

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

----- X

April 21, 2015
Start: 10:18 a.m.
Recess: 3:38 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Corey D. Johnson
Chairperson

COUNCIL MEMBERS:

Maria Del Carmen Arroyo
Rosie Mendez
Mathieu Eugene
Peter A. Koo
James G. Van Bramer
Inez D. Barron
Robert E. Cornegy, Jr.
Rafael Espinal, Jr.
Elizabeth S. Crowley

A P P E A R A N C E S (CONTINUED)

James Pardes
Vice President of Marketing and Communications
with Live On New York

Helen Irving
President of Live On New York

Tinamarie Sammon
President of Transplant Recipients International
Organization Manhattan Chapter

Kimoco Homa
Live On New York

Michael Glass
New York Pet Welfare Association, America's
Registry

Michael Stolkey
Hunte Corporation

Kenny Chuan [sp?]
NYPWA

Angelina Sherman
Arcadia Pets

Cynthia Daluise
Arcadia Pets

Harsha Perrera [sp?]
New York Pet Welfare Association

John Farina
Zoo-Rama Pets

Keith Dalessio
Gabby Pets

A P P E A R A N C E S (CONTINUED)

Steve Weinstein
Veterinarian

David Barton
Citipups

Gary Nudelman
A World of Pups

Linda Jacobson
Veterinarian

David Halpern
Queens area veterinarian

Stuart Goldenberg
Sunnyside Pet Healthcare Center

Regina McCann [sp?]

Allan Bregman
Veterinary Medical Association for NYC

Cori Menkin
ASPCA

Stephanie Janeczko
ASPCA

Jane Hoffman
Mayor's Alliance for New York City's Animals

Dale Bartlett
Humane Society of United States

Marc Seibert
Heart of Chelsea Animal Hospital

Dimitri Peralstein [sp?]
Oceanside Animal Clinic

A P P E A R A N C E S (CONTINUED)

Beshoy Rafla
Queens Animal Hospital

John Sangiorgio
Former President of City Veterinary Association

1
2 CHAIRPERSON JOHNSON: Good morning,
3 everyone. I'm Council Member Corey Johnson, Chair of
4 the New York City Council's Committee on Health.
5 Today we'll be hearing four pieces of legislation,
6 one Resolution and three bills which are largely
7 unrelated. To provide some order, we'll be hearing
8 Resolution Number 648 first followed by Introduction
9 Number 599 related to requiring the posting of
10 information about steroids and human growth hormone
11 at around 11:00 a.m. we'll start to hear that
12 introduction. And then later we will hear two
13 preconsidered bills which will provide some technical
14 corrections to pet shops laws that were recently
15 passed. We will likely not get--we will likely not
16 get to the preconsidered bills until around 1:00 p.m.
17 So if you're here related to pet shops, it's gorgeous
18 outside. Go sit in the park. Go get a nice bite to
19 eat. You don't have to stick around the whole time.
20 You'll be fine. You can sign up now if you're here
21 for that and we'll get to you later, or you can stay
22 and join us. For the first order of business I want
23 to thank my good friend Council Member Constantinides
24 for his leadership on this issue in sponsoring the
25 Resolution we are hearing today, recognizing this and

1 every April as Organ Donation Awareness Month in the
2 City of New York. According to Donate Life America,
3 nearly 124,000 people in the United States were
4 awaiting organ transplants. According to the US
5 Department of Health and Human Services, 21 people in
6 the United States die each day waiting for an organ.
7 In New York, more than 10,000 people are waiting for
8 organ transplants with the large majority waiting for
9 kidneys, according to Live On New York. Registering
10 to be an organ donor is a truly altruistic act that
11 is as simple as checking a box on a single form. In
12 New York, a person can register as an organ donor in
13 person, by mail or online if he or she is at least 18
14 years old. A person can also indicate their desire
15 to become a donor when they obtain or renew their
16 driver's license or state ID card as well as their
17 voter registration form. Even with the ease of
18 enrollment, in 2013 only 22 percent of New Yorkers age
19 18 and over had registered to donate organs compared
20 to the national average of 48 percent. We need to
21 get the word out that there is such a strong need for
22 organ donation in our city and in our state. That is
23 why I'm proud to co-sponsor this resolution raising
24 awareness of the great need for organ donations. I
25

1
2 want to acknowledge my colleagues on the Health
3 Committee who have joined us this morning. We're
4 joined by Council Member Peter Koo who is a member of
5 this committee and we are also joined by Council
6 Member Constantinides and Council Member Vacca, whose
7 introduction we're hearing just after this
8 Resolution. I also want to thank my Legislative
9 Director, Louis Sheldon Brown [sic], Health Committee
10 Counsel, Dan Hayfits [sp?], Policy Analyst for the
11 Health Committee, Crystal Pond [sp?], and Crillian
12 Francisco [sp?] the Finance Analyst for the Health
13 Committee for their work in preparing for today's
14 hearing. I'd also, again, like to recognize my
15 colleague and the co-sponsor of today's resolution,
16 my good friend who really worked hard over the past
17 month with me to try to fast track this and get this
18 done before the end of April, my good friend, Council
19 Member Costa Constantinides. I'm going to turn it
20 over to him.

