree without being disagreeable,
 - 7) Avoid side conversations during meetings,

- 8) Provide information as much in advance as possible of the meeting in which such information is to be used and share all relevant information to the maximum extent possible,
- 9) Generate and explore all options on the merits with an open mind, listening to different points of view with a goal of understanding the underlying interests of other WORKGROUP members,
- 10) Consult regularly with their organization/interest group and provide their input in a clear and concise manner,
- 11) Each member agrees to work toward fair, practical, and durable recommendations that reflect the diverse interests of the entire WORKGROUP and the public,
- 12) When communicating with others, accurately summarize the WORKGROUP process, discussion, and meetings, presenting a full, fair, and balanced view of the issues and arguments out of respect for the process and other members,
- 13) Not attempt to affect a different outcome outside of the WORKGROUP process once the WORKGROUP has reached a “consensus” recommendation,
- 14) Strive vigorously for consensus and closure on issues, and
- 15) Self-regulate and help other members abide by these commitments.

XI. Public Comment

There will be public comment opportunities during the WORKGROUP process. Comments from the public will be limited in time to allow sufficient opportunity to conduct the other portions of the meeting. Typically, comments will be limited to a maximum of three minutes per person. Participants are encouraged to submit written comments via email addressed to BentonCountyTalksTrash@Co.Benton.OR.US in advance of the meeting so they can be circulated to the entire WORKGROUP for their consideration.

XII. Consensus Polling: A Process for Consensus Recommendation-Making

The Facilitator will assist the WORKGROUP and its members in identifying objectives, addressing the diversity of perspectives, and developing substantive, practical recommendations. The WORKGROUP will strive for and use a “consensus” recommendation-making approach to determine their level of agreement on proposals. This allows members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions.

Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, “*taken as a whole.*” This means that a member may poll to support a consensus proposal even though they would prefer to have it modified in some manner to give it their full support. Consensus is a process of “*give and take,*” of finding common ground and developing creative solutions in a way that everyone can support. Consensus is reached if all members support an idea or can say, “*I can live with that.*”

When developing recommendations, the WORKGROUP will address each issue individually, and in various combinations. It will decide on whether it wants to make package or individual recommendations at the end of the process.

“1-2-3” Consensus Polling: The Facilitator will assist the WORKGROUP in articulating points of agreement, as well as articulating concerns that require further exploration. It will use a “Consensus Polling” procedure for assessing the group’s opinion and adjusting proposals. In “Consensus Polling,” the Facilitator will articulate the proposal. Each voting member will then offer “one,” “two,” or “three,” reflecting the following:

- “One” indicates full support for the proposal as stated.

- “Two” indicates that the participant agrees with the proposal as stated but would prefer to have it modified in some manner to give it full support. Nevertheless, the member will support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal is worthy of general support, as written.
- “Three” indicates refusal to support the proposal as stated.

The Facilitator will repeat the consensus voting process as reasonably practical and as time allows to assist the group in achieving consensus regarding a particular recommendation, so that all Polling Members are voting “one” or “two.” Either way, the result will be noted in the WORKGROUP Report.

No Consensus – Majority and Minority Recommendations: If a consensus on an issue is not likely, as determined by the Facilitator, the poll results for the options considered will be presented to the BOC.

Summary of WORKGROUP Recommendations: The meeting summaries will serve as the record of the WORKGROUP recommendations as supplemented by the addition of Polling Member statements who elect to submit additional information by the deadline established. The Facilitator will package all this information into the WORKGROUP’S report to the BOC.

XIII. Additional Provisions

The following provisions apply to the WORKGROUP process.

- A. Regular Communication with Affiliated Group:** There is an expectation of regular, two-way communication between a WORKGROUP member and their Organizations/Interest Groups. This is intended to ensure meaningful representation of those interests. Time will be set aside on the WORKGROUP agenda for reports from this outreach.
- B. “One Table:”** It is the BOC’s preference that the WORKGROUP be the “One Table” for issues related to the above Charge. It encourages community members, interested parties, SWAC/DSAC, and the Planning Commission to direct their input there. Substantive work on elements of topics that are within the WORKGROUP’S Charge should not be undertaken by the Planning Commission and SWAC/DSAC while the WORKGROUP is underway, except as they relate to their review of the WORKGROUP’S work product for feedback as specified in Section IX, above.
- C. Transparency and Media:** Members agree that transparency is essential to all deliberations. In that regard:
 - 1) WORKGROUP members agree to notify Darren Nichols (darren.nichols@Co.Benton.OR.US) and Cory Grogan (cory.grogan@Co.Benton.OR.US) of written communications with the media.
 - 2) Members agree to direct public testimony about WORKGROUP work to BentonCountyTalksTrash@Co.Benton.OR.US. These communications will be included in the public record and copied to all WORKGROUP members.
 - 3) Individual members cannot and should not try to speak on behalf of the entire WORKGROUP.
 - 4) Whenever reasonable, WORKGROUP members and staff will refer press, citizen, and other inquiries to Darren Nichols (darren.nichols@Co.Benton.OR.US) and Cory Grogan (cory.grogan@Co.Benton.OR.US.)

Disclosure of Public Official Conflicts of Interest:

- 1) WORKGROUP members are “public officials” representing the Benton County Board of Commissioners. A public official is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.
- 2) The announcement needs to be made on each occasion when the public official is met with the conflict of interest, and the public official must disclose the nature of the conflict of interest.
- 3) For example, the public official would have to make the public announcement one time when met with the conflict of interest, but only one time in each meeting of the WORKGROUP. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
- 4) For guidance, please see [BCC 3.025](#) and [Oregon Government Ethics Law](#).

D. Open Meetings and Records: All meetings of the WORKGROUP and any subcommittee meetings are open to the public. Notice to the public regarding the dates, times, and locations of all meetings will be provided a minimum of 48 hours in advance. WORKGROUP members can participate through telephonic conference calls. All "Communications" (statements and votes made during meetings, memoranda, work products, records, documents, text messages, pictures, or materials developed to fulfill the charge, including electronic mail correspondence) are public records. The personal notes of individual members taken at public meetings might be public record to the extent they relate to the conduct of the public's business.

E. Interpretation and Amendment: The process terms of this document, except those required by law, are guidelines, and the BOC authorizes the Facilitator to interpret them. The Facilitator will lead a WORKGROUP discussion designed to reach a consensus on any proposed substantive amendments to this document. Ultimately, the BOC will make the final decision on any proposed substantive amendments.

F. Agreement: *Participation in this process is an agreement to abide by the terms of this document.*

September 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Info due from FEDS and DEQ etc.			1	2 WG Packet Sent	3
4	5 Labor Day	6 BOC Meeting Planning Commission	7	8 WG Mtg #1 Charter & Charge A Rosh Hashanah	9	10
11	12	13 BOC Goal-Setting Work Session	14	15 WG Mtg #2 Charge A and Tour	16 Yom Kippur	17
18	19	20 BOC Meeting Plan/Comm	21	22	23	24
25	26	27	28 SWAC	29	30 WG Packet Sent	

October 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 BOC Tuesday Board Meeting Plan/Comm	5	6 WG Mtg #3 Charge B	7	8
9	10	11 BOC Goal-Setting Work Session	12	13	14	15
16	17	18 BOC Meeting Plan/Comm	19	20	21 WG Packet Sent	22
23	24	25	26 SWAC/DSAC	27 WG Mtg #4 Charge B	28	29
30	31 WG Packet Sent					

November 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 BOC Meeting Plan/Comm	2	3 WG Mtg #5 Charges B and C	4	5
6	7	8 BOC Goal- Setting Work Session Election Day	9 BOC Meeting w/ Community Development, Natural Areas, Parks & Events	10 WG Packet Sent	11 Veteran's Day	12
13	14	15 BOC Meeting Plan/Comm	16	17 WG Mtg #6 Charges D and E Draft Report for Review	18	19
20	21	22	23 SWAC	24 Thanksgiving	25 Day After	26
27	28	29 WG Packet Sent	30			

