



Marketing and  
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Health Inspection  
Service

Legislative and  
Public Affairs

Freedom of  
Information

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

November 25, 2019

Ms. Courtney M Fern  
Director of Government Relations and Campaigns  
The Nonhuman Rights Project  
8033 Sunset Blvd, #975  
Los Angeles, CA 90046  
[cfern@nonhumanrights.org](mailto:cfern@nonhumanrights.org)

Re: FOIA Request 2019-APHIS-06581-F

Dear Ms. Fern:

This is the first partial response to your September 12, 2019, Freedom of Information Act (FOIA) for:

- *Records on or related to any and all Asian elephants (*Elephas maximus*) and African elephants (*Loxodonta africana*) owned by or in the possession of R.W. Commerford & Sons Inc., a USDA-licensed exhibitor under the Animal Welfare Act.*
- *Specifically, the NhRP requests any and all records concerning Asian and African elephants owned by or in the possession of R.W. Commerford & Sons Inc, including, but not limited to, APHIS site inspection reports, photos, incident reports, reports or notifications of the death of an elephant, or any other record from the time period of January 2018 to date.*

Your request was received in this office on September 12, 2019, and assigned case number FOIA 2019-APHIS-06581-F.

Please be advised, it is the policy of this FOIA office that the date-of-search cut-off date is the date that the search for records begins not the date of fulfillment [“to date”] as mentioned in your request. The date-of-search cut-off date was October 22, 2019. Therefore, the search range was from the time period of January 2018 to October 22, 2019. If you need records searched with a new date range or new subject matter, you may file a new FOIA request at your convenience.

On October 22, 2019, the Animal Care (AC) program began a search of their records. AC located 37 pages of responsive records to your FOIA request. There is a video associated with the facility, but is from an untrusted source and cannot be accessed.

Of the 37 pages, 32 pages of responsive records include: Inspection reports; License Renewals; Itineraries; and Complaints (AC18-730 and AC19-214). There is a third complaint number, AC19-592, which is an active open complaint and is still being worked on. Therefore, there are no results/outcomes available at this time for the complaint. You are welcome to submit another request for AC19-952 at a later date. Please reference the complaint number AC19-592 in your new request.

Finally, because the five (5) remaining pages contain possible confidential business information, they are being returned the submitter, whom the records originated from, for their input pursuant to Executive Order 12,600 and USDA’s FOIA regulations, 7 C.F.R §1.8. Specifically, we are seeking input regarding whether the records should be withheld in full or

Ms. Courtney M. Fern  
2019-APHIS-06581-F

in part under FOIA Exemption 4, 5 U.S.C. § 552(b)(4).

In this partial response, we are releasing 32 pages to you at this time. After a review of the 32 pages of records now being released, it has been determined that the documents will be released to you in part, pursuant to FOIA Exemptions 4, 6, 7(C) and 7(D).

#### **FOIA Exemption 4**

FOIA Exemption 4 permits the government to withhold “trade secrets and commercial or financial information obtained from a person that is privileged or confidential.” *See 5 U.S.C. § 552 (b)(4)*. In order to determine whether certain information is exempt from release, APHIS must first establish that the information is commercial or financial and that it was obtained from a person, company, organization, state government, or other outside entity. Next APHIS must establish that the information is “confidential,” which means that the information is of the type not ordinarily or actually released by the submitter (hereinafter referenced as “CBI”). If the government provided assurances that such information to be submitted by a person will be kept confidential, then that assurance may provide additional, although not independently sufficient, ground for applying Exemption 4.

In this case, we are withholding information in the records that details financial information obtained by the individual business submitter. The information is submitted as part of APHIS’s application for new license and regulatory process. Business submitter financial information related to sales or commissions is commercial or financial information. The financial information is specifically related to gross dollar amounts derived from regulated activities and the estimated dollar amount on which the fee is based. This is confidential information that is not ordinarily or actually released. As a result of the customarily confidential treatment of financial information, the information is exempt from release under FOIA Exemption 4. The renewal fees are being withheld on the applications for license renewals, APHIS form 7003.

#### **FOIA Exemptions 6 & 7(C)**

FOIA Exemption 6 permits the government to withhold from “personnel and medical files and similar files” information about individuals when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” *See 5 U.S.C. § 552 (b)(6)*. FOIA Exemption 7(C), which is the law enforcement counterpart to Exemption 6, permits the government to withhold information compiled for law enforcement purposes about individuals when the disclosure of such information “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” *See 5 U.S.C. § 552 (b)(7)(C)*. We have determined that the records at issue in this case meets the definition of “similar” files because they contain information pertaining to individual(s). Additionally, because APHIS is authorized under the Animal Welfare Act (AWA), (*see 7 U.S.C. §§ 2131-2159*), its inspection process is an administrative enforcement action, which is considered a law enforcement purpose covered under Exemption 7.

In order to determine whether documents, or portions thereof, may be withheld under Exemption 6 and 7(C), an agency must undertake a three-step analysis. First, the agency must determine whether a significant privacy interest would be compromised by the disclosure of the records. Second, the agency must determine whether the release of the document would further the public interest by shedding light on the operations and activities of the

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Government. And third, the agency must balance the identified privacy interests against the public interest in disclosure. The purpose for which the request for information is made does not impact this balancing test because a release of information requested under the FOIA constitutes a release to the general public.

In this matter, we are withholding certain information from Inspection Reports, New License and Renewal Applications; such as the names of employees of R.W. Commerford & Sons Inc., signatures of the treasurer of the facility and employees' private addresses. The signatures have more than a *de minimis* privacy interest because revealing signatures could lead to identity theft and/or a forged signature. In addition, employees' of R.W. Commerford & Sons Inc. personal identifying information could open them to up unwanted contact or communications. We have determined that this information far outweighs any public interest. The release of this information will not shed any light on APHIS activities or the performance of its statutory duties. Because the harm to personal privacy is greater than any minimal public interest that may be served by disclosure, release of this personal information would constitute a clearly unwarranted invasion of the privacy of the individuals. Therefore, the information is being withheld pursuant to FOIA exemptions 6 and 7(C).

#### **FOIA Exemption 7(D)**

FOIA Exemption 7(d) provides protection for "records or information compiled for law enforcement purposes [which] could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority of any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source."

The goal of Exemption 7(d) is to protect the ability of law enforcement agencies to obtain information and cooperation from individuals who expect a degree of confidentiality as otherwise, they may be less likely to come forward in future investigations. In this case, we have withheld the identity of the confidential source and any information that would reveal the source's identity. In this instance, the confidential source voluntarily provided to our Agency information that could be used in an administrative law enforcement investigation with the understanding that their identity would remain confidential. Certain third party information is being withheld under this exemption as well.

If you are not satisfied with the response to this request, you may administratively appeal by writing to: Administrator, Animal and Plant Health Inspection Service, Ag Box 3401, Washington, DC 20250-3401. Please refer to FOIA 2019-APHIS-06581-F in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.

You may contact the analyst who processed your request, [Robbie Perry (301) 851-4105], and/or the FOIA Requester Service Center, as well as our FOIA Public Liaison (Bethany Jones, 301-851-4000) for any further assistance and to discuss any aspect of your request at:

Ms. Courtney M. Fern  
2019-APHIS-06581-F

USDA/APHIS/LPA/FOIA&PA,  
4700 River Road, Unit 50  
Riverdale, MD 20734  
E-mail: foia.officer@aphis.usda.gov  
Telephone: (301)-851-4102  
Facsimile: (301) 734-5941

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Further, you may withhold your potential appeal in abeyance to the completion of this FOIA request.