21 COUNCIL MEMBER CONSTANTINIDES: Thank
22 you. Thank you, Chairman Johnson. I can't thank you
23 enough for your leadership and for your friendship.
24 You've really been someone who helped fast track
25 this, and the minute we talked about it in the

1
2 hallway we made it a priority, and we had the
3 opportunity to sit down together and you've been a
4 friend to me the entire time in the Council, but
5 through this entire process been just a true leaders
6 in recognizing the importance of what we're doing.
7 So, I thank you. I thank you. Yeah, there's a
8 public health crisis in the United States, one that
9 has existed for years that goes largely unseen by too
10 many Americans. According to Department of Health
11 and Human Services, 21 people die every day as a
12 result of it. Tens of thousands of people are forced
13 to spend years of their lives wondering if today will
14 be the day that they get that magic phone call that
15 saves their life, or whether today will be the day
16 that become one of those 21 victims of this crisis.
17 I refer, of course, to the crisis confronting people
18 in need of organ donations. Over 120,000 people in
19 the United States are currently waiting for an organ
20 transplant, and they face wait times of several
21 months up to five years in some instances. As
22 concerning as this is nationally, the reality in New
23 York is even worse. We have consistently had one of
24 the lowest organ donation rates in the country,
25 ranking 48 out of 50 on Donate Life America's 2013

1
2 report card. This is despite the creation of New
3 York State's donate a life registry in 2006 that
4 allows New Yorkers to legally consent to organ
5 donation through their driver's license and not
6 require permissioning [sic] of family or care givers
7 upon the donor's death. Currently there are over
8 10,000 people in the greater New York City
9 metropolitan area awaiting heart, lung, kidney or
10 pancreas while on average fewer than 250 organ donors
11 have passed away per year in the metro area since
12 2010. At this rate, it would take 40 years to help
13 this--to fix this crisis, a crisis when every day
14 truly counts. That's why I'm proud to have worked at
15 my good friend and leader and Chair of this Health
16 Committee Corey Johnson to sponsor this resolution to
17 make every April, this April and every April Organ
18 Donation Awareness Month. I want to thank the
19 advocates for their great work, and I really truly
20 look forward to working with you to raise awareness,
21 to shine a light, and to ensure that there's a
22 conversation started in this city, that people are
23 talking about this and recognize that they can be a
24 hero in someone's life. All they have to do is step
25 up to the plate. So, I want to thank you for your

1
2 work. And again, I want to thank--this is really
3 truly a first step in bringing this process out of
4 the shadows and letting everyone know that with a few
5 easy steps they can give another New Yorker a
6 fighting chance to live. So, again, I want to thank
7 our Chairman Corey Johnson and appreciate and look
8 forward to hearing your testimony. Thank you.

9 CHAIRPERSON JOHNSON: Thank you, Council
10 Member. I want to call up a panel of folks that are
11 here to testify on this very important resolution
12 this morning. You all may head over there, and you
13 can go in whatever order you'd like. Forgive me if I
14 mispronounce your name. Don't forgive me if you have
15 bad handwriting. First up, James Pardes, Helen
16 Irving, Tina Sammon, and Kimoco Homa [sp?]. Got it?
17 No? Maybe? Okay. You may go in whatever order
18 you'd like. You just make sure that the red light is
19 on the mic and that means you're on.

20 JAMES PARDES: Thank you. First of all,
21 I'd just like to introduce myself, James Pardes, Vice
22 President Marketing Communications for Live on New
23 York. I want to thank the Health Committee for
24 taking the time to allow us to testify, in
25 particular, Council Member Constantinides and

1
2 Chairman Johnson for your efforts to support organ
3 donation. Think about organ donation this way, it is
4 a cure for many terminal illnesses, a proven and
5 successful cure that brings life to those whose lives
6 would otherwise be lost. It brings life to now nine
7 month old baby Essence [sic] from Staten Island who
8 was born with a rare congenital heart defect. It
9 brings life to now 39 year old Rosemary, mother who
10 lives just outside of New York City who struggled for
11 years with cystic fibrosis, and it brings life to now
12 62 year old grandfather of six Ron from the Bronx who
13 battled kidney and liver failure. Despite the
14 remarkable impact of organ donation and
15 transplantation, not enough New Yorkers are choosing
16 to sign up as donors. In fact, New York is now 50th
17 out of 50 states with regard to the percentage of
18 residents registered as organ donors. As a result,
19 align New Yorkers for who an organ transplant could
20 be a cure are dying needlessly. They are dying
21 waiting for an organ transplant that never comes.
22 Live on New York, formerly the New York Organ Donor
23 Network, is a federally designated organ procurement
24 organization committed to saving and improving lives
25 by facilitating organ, eye and tissue donation. Our