December 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 WG Mtg #7 Review Feedback and Edit Report	2	3
4	5	6 BOC Meeting Plan/Comm Hanukkah: 8 Days	7 ? Special Meeting: SWAC/DSAC	8	9	10
11	12 WG Packet Sent	13	14	15 WG Mtg #8 Finalize Report and Celebration!	16	17
18	19	20 Plan/Comm	21	22	23	24
25	26 Holiday	27	28 SWAC (Typically Cancelled/ Rescheduled)	29	30	31 New Year's Eve

January 2023						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Kwanzaa	2	3 BOC Tuesday Board Meeting Planning Commission	4	5	6	7
8	9	10	11	12	13	14
15	16	17 MLK Day BOC Tuesday Board Meeting Planning Commission	18	18	20	21
22	23	24	25	26	27	28
29	30	31				

September 24, 2022

Nancy Wyse, Chair
Zanthippe Augerot, Commissioner
Patrick Malone, Commissioner
Joseph Kirby, County Manager
Vance Croney, County Counsel

RE: Proposed Repeal of Benton County Code (9.805-9.820) Ban on the use of wild or exotic animals in traveling animal displays and/or acts.

Dear County Commissioners and County officials,

I am deeply troubled to have learned just last Tuesday there is an effort underway by the Benton County Fair Board to repeal Benton County ordinance (9.805-9.820) prohibiting traveling wild animal acts. What's more, I am stunned by the disingenuous and misleading nature of the information presented by the Fair Board as the basis for this repeal, the lack of consideration for the long, hard work that went into this ordinance, and the complete lack of transparency, outreach and inclusivity.

Last Tuesday's article in the Democratic Herald led me to the Sept. 20, 2022 BOC meeting recording and materials submitted by the Benton County Fair Board. This scheme to repeal the ordinance undermines the Board of Commissioners (BOC) well-informed intentions and the will of more than 100 local advocates concerned for the welfare of wild and exotic animals in traveling animal acts. What's more, this scheme has been in the works for at least two years without any effort to include those of us who worked long and hard on this for years, bringing this matter to the BOC in 2018, and working in good faith to develop a sound and effective ordinance.

This ordinance was thoroughly discussed, debated, and well-informed by scientific information, data, investigations, and expert testimonies collected over years, as well as ordinances from many other U.S. jurisdictions. In many respects, the ordinance is similar to ordinances elsewhere. It was painstakingly crafted to explicitly include only wild and exotic animals, to exclude all domestic animals and livestock, to exempt educational and other accredited institutions including OSU, OSU Extension (i.e., 4-H), wildlife rehabilitators, zoos, aquariums and sanctuaries. The ordinance was developed with the expertise of Animal Defenders International General Counsel, an organization that works with governments and advocates across the U.S. and internationally to develop similar legislation. We provided solid information on the wide range of animal welfare issues that are systemic and inherent in the traveling wild animal act industry. The BOC was very clear on these issues and on the need to end Benton County's participation in fueling this industry and perpetuating the suffering of wild animals trapped in this industry. A need that is clearly reflected in the preamble to the ordinance.

Likewise, the issues raised by the Fair Board in its effort to repeal the ordinance were also thoroughly addressed during several extended discussions and numerous emails with County Counsel, and with review and edits from the Fairgrounds manager, the Fair Board, OSU, OSU Extension and Chintimney Wildlife. In fact, we first presented the proposal of a ban to the Fair Board in March 2018, but some board members felt they had a conflict of interest and that the measure should be deferred to the BOC. We addressed all concerns, until everyone was satisfied with the ordinance. Minor edits after the fact for correction or clarification are reasonable, but there is no legitimate justification for repealing this ordinance. This new interest by the Fair Board to use native or indigenous wildlife as a substitute for exotics indicates a complete disregard for the science and the evidence that the BOC has in its possession.

I remind the BOC of the abundance of information provided by the hard work of community members that informed your 2018 decision:

- Three years of peaceful protest rallies of Jordan World Circus at Benton County Fairgrounds, including documented evidence of animal neglect, mishandling and mistreatment at Benton County Fairgrounds;
- Decades of documented evidence from events across the country of animal neglect, deprivation, mishandling, mistreatment and abuse in traveling animal acts;
- Substantial scientific literature, information, publications, expert testimonies, documented Federal animal welfare investigations, violations and citations;
- Countless documented incidents of injuries to the public and workers, and property damage;
- Review and summary of traveling animal act bans in several U.S. jurisdictions;
- Meticulous attention and care crafting the language of the ordinance with Benton County Counsel and subject matter expert and General Counsel for Animal Defenders International (ADI);
- Multiple rounds of review of the draft ordinance by OSU, OSU Extension, Benton County Fair Manager, and Chintimney Wildlife;

The Fair Board's scheme to repeal the ordinance, as described in their January 2021 letter, is based on misleading, irrelevant or disingenuous assertions. They mischaracterize the intent of the ordinance and ignore all the science and evidence to make their case for replacing the ordinance with a permit program. The Fair Board's scheme is further discredited by the intentional exclusion of those who are more informed on the multitude of animal welfare issues of this industry, and the lack of a non-bias scientific expert with specific knowledge of the physical, mental, behavioral and social needs of wild and exotic animals and their suffering specific to this traveling industry. The lack of transparency, communication and public inclusion is an egregious breach of public trust and transparency of government process by county officials.

The most troubling concerns with the Fair Board's repeal scheme are addressed below, and additional issues are addressed in the Appendix.

Misleading characterization of the ordinance. The Fair Board incorrectly asserts that the intent of the ordinance is to address the care of wild and exotic animals only while in Benton County. This ordinance is responsive to the appalling care, handling, treatment and “living” conditions throughout these animal’s lives; every day, every week, every month, every year as traveling animal acts (as discussed below). Also incorrect is the assertion that this ordinance is solely intended to ban exotic species. The animal welfare issues inherent in traveling animal acts are the same regardless of whether the animal is native, indigenous or exotic. The Fair Board misses (or ignores) the main point of animal welfare that the ordinance addresses (discussed below). The ordinance seeks to begin to correct the public miseducation as to what “wild” really means; wild bears don’t dance in tutus or ride bicycles, tigers don’t jump through hoops of fire, elephants don’t stand on pedestals.

Whether an animal is native, indigenous or exotic is irrelevant to the purpose of this ordinance. It is disingenuous of the Fair Board to assert that the ordinance was only intended to prohibit exotic species. Had they included those of us who were involved with the crafting of the ordinance they would have known this. But County Counsel certainly knew and should have provided that guidance. Moreover, the Fair Board’s attempt to rationalize the use of native wildlife defies all logic. It ignores the science and evidence that informed this ordinance and is in the County record and the attachments. A native cougar used in a traveling act is no less likely to experience severe confinement, deprivation, mistreatment, mishandling, or abuse than an African lion. The use of many indigenous and native species in traveling wild animal shows has increased as high-profile species, such as elephants and tigers, are increasingly banned by local or state law. In response, jurisdictions across the country are banning indigenous and native species. Animal suffering is inherent in traveling animal acts for all the reasons discussed in attached to this letter, and in materials submitted into the county record in 2018. This fact is not in dispute among those who know this industry, who know what “wild” really means and what wild animals really need, and public sentiment is certainly following the facts. Ample evidence and growing public awareness have resulted in more than 135 local and state bans and 50 national bans on traveling wild animal acts. Traveling wild animal acts are a dying and shameful relic of an era when humans did not understand the degree to which animals suffer, and had little respect or awareness for other sentient beings. Modern shows with entirely human performances are increasingly popular.