Sincerely,

*for:*  
Tonya G. Woods  
Director  
Freedom of Information & Privacy Act  
Legislative and Public Affairs

Enclosures



# USDA-APHIS-Animal Care



| ANIMAL WELFARE COMPLAINT   |                            |                              |
|--|----------------------------|------------------------------|
| Complaint No.<br>AC18-730  | Date Entered:<br>28-Sep-18 | Processed By:<br>JJF         |
| Referred To:<br>Baltrush/ Stokes   |                            | Reply Due:<br>28-Oct-18      |
| Facility or Person Complaint Filed Against   |                            |                              |
| Name:<br>R W Commerford & Sons Inc   | Customer No.:<br>1940      | License No.:<br>16-C-0006    |
| Address:<br>24587 Candle Bush Court  |                            | Email Address:               |
| City:<br>Moreno Valley   | State:<br>CA               | Phone No.:<br>(951) 413-9553 |
| Complainant Information  |                            |                              |
| Name:<br>Anonymous   | Organization:              |                              |
| Address:   |                            | Email Address:               |
| City:  | State:                     | Phone No.:                   |
| How was the Complaint received?<br>Email   |                            |                              |
| Details of Complaint:<br>SEE ATTACHED  |                            |                              |
| <p>Results:</p> <p>I had conducted an inspection at the Big E on September 19, 2018. At that time I watched "Minnie" the elephant give rides to some people and also watched her move about the ride area.</p> <p>The Complainant is concerned that she is very sick: There was no evidence that "Minnie" was ill in any way. She was eating, defecating, and acting normally.</p> <p>The Complainant stated that her feet hurt, she was shaking them and limping: I did not see any evidence of pain while she walked around the area. No limping was observed.</p> <p>The Complainant stated that she was malnourished, tired and forced to give people rides with the use of the bull hook: "Minnie" is of a good weight for her age. She is an Asian elephant so her skull configuration is very prominent. But she is not malnourished. She is not being forced to give rides. The bull hook / ankus is just a tool that the handlers keep in their hands. While I watched her give rides I did not see the handler use the ankus in any way. It was held down by his side and never brought up to touch her.</p> |                            |                              |
| Application Kit Provided:<br>Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>   |                            |                              |
| Inspector:<br>Jan Baltrush   |                            | Date:<br>5-Nov-18            |
| Reviewed By:<br>Tonya Hadjis   |                            | Date:<br>5-Nov-18            |



# USDA-APHIS-Animal Care



From: [flockhart\\_jeremy\\_j - APHIS](#)  
To: [flockhart\\_jeremy\\_j - APHIS](#)  
Subject: FW: Sick/abused animals at local fair  
Date: Friday, September 28, 2018 9:29:33 AM  
Importance: High

From: (b) (6), (b) (7)(C), (b) (7)(D)  
Sent: Tuesday, September 25, 2018 9:26 AM  
To: Davidson, Mark L - APHIS <[Mark.L.Davidson@aphis.usda.gov](mailto:Mark.L.Davidson@aphis.usda.gov)>  
Subject: Fwd: Sick/abused animals at local fair

----- Forwarded message -----

From: (b) (6), (b) (7)(C), (b) (7)(D)  
Date: Tue, Sep 25, 2018 at 9:17 AM  
Subject: Sick/abused animals at local fair  
To: (b) (6), (b) (7)(C), (b) (7)(D)

Attached, please find a video and picture of an elephant and camel that look sick and or abused. This is taking place right now at the Big E (eastern states exposition) in West Springfield MA. The fair runs from September 14-30 which is this Sunday. The name of the exhibitor in possession of these animals is Commerford.

I would like my complaint kept anonymous but would like to receive a complaint number so I will be able to follow the progress. You can send any information to this email:

(b) (6), (b) (7)(C), (b) (7)(D)

P.s. please don't forget to click on the link for the video.

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snaking them and she... Continue Reading





6

3 Comments

Verizon 9:13 AM 7%

Icons: Home, TV (2), Bell (2), Menu

< (b) (6), (b) (7)(C), (b) (7)(D) is attending an event. ...

Saturday at 10:18 PM • 🌐

She's clearly very sick and her feet hurt really bad. She kept picking them up and shaking them and she was limping. She also looks malnourished and tired and is being forced to give people rides. EDIT: I cried for an hour last night thinking about her. They've owned her for over 45 years. Her life must be so horrible.

My heart physically hurts for her. I'm ashamed of myself for even going to that fair and supporting that. If I had known I would never have gone. The people who own those animals have received over 50 citations from the USDA for abusing their animals. Yet they're somehow still allowed to own her? They also were using a bull hook to force her to walk!!!! PLEASE SHARE THIS. The company that owns her is called Commerford & Sons traveling zoo.

EDIT: To the people saying this is fake. This was taken at the Big E. They have 3 different elephants the one I took a picture of her name is Minnie





# USDA-APHIS-Animal Care



| <b>ANIMAL WELFARE COMPLAINT</b>  |                            |   |                           |
|--|----------------------------|---|---------------------------|
| Complaint No.<br>AC19-214  | Date Entered:<br>18-Apr-19 | Processed By:<br>SPR                              |                           |
| Referred To:<br>Hadjis/Baltrush  |                            | Reply Due:<br>20-May-19                           |                           |
| <b>Facility or Person Complaint Filed Against</b>  |                            |   |                           |
| Name:<br>RW Commerford & Sons Inc  |                            | Customer No.:<br>1940                             | License No.:<br>16-C-0006 |
| Address:<br>PO Box 188 Route 4   |                            | Email Address:                                    |                           |
| City:<br>Goshen  | State:<br>CT               | Phone No.:<br>(860)491-3421                       |                           |
| <b>Complainant Information</b>   |                            |   |                           |
| Name:<br>(b) (6), (b) (7)(C), (b) (7)(D)   |                            | Organization:                                     |                           |
| Address:   |                            | Email Address:<br>(b) (6), (b) (7)(C), (b) (7)(D) |                           |
| City:  | State:                     | Phone No.:  |                           |
| How was the Complaint received?<br>Email   |                            |   |                           |
| Details of Complaint:<br><u>SEE ATTACHED</u>   |                            |   |                           |
| <p>Results:</p> <p>This complaint is in regards to a video showing a kangaroo in a pen. This specific kangaroo has recently been sold and was not on the premise when I conducted this inspection.</p> <p>The complainant was concerned that the kangaroo was confined to a small space, may have been drugged so that it would not jump over the fence, and was pacing: The Kangaroo exhibit at this petting zoo is approximately 10' x 12'. The AWA requires that the animal enclosures shall be constructed to provide sufficient space to allow each animal to make normal postural and social adjustments. This enclosure does meet the AWA requirements. The animal in the video appears to be in good condition. It was unclear as to the time of day that this video was taken. If the staff was making rounds with their schedule feeding that may explain the pacing. However, I have seen this animal on several occasions and he is usually relaxed and lying down in this enclosure. There is no evidence that this animal has been given drugs to keep him from jumping over the fence.</p> <p>The Complainant was concerned that the animal is exposed to the extreme weather conditions: If it is cold the sides of the tent are lowered, heat lamps are added to each pen and if it is very cold they are brought into the insulated trailers and heat lamps are added to each pen. If the weather is too hot they will run large fans.</p> <p>The Complainant is concerned that when they were at the 3 County Fair it was very hot and they were housed and transported in metal trailers: They have not been to the 3 County Fair in</p> |                            |   |                           |



# USDA-APHIS-Animal Care



approximately 6 yrs. They are transported in insulated trailers. Most trips between fairs are within 1-4 hrs. There are a few that are longer. But again they are transported in insulated trailers. Windows and vents are open as needed. Once they get to a site they unload all the animals into pens, under the large tent and fans are running if needed.