1
2 180 employees cover a federally designated service
3 area that includes 13 million people across the five
4 boroughs of New York City, Long Island and five
5 counties north of the city including Rockland [sic],
6 Westchester, Putnam, Orange, and Dutchess. In 37
7 years, Live on New York has helped to save more than
8 20,000 lives through organ donation and
9 transplantation. The shortage of organs in New York
10 is not due to the fact that New Yorkers are against
11 donation. To the contrary, a 2010 study revealed
12 that 83 percent of New Yorkers support organ
13 donation, yet just 24 percent of New Yorkers are
14 registered as organ donors. The national average is
15 now 50 percent. The numbers equate to a clear
16 challenge. That challenge is not to convince New
17 Yorkers that organ donation is good. Instead, our
18 challenge is to inspire New Yorkers to take action.
19 To that end, Live on New York is focused on two
20 important levers, awareness and access. To drive and
21 maintain awareness using our award-winning Long Live
22 New York campaign, we employ a multi vehicle effort
23 leveraging vehicles including TV, radio, out of home,
24 social media, earned [sic] media, and community
25 activity to maintain positive sentiment, create

1 urgency, and ultimately trigger registration. But
2 awareness without optimal access to registration on
3 the donor Donate Life Registry won't deliver the best
4 results. Organ donation is not a subject people want
5 to engage in, let alone proactively seek out. As
6 such, despite the positive sentiment alluded to
7 earlier, we can't wait for New Yorkers to come to us
8 to register. We have to bring the opportunity to
9 register to New Yorkers. Across the country organ
10 donor enrollments through the Department of Motor
11 Vehicles account for 90 percent of enrollments, but
12 in New York driving enrollment through the DMV is a
13 bit more challenging than in most states. The
14 combination of an eight year driver's license renewal
15 cycle, a smaller percentage of state residents
16 holding state ID's and an absence of provisions that
17 allow for those under 18 to register make the DMV
18 somewhat less productive as a portal than it could
19 be. While hurdles at the DMV exist, New York does
20 benefit from two important programs. New York is the
21 only state in which regis--excuse me--residents can
22 register to become organ donors when they register to
23 vote, accounting for 15 percent of enrollments in New
24 York. Additionally, as you likely know, New York
25

1
2 City's new identification card, IDNYC includes the
3 opportunity for organ donor enrollment. Despite the
4 successful voter and promising IDNYC programs,
5 answering the challenge to inspire and enable organ
6 donation requires much more. As such, we ask this
7 committee to consider the following. First, support
8 Resolution 648 calling for the annual recognition of
9 April as Organ Donation Awareness month in New York
10 City. Second, support the effort to pass state
11 legislation that will allow for enrollment by those
12 ages 16 and 17 with parental authorization referred
13 to as the Young Adult Organ Donation Enrollment bill.
14 Third, support Live on New York's effort to present
15 at naturalization ceremonies in New York City. Live
16 on New York runs a program that has delivered
17 successful results in counties in which
18 naturalization ceremonies are run by the county
19 clerks. In the city, however, the federal government
20 runs naturalization ceremonies and has not yet
21 granted Live on New York the same opportunity to
22 present. Fourth, support Live on New York's work
23 with the New York City Department of Education to
24 fully integrate an organ donation and transplantation
25 unit of study in the city high school system. Fifth,

1
2 leverage New York City media assets to drive
3 awareness and action. Six, become a Live on New York
4 workplace partner inclusive of running city employee
5 focused donor registration enrollment drives.
6 Seventh, partner with the Live on--excuse me.
7 Partner with Live on New York to identify test and
8 operationalize new points of entry into the registry
9 via city-controlled venues and vehicles. Next, issue
10 statements to the press underscoring the importance
11 of registering to become an organ donor and asking
12 residents to register. And last, provide access to
13 city facilities for organ, eye and tissue donation
14 related events. Again, thank you to the committee
15 for inviting Live on New York to testify. We are
16 hopeful that with your support and effort we will
17 elevate New York's performance and save the lives of
18 even more New Yorkers through organ donation and
19 transplantation. Thank you.

20 CHAIRPERSON JOHNSON: Thank you, Mr.
21 Pardes.

22 HELEN IRVING: Good morning. My name is
23 Helen Irving. I'm the President and CEO for Live on
24 New York. I too would like to thank you very much
25 for your support and the opportunity to speak with

1
2 you here today. My message is going to be very
3 brief, but what I'd like to say first is thank you
4 for making and working with us to help make death on
5 the wait list, dying from end organ disease, a part
6 of our medical history and not an expectation of our
7 future. I'd also like to share with you a letter that
8 I received from a family just a week ago. Their son
9 died. He donated his kidneys, his liver and his
10 lungs, tissue, and eyes. They always knew his son
11 wanted to be an organ donor. He'd signed up on the
12 registry. So the decision was easy for them to make,
13 and they were happy to fulfil his wishes. In fact,
14 they wanted us to make sure we shared his story. But
15 the letter was more, more impressive than anything
16 else I've seen in a long time, so I'd like to share
17 it with you. It's very brief. It says, "To mom and
18 dad from myself. There is a long wait where I want
19 to be. Some changes will be rough. I will reach
20 heights and learn things I never thought were there
21 or possible. I will help patients and friends in
22 many ways and feel gratified. I will go the extra
23 mile. I will reach out the hand of love to others in
24 need with no hesitation, and I will live on."
25 Charles Ruffin [sp?], dated June 1994. Thank you.