The purpose of the ordinance is to stop contributing to the suffering of wild and exotic animals in traveling animal acts by banning their use in Benton County, regardless of their country of origin.

A permit program will do nothing to end the suffering of wild animals that is systemic and inherent in traveling animal acts. Rescinding the list of banned animals and replacing the

ordinance with an ineffective permit/oversight program only perpetuates the assaults of this industry on wild animals. The systemic and inherent issues within this industry that the Fair Board has not considered have not historically been (and the science indicates they cannot be) overcome by permitting oversight programs. That is why fifty nations and more than 135 local and state jurisdictions have instituted bans on traveling wild animal acts. The Fair Board's proposed replacement ordinance is based on misinformation and denies the facts. It is insulting to the intelligence and credibility of everyone associated with this ordinance.

The Fair Board's claim that traveling animal shows have "high standards of care" is patently false. USDA has little oversight of traveling animal acts; and its oversight has plummeted in recent years. We provided documentation of this to BOC, including citations/ links to repeated Office of Inspector General (OIG) criticisms of agency failures. USDA cannot monitor animals and their living conditions when the animals are constantly on the move for most of the year. And USDA animal care standards are quite low to begin with. Moreover, scientific data increasingly demonstrates that wild animals simply cannot tolerate the conditions inherent to traveling acts (near-constant travel, severe confinement). And close proximity to humans creates a known public health and safety risk; we provided that information to BOC in 2018 as well. County officials most certainly cannot provide meaningful or effective oversight of an industry that is only on site for a few days and without the required expertise and training to understand the species-specific needs (physical, mental, behavioral, social) and species-specific signs of distress or need for medical attention for a wide range of species.

Inherent bias, lack of transparency, lack of inclusivity

The Fair Board has a financial interest in the outcome of this effort and so they cannot be impartial. As noted above, some Fair Board members previously voiced a conflict of interest by engaging in this matter. Their opinions are likely influenced by the financial interest and gains by the repeal of the ordinance. Considering the disregard for the body of evidence that is already in the county record, and the lack of anyone on the work group who can bring this information into the process certainly suggests bias, and pre-determined outcome.

In fact, there doesn't appear to be anyone on the workgroup who is well informed on the range of animal welfare issues associated with the traveling animal industry. Neither myself, nor any others involved with the ordinance was invited to participate. The workgroup also lacks a non-bias expert with deep knowledge of the physical, mental, behavioral, and social needs of wild and exotic animals, particularly as these relate to the unique conditions of life in this traveling industry. Fairgrounds Manager, Lynn McKee, failed to mention the work group or efforts to repeal the ordinance when she and I spoke a few weeks prior to the 2022 Benton County Fair about banned species. She also failed to contact those of us who were involved with the ordinance, even though she stated her intention to do so during the BOC/ Community Development Meeting on August 10, 2022:

"I am going to meet ahead with the animal rights groups that came to you before, so that I've talked a lot of it through with them and they're not surprised when it pops up on the 20th. I don't want to pretend we are sneaking something under the wire and getting

something past them, so I will sit down and hash this through with them. So just be aware I'm sure they will be there September 20th. So be aware, I will have had my talks with them before hand, probably a few talks, so we'll see what comes of that."

Not only is this blatantly disingenuous, but a clear indication that this repeal is most certainly intended to be “*snuck under the wire*” and “*past them*”. The snicker that is audible in the audio further suggests this was intentional. This also suggests this was the only time the BOC or the Fair Board had the idea to notify us of this effort; at least two years into the process, and days before the release of a draft ordinance.

During the development of the existing ordinance, the BOC instructed County Counsel to reach out to local institutions that might have interest in this ordinance (OSU, OSU Extension, Fairgrounds Manager and Board, Chintimney Wildlife). We made sure their concerns were fully addressed in the language and that the ordinance would not affect their ongoing and future activities the animals they work with. Those of us who worked on the ordinance should have received the same consideration, respect and inclusivity from the BOC, the Fair Board and the Fairgrounds manager. This seemingly intentional effort to hide this for two years from members of the public invested in this issue is despicable, to say the least.

Changes to the prohibited list made without public notice

There was an error in the list of prohibited animals regarding Perissodactyla. Horses, donkeys and mules were always intended to be excluded from the list of prohibited species. During draft reviews, we recommended listing these three species as ‘exclusions’ (see October 11, 2018 discussion draft), but our recommendation was not accepted by County Counsel and thus created the error of prohibiting these three species. I am only now made aware that this error was addressed in April 2021. Judging from the discussion in the Fair Board’s January 12, 2021 letter and general desire to remove prohibitions on species, the error was not only corrected but goes a step further and excludes zebra by way of excluding the family Equidae (horse, ass, donkey and zebra). Now, the ordinance expressly excludes zebra (an exotic animal), whereas the original intent was to expressly prohibit zebra. At best this is a mistake or incompetence, at worst it is a deliberate effort to change the intent of the prohibited list and to do so without input from the public or the architects of the list.

The ordinance language is not complicated

It is disingenuous to argue both that the language must be very simple for exhibitors to understand it, and at the same time that these exhibitors are experts in animal care. What sort of animal care are they providing if they don’t even know the species of the animal they’re exhibiting? As for County administrators, a momentary Google search would have shown you that rays are elasmobranchii; certainly, it takes less time and expertise to search a species’ taxa online than it does to send out personnel who can properly decipher that species’ welfare. Animal exhibitors claim to have a deep understanding of the animals they exhibit; they claim they are providing “education” and “quality species-specific care”, but the Fair Board argues that they can’t possibly know what species that animal is. They should know if a species they exhibit is prohibited by looking at the ordinance, and if they did not have such knowledge, the

County should question their competence in caring for such species. It is ridiculous to suggest that a biology degree is needed for anyone to conduct a one-minute Google search to look up a name. Furthermore, the general public is not likely to reference this ordinance for their own purposes, unless they are curious about an exhibit in-town (in which case, they too could do a simple internet inquiry); these points are insultingly irrelevant.

General Comments

The discussion and recommendations in the Fair Board's letter show a complete lack of understanding or regard for the intent of the ordinance, the desires of the community members who advocated for years to pass such a measure, and the complexity of animal welfare issues inherent in the traveling wild and exotic animal act industry. This industry only survives with constant travel and close confines, which means animals literally live on the road, confined in dark, damp, and often sweltering heat of tightly closed truck trailers for long hours (24 hrs in some cases), for months on end, many traveling thousands of miles a year across multiple states going from county to county. The very nature of life on the road deprives these animals of all that is natural, even the most basic needs (fresh air and sunlight, natural and clean substrate, access to water, exercise, and veterinary care). They suffer from constant mental, emotional and physical stress from mishandling and abusive training and extensive hours of near-constant confinement that cannot provide even basic needs or anything close to natural 'habitat'. Highly social animals are unable to be with others of their kind, solitary animals are forced into constant close quarters. Predator and prey are also kept in close proximity for hours on end. Oversight is sorely lacking, exacerbating egregious, often longstanding animal welfare issues and violations (when oversight does occur), though limited to no follow-up. The news is full of accounts of dangerous incidents involving people and property. And zoonotic disease transmission is on the rise.

All of this is well documented. All of this was provided to the BOC in June 2018 in a substantial information packet and slide presentation that included our direct observations of mistreatment and appalling conditions when Jordan World Circus performed at the Benton County Fairgrounds in 2017 and 2018. A summary of our observations is provided in the Appendix.