Application Kit Provided:

Yes:  No:

Inspector:  
Jan Baltrush

Date:  
3-May-19

Reviewed By:  
Tonya Hadjis

Date:  
9-May-19



Animal and Plant  
Health Inspection  
Service

April 18, 2019

Animal Care  
4700 River Road  
Riverdale, MD 20737

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

Dear Complainant,

Thank you for your correspondence dated 17-Apr-19. We are reviewing your concerns and assigned tracking number AC19-214. Please allow us enough time (30 to 60 days) to thoroughly look into your concerns. You may submit a request to the Animal and Plant Health Inspection Service (APHIS) Freedom of Information Act (FOIA) office to obtain any publically available information regarding our review.

FOIA Requests can be submitted three ways:

1. Web Request Form: <https://efoia-pal.usda.gov/App/Home.aspx>
2. Fax: 301-734-5941
3. US Mail:  
USDA- APHIS- FOIA  
4700 River Road, Unit 50  
Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form **please contact the APHIS FOIA office at 301-851-4102.**

Animal Care is a program within the U.S. Department of Agriculture (USDA) that directs activities to ensure compliance with and enforcement of the Animal Welfare Act and the Horse Protection Act. Animal Care establishes standards of humane treatment for regulated animals and monitors and achieves compliance through inspections, enforcement, education, and cooperative efforts under the Acts.

Please be assured that we will look into your concern(s) and take appropriate action(s).

Thank you for your interest into the humane treatment of these animals.

Sincerely,

Betty Goldentyer  
Associate Deputy Administrator  
Animal Care

**From:** [Whisenton, Katie M](#)  
**To:** [Rehurek, Sean P - APHIS](#)  
**Subject:** FW: complaint filed on cid 1940  
**Date:** Thursday, April 18, 2019 8:47:48 AM  
**Attachments:** [image001.png](#)

---

Hey Sean-

Can you please process this complaint today?

Thanks,

*Katie Whisenton*

Supervisory Inspection & Licensing  
Program Specialist  
Desk: 970-494-7587  
Cell: 970-342-3604

USDA-APHIS-AC  
2150 Centre Ave.  
Building B, 3W11  
Fort Collins, CO 80526  
ph:970-494-7478  
fax:970-494-7461

[Join the Animal Care Stakeholder Registry and receive emails on topics of interest](#)



---

**From:** Hadjis, Tonya - APHIS  
**Sent:** Thursday, April 18, 2019 8:44 AM  
**To:** Whisenton, Katie M <[katie.m.whisenton@usda.gov](mailto:katie.m.whisenton@usda.gov)>; AC West <[acwest@aphis.usda.gov](mailto:acwest@aphis.usda.gov)>  
**Cc:** Baltrush, Jan J - APHIS <[jan.p.baltrush@usda.gov](mailto:jan.p.baltrush@usda.gov)>  
**Subject:** RE: complaint filed on cid 1940

Yes, its Commerford. Thanks.

---

**From:** Whisenton, Katie M  
**Sent:** Thursday, April 18, 2019 10:42 AM  
**To:** Hadjis, Tonya - APHIS <[tonya.hadjis@usda.gov](mailto:tonya.hadjis@usda.gov)>; AC West <[acwest@aphis.usda.gov](mailto:acwest@aphis.usda.gov)>  
**Cc:** Baltrush, Jan J - APHIS <[jan.p.baltrush@usda.gov](mailto:jan.p.baltrush@usda.gov)>  
**Subject:** RE: complaint filed on cid 1940

Hey-

I can have this processed today. I just want to verify that this is licensee 16-C-0006, #1940 (RW Commerford & Sons Inc. before I send it forward. Let me know.

Thanks,

*Katie Whisenton*

Supervisory Inspection & Licensing  
Program Specialist  
Desk: 970-494-7587  
Cell: 970-342-3604

USDA-APHIS-AC  
2150 Centre Ave.  
Building B, 3W11  
Fort Collins, CO 80526  
ph:970-494-7478  
fax:970-494-7461

[Join the Animal Care Stakeholder Registry and receive emails on topics of interest](#)



---

**From:** Hadjis, Tonya - APHIS  
**Sent:** Wednesday, April 17, 2019 5:04 PM  
**To:** AC West <[acwest@aphis.usda.gov](mailto:acwest@aphis.usda.gov)>  
**Cc:** Whisenton, Katie M <[katie.m.whisenton@usda.gov](mailto:katie.m.whisenton@usda.gov)>; Baltrush, Jan J - APHIS <[jan.p.baltrush@usda.gov](mailto:jan.p.baltrush@usda.gov)>  
**Subject:** complaint filed on cid 1940

Katie,

I spoke on the phone with CT State Rep David Michel ,about some concerns that he has with a particular kangaroo owned by one of our licensees. I've explained the complaint filing process to him for future implementation, but he would like this complaint filed in his name: Please note - video is from another person, but he referenced this video during our conversation and we have also received calls about this from others. You may already have a complaint on file based on this video.

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

Allegation – the young kangaroo for Commerford paces. Pacing is an abnormal behavior and a sign that something is wrong.

<https://www.smh.com.au/environment/conservation/often-seems-drugged-protest-about->

[kangaroo-found-in-poor-condition-in-us-petting-zoo-20190404-p51awm.html](http://kangaroo-found-in-poor-condition-in-us-petting-zoo-20190404-p51awm.html)

Thanks  
Tonya

# R.W. Commerford & Sons Traveling Petting Zoo

48 Torrington Rd., Goshen CT 06756

R.W. Commerford & Sons Traveling Petting Zoo has failed to meet minimal federal standards for the care of animals used in exhibition as established in the Animal Welfare Act (AWA). The U.S. Department of Agriculture (USDA) has cited R.W. Commerford & Sons numerous times for failing to provide adequate veterinary care, for failing to maintain enclosures and transport trailers, for failing to have an attendant present during periods of public contact, for improper feeding, and for poor housekeeping. An elephant from R.W. Commerford & Sons has been involved in three dangerous incidents while giving rides to children and caused injuries. Contact PETA for documentation.

**May 2, 2017:** The USDA cited Commerford for failing to provide Asian elephant Beulah, who was in need of foot care, with adequate veterinary care.

**February 3, 2011:** The USDA cited Commerford for exposing a porcupine to harm by housing him in a poorly constructed cage and for preventing the gate to the facility's perimeter fence to be closed/secured.

**November 4, 2009:** The USDA cited Commerford for failing to have a suitable method of rapidly eliminating excess water in an enclosure for camels. The enclosure had an accumulation of mud and water through which the camels had to walk in order to get in and out of the pen. The inspector wrote, "The standing water has been in that area for some time, indicated by the layer of algae present." Commerford was also cited for failing to maintain structurally sound enclosures to contain the animals and protect them from injury. The gate to a goat, sheep, and llama enclosure was missing a portion of a top rail, and rolls of wire mesh attached to the fencing and support poles were left within reach of the animals. Additionally, the roof of an enclosure for cows had missing shingles and damaged eaves.

**February 1, 2008:** Commerford advertised a yak and

a water buffalo for sale in *Animal Finders' Guide*, a trade publication that caters to exotic animal breeders and dealers, the pet trade, and hunting ranches.

**January 2, 2008:** The USDA cited Commerford for failing to maintain facilities in good repair because a gate for a sheep, goat, llama, and donkey enclosure had support posts with jagged edges and a bent and broken horizontal bottom rail, which posed a risk of injury to the animals.

**August 8, 2007:** The USDA cited Commerford for failing to provide a developed and documented environmental enhancement plan for primates.

**May 26, 2007:** The USDA cited Commerford for failing to handle food in a manner that would prevent contamination.

**February 21, 2007:** Bob Commerford testified before a Connecticut state legislative committee in opposition to proposed bill 6599, which sought to eliminate the mistreatment of captive elephants by banning the use of bullhooks, electric prods, and chains.