1
2 CHAIRPERSON JOHNSON: Thank you very
3 much.

4 TINAMARIE SAMMON: Good morning Council
5 Members. Thank you for this opportunity.

6 CHAIRPERSON JOHNSON: If you could just
7 pull the mic a little closer. There you go. You can
8 pull it towards you, yep.

9 TINAMARIE SAMMON: How's that?

10 CHAIRPERSON JOHNSON: Much better.

11 TINAMARIE SAMMON: Thank you for this
12 opportunity to address the committee during April,
13 National Donate Life Month. My name is Tinamarie
14 Sammon. I am the President of the Transplant
15 Recipients International Organization's Manhattan
16 Chapter. The Manhattan Chapter of our parent
17 organization opened its doors in 1990 and has been
18 serving transplant recipients, candidates, their
19 caregivers, and organ donors in the New York area
20 ever since. Our mission is to promote awareness,
21 offer support, provide education, and participate in
22 advocacy in our community. We provide our members
23 with monthly chapter meetings where transplant
24 professionals are invited to present to our group all
25 topics related to transplant. Some of these

professionals include physicians, nurses, social workers, ethicists, nutritionists, religious leaders, procurement specialists, and insurance counselors.

This past Saturday we celebrated our 20th annual Remember and Rejoice nondenominational service at St. Patrick's Cathedral attended by nearly 2,000 guests.

Our service is the largest gathering of donors and recipients in New York State where recipients honor their donors and donor families can see firsthand the amazing life giving results of their selfless acts in their most challenging times of grief. In 1982 I was diagnosed with Type I diabetes, a disease my maternal uncle suffered with, which took his sight at age 18 and ended his life at just 38. At age 24 I was diagnosed with diabetic retinopathy, the same disease that caused my uncle's blindness. My sight was saved due to advancements in ophthalmology not available 20 years earlier. I suffered from peripheral neuropathy, a nerve disorder in my lower extremities causing numbness in my feet and painful cramping in my legs. And in 2006 I was diagnosed with diabetic nephropathy, one of the many chronic kidney diseases that lead to end-stage renal disease. All of my suffering came from complications to my diabetes.

1
2 Even insulin pump therapy could not reverse any of
3 the damages that diabetes had created for me. In
4 2009 I was told I needed a kidney transplant to
5 survive, and so I was listed with UNOS [sic] for a
6 kidney and pancreas transplant. My very brave sister
7 volunteered to be my donor, as well as my mother, my
8 cousin and three of my closest girlfriends. In 2010,
9 my sister donated one of her kidneys to me and saved
10 my life. A year later I received a call that a
11 deceased donor pancreas was available to me, and I
12 rushed to the hospital and had my second organ
13 transplant two days before my birthday. My donor was
14 a 24 hedge fund manager living in New York City and
15 suffered a freak accidental fall at her apartment.
16 She was vivacious and full of life. Her parents
17 rushed to New York from North Carolina to be with
18 their only child. They made a beautiful decision in
19 a time of grief when they chose to donate her organs.
20 She saved five people that day. My sister's kidney
21 saved my life for sure, but I could not remember what
22 life was like before diabetes, and having a working
23 pancreas has changed my life tremendously. I am the
24 healthiest I have ever been in my life, now cured of
25 my diabetes, and I know just how lucky I am. Many

1
2 others are not so lucky. As of January 2015, there
3 were nearly 124,000 people in the United States
4 awaiting an organ transplant. So many people, men,
5 women, children, babies are dying while on the list.
6 Twenty-one people, in fact, die every day, but just
7 one donor can save eight lives through organ donation
8 and over 100 lives through tissue donation. I've
9 also been an active volunteer with the National
10 Kidney Foundation since my diagnosis in 2009, and
11 their data states that every five minutes someone in
12 the United States goes into kidney failure, and 25
13 million Americans have kidney disease. And here in
14 New York, 8,000 people need a kidney, 1,300 need a
15 liver, and 300 New Yorkers need a heart. There are
16 currently over 10,000 New Yorkers on the waiting list
17 for a lifesaving organ, and they need our help. New
18 Yorkers can sign up on line now, mail in an
19 application, or register at the DMV when they get
20 their driver's license or renew their license or
21 state ID card when they register to vote as long as
22 they are at least 18 years old. But the sad truth is
23 that we have so much need in our state compared to
24 the rest of the country, and we have the lowest
25 amount of registered donors. We need to do more. We

1
2 have to do more, because people like you and me are
3 dying every day. In New York, the greatest place in
4 the world, it's really hard to believe. On behalf of
5 the TRIO Manhattan Chapter and donor families whose
6 acts of generosity make the gift of life a reality
7 for many patients awaiting a lifesaving transplant, I
8 want to thank Council Member Costa Constantinides and
9 the other members of the City Council and urge the
10 Health Committee Members to support Resolution 648 of
11 2015 to declare this April and every April from here
12 on Organ Donation Awareness Month. Thank you for
13 listening.