The BOC learned about these issues in June 2018. The path forward was clear. Ending the county's contribution to the mistreatment and suffering of wild and exotic animals in this industry was at the heart of their unanimous decision when they passed this ordinance in 2018. The BOC made clear, making money off the suffering of wild and exotic animals was **not** representative of Benton County values. By contrast, the Fair Board has a financial interest in repealing the ban, and the proposed "rewrite" is just that, a full repeal, returning to the status quo—an ineffective permitting scheme that is more costly, in terms of County oversight time and dollars.

I am deeply disappointed that the BOC did not first consider the substantial body of information provided to you less than one year prior to the launch of this scheme, or insist that the Fair Board incorporate that information into their review and proposal. This is a slap in the face to those who worked in good faith to elevate our county's collective compassion toward nature and wildlife, and to speak on behalf of those with whom we share this earth who cannot speak for themselves. At the very least, the preamble of the ordinance which stems from the entire body of information presented, should have been enough guidance.

WHEREAS, wild or exotic animals used in traveling animal displays suffer severe and extended confinement, are deprived of natural movements, free exercise, and natural behaviors, and are prone to chronic stress, behavioral, health, and psychological problems.; and

WHEREAS, constant travel, temporary and collapsible facilities, and prolonged confinement and physical coercion are inherently part of traveling animal displays, and these conditions subject wild or exotic animals to chronic stress that compromises their welfare while also creating risks for the public and workers; and

WHEREAS, wild or exotic animals used in traveling performances bring people dangerously close to unpredictable wild or exotic animals by displaying animals in inappropriate, uncontrolled areas that are not suited for the exhibition of such animals; and

WHEREAS, the itinerant nature of traveling animal displays using wild or exotic animals complicates oversight such that agencies and authorities cannot properly monitor, evaluate, or follow through regarding the condition of animals or facilities, or their history of injuries, incidents, illnesses, violations, or other issues, and so cannot properly protect animals, workers, or the public; and

WHEREAS, the use of wild or exotic animals for entertainment contributes to the trade of these animals by perpetuating their breeding and sale; and

WHEREAS, Benton County deems it is in the public interest to prevent animal cruelty by prohibiting traveling animal displays that include wild or exotic animals for public entertainment or amusement within the County.

Had we been informed of the Fair Board's interest in repealing or changing the ordinance, we could have provided an informative refresher to the BOC about their original intent, the science supporting their decision, the national and global movement away from traveling wild animal exhibits, etc. This may be particularly instructive for Commissioners Malone and Wyse.

Had we been informed of the Board's intent, we could have prevented the myriad of misinformation and mischaracterization that has skewed the facts and the focus away from the

central issue; animal welfare of wild and exotic animals in traveling animal acts. What is at stake if this ordinance is repealed or severely restricted is the perpetuation of a life of suffering of too many animals. It is not too late to stop this mistake! I respectfully request the BOC reconsider this repeal and direct the County Counsel and Fair Board to halt the process of preparing materials for the repeal. Please allow me the opportunity to meet with you at your earliest convenience to discuss this further.

Sincerely,

Arlene Merems
Corvallis, OR

Enclosure:
Appendix
ADI TEAPSPA one pager
ADI TEAPSPA letter

APPENDIX

Responses to the Fair Board's letter (dated January 12, 2021) included in the Sept. 20, 2022 BOC meeting agenda packet

1. The entire discussion on "exotics" and CITES is irrelevant to this ordinance. This ordinance is not intended to be a wildlife conservation measure. This ordinance does not address captive breeding or species preservation. But the discussion seems to try to use the conservation status of the species as justification for repealing the ordinance. This discussion is disingenuous and unnecessary distraction.
2. The Fair Board misunderstands the use of the phrase "Wild or Exotic" in the ordinance. The taxa listed could contain either "wild" or "exotic" species. ORS 609.305 defines "exotic" to include non-indigenous wild cats, non-human primates, non-wolf wild canids, crocodiles, alligators, and any bear except black bear. ORS 496.004 defines "wildlife" and means "fish, shellfish, amphibians and reptiles, feral swine as defined by the State Department of Agriculture rule, wild birds as defined by commission rule and other wild mammals as defined by commission rule." Federal law defines "wild animals" as 'any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the US, its territories, or possessions', and "exotic animals" as 'animals native to a foreign country or of foreign origin or character, not native to the US or introduced from abroad' (9 CFR 1.1). The Animal Welfare Act (which applies to traveling animal exhibitions) expressly excludes (does not apply to) farm animals (including horses), retail pet stores, state and county fairs, livestock shows, dog/cat shows, rodeos, and 'any other fairs or exhibitions intended to advance agricultural arts and sciences' (See 7 USC 54 sect.2132(g, h); 9 CFR 1.1). Like the fifty similar nationwide bans elsewhere around the world and in other states, this ordinance was intended to apply generally to wild and exotic animals; the taxa identifiers were included to respond to the County's desire for a closed-ended, specific list, which was discussed throughout the 2018 process.
3. The Fair Board misunderstands the intent of the list of animals. Each taxa group is meant to include (prohibit) the species within that taxonomic group unless expressly excluded. *"The animals listed in parentheses are intended as examples and not to be construed as an exhaustive list..."*. The point of using the higher taxonomic level (e.g. Family Felidae) is to not have to list all species of wild cats in the ordinance (lion, tiger, cheetah, puma, cougar, panther, etc.) Because there are only a few example species, it is technically accurate to state that the list is "not exhaustive". It is simply untrue to suggest this creates an opening to "expand" the list of species. It was purposely drafted as a finite list of taxa groups to address County concerns for specificity while simultaneously encompassing the desire to ban the general category that is *traveling wild and exotic* animal acts. Note there are no taxonomic groups for amphibians, birds and most reptiles (if it's not on the list, it's not banned). Experience has shown that

where jurisdictions have banned only a few of the more familiar species (such as lions, tigers, elephants, bears), exhibitors are quick to substitute other, equally problematic species (such as cougars, leopards, jaguars, wolves, kangaroos). That is why all of the fifty national bans cover the general category of “wild and exotic” species in traveling acts. (Several of these nations ban *all* traveling animal acts.)

4. The Fair Board wrongly suggests using the list of Prohibited species as the sole source for a list of banned species. First, this list does not include many of the species most at risk of serious animal welfare consequences when used in traveling animal acts. Second, the purpose of the Prohibited species list is to protect native species. It has no bearing on the animal welfare issues inherent in traveling animal acts that this ordinance addresses. Furthermore, the Prohibited Rules do not regulate wild animal exhibits because these exhibitors are permitted under the state Wildlife Exhibitor/Animal Entertainment Industry Permit (OAR 635-044-0450(6)). By definition, this permit allows for the exhibition of any animal in a traveling act: “*wildlife held by an Exhibitor includes....animals used... in carnivals, circuses and zoos.*” (OAR 635-044-0420 (7)(a)). The discussion around the use of the State Prohibited species list was thoroughly discussed and resolved when we drafted the ordinance.
5. It is false to say traveling animal acts are in the business of providing education. They are in the business of “entertainment”. Forcing sentient, intelligent wild animals to suffer a horrible, deprived, often abusive existence, and forcing them to perform dangerous and harmful tricks to “entertain” humans is not education by any definition. Traveling acts typically do not have advanced accreditation that indicates a high standard of care or education. These shows misrepresent and miseducate the public, and so perpetuates the very trade and trafficking that’s killing wild populations. That miseducation is evident in repeated news media covering the public’s disregard for the wild and wildlife, where selfie-seekers approach bison in Yellowstone, tigers and orangutans in zoos, or lions in Kruger Park; ride the backs of sea turtles, or pull dolphins and sharks onto a beach. We face multiple planetary crises because we misunderstand and mistreat nature—these shows are part of the miseducation that needs to change to begin to bring our world back in balance.
6. Captive breeding, exhibits and educational shows that occur onsite of accredited zoos and aquariums are not addressed in this ordinance, so there was no reason for the Fair Board to suggest otherwise. This ordinance only addresses the traveling wild animal acts which are never affiliated with accredited zoos or aquariums. Even if an accredited zoos and aquariums or state-permitted wildlife rehabilitation center does on occasion take its educational show or exhibit off-site, they are exempt from this ordinance. Again, there was no reason for the Fair Board to suggest otherwise.
7. The Fair Board falsely asserts that the intent of the ordinance is to, “*...prohibit shows and events at Benton County Fair and Rodeo that represent our Agricultural and Western Heritage.*” And that the list of prohibited species limits the rodeo and any

other livestock event typically held at the fairgrounds. This ordinance and species list is not intended to restrict any rodeo or livestock event that uses domestic or livestock. This statement has no relevance to this ordinance.