**September 28, 2006:** The USDA cited Commerford for failing to maintain a transport trailer in a way that would protect the health and ensure the safety and comfort of the animals and for failing to store food in a manner that would protect against contamination and deterioration.

**August 10, 2006:** The USDA cited Commerford for failing to have an employee or attendant present during periods of public contact with the animals in the petting zoo, including an elephant named Karen.

**March 5, 2006:** An Asian elephant named Minnie injured two Commerford employees while giving rides at the Best Western Royal Plaza Trade Center in Marlborough, Massachusetts. As children were being loaded onto the elephant, she became agitated and suddenly swung her head toward the two employees, shifting her weight and pinning them against the loading ramp. An eyewitness reported that one of the employees had provoked the elephant by striking her in the face. One man sustained a chest injury and the other a broken arm. Both were taken by ambulance to the hospital. Two bystanders sustained bruises. Minnie has been involved in at least three previous dangerous incidents. (See the August 27, 1998, and August 28, 1989, entries.)

**March 4, 2006:** A 4-year-old girl fell through the railing of a loading ramp while waiting to get on an elephant and camel ride at the Best Western Royal

## Commerford & Sons Traveling Petting Zoo

Plaza Trade Center in Marlborough, Massachusetts. The girl fell approximately 5 feet and landed on her back among the animals. She sustained trauma to her head and was taken by ambulance to the hospital.

**November 30, 2005:** The USDA cited Commerford for failing to provide three elephants, who were found to have an excessive accumulation of necrotic skin on their heads, with adequate veterinary care; failing to provide goats, sheep, and llamas with adequate shelter; and failing to maintain structurally sound enclosures. The inspector noted that the Asian elephant Beulah was being treated for a foot disorder. According to *The Elephant's Foot*, captivity-induced foot problems and arthritis are the leading reasons for euthanasia of captive elephants.

**August 15, 2005:** The USDA cited Commerford for failing to handle animals so that there is minimal risk of harm to the animal and to the public. While giving rides, an African elephant named Karen used her trunk to reach out and touch members of the public, including a child in a stroller, while the handler was distracted talking to other employees and not observing the elephant's behavior.

**February 3, 2005:** Commerford was cited by the USDA for failing to maintain structurally sound enclosures, for water troughs filled with algae, and for failing to maintain the food preparation area.

**April 7, 2004:** Commerford was cited by the USDA for improper food storage and poor housekeeping.

**August 21, 2003:** The USDA cited Commerford for failing to handle animals so that there is minimal risk of harm to the animal and to the public and for failing to dispose of outdated medication.

**February 25, 2003:** The USDA cited Commerford for failing to protect food from contamination, failing to maintain safe enclosures, and failing to maintain complete and accurate records of acquisition.

**June 26, 2001:** In a letter to PETA, Shaw's Supermarkets in Massachusetts wrote, "I would agree that the Company should not support the exhibition of petting zoos at our store locations, and we have issued a statement to our stores reinforcing the policy."

**June 22, 2001:** In a letter to PETA, The Galleria at Bristol Centre in Connecticut wrote, "I am happy to inform you that the Mall at Bristol Centre has decided not to allow R.W. Commerford to operate a petting zoo again in Bristol."

**June 1, 2001:** The USDA cited Commerford for failing to provide tuberculosis test results for the elephant and the elephant handlers and a program of veterinary care.

**February 8, 2001:** The USDA cited Commerford for failing to maintain several enclosures with protruding nails and a broken window, inadequate record-keeping, and failing to provide an injured sheep with veterinary care.

**June 24, 1999:** The USDA stated in a letter that Commerford's giraffe travels lying down on his chest and abdomen in order to fit inside the transport trailer. According to expert guidelines, giraffe transport is very risky. *The Capture and Care Manual* states, "Do not transport giraffes with their necks bent for prolonged periods. ... Once down, adult giraffes ... regain their feet with difficulty. If the giraffe is on [his or her] side ... or in a confined space, [the giraffe] may not be able to regain [his or her] feet at all. Animals on their side will die rapidly from bloat." *Restraint and Handling of Wild and Domestic Animals* states, "Giraffes have died with the peracute mortality syndrome during and shortly after being moved to new locations."

**April 1, 1999:** The USDA cited Commerford for failing to provide adequate exercise for a giraffe stored in a 10'x20' pen.

**November 16, 1998:** The USDA cited Commerford for failing to maintain enclosures and transport trailers.

**October 3, 1998:** According to the *Boston Herald*, the USDA was investigating Commerford for violations of the AWA.

**August 27, 1998:** While carrying children on her back at the New York State Fair, an elephant named Minnie panicked and knocked down her trainer, then stepped on him. A 3-year-old girl was also injured after falling off the elephant and hitting her head on the ground. Both were treated at a local hospital. Minnie had been involved in at least two previous attacks. (See the August 28, 1989, entry.)

**June 25, 1998:** Commerford was cited for failing to have a program of veterinary care.

**June 24, 1998:** Commerford was cited for failing to maintain the elephant transport trailer. The inspector also noted that the program of veterinary care was outdated.

**September 27, 1997:** The USDA cited Commerford

## Commerford & Sons Traveling Petting Zoo

for failing to maintain enclosures, failing to have an attendant present in the petting zoo, and failing to provide an ill goat with veterinary care.

**April 2, 1997:** The USDA cited Commerford for poor housekeeping, inadequate "pest" control, and failing to maintain enclosures. They contained broken, cracked, and jagged wood and plastic.

**March 14, 1997:** After examining several animals with the Commerford petting zoo, a veterinarian with VCA Bowie Animal Hospital in Maryland wrote, "[A sheep] was very thin with labored breathing and bilateral pneumonia. The yak [was] very thin [with] labored respiration and ... pneumonia. The elephant was showing marked lameness on both rear legs. ... I would be very concerned about public safety with an animal that is this sore."

**August 8, 1996:** The USDA cited Commerford for failing to correct a previously identified noncompliance of not having readily identifiable employees present while animals were on public display.

**March 13, 1996:** Commerford was cited for improper food and bedding storage and failing to maintain enclosures.

**March 10, 1996:** The USDA cited Commerford for failing to give veterinary care to four sheep with excessively long hooves, failing to have an identifiable employee present during exhibition, and having an electrical wire inside the prairie dog enclosure.

**October 6, 1995:** The USDA cited Commerford for failing to provide veterinary care to two llamas with excessively long hooves and failing to document deworming procedures.

**August 28, 1995:** Commerford was cited for using a 13-year-old attendant to handle the camel and failing to have an attendant present in the petting zoo during periods of public contact.

**February 21, 1995:** The USDA cited Commerford for inadequate drainage in the elephant enclosure, failing to maintain a camel stall, failing to clean a water receptacle in the cattle and zebu enclosure with a buildup of algae, failing to dispose of a large accumulation of soiled hay, bedding, and feces behind the elephant barn, failing to clean the transport trailer, and failing to provide veterinary care to pygmy goats with excessively large mammary glands and a prairie dog with patches of hair loss.

**October 7, 1994:** The USDA cited Commerford for failing to comply with feeding regulations.

**March 7, 1994:** The USDA cited Commerford for improper feeding and failing to provide goats and sheep, who had overgrown hooves, with veterinary care.

**February 14, 1994:** The USDA cited Commerford for failing to monitor animals during periods of public contact, improper feeding, and failing to have food available for a baby lamb who was too young to be isolated from his mother.

**December 9, 1993:** Commerford was cited by the USDA for inadequate "pest" control.

**September 17, 1993:** The USDA cited Commerford for failing to maintain the elephant's transport trailer.

**July 22, 1993:** The USDA cited Commerford for failing to maintain the elephant's transport trailer, failing to maintain records of acquisition and disposition, failing to keep an elephant giving rides under the control of a handler, failing to have a program of veterinary care, and exhibiting a bull, a zebu, and a giraffe without the presence of an attendant and in a manner that could cause injury to the public.