14 CHAIRPERSON JOHNSON: Thank you for your
15 very powerful story. Thanks for being here.

16 KIMOCO HOMA: Good morning. My name is
17 Kimoco Homa [sp?] and I'm a volunteer for Live on New
18 York. I'm just going to tell you briefly my personal
19 family story that happened to us. When our son was
20 four years old he was born with nothing wrong, very
21 healthy, and December 28th he threw up, but kids
22 throw up. When they go to nursery school they catch
23 anything, and I wasn't really concerned. January 2nd
24 something was wrong with him because he was jaundice.
25 The white of his eyes were a little yellow, because

1
2 he was next to his six year old sister who has very
3 similar coloring. So now, something is wrong. So we
4 go to the hospital and we have testing, and they
5 said, "Okay, his liver numbers are not great, but
6 liver is a very strong organ. Let's just check in
7 and see." Five days later, a group of doctors came
8 into our hospital room we've never seen before. I
9 knew something was not good, and they told us most
10 likely your son has acute liver failure and he needs
11 a new liver, otherwise he's not going to live. I
12 didn't know anything about organ donation. I didn't
13 even know that I can give liver to my son, and we
14 didn't even have time to be sad or contemplate what's
15 going on. And I--only thing I knew was that my blood
16 type and my son's blood type was the same. So I
17 said, okay, maybe I can be the back-up. So, they put
18 my son, the four year old, on the number one list to
19 receive liver, and the next day the usual diagnostic
20 testing takes weeks and months. I had no time. So,
21 I went around in the hospital like crazy mother, got
22 everything done in one day, and next day my son goes
23 into the final stage of acute liver failure. He
24 goes--his liver is not filtering anything. He's
25 actually really crazy now. And I am--he's number one

1
2 on the list, how could this be? Nothing is
3 available. They haven't decided if I'm a match or
4 not. I'm literally watching my son die in front of
5 me, but it didn't happen. I was a match. So,
6 January 12th, we went on surgery, and it went well.
7 Three days later he's not taking my liver. Now, I'm
8 really, really upset. I told my husband to tell my
9 son that this is a keeper. Your mother is really
10 upset. He's totally intubated. He's not conscious,
11 but I told my husband to scream [sic] at him [sic].
12 So, I think he heard me. That Friday, my phone rang
13 and my husband said, "Okay, I think he was really
14 scared of you. He opened up his eyes and doctors
15 said it's a keeper." So, he was four years old, and
16 he will be 16 next month. And ever since--so now,
17 I've been volunteering for this organization, and it
18 is a cure. I did not know. I didn't know the
19 statistics. I didn't know anything about--I'm a well-
20 educated New Yorker, didn't know anything about it,
21 and this is--it's just--I couldn't believe that I
22 didn't know about this. Now, I just happened to
23 donate bone marrow, so now I can do everything in my
24 power to spread this word, and it works. And I just
25 wanted to let you know that we really appreciate you

1
2 letting us have this moment, and I think it will be
3 New York State has a bright future. Thank you very
4 much.

5 CHAIRPERSON JOHNSON: Thank you. Thank
6 you all for being here very, very much. Took out my
7 license. I don't like the picture, but I liked the
8 fact that there is a heart. I am an organ donor.
9 Though, you know, my situation is slightly different.
10 I'm HIV positive, which means that I can't donate to
11 someone who is not HIV positive, but there are plenty
12 of HIV positive individuals that need organ donation,
13 and I believe from 1988 to 2013 for 25 years there
14 was a ban on anyone who was HIV positive donating to
15 anyone even if the other person was HIV positive, and
16 shockingly, a lot of dysfunction in Washington, in a
17 bipartisan fashion, the House and the Senate changed
18 the law and President Obama signed a bill, the Hope
19 Bill into law, which now allows HIV positive to
20 actually donate their organs as well. And so, I am
21 proud to, if anything ever happens, to be able to do
22 that. So, I want to turn it over to my colleague who
23 may have some questions, and then I'm going to ask
24 some questions as well. Do you have any questions?
25 Yes, go ahead.

1
2 COUNCIL MEMBER CONSTANTINIDES: Thank
3 you, Chairman Johnson. Again, thank you. And thank
4 you all for your--for telling your stories here
5 today. It's definitely important that you did. So
6 we're--you know, in addition to this resolution, we
7 are going to be consider--we are coming up with a few
8 bill ideas in the near future that we're going to be
9 working on together. Do you think that allowing for,
10 carving out time to ensure that no one can lose their
11 job to even receive an organ donation or give an
12 organ, do you think that would be something that
13 could be helpful?

14 HELEN IRVING: So, I've been in
15 transplantation and organ donation for the last 25
16 years, and I think that you absolutely need to
17 support people in their workplace so that they can be
18 able to have the time to donate organs, donate blood,
19 donate bone marrow as well without penalty and
20 without fear of losing their employment. The other
21 thing that I've known over the years is that we also
22 have to make sure that those that receive and organ
23 have enough time to have the medical care that they
24 need, certainly in the first one to two years after
25 transplantation so that they can keep their jobs. A

1
2 lot of transplant centers now do a lot of after-hour
3 clinics as well so that these families don't lose
4 their jobs just by fact that they need a lot of
5 medical therapies immediately after transplant. So,
6 I think both need to be addressed. This is a great
7 first step, and I'd love to see every employer in New
8 York embrace this and allow for this type of leave
9 that doesn't impact their vacation time and doesn't
10 impact their sick time.