Unresolved Minor Errors in the Ordinance

- We attempted to make clear this ordinance did not apply to companion or farm animals by only inserting 'excluding' language in the taxonomic list (e.g, "Felidae [excluding domestic cats]"), but these recommendations were not accepted by County Counsel. We recommended not using the examples of species banned because, (1) it is not feasible to include a complete list of species prohibited under a taxonomic group, and listing only a few may give the impression that only named species are banned, and (2) it is confusing to have both inclusions and exclusions in the same parenthetical clause. County Counsel did not accept our recommendation. We have these draft language discussion documents and can provide them upon request.
- Because County Counsel preferred to provide examples of banned species, we recommended replacing "nurse sharks and lemon sharks" with a more general description under Elasmobranchs, as: "sharks, skates and rays." County Counsel did not accept our recommendation, and this created confusion when the ray exhibit was booked for the County Fair in 2019. Although, a simple Google search would quickly tell a manager if a species is prohibited or not. The ray exhibitor certainly knew or should have known his rays were banned under Elasmobranchii; if the exhibitor did not have such knowledge, that goes to his incompetence and inability to properly care for such species.

Direct Observations of Jordan World Circus in 2017 and 2018

The events witnessed at the Benton County Fairgrounds are typical for the traveling animal act industry elsewhere, and have been reported and documented for decades. Our observations are documented in video and photographs and were presented to the BOC in June 2018. The information in *italics* is documented in reference materials provided in the June 12, 2018 meeting packet.

- JWC arrived at the Benton County Fairgrounds after a minimum 7 hour drive from Wenatchee, WA, transporting 3 elephants, 6 tigers, a camel and other animals on the back of two enclosed semi-trucks. Their arrival here followed 12,000 road miles and performances in 31 cities between January and June, 2018.
- The trucks arrived in the early afternoon. The tigers remained in their small travel cages inside the cargo area of the dark, damp truck, with minimal ventilation until 9:00 a.m.

the next morning when their cages were finally hauled off the truck and onto the parking lot where they waited until show time. From the time they left WA, the tigers spent at least 26 hours in extreme confinement. There was little space to move or escape their own waste inside their cramped cages. The only break from this dreadful situation was two, 30-minute shows in the arena!

- *Circus tigers spend 75-99% of their lives in travel cages barely larger than themselves.*
 - *Tigers are naturally solitary animals but are forced to endure constant close contact with other tigers. These naturally wide-ranging, solitary animals exist in a steady state of physical and mental stress in the traveling entertainment industry due to the extreme confinement, deprivation and cruelty inherent in this industry.*
- Upon arriving at the Benton County fairgrounds after the same grueling trip as the tigers, the elephants remained shackled inside the dark, damp, poorly ventilated transporter trucks, deprived of all sensory input for several hours until they were finally moved into the arena overnight. Here they were restrained by ankle shackles on two legs, and surrounded by electric wire within a couple feet of their massive bodies. They had no ability to move beyond a few feet.
 - *Circus elephants spend 58-98% of their lives confined in this manner and much of this time is spent on hard, unnatural surfaces which leads to arthritis, joint and foot problems.*
 - *Elephants are highly intelligent, sentient beings with complex social bonds. These naturally social and wide-ranging animals live in a steady state of physical, mental and emotional stress from the extreme confinement, deprivation and cruelty and close contact to natural predators (tigers).*
- Prior to the first show, witnesses observed workers using a high-powered pressure-washer hose on the elephants just outside the arena. The high-pitched, unrelenting screams that came out of these elephants could not be construed as anything but pain. Power washing is common prior to shows, so that the elephants look 'nice' for spectators.
 - *Elephants have millions of nerve pain receptors close to the surface of their skin. Areas where the skin is very thin and tender (behind the ears, the 'armpits', the feet, underbelly) are particularly sensitive to pain; so much so that handlers and trainers target these areas with bull hooks and electric prods to inflict pain for greater control.*
- The tigers were forced to perform harmful and dangerous tricks jumping over the backs of multiple tigers, jumping through hoops of fire. The elephants were forced to stand and walk on the backs of other elephants and stand on tiny pedestals.
 - *It takes extreme measures to train wild animals because wild animals have not had centuries of domestication to suppress their wild instincts. These unnatural, dangerous and frightening tricks require a countless hours over a lifetime of behind the scenes "training" that include the use of electric shock, iron bars and*

pipes, whips, bull hooks and food deprivation. Trainers jam the bull hook or electric prod into the elephants most sensitive areas. Tigers are beaten, whipped or shocked into submission. Decades of evidence have exposed these truths. The animal welfare laws that "govern" this industry are weak, poorly funded and rarely enforced.

- One JWC elephant spent hours giving rides to spectators. She had massive lesions on her back; possibly from infection, injury or forced trauma. The elephant could barely walk when she was loaded up with eight riders! The trainer's repeated jabs with the bull hook into the most sensitive areas on her body kept her upright and walking but the physical strain was noticeable as legs sometimes buckled and she tried to pause. An adolescent was sitting so far up the elephant's neck, she was able to reach over and pet the elephant's forehead.
 - *12% of elephants in the U.S. have tuberculosis as a result of long periods in damp, poorly ventilated confined spaces. Seven Oregon zoo employees and a volunteer contracted TB from three zoo elephants in 2013. At Point Defiance Zoo, in Washington, eight staff tested positive for TB in 2019. The USDA stopped requiring annual TB blood testing years ago, contrary to USAHA recommendations. In 2018, 1.4 million people died of tuberculosis globally, according to the World Health Organization.*
 - *Disease transmission from wild animals is well-documented, yet no U.S. federal laws address pathogen transmission risk at venues where the public has contact with these animals. Three out of four new or emerging infectious diseases in people come from animals, according to the Centers for Disease Control and Prevention.*
- After giving rides to spectators, the elephant was left outside the arena, unattended and with no restraint. The camel was also left unattended, tied tightly to a tractor in the parking lot for more than 2 hours.
 - *A stressed, wild animal is a danger to the public. There are numerous published accounts of wild animals in these traveling acts breaking free of their handlers, causing damage to property, and injuring (even killing) other animals and people. The very nature of traveling exhibits means collapsible cages and make-shift restraints that are flimsy by design and unreliable.*
- JWC has included several human-based acts that entertained the audience during their two-day show each year at the Benton County fairgrounds. After the ordinance passed, Jordan World Circus returned to Benton County, but without the elephants and tigers. Instead, they entertained the audience with a variety of human performances and domestic animals.
 - *Recent national polls indicate that more than two thirds of Americans strongly oppose the use of wild animals as entertainment. Across the U.S., more than 135 local and state jurisdictions have banned or restricted the use of wild animals as entertainment, including Multnomah County. Statewide bans are in New Jersey,*

Hawaii, California, Illinois and Colorado. Traveling animal acts and shows is a dying and shameful relic of an era when humans did not understand the degree to which animals suffer, and had little respect for other sentient beings. Modern shows with human-only performances are increasingly popular and are accessible to family budgets large and small.