**May 17, 1993:** The USDA cited Commerford for improper food storage, keeping piles of manure in and near the elephant yard, failing to provide structurally sound fencing around the zebra enclosure, failing to make necessary repairs to the elephant barn, poor housekeeping, and failing to maintain transport trailers.

**October 14, 1992:** Commerford was cited for giving animals unsanitary drinking water in rusty receptacles.

**October 8, 1992:** The USDA cited Commerford for improper food storage, failing to maintain prairie dog cages that contained protruding wires, and failing to provide records of acquisition and disposition.

**February 20, 1992:** The USDA cited Commerford for failing to provide environment enrichment to primates and failing to erect a structurally sound perimeter fence.

**October 12, 1991:** The USDA cited Commerford for improper food storage.

**July 10, 1991:** The USDA cited Commerford for improper food storage and failing to maintain enclosures.

**September 18, 1990:** The USDA cited Commerford

## Commerford & Sons Traveling Petting Zoo

for a filthy primate enclosure.

**August 8, 1990:** The USDA cited Commerford for failing to maintain the primate cage and failing to provide adequate space and exercise to the giraffe.

**July 13, 1990:** The USDA cited Commerford for failing to maintain the rabbit cage.

**June 29, 1990:** The USDA inspector noted that a "newborn donkey and mother should be allowed quiet quarters" at the Meadowlands Fair.

**August 28, 1989:** An elephant handler was attacked and critically injured by an elephant named Minnie after he struck the elephant with a bullhook while two children were riding on the elephant's back. Minnie picked up the handler with her trunk and threw him against a trailer, breaking his shoulder and jaw, at the Champlain Valley Fair in Essex Junction, Vermont. According to a witness, "Blood was gushing everywhere. The kids were left stranded." Commerford continued using Minnie for rides at the fair despite a public outcry that the elephant was too dangerous. Years earlier, Minnie had attacked a worker and broken his arm.





## Inspection Report

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R W Commerford & Sons Inc  
P O Box 188  
Route 4  
Goshen, CT 06756

Customer ID: **1940**  
Certificate: **16-C-0006**  
Site: 001  
R W COMMERFORD & SONS INC

Type: ROUTINE INSPECTION  
Date: 21-FEB-2018

---

No non-compliant items identified during this inspection.

This inspection and exit interview were conducted with a representative of the licensee.

---

**Prepared By:**

BALTRUSH JAN, A C I    USDA, APHIS, Animal Care

**Title:** ANIMAL CARE INSPECTOR 1011

**Date:**  
23-FEB-2018

**Received By:**

(b) (6), (b) (7)(C) - TREASURER

**Title:** SENT VIA EMAIL

**Date:**  
23-FEB-2018  
2019-APHIS-06581-F000016



| Cust No | Cert No   | Site | Site Name                 | Inspection |
|---------|-----------|------|---------------------------|------------|
| 1940    | 16-C-0006 | 001  | R W COMMETFORD & SONS INC | 21-FEB-18  |

| Count         | Species                                 |
|---------------|---|
| 000001        | AFRICAN CRESTED PORCUPINE               |
| 000001        | AFRICAN ELEPHANT                        |
| 000001        | ALPACA                                  |
| 000001        | ASIATIC WATER BUFFALO                   |
| 000001        | GIRAFFE                                 |
| 000001        | PATAGONIAN CAVY / MARA                  |
| 000001        | RED KANGAROO                            |
| 000001        | SCIMITAR-HORNED ORYX                    |
| 000002        | ASIAN ELEPHANT                          |
| 000003        | DOMESTIC PIG / POTBELLY PIG / MICRO PIG |
| 000004        | DROMEDARY CAMEL                         |
| 000005        | LLAMA                                   |
| 000006        | ZEBU                                    |
| 000007        | RING-TAILED LEMUR                       |
| 000077        | DOMESTIC GOAT                           |
| 000077        | SHEEP INCLUDING ALL DOMESTIC BREEDS     |
| <b>000189</b> | <b>Total</b>                            |



## Inspection Report

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R W Commerford & Sons Inc  
P O Box 188  
Route 4  
Goshen, CT 06756

Customer ID: **1940**  
Certificate: **16-C-0006**  
Site: TRA 2  
GREEN UNIT

Type: ROUTINE INSPECTION  
Date: 19-SEP-2018

---

No non-compliant items identified during this inspection.

This inspection was conducted at the Big E, West Springfield, MA.

This inspection and exit interview were conducted with the licensee.

---

**Prepared By:**

BALTRUSH JAN, A C I    USDA, APHIS, Animal Care

**Title:** ANIMAL CARE INSPECTOR 1011

**Date:**  
23-SEP-2018

**Received By:**

(b) (6), (b) (7)(C) - TREASURER

**Title:** SENT VIA EMAIL

**Date:**  
23-SEP-2018  
2019-APHIS-06581-F000018



### Species Inspected

| Cust No | Cert No   | Site  | Site Name  | Inspection |
|---------|-----------|-------|------------|------------|
| 1940    | 16-C-0006 | TRA 2 | GREEN UNIT | 19-SEP-18  |

| Count         | Scientific Name                | Common Name                         |
|---------------|--------------------------------|-------------------------------------|
| 000002        | <i>Bos primigenius indicus</i> | ZEBU                                |
| 000005        | <i>Camelus dromedarius</i>     | DROMEDARY CAMEL                     |
| 000013        | <i>Capra hircus</i>            | DOMESTIC GOAT                       |
| 000001        | <i>Elephas maximus</i>         | ASIAN ELEPHANT                      |
| 000002        | <i>Lama glama</i>              | LLAMA                               |
| 000003        | <i>Lemur catta</i>             | RING-TAILED LEMUR                   |
| 000001        | <i>Osphranter rufus</i>        | RED KANGAROO                        |
| 000018        | <i>Ovis aries aries</i>        | SHEEP INCLUDING ALL DOMESTIC BREEDS |
| <b>000045</b> | <b>Total</b>                   |                                     |



## Inspection Report

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R W Commerford & Sons Inc  
P O Box 188  
Route 4  
Goshen, CT 06756

Customer ID: **1940**  
Certificate: **16-C-0006**  
Site: 001  
R W COMMERFORD & SONS INC

Type: FOCUSED INSPECTION  
Date: 05-MAR-2019

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This was a focused inspection to address a complaint.

No non-compliant items identified during this inspection.

This inspection and exit interview were conducted with the licensee.

### Additional Inspectors

Gladue Paula, Veterinary Medical Officer

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### Prepared By:

BALTRUSH JAN, A C I    USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 1011

Date:  
08-MAR-2019

### Received By:

(b) (6), (b) (7)(C) - TREASURER

Title: SENT VIA EMAIL

Date:  
08-MAR-2019  
2019-APHIS-06581-F000020



### Species Inspected

| Cust No | Cert No   | Site | Site Name                 | Inspection |
|---------|-----------|------|---------------------------|------------|
| 1940    | 16-C-0006 | 001  | R W COMMERFORD & SONS INC | 05-MAR-19  |

| Count         | Scientific Name           | Common Name      |
|---------------|---------------------------|------------------|
| 000002        | <i>Elephas maximus</i>    | ASIAN ELEPHANT   |
| 000001        | <i>Loxodonta africana</i> | AFRICAN ELEPHANT |
| <b>000003</b> | <b>Total</b>              |                  |



## Inspection Report

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R W Commerford & Sons Inc  
P O Box 188  
Route 4  
Goshen, CT 06756

Customer ID: **1940**  
Certificate: **16-C-0006**  
Site: 001  
R W COMMERFORD & SONS INC

Type: ROUTINE INSPECTION  
Date: 29-APR-2019

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No non-compliant items identified during this inspection.