11 COUNCIL MEMBER CONSTANTINIDES: I
12 definitely agree with you, and I mean, as far as also
13 we're also thinking about possibly having an
14 interaction. There was recently a bill passed in our
15 Council that has city agencies speak with, you know,
16 when men and women come into a city agency and
17 interact them, they hand them a voter registration
18 card, and we're considering possibly some sort of
19 bill that would just have someone point out and say,
20 you know, when you get the voter registration card
21 you can also be an organ donator, give an organ, be
22 an organ donor. I'm struggling, I'm sorry.

23 HELEN IRVING: Yeah, that's--

24 COUNCIL MEMBER CONSTANTINIDES:

25 [interposing] And just make sure that we highlight

1 that in the two seconds that we hand them that card.

2 Do you think that would be helpful as well?

3
4 HELEN IRVING: Asking the question at
5 that point in time will be very key, because it's
6 very quick to sign up on the donor registration at
7 that point in time. So that would be a big help.

8 COUNCIL MEMBER CONSTANTINIDES: I mean,
9 we are definitely--you know, my story, I think I told
10 you before, is that my wife is a double transplant
11 patient. In 1999 she received a kidney. You know,
12 she grew up with Type I diabetes. Her family didn't
13 understand what that meant. Their English wasn't
14 that great, so they didn't understand what that
15 meant, and by the time she was 15, 16 years old she
16 was in full renal failure. She was in very bad
17 shape, and she needed both a kidney and a pancreas,
18 and in 1999, way before I met her, this was several
19 years before we met, she received from her mother a
20 kidney. In 2000 someone gave the gift of life to her
21 through a pancreas, someone who had died in a car
22 accident. So, you know, now we have a little boy who
23 is just about to turn six, so I understand what's
24 going on. And she told me the stories, and I wasn't
25 with her yet. So I had heard the stories from her

1
2 about how she was waiting and waiting and waiting for
3 that phone call, and the phone call--she never knew
4 if those phone calls were going to come, and so I
5 appreciate the work that you do because you're out
6 there every single day advocating on these issues and
7 talking about these issues, and if--what do you think
8 of--my last question. I don't want to sort of
9 monopolize the hearing, but I do want to ask if there
10 are other things we can do as a municipality to
11 assist beyond what you've--you've laid out a pretty
12 extensive list, and I think that--

13 HELEN IRVING: [interposing] Yeah.

14 COUNCIL MEMBER CONSTANTINIDES: I think
15 that we can definitely build upon that, you know.

16 HELEN IRVING: Right. There's 325,000
17 workers in the New York City area in here that can
18 through workplace partnerships actually ask
19 themselves the question as to whether they would sign
20 up on the donation registry. That's something
21 internal to City Hall, and the best way to help this
22 community is to help at home. Embrace the
23 conversation and have those conversations at your
24 dinner table, in your churches and in your schools,
25 but also right here in the workplace as well. We

1
2 tend to forget that. We think this is a personal
3 decision, we take it home, and it is, but it can also
4 be in the workplace as well. And so I would
5 encourage you to look at that path as well with some
6 of the suggestions that James Pardes put in his
7 testimony.

8 COUNCIL MEMBER CONSTANTINIDES: Thank you
9 for sharing that, and we will definitely look--I look
10 forward to working with you seeing what else we can
11 do as a city. And again, thank you, Chairman
12 Johnson. Of course, our Speaker Melissa Mark-
13 Viverito who I'm remiss in not thanking today.
14 Thank you.

15 CHAIRPERSON JOHNSON: Thank you all. Mr.
16 Pardes, you mentioned the recommendation to allow
17 Live On New York to present at naturalization
18 ceremonies. What efforts have you all made on this
19 front? Have you approached the second circuit Court
20 of Appeals for the United States about allowing
21 access to naturalization proceedings?

22 JAMES PARDES: We have not. We've spoken
23 to a variety of folks, and I can share with you the
24 context that we've reached out to, and the response
25 that we've gotten, and I think it's from the Homeland

1
2 Security folks who ultimately oversee, the way we
3 understand it, the naturalization ceremonies in New
4 York City. They're resistant to changing the protocol
5 and changing the way the naturalization ceremonies
6 flow. They're worried that if they allow Live On New
7 York to present that there'll be a line of various
8 causes wanting to do the same. We feel, and this is
9 what's happened in Rockland County and other counties
10 up north, that we belong in naturalization
11 ceremonies, because people are being given the
12 opportunity for the first time to register to vote,
13 and at the same time, as I mentioned, when they
14 register to vote, they have the opportunity to
15 register as organ donors, and we feel it's important
16 that that be an informed decision.

17 CHAIRPERSON JOHNSON: Why do you think so
18 many people skip checking the box when they have the
19 opportunity to do so?