September 26, 2022

Patrick Malone, Commissioner
Zanthippe Augerot, Commissioner
Joseph Kirby, County Manager
Vance Croney, County Counsel
Nancy Wyse, Chair

RE: Proposed Repeal of Benton County Code (9.805-9.820) Ban on the use of wild or exotic animals in traveling animal displays and/or acts.

Dear County Commissioners and County officials,

It is with great dismay that I have learned that the Benton County Fair Board (Fair Board) is attempting to repeal ordinance (9.805-9.820) which prohibits traveling wild animal acts to perform in the County. This ordinance was developed in 2018 after significant discussion and debate with community members, presentation of relevant materials and expert testimony, legal counsel, and the input of multiple stakeholders. The information now presented by the Fair Board to support the repeal is not only grossly misrepresented, but the sly approach taken to avoid public inclusion is reprehensible.

The justification for repealing this ordinance is incorrectly characterized and irrelevant. The Fair Board asserts that the ordinance was intended to prohibit only exotic species, and only while within the boundary of Benton County. This is wrong. The clear intent of the ordinance was to alleviate the suffering of wild and exotic animals in traveling animal acts. The language of the ordinance and the supportive records clearly indicate this.

There is no legitimate justification for repealing this ordinance. The underhanded lack of public inclusion suggests this is driven by conflicts of interest and bias in order to overturn an otherwise well crafted ordinance. Without reasonable notice, the public is excluded from providing necessary and essential input in this important matter, which for all practical purposes, was resolved four years ago. I vehemently oppose the attempt to repeal this ordinance and request the Board of Commissioners reconsider this action. If this effort continues, it should be brought to the attention of the public and the individuals who led the initial effort to bring the ban so that all interested parties and considerations are once again considered.

Sincerely,

/s/ D. Ann Kreager
Retired Conservation Biologist
Corvallis, Oregon



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www.adiusa.org usa@ad-international.org

In strong support of the Traveling Exotic Animal and Public Safety Protection Act (TEAPSPA)

Animal Defenders International (ADI)¹ offers the following in strong support of the *Traveling Exotic Animal and Public Safety Protection Act* (TEAPSPA), a bill to end cruel and dangerous traveling wild animal acts. What follows is just a bit of the extensive data demonstrating that these acts are inherently inhumane, and a known public health and safety risk. We hope you'll consider cosponsoring or otherwise supporting TEAPSPA's reintroduction this Congress. We remain available to answer any questions or concerns, and to provide further information and/or testimony on this matter. 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, and on the circus animal issue in particular, from initial investigations to crafting legislation and implementing animal rescues. ADI knows firsthand what really happens to animals in this industry, as we've rescued, rehabilitated, and rehomed hundreds of animals, including many former circus animals. We have campaigned for, drafted, and helped pass similar legislation throughout the US, Europe, and Latin America, and we have assisted governments in rescuing animals seized in violation of these and other trade and trafficking laws. ADI's award-winning documentary [Lion Ark](#)² depicts the triumphant rescue and rehoming of 25 former circus lions after our campaigns succeeded in Bolivia's ban on such acts. Following our successful campaigns to ban traveling wild animal acts in Peru and Colombia, we rescued more than [110 animals](#),³ including 27 former circus lions who were rehomed to peaceful retirement at the [ADI Wildlife Sanctuary](#)⁴ in South Africa. We rehomed another 21 former circus lions and tigers to sanctuary after Guatemala banned such acts nationwide. Our most recent [rescue brought Maruja](#)—a spider monkey rescued from a circus in Peru—and her newly adopted family back to the forest home where they belong.⁵ ADI's US legislative work includes campaigns supporting state bans (now passed) in California, Colorado, Hawaii, and New Jersey; ongoing state efforts in Connecticut, Illinois, Massachusetts, North Carolina, New York, Oregon, Pennsylvania, and Washington; and our longtime campaign for the bipartisan federal bill [TEAPSPA](#).⁶

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 reportedly 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](#); [75 diverse nations have banned such acts, and >100 US jurisdictions](#)⁸ have passed some form of ban or restriction, including at least seven states (California, Colorado, Hawaii, Illinois, New Jersey, New York, and Nevada).

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 is globally-recognized as a primary driver of the biodiversity crisis, the extinction crisis, and the pandemics era, all integrally entwined with the other great crisis of our time—the climate crisis. In recent months, the World Economic Forum, the UN Environment Programme, the Convention on Biological Diversity, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem

Services, the World Bank, the World Organisation for Animal Health, the UN Food and Agriculture Organization, the Leaders Pledge for Nature, 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.⁹ 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.¹⁰

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 industry-wide. The *World Association of Zoos and Aquariums* opposes the "keeping and transporting of animals under inadequate conditions, e.g. roadside zoos or circuses/ entertainment";¹¹ 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.**¹² 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."**¹³

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."¹⁴ 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 at best, and "outweighed by the negative impression generated by using wild animals for entertainment."**¹⁵

- "we were unable to find where or how the animals in mobile zoos 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..."¹⁶

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."¹⁷

In 2015, the *American Bar Association* passed [Resolution 105](#),¹⁸ 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.**”¹⁹

The *New York City Bar Animal Law Committee* supports [federal action](#),²⁰ as well as [state and local parallels](#).²¹ The *Wildlife Conservation Society* (which includes the *Bronx Zoo*) noted its opposition to 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.”](#)²²

These shows are not only cruel, they’re dangerous. In 2014, an apparently well-regarded and experienced trainer was [killed by an elephant](#)²³ 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);²⁴ [a tiger that killed its trainer \(2018, China\)](#)²⁵; a [‘severely stressed circus camel’ that attacked and killed its American caretaker \(2014, Mexico\)](#)²⁶; an [elephant that killed its trainer \(2010, Pennsylvania\)](#)²⁷; and a [tiger that killed its trainer in front of 200 “horrificed” schoolchildren](#) (1997, Pennsylvania).²⁸ **These incidents are not rare or singular, but rather occur with alarming regularity, impacting circus workers, other animals, and the public.** In recent months for example, [two elephants crashed into the stands as they fought, terrifying patrons as they ran for the exits, and sending a trainer flying—breaking his ribs and spine, and puncturing his lung](#) (2021, Russia).²⁹ 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](#)**³⁰ 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](#)**³¹ 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.’](#)³² 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.”](#)**³³
- **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](#)** (FL)³⁴
- **August 2017: a [kangaroo escaped \(NY\)](#)**³⁵ and **a [tiger mauled its trainer \(China\)](#)**.³⁶

- September 2017: [another tiger escaped and was shot as it roamed residential backyards, threatening family pets \(GA\)](#).³⁷ 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 \(India\)](#),³⁸ [a tiger escaped \(China\)](#),³⁹ [a herd of zebras escaped \(Hungary\)](#),⁴⁰ [a lion bit a patron's hand \(South Africa\)](#),⁴¹ and [a bear attacked its handler \(Russia\)](#).⁴²
- November 2017: [an elephant killed its handler \(Thailand\)](#)⁴³ and [tigers escaped in France](#).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](#), this time 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 urged its members to do the same; 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 wild 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, illness, or aggression.**

ADI released [video of one elephant pushing another into the stands and swiping at her trainers](#) during rehearsal for a *Jordan Circus* event.⁶² This *Carson & Barnes* elephant (Isa) was **giving rides to children later the same week; she also later escaped along with two 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 A *Commerford* elephant named Beulah was used to give rides and perform until just before her death; she died soon after a photo showing her collapsed on the ground went viral.⁶⁴ Federal inspectors later acknowledged that the exhibitors were aware of Beulah's serious illness, but that *Commerford* required her to perform regardless. Though the media reported she died a "natural" death, elephants her age in the wild are not decrepit or even aged, but are instead vibrant matriarchs who breed well into their sixties.⁶⁵ 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.⁶⁶