This inspection and exit interview were conducted with the licensee.

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**Prepared By:**

BALTRUSH JAN, A C I    USDA, APHIS, Animal Care

**Title:** ANIMAL CARE INSPECTOR 1011

**Date:**  
03-MAY-2019

**Received By:**

(b) (6), (b) (7)(C) - TREASURER

**Title:** SENT VIA EMAIL

**Date:**  
03-MAY-2019  
2019-APHIS-06581-F000022



### Species Inspected

| Cust No | Cert No   | Site | Site Name                 | Inspection |
|---------|-----------|------|---------------------------|------------|
| 1940    | 16-C-0006 | 001  | R W COMMERFORD & SONS INC | 29-APR-19  |

| Count         | Scientific Name                | Common Name                                     |
|---------------|--------------------------------|---|
| 000005        | <i>Bos primigenius indicus</i> | ZEBU  |
| 000007        | <i>Camelus dromedarius</i>     | DROMEDARY CAMEL                                 |
| 000050        | <i>Capra hircus</i>            | DOMESTIC GOAT                                   |
| 000003        | <i>Dolichotis patagonum</i>    | PATAGONIAN CAVY / MARA                          |
| 000001        | <i>Elephas maximus</i>         | ASIAN ELEPHANT                                  |
| 000001        | <i>Equus quagga</i>            | BURCHELL'S / GRANT'S / CHAPMAN'S / PLAINS ZEBRA |
| 000001        | <i>Giraffa camelopardalis</i>  | GIRAFFE   |
| 000001        | <i>Hystrix cristata</i>        | AFRICAN CRESTED PORCUPINE                       |
| 000004        | <i>Lama glama</i>              | LLAMA   |
| 000001        | <i>Lama pacos</i>              | ALPACA  |
| 000006        | <i>Lemur catta</i>             | RING-TAILED LEMUR                               |
| 000003        | <i>Oryctolagus cuniculus</i>   | DOMESTIC RABBIT / EUROPEAN RABBIT               |
| 000001        | <i>Oryx dammah</i>             | SCIMITAR-HORNED ORYX                            |
| 000001        | <i>Osphranter rufus</i>        | RED KANGAROO                                    |
| 000100        | <i>Ovis aries aries</i>        | SHEEP INCLUDING ALL DOMESTIC BREEDS             |
| <b>000185</b> | <b>Total</b>                   |   |



## Inspection Report

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R W Commerford & Sons Inc  
P O Box 188  
Route 4  
Goshen, CT 06756

Customer ID: **1940**  
Certificate: **16-C-0006**  
Site: TRA 2  
GREEN UNIT

Type: ROUTINE INSPECTION  
Date: 21-AUG-2019

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This inspection was conducted at the Dutchess Co Fair - Rhinebeck, NY.

No non-compliant items identified during this inspection.

This inspection and exit interview were conducted with the licensee.

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**Prepared By:**

BALTRUSH JAN, A C I    USDA, APHIS, Animal Care

**Title:** ANIMAL CARE INSPECTOR 1011

**Date:**  
23-AUG-2019

**Received By:**

(b) (6), (b) (7)(C) - TREASURER

**Title:** SENT VIA EMAIL

**Date:**  
23-AUG-2019  
2019-APHIS-06581-F000024



### Species Inspected

| Cust No | Cert No   | Site  | Site Name  | Inspection |
|---------|-----------|-------|------------|------------|
| 1940    | 16-C-0006 | TRA 2 | GREEN UNIT | 21-AUG-19  |

| Count         | Scientific Name                | Common Name                         |
|---------------|--------------------------------|-------------------------------------|
| 000001        | <i>Bos primigenius indicus</i> | ZEBU                                |
| 000005        | <i>Camelus dromedarius</i>     | DROMEDARY CAMEL                     |
| 000011        | <i>Capra hircus</i>            | DOMESTIC GOAT                       |
| 000002        | <i>Dolichotis patagonum</i>    | PATAGONIAN CAVY / MARA              |
| 000001        | <i>Hystrix cristata</i>        | AFRICAN CRESTED PORCUPINE           |
| 000002        | <i>Lama glama</i>              | LLAMA                               |
| 000002        | <i>Lama pacos</i>              | ALPACA                              |
| 000001        | <i>Oryx dammah</i>             | SCIMITAR-HORNED ORYX                |
| 000012        | <i>Ovis aries aries</i>        | SHEEP INCLUDING ALL DOMESTIC BREEDS |
| <b>000037</b> | <b>Total</b>                   |                                     |



## Inspection Report

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R W Commerford & Sons Inc  
P O Box 188  
Route 4  
Goshen, CT 06756

Customer ID: **1940**  
Certificate: **16-C-0006**  
Site: TRA 1  
RED UNIT

Type: ROUTINE INSPECTION  
Date: 19-SEP-2018

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No non-compliant items identified during this inspection.

This inspection was conducted at the Big E, West Springfield, MA.

This inspection and exit interview were conducted with the licensee.

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**Prepared By:**

BALTRUSH JAN, A C I    USDA, APHIS, Animal Care

**Title:** ANIMAL CARE INSPECTOR 1011

**Date:**  
23-SEP-2018

**Received By:**

(b) (6), (b) (7)(C) - TREASURER

**Title:** SENT VIA EMAIL

**Date:**  
23-SEP-2018  
2019-APHIS-06581-F000026



### Species Inspected

| Cust No | Cert No   | Site  | Site Name | Inspection |
|---------|-----------|-------|-----------|------------|
| 1940    | 16-C-0006 | TRA 1 | RED UNIT  | 19-SEP-18  |

| Count         | Scientific Name                | Common Name                                     |
|---------------|--------------------------------|---|
| 000003        | <i>Bos primigenius indicus</i> | ZEBU  |
| 000014        | <i>Capra hircus</i>            | DOMESTIC GOAT                                   |
| 000001        | <i>Elephas maximus</i>         | ASIAN ELEPHANT                                  |
| 000001        | <i>Equus quagga</i>            | BURCHELL'S / GRANT'S / CHAPMAN'S / PLAINS ZEBRA |
| 000002        | <i>Lama glama</i>              | LLAMA   |
| 000001        | <i>Oryx dammah</i>             | SCIMITAR-HORNED ORYX                            |
| 000014        | <i>Ovis aries aries</i>        | SHEEP INCLUDING ALL DOMESTIC BREEDS             |
| <b>000036</b> | <b>Total</b>                   |   |

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0036. The time required to complete this information collection is estimated to average 25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED OMB NO.: 0579-0036

No license may be issued unless a completed application has been received (7 U.S.C. 2132-2143), and the applicant is in compliance with the standards and regulations Section 2133.