20 JAMES PARDES: Well, that's a great
21 question. I think, as I mentioned, there's a lot of
22 positive sentiment around organ donation, but at the
23 same time there really is this lack of urgency, and
24 there's a lack of willingness to face the fact that
25 at some point, hopefully way long, you know, down in

1
2 the future, we may pass, and it's difficult to engage
3 with that subject. So most people if, or many people
4 will simply pass by it and ignore it and pretend it's
5 not there. What we've got to do and what we've been
6 successful at doing to a certain extent is seeding
7 the idea and reminding people that organ donation is
8 good and it does great good for so many people and
9 that there is urgency and that there is a crisis in
10 New York and that signing up is important and is
11 something you should do today.

12 CHAIRPERSON JOHNSON: And are there other
13 municipalities across the country, large
14 municipalities that promote organ donation in a way
15 that you'd consider a model that New York City should
16 look towards, any of you?

17 [off mic]

18 CHAIRPERSON JOHNSON: Make sure the mic
19 is on.

20 HELEN IRVING: Certainly there are other
21 states that do a really good job within their city
22 halls. They encourage. They participate with the
23 Donate Life Month with the activities. There's
24 banners up. There's donor registration drives just
25 in your hallways. So there's ways that you can, we

1
2 can partner together for the future, given that this
3 will always be Donate Life Month now so that next
4 year you won't see us here giving testimony. You'll
5 see us out in the hallways actively engaged in a
6 workplace partnership.

7 CHAIRPERSON JOHNSON: Great. Well, I
8 want to--any of other colleagues have questions? I
9 wanted to just say thank you. You know, it's--when
10 we prepare for hearings sometimes, though my friend
11 who really pushed this forward to make this happen,
12 Council Member Constantinides, he of course, I think
13 he's been open about the fact that in his own family
14 he has been able to experience the joys of someone
15 getting an organ donation, but on so many things that
16 we work on, sometimes it's sort of theoretical when
17 we're talking about it and we're looking at
18 statistics. And the most powerful part is when
19 people come and testify about themselves or their
20 family members and the real human impact that it has
21 in saving actual lives and the need that is still out
22 there so more people can benefit from this. It's
23 simple. It's easy. It really does save lives. I
24 always learn something new. I didn't realize that one
25 person potentially could save eight lives by organ

1
2 donation and 100, help 100 people through the healing
3 process through tissue donation. It's incredible.
4 Thank you for all of your efforts. Anything that the
5 New York City Council can do to partner with you all
6 over the coming months or coming years to continue to
7 promote organ donation. Council Member Constantinides
8 and I, and I know other colleagues stand ready,
9 willing and able to take up the cause with you all,
10 and I appreciate all of your work and being here this
11 morning to testify about the importance.

12 JAMES PARDES: Thank you.

13 HELEN IRVING: Thank you very much.

14 CHAIRPERSON JOHNSON: Thank you. So we
15 are going to take a five minute recess before we move
16 onto the next introduction. Again, I want to thank
17 my colleague Council Member Constantinides, and it is
18 my hope that we will get this voted on before the
19 next Stated Meeting and actually vote on this in
20 April. So with that we're going to take a five
21 minute break.

22 [gavel]

23 [recess]

24 CHAIRPERSON JOHNSON: Good morning
25 everyone. I'm Council Member Corey Johnson, Chair of

1 the Council's Committee on Health. Today's hearing
2 continues with the next piece of legislation before
3 the Health Committee, Introduction Number 599, which
4 is sponsored by Council Member James Vacca in which
5 would require the Department of Health and Mental
6 Hygiene to post information and warnings regarding
7 anabolic steroids and human growth hormones in locker
8 rooms around the city. Council Member Vacca is going
9 to get into the particulars of this legislation, but
10 before I turn it over to him, I'd like to provide a
11 brief introduction. As many of us here today know,
12 anabolic steroids and human growth hormone known as
13 HGH pose a danger to those who take them illegally.
14 While these substances have medical benefits,
15 including for those with cancer and HIV and AIDS to
16 help address wasting and other conditions, they're
17 often taken illegally and abused. One of the main
18 problems with illegal use is that users often take
19 doses that are exponentially higher than doses
20 normally prescribed to treat medical conditions.
21 With steroids that sometimes is 100 times higher than
22 the prescribed dose. For steroids, abuse can lead to
23 extreme serious health consequences, including kidney
24 failure, liver damage and cardiovascular problems.
25

1
2 Side effects from HGH include joint and muscular
3 pain, and HGH may also contribute to diabetes and
4 heart disease. I think everyone is very familiar
5 with the doping scandals that have plagued
6 professional sports for years. Performance enhancing
7 drugs as they're known, including steroids and HGH
8 has been abused by professional athletes across
9 sports, including by Olympic athletes, cyclists and
10 by far too many professional baseball players.
11 Nationally, however, abuse of these substances is on
12 the rise for nonprofessional athletes. Studies from
13 recent years suggest that adults and youth are
14 beginning to use these substances for a variety of
15 reasons. Some people "juice" so that they can
16 improve their appearance, whether they want to get
17 ripped or they just want to combat the effect of
18 aging, and there is evidence that abuse is growing
19 among young people. A study last year found that 11
20 percent of high school teens reported every having
21 used synthetic HGH without a prescription, up
22 dramatically from the five percent in 2012. Another
23 alarming study in the Journal of Pediatrics found
24 that steroid use among gay and bisexual male teens
25 was five times higher as compared to heterosexual

1
2 male teens. The authors of the study cited increased
3 symptoms of depression, victimization, substance
4 abuse, and poor body image as reasons for the higher
5 rates of abuse among gay and bisexual teen males.