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, and then in Florida (where one crashed into a truck), and yet again 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 videos of rampages that did not end well, including:

- [At least 7 were injured, in mere seconds, when a camel ran amok in Pittsburgh](#).⁶⁷
- [Janet, in Palm Bay, FL: 17 spectators were injured; a mother and 5 children were still riding the elephant during the rampage](#).⁶⁸ 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 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](#).⁶⁹ 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](#).⁷⁰ **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](#).⁷¹
- [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](#).⁷²
- Smith, a [circus lion, attacked a patron \(school teacher\) in front of her students](#).⁷³ 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, and 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.⁷⁴ **There is no conclusive evidence that wild animals habituate to travel and there's no evidence that familiarity equates to security.**⁷⁵ 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.](#)"⁷⁶

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.](#)⁷⁷ Moreover, federal oversight occurs, if at all, via the *Animal Welfare Act* (which presumes to deal with the humane treatment of certain 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) has **repeatedly reported 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.**⁷⁸ 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

and declaring that, **without clear and consistent standards, APHIS can't adequately ensure the safety of the animals or the public.**⁷⁹ 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.** "USDA faces a challenge in coordinating the efforts of various agencies and programs within its purview."⁸⁰ Yet **USDA enforcement has plummeted** in recent years.⁸¹ **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 or wild species, and largely rely upon federal licensing or otherwise defer upstream to federal agencies, who nevertheless maintain public safety is not their mandate. 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 may exhibit, but don't actually own. 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, that the responsibility has been dropped in their lap. Sheriff Lutz, of Zanesville, Ohio, speaks [in this video](#)⁸² on the challenges for law enforcement with wild animal escapes. Sheriff Maddox, President of the Texas State Sheriffs' Association, testified in favor of

similar action in Texas (to ban public contact), referencing serious safety risks to the public and officers.⁸³

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](#).⁸⁴ 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](#),⁸⁵ contrary to [USAHA recommendations](#).**⁸⁶

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 carnivores⁸⁷

The [IPBES Report on Biodiversity and Pandemics](#) described the “most important reservoirs of pathogens with pandemic potential are mammals”, citing primates and camels particularly.⁸⁸

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.

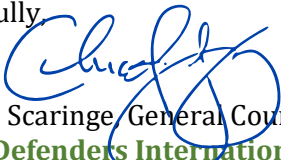
Banning wild animal acts does not have to mean the end of the circus. There are more than 20 human-performance circuses in the US, including some who were once animal exhibitors. *Forbes Magazine*⁸⁹ and *The Wall Street Journal*⁹⁰ quote major players from US circuses describing diversification away from "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 (from \$1.8 billion net worth in 2014, increasing 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.](#)⁹¹

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.**

Please support the *Traveling Exotic Animal and Public Safety Protection Act* (TEAPSPA) ~ it's time to protect animals and US families from these cruel and dangerous acts.

Respectfully,


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 Video of Maruja's rescue and rewilding available at <https://youtu.be/E5FGYWz2x8c>.

⁶ More information regarding *The Traveling Exotic Animal and Public Safety Protection Act* (HR2863/ S2121) available at <https://www.congress.gov/bills/116th-congress/house-bill/2863?q=%7B%22search%22%3A%5B%22hr2863%22%5D%7D&r=1&s=2>.

⁷ 2015 Gallup Poll, available at <https://news.gallup.com/poll/183275/say-animals-rights-people.aspx>.

⁸ See <https://www.stopcircussuffering.com/circus-bans/>.

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¹⁷ *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.

¹⁸ Resolution 105, American Bar Association, available at https://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/daily-journals/2015-hod-midyear-meeting-daily-journal.pdf.

¹⁹ Resolution 105, American Bar Association (2015) (emphasis added) is available at https://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/daily-journals/2015-hod-midyear-meeting-daily-journal.pdf. The Resolution limited its referenced exemptions to "non-profit wildlife sanctuaries, facilities accredited by the Association of Zoos and Aquariums, and research institutions."

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²² 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>.

²³ 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>.

²⁴ 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>.

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²⁶ Described in 2014 *Mexico News Daily* media report, available at <https://mexiconewsdaily.com/news/tulum-man-dead-camel-attack/>.

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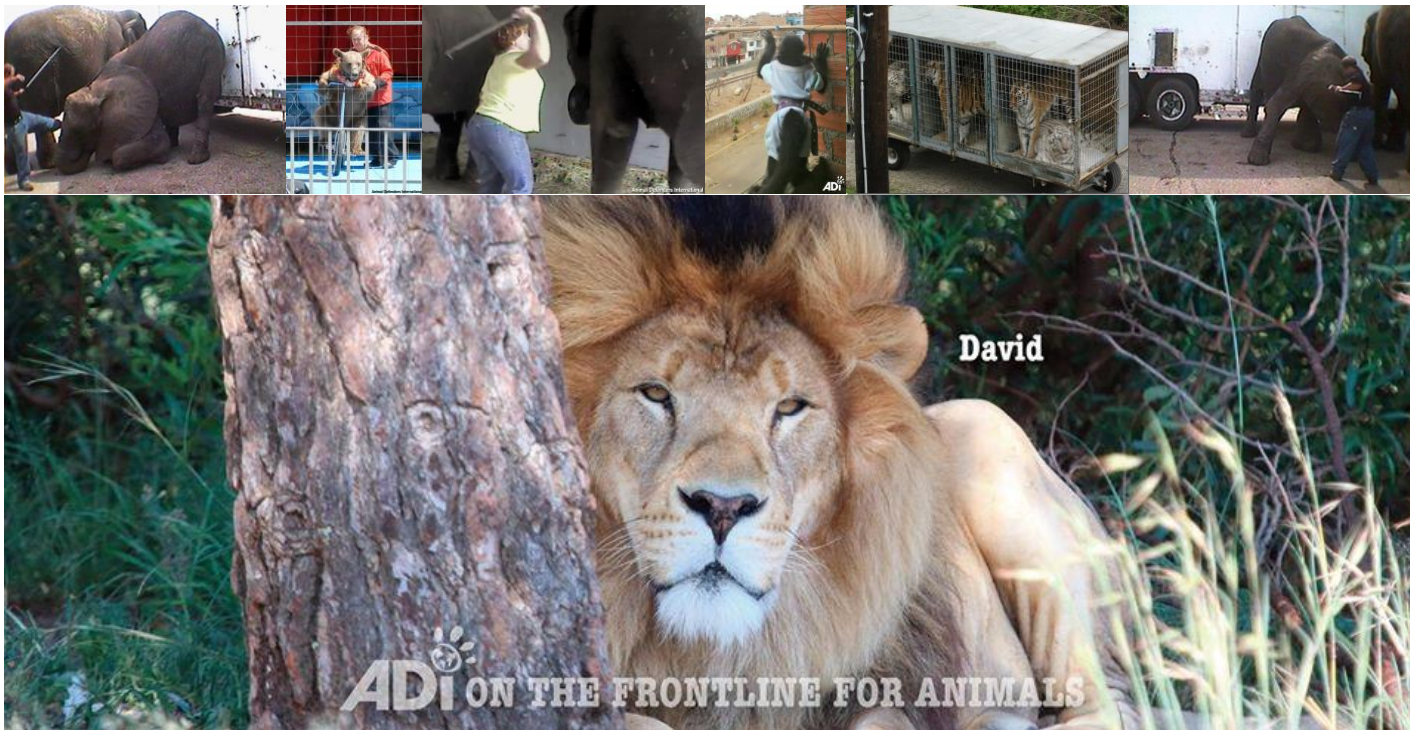


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In support of the Traveling Exotic Animal and Public Safety Protection Act (TEAPSPA)