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

**APPLICATION FOR LICENSE**  
(TYPE OR PRINT)

**X RENEWAL**

DO NOT USE THIS SPACE- OFFICIAL USE ONLY

SEND THE COMPLETED FORM TO:  
USDA APHIS ANIMAL CARE  
EASTERN  
920 Main Campus Drive  
Suite 200  
Raleigh, NC 27606-5210  
(919) 855-7100

|  |                             |  |
|--|-----------------------------|--|
| LICENSE NO./CUST NO<br>16-C-0006<br>1940 | RENEWAL DATE<br>31-May-2018 | FEES<br>AMOUNT (b) (4)<br>DATE RECEIVED<br>14 May 18 Vmc |
|--|-----------------------------|--|

1. NAME(S) OF OWNER(S) AND MAILING ADDRESS  
R W Commerford & Sons Inc  
P O Box 188  
Route 4  
Goshen, CT 06756

2. ALL BUSINESS NAME, LOCATIONS, AND ALL SITES HOUSING ANIMALS (P. O. Box not acceptable)  
Route 4  
P O Box 188  
Goshen, CT 06756  
County: Litchfield  
TELEPHONE (860) 491-3421

COUNTY: Litchfield TELEPHONE (860) 491 - 3421

3. IF PREVIOUSLY LICENSED - NAME AND ADDRESS  
  
PREVIOUS LICENSE NO.: 16-C-0006

4. NAME AND ADDRESS OF OTHER BUSINESS(S) HANDLING ANIMALS IN WHICH APPLICANT/LICENSEE HAS AN INTEREST

5. TYPE OF LICENSE  
 A - Dealer (Breeder)     B - Dealer     C - Exhibitor

6. DATE OF LAST BUSINESS YEAR

| FROM |     |      |    |     |      | TO |   |   |   |   |   |
|------|-----|------|----|-----|------|----|---|---|---|---|---|
| MO   | DAY | YEAR | MO | DAY | YEAR |    |   |   |   |   |   |
| 0    | 1   | 0    | 1  | 1   | 7    | 0  | 1 | 0 | 1 | 1 | 8 |

7. NATURE OF BUSINESS (Check item that describes nature of your business)

A - Zoo                       B - Aquariums                       C - Auction

D - Breeder                       E - Pets                       F - Roadside Zoo

G - Circus                       H - Animal Acts                       I - Carnival

J - Drive thru                       K - Pet Store                       L - Broker

Zoo

8. TYPE OF ORGANIZATION  
 Partnership                       Corporation                       Individual  
 Other (Specify) \_\_\_\_\_

9. LIST OWNERS, PARTNERS, AND OFFICERS

| NAME AND TITLE  | ADDRESS            |
|---|--------------------|
| William Commerford President<br>(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Treasurer         | (b) (6) (b) (7)(C) |
| P. Timothy Commerford Vice President<br>(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Secretary |                    |

10. DEALER ONLY

|  |            |
|--|------------|
| TOTAL NO. OF ANIMALS PURCHASED IN THE LAST BUSINESS YEAR   | [REDACTED] |
| TOTAL NO. OF ANIMALS SOLD IN THE LAST BUSINESS YEAR        |            |
| TOTAL GROSS AMOUNT DERIVED FROM THE SALE OF ANIMALS        |            |
| DOLLAR AMOUNT OF WHICH FEE IS BASED (Sections 2.6 and 2.7) |            |

11. EXHIBITOR ONLY (No. of animals holding now or held during the last business year, whichever is greater)

|   |     |                        |     |
|---|-----|------------------------|-----|
| DOGS  |     | RABBITS                |     |
| CATS  |     | NONHUMAN PRIMATES      | 7   |
| GUINEA PIGS                                       |     | MARINE MAMMALS         |     |
| HAMSTERS  |     | WILD OR EXOTIC MAMMALS | 12  |
| OTHER (i.e., farm animals) (List Species and No.) | 144 | TOTAL:                 | 163 |

CERTIFICATION

I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct to the best of my knowledge. I hereby acknowledge receipt of and certify to the best of my knowledge I am in compliance with all parts 1, 2, and 3. I certify that I am over 18 years of age.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Treasurer 14. DATE 5-10-18

(Previous editions are obsolete)

14 MAY 2018

# 2018 List of Animals

16-C-0006 / 1940

---

Non human Primates - 7 ringtail Lemures

---

Wild or Exotic mammals 2 Asian Elephants,  
1 African Elephant, 1 Kangaroo, & Camels

---

Other

1 Zebra

1 oryxsemitar

1 alpaca

4 llamas

6 Zebus cows

3 patagonian Cavies

1 African Crested porcupine

~~2 Emu's~~ (no birds/fowl)

1 Giraffe

71 Sheep

53 goats

14 MAY 2018



United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Animal and  
Plant Health  
Inspection  
Service

Animal Care

EXPIRATION DATE: MAY 31, 2020

This is to certify that R W COMMERFORD & SONS INC

CLASS C EXHIBITOR

is a licensed  
under the

# Animal Welfare Act

(7 U.S.C. 2131 et seq.)

16-C-0006

Certificate No.

1940

Customer No.

Deputy Administrator

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0036. The time required to complete this information collection is estimated to average .25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED OMB NO.: 0579-0036

No license may be issued unless a completed application has been received (7 U.S.C. 2132-2143), and the applicant is in compliance with the standards and regulations Section 2133.

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

DO NOT USE THIS SPACE - OFFICIAL USE ONLY

**APPLICATION FOR LICENSE**  
(TYPE OR PRINT)

SEND THE COMPLETED FORM TO:  
USDA APHIS ANIMAL CARE  
EASTERN  
920 Main Campus Drive  
Suite 200  
Raleigh, NC 27606-5210  
(919) 855-7100

X RENEWAL

| LICENSE NO./CUST NO | RENEWAL DATE | FEES           |                              |
|---------------------|--------------|----------------|------------------------------|
| 16-C-0006<br>1940   | 31-May-2019  | AMOUNT (b) (4) | DATE RECEIVED<br>16 May 2019 |

1. NAME(S) OF OWNER(S) AND MAILING ADDRESS

R W Commerford & Sons Inc  
P O Box 188  
Route 4  
Goshen, CT 06756

2. ALL BUSINESS NAME, LOCATIONS, AND ALL SITES HOUSING ANIMALS (P. O. Box not acceptable)

Route 4  
P O Box 188  
Goshen, CT 06756  
County: Litchfield

TELEPHONE (860) 491-3421

COUNTY: Litchfield TELEPHONE (860) 491 - 3421

3. IF PREVIOUSLY LICENSED - NAME AND ADDRESS

4. NAME AND ADDRESS OF OTHER BUSINESS(S) HANDLING ANIMALS IN WHICH APPLICANT/LICENSEE HAS AN INTEREST

PREVIOUS LICENSE NO: 16-C-0006

5. TYPE OF LICENSE

A - Dealer (Breeder)  B - Dealer  C - Exhibitor

6. DATE OF LAST BUSINESS YEAR

| FROM |     |      |    |     |      | TO |   |   |   |   |   |
|------|-----|------|----|-----|------|----|---|---|---|---|---|
| MO   | DAY | YEAR | MO | DAY | YEAR |    |   |   |   |   |   |
| 0    | 1   | 0    | 1  | 1   | 8    | 0  | 1 | 0 | 1 | 1 | 9 |

7. NATURE OF BUSINESS (Check item that describes nature of your business)

- A - Zoo  B - Aquariums  C - Auction  
 D - Breeder  E - Pets  F - Roadside Zoo  
 G - Circus  H - Animal Acts  I - Carnival  
 J - Drive thru Zoo  K - Pet Store  L - Broker

8. TYPE OF ORGANIZATION

- Partnership  Corporation  Individual  
 Other (Specify) \_\_\_\_\_

9. LIST OWNERS, PARTNERS, AND OFFICERS

| NAME AND TITLE  | ADDRESS             |
|---|---------------------|
| William Commerford President<br>(b) (6), (b) (7)(C) Treasurer | (b) (6), (b) (7)(C) |
| P Timothy Commerford Vice President                           |                     |
| (b) (6), (b) (7)(C) Secretary                                 |                     |

10. DEALER ONLY

|  |            |
|--|------------|
| TOTAL NO. OF ANIMALS PURCHASED IN THE LAST BUSINESS YEAR   | [REDACTED] |
| TOTAL NO. OF ANIMALS SOLD IN THE LAST BUSINESS YEAR        |            |
| TOTAL GROSS AMOUNT DERIVED FROM THE SALE OF ANIMALS        |            |
| DOLLAR AMOUNT OF WHICH FEE IS BASED (Sections 2.6 and 2.7) |            |

11. EXHIBITOR ONLY (No. of animals holding now or held during the last business year, whichever is greater)

|   |            |                        |    |
|---|------------|------------------------|----|
| DOGS  |            | RABBITS                | 3  |
| CATS  |            | NONHUMAN PRIMATES      | 6  |
| GUINEA PIGS   |            | MARINE MAMMALS         |    |
| HAMSTERS  |            | WILD OR EXOTIC MAMMALS | 10 |
| OTHER (i.e., farm animals) (List Species and No.) 122 | TOTAL: 141 |                        |    |

CERTIFICATION

I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct to the best of my knowledge. I hereby acknowledge receipt of and certify to the best of my knowledge I am in compliance with all regulations and standards in 9 CFR, Subpart A, Parts 1, 2, and 3. I certify that I am over 18 years of age.

|                     |                     |                     |                     |
|---------------------|---------------------|---------------------|---------------------|
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | 14. DATE<br>5-13-19 |
|---------------------|---------------------|---------------------|---------------------|

APHIS FORM 7003  
(JAN 1995)

US dollars are obsolete

Treasurer  
15 MAY 2019

2019-APHIS-06581-F000031

16 MAY 2019

# 2019 Animals

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non-human Primates - 6 ringtail Lemures

Wild or Exotic mammals - 2 Asian Elephants  
1 Kangaroo, 7 camels

other

1 Zebra

1 oryxsemitar

1 alpaca

4 llamas

6 Zebu's cows

3 patagonian Cavies

1 african Crested porcupine

1 Giraffe

2 Emus

40 goats

60 sheep

2 turtles



Marketing and  
Regulatory  
Programs

Animal and Plant  
Health Inspection  
Service

Legislative and  
Public Affairs

Freedom of  
Information

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

December 23, 2019

Ms. Courtney M. Fern  
Director of Government Relations and Campaigns  
The Nonhuman Rights Project  
8033 Sunset Blvd, #975  
Los Angeles, CA 90046  
[cfern@nonhumanrights.org](mailto:cfern@nonhumanrights.org)

Re: FOIA Request 2019-APHIS-06581-F

Dear Ms. Fern:

This is the second/final partial response to your September 12, 2019, Freedom of Information Act (FOIA) for:

- *Records on or related to any and all Asian elephants (*Elephas maximus*) and African elephants (*Loxodonta africana*) owned by or in the possession of R.W. Commerford & Sons Inc., a USDA-licensed exhibitor under the Animal Welfare Act.*
- *Specifically, the NhRP requests any and all records concerning Asian and African elephants owned by or in the possession of R.W. Commerford & Sons Inc., including, but not limited to, APHIS site inspection reports, photos, incident reports, reports or notifications of the death of an elephant, or any other record from the time period of January 2018 to date.*

Your request was received in this office on September 12, 2019, and assigned case number FOIA 2019-APHIS-06581-F.

On October 22, 2019, the Animal Care (AC) program began a search of their records. AC did locate 37 pages of responsive records to your FOIA request in their program. Please be advised, it is the policy of this FOIA office that the date-of-search cut-off date is the date that the search for records begins not the date of fulfillment of your FOIA request. If you need records searched with a new date range or new subject matter, you may file a new FOIA request at your convenience. There is a video but it is from an untrusted source and we can not access it. The date-of-search cut-off date was October 22, 2019. Therefore the search range was from the time period of January 2018 to October 22, 2019.

Thirty-two pages were released in the first partial. The remaining five pages of responsive records consisted of the itineraries and are being released in this final partial. In addition after a review of the five pages of records now being released, it has been determined that the documents will be released to you in part, pursuant to FOIA Exemptions 4.

#### FOIA Exemption 4

FOIA Exemption 4 permits the government to withhold “trade secrets and commercial or financial information obtained from a person that is privileged or confidential.” *See 5 U.S.C. § 552 (b)(4)*. In order to determine whether certain information is exempt from release, APHIS must first establish that the information is commercial or financial and that it was obtained from a person, company, organization, state government, or other outside entity. Next APHIS must establish that the information is “confidential,” which means that the

Ms. Courtney M. Fern  
2019-APHIS-06581-F

information is of the type not ordinarily or actually released by the submitter (hereinafter referenced as "CBI"). If the government provided assurances that such information to be submitted by a person will be kept confidential, then that assurance may provide additional, although not independently sufficient, ground for applying Exemption 4.

In this case, we are withholding information in the records that details the itineraries obtained by the business submitter. This is confidential information that is not ordinarily or actually released. As a result of the customarily confidential treatment of this information, the information is exempt from release under FOIA Exemption 4.

If you are not satisfied with the response to this request, you may administratively appeal by writing to: Administrator, Animal and Plant Health Inspection Service, Ag Box 3401, Washington, DC 20250-3401. Please refer to FOIA 2019-APHIS-06581-F in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.

You may contact the analyst who processed your request, [Robbie Perry (301) 851-4105], and/or the FOIA Requester Service Center, as well as our FOIA Public Liaison (Bethany Jones, 301-851-4000) for any further assistance and to discuss any aspect of your request at:

USDA/APHIS/LPA/FOIA&PA,  
4700 River Road, Unit 50  
Riverdale, MD 20734  
E-mail: foia.officer@aphis.usda.gov  
Telephone: (301)-851-4102  
Facsimile: (301) 734-5941

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

*for:*  
Tonya G. Woods  
Director  
Freedom of Information & Privacy Act  
Legislative and Public Affairs

Enclosures

R. W. COMMERFORD & SONS

FACSIMILE TRANSMITTAL SHEET

TO:

Tam

FROM:

(b) (6), (b) (7)(C)

DATE:

3-28-18

(b) (6), (b) (7)(C)

TOTAL NO. OF PAGES INCLUDING COVER:

5

COURT/AGENCY:

USDA

RE:

NOTES/COMMENTS:

Itinerary for Travel

If all the pages of this message are not received, please call 860-491-3421.

The information contained in this message is confidential and intended only for the use of the individual or entity named above. If this message has been transmitted or received in error, please dispose of message. If the reader of this message is not the intended recipient, you are hereby notified that any distribution or copy of this communication is strictly prohibited.

R.W. COMMERFORD & SONS • 48 TORRINGTON ROAD • P.O. BOX 188  
PHONE: 860-491-3421 • FAX: 860-491-9428





# Animals for Petting Zoo

1 French Ass - Pierre male 13yr.

4 Ringtail Lemures - 13yr Female, 13yr male, 9yr Female, 8yr

3 Zebu cows - (b) (4) - 2yr Female  
(b) (4) - 2yr male  
(b) (4) adult m/c

2 llamas - (b) (4) - Lilly 8yr Female  
(b) (4) 1yr Female

1 alpaca - (b) (4) Aspen 9yr mic

2 Camels - (b) (4) - Sarge 8yr mic  
(b) (4) - Tijuana Joe 8yr mic

1 Patagonian Cavic ADT male

1 African Crested Porcupine ADT Female

1 African Grey Parrot (b) (4) Maxwell aged

1 Greenwing Macaw (b) (4) Madison aged male

1 oryx semitar (b) (4) (b) (4)

6 Ponies

# Animals for Petting Zoo

2 mini horses - chentel + Thunder

2 mini Donkey - B.T. Liveen + B.T. Angel Girl

2 Zebu cows - (b) (4) - ADT Female  
(b) (4) 7yr Female

2 llamas - (b) (4) llama 3 1/2 male  
llama 5 Female

1 Camel - (b) (4) - Lurek 7mc camel

3 Ringtail Lemures - 8yr - Female, 11yr Female, 9yr Female

1 Kangaroo - Charmin 5yr male

Scarlet Macaw - Gabby (b) (4) 1 5yr Female

Blue + Gold Macaw - Daria (b) (4) 1 5yr Female

Goats + sheep