- Conditions inherent to traveling performances (constant travel; temporary, collapsible facilities; prolonged confinement; physical coercion) compromise animal welfare, causing chronic stress and behavioral, health, and psychological problems, and present health¹ and safety risks² that are not adequately addressed by current law or regulation.
- Federal oversight of traveling animal acts is costly, problematic, and unmanageable. The Office of Inspector General has repeatedly criticized agency oversight here, citing vague standards that are consistently challenged in the field and in the courtroom, and overworked, underperforming agencies, that frustrate inspectors and regulated entities, and leave animals and humans unprotected.³ There are no federal laws addressing pathogen transmission risk at these venues.⁴ 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 the existence of federal licensing, though the related federal agencies maintain public safety is not their mandate. Local law enforcement is not expecting or trained to handle wild animal escapes; often they are surprised to learn that there is no back-up plan.⁵ Many circuses lease their animal acts, which further complicates oversight, as exhibitors can claim they're not responsible for or mislead the public regarding violations related to animals they may exhibit, but don't actually own.
- Wild animals are forced to perform unnatural tricks using physical coercion (e.g., food and water restrictions; electric shock devices; bullhooks; metal bars; whips; shovels; or pitchforks; among other abuses). They suffer chronic deprivation in the extended confinement and travel inherent to this business model. 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 abuse is systemic throughout the industry.⁶
- It is foolish to expect that animals living under severe chronic stress, confinement, and abuse will never lash out or try to escape. 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, illness, or aggression. *"Incidents involving animals in circuses occur regularly and frequently, causing varying degrees of public disorder or even the injury or the death of people."*⁷
- It is not possible to ensure public and worker safety or appropriate physical and mental welfare for wild animals under the traveling act business model, which inherently and significantly denies animals' natural behaviors and needs, where abuse is prevalent, and where oversight has long been demonstrably problematic.
- Presenting wild animals this way teaches us nothing about what it means to be wild. Rather, the science shows these acts perpetuate misconceptions about species that fuel trade and trafficking which undermine conservation, and endanger individual animals, wild populations, and humans.⁸
- Public opposition to traveling animal acts is growing; >2/3 of Americans say they're concerned about the use of animals in circuses;⁹ fifty diverse nations have banned such acts, and >100 US jurisdictions have passed some similar form of ban or restriction.¹⁰
- Banning these acts does not have to mean the end of the circus. It is not necessary to use traveling wild animal acts to experience circus events. 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.
- Please support the Traveling Exotic Animal and Public Safety Protection Act (TEAPSPA). It's a narrowly-drafted, cost-effective, and efficient way to safeguard animals, workers, and the public from cruel and dangerous traveling wild animal acts. It's also the right thing to do—for animals, for people, and for the planet. "There is no future for business as usual"; the planetary crises of our time demand that we transform our relationship with nature, to tackle the drivers of nature loss, including wildlife trade and consumption.¹¹



¹ *Compendium of Measures to Prevent Disease Associated with Animals in Public Settings*, National Association of Public Health Veterinarians (2013) (**No federal laws address pathogen transmission risk at venues where the public has contact with animals. Direct contact with dangerous animals 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 carnivores.**). Also, [USDA no longer requires annual tuberculosis blood tests](#), contrary to [USAHA recommendations](#) (APHIS Voluntary Elephant TB Policy (Oct. 16, 2015); *Elephant Tuberculosis Guidelines*, United States Animal Health Association, Committee on Tuberculosis (2010)).

² Selection of incidents (not exhaustive), demonstrates repeated frequency: [Lion attacks trainer](#) (2019); [African serval bites toddler's head](#) (2018); [bear attacks trainer](#) (2018); [camel runs amok, injures 6 in ~11 seconds](#) (2018); [elephant dies, 2 others injured, wander highway, after transport wrecks](#) (2018), see also [this link](#); [elephant escape](#) (2018); [elephant escape](#) (2018); [leopard attacks, drags around 4yo girl](#) (2018); [lion mauls 4yo girl, girl then hospitalized, in coma](#) (2018); [lion and tiger maul horse during circus act](#) (2018); [tiger kills trainer](#) (2018); [tiger rips caretaker's arms off](#) (2018); [tiger suffers a seizure](#) during performance (2018); [two elephants shove another elephant into the audience](#) (2018); [zebras escape again](#) (2018); [bear attacks handler](#) (2017); [elephant kills owner](#) (2017); [elephant rampage kills 1, injures 12](#) (2017); [kangaroo escape](#) (2017); [lion attack](#) (2017); [tiger attacks keeper](#) (2017); [tiger attacks worker](#) (2017); [tiger escape](#) (2017); [tiger escape](#) (2017); [tiger escape](#), roams city, causes metro shutdown (2017); [tiger escape, roams residential area, attacks dog](#) (2017); [tiger cubs kill caretaker](#) (2017); [zebras escape](#), another of many zebra escapes from this circus (2017); [tiger attacks trainer in front of schoolchildren, cage door left open](#); see also [this link](#) (2016); [elephant tosses car at trainers after beating](#) (2015); [camel kills caretaker](#) (2014); [elephant attacks trainer and another elephant](#) (2014); [lion attacks circusgoer, drags her around ring](#) (2014); [tiger kills trainer](#) in front of 200 'horrified' schoolchildren (1997); [1 dead, 13 injured in elephant's 3rd rampage](#) (1994); [elephant injures 6, throws 2 handlers](#) with a mom and 4 kids still on her back (1992); [elephants rampage, kill 2, injure 24](#); more incidents at [this link](#).

³ See [Audit Report by the Office of the Inspector General, Controls Over APHIS Licensing of Animal Exhibitors \(June 2010\)](#); see also 2014 USDA APHIS Audit Report, Office of Inspector General.

⁴ *Compendium of Measures to Prevent Disease Associated with Animals in Public Settings*, National Association of Public Health Veterinarians (2013).

⁵ Sheriff Lutz, of Zanesville, Ohio, speaks [in this video](#) on the challenges for law enforcement with wild animal escapes. Sheriff Maddox, President of the Texas State Sheriffs' Association, testified in favor of similar action in Texas, citing serious safety risks to the public and officers. See also the congressional testimony of Police officer Blayne Doyle, describing an [elephant rampage](#) that resulted in 17 injured, 6 hospitalized, and two handlers thrown, noting that local law enforcement is unprepared and incapable of handling these dangerous incidents (*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.*)

⁶ WAZA Code of Ethics, (2003); Harris, Iossa, & Soulsbury, *A review of the welfare of wild animals in circuses*, School of Biological Sciences, University of Bristol (2006); [Circus Captivity is beastly for wild animals](#), Andy Coghlan, New Scientist (May 2009).

⁷ [Wild Animals in EU Circuses](#) (2017) (*Incidents involving animals in circuses occur regularly and frequently, causing varying degrees of public disorder or even the injury or the death of people*).

⁸ Dorning, Harris, Pickett, [The welfare of wild animals in traveling circuses](#) (2016) (comprehensive global analysis describing this life for animals as one that is **not a good life**, noting that **any education or conservation role would likely be marginal, outweighed by the negative impression generated by using wild animals for entertainment; unclear what happens to wild animals that are no longer used, an extensive trade**); additional information available at <https://www.dropbox.com/home/SCS-TEAPSPA>.

⁹ [2015 Gallup Poll](#).

¹⁰ See [ADI's Stop Circus Suffering webpage](#).

¹¹ See, for example: UN IPBES Global Assessment Report, *Nature's Dangerous Decline 'Unprecedented' Species Extinction Rates 'Accelerating'* (2019), available at <https://ipbes.net/news/Media-Release-Global-Assessment>, and [Vertebrates on the brink as indicators of biological annihilation and the sixth mass extinction](#), PNAS 117 (24) 13596-13602 (2020); and 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.