6 What is clear to me is that there is in fact a
7 national problem with steroids and HGH abuse, and
8 while we may not know the exact causes, it appears
9 that it is either becoming--that it is become more
10 and more common. We need to question why that is and
11 whether rampant abuse in professional sports has a
12 role in potentially normalizing casual and
13 recreational abuse among adults and teens. More
14 importantly on the city level, we need to learn a lot
15 more about this problem. Are national trends
16 reflected in the city? Are we seeing disparities
17 across different populations in age groups? Are
18 there pockets in the city where this problem is worse
19 than others? What can and should we be doing about
20 this? I understand the Department of Health and
21 Mental Hygiene is not here to testify in person
22 today. They have submitted written testimony. I
23 look forward to reviewing that testimony and working
24 with my friend, Council Member Vacca, to shed more
25

1
2 light on this issue. And now, I want to turn it over
3 to my colleague Council Member Jimmy Vacca.

4 COUNCIL MEMBER VACCA: I thank you, Corey
5 Johnson, Committee Chair, for granting me this
6 hearing and for also cosponsoring the legislation
7 that I think you described very, very effectively.
8 I'm sorry that the Administration has chosen not to
9 testify today and not even to offer any type of
10 input. I don't want to have a conversation with empty
11 chairs, although that's been done in the past by
12 others. It's not exactly a fulfilling experience.
13 So I'm disappointed by the absence, but they have
14 said that they will have a more in-depth conversation
15 with me, I guess, in the days ahead, although they've
16 not commented on the legislation. We don't even
17 compile statistics in this city about the prevalent
18 use of steroids among young people. It's something
19 that we have not even gauged the extent of in New
20 York City per say. So we have a job ahead of us.
21 The Administration basically says in their testimony
22 that they don't have the staff and financial
23 resources to enforce and assess penalties for failure
24 to post signs in gyms, health clubs and DOE
25 facilities as my bill proposes. My bill is not an

1
2 earth-shattering bill. My bill is not something
3 you're going to read about on the front page
4 tomorrow. It's strictly a bill that tries to create
5 an awareness through posting signs in health clubs
6 and gymnasiums about the dangers of steroids. So
7 this is not something I thought of as a stroke of
8 genius. The reality, though, is that if we as a city
9 is saying we can't enforce a signage law, then I have
10 trouble comprehending what we can enforce. If we as
11 a city always say that we want more home rule from
12 Albany, then how do we basically tell this council
13 that this is a state issue which New York City does
14 not have the resources to address. So we should wait
15 for the state to address this, when for years they
16 have not. We can address this. I'm not asking for
17 inspectors to descend upon thousands of health clubs.
18 I'll tell you what I'm asking. If we have a
19 requirement that the Department of Education post
20 these signs, well maybe once or twice a year would it
21 be too much to ask a principal or an assistant
22 principal or a custodian to look to see if the sign
23 is posted. I thought we have mayoral control of our
24 school system. If the Chancellor issues an order to
25 the principals or the custodians or the assistant

1 principals, or the principal could designate a gym
2 teacher to make sure that the sign as required by the
3 Council is posted, I don't understand why people
4 would think that that is something our city is not
5 capable of doing. Relative to health clubs, to say
6 that the state of New York is the only entity that
7 has anything to do with health clubs is certainly not
8 correct, because before a health club opens in the
9 city of New York, it must have a Board of Standards
10 and Appeals variance. BSA must issue a permit
11 rather, not a variance, a permit for health clubs to
12 open in the city of New York. We have many health
13 clubs who exist with Board of Standards and Appeals
14 permits, but that's another story. When the Board of
15 Standards and Appeals mechanism is triggered, it must
16 first go to the Community Board, which is a city
17 agency for a public hearing and review and they the
18 pass their recommendation on to the Board of
19 Standards and Appeals. So we do have a hook here
20 where we could mandate this legislation and a very--a
21 permit could be issued by the Board of Standards and
22 Appeals, but the Board of Standards and Appeals has
23 no enforcement mechanism. The enforcement mechanism
24 when a BSA permit is issued rests with the New York
25

1 City Buildings Department. Are we saying that the New
2 York City Buildings Department does not inspect
3 health clubs once a year? Are we saying that that's
4 too much of a burden on them? Or are we saying that
5 we could give the city the authority to inspect these
6 signs by virtue of the fact that the Buildings
7 Department acts on complaints. It's a complaint-
8 driven agency. So if these signs are not posted,
9 people can complain. The issue is not that we can't
10 do. I think the issue here is that the city does not
11 want to do this. There's a difference. I proposed
12 also that we engage in a self-certification system
13 where instead of inspecting all health clubs every
14 year, we require owners to submit a notarized
15 statement, that that notarized statement would
16 suffice, but that there would be a 15 to 20 percent
17 audit of those self-certification statements so that
18 only 15 to 20 percent of health clubs would be
19 inspected every year. Again, do we want to do
20 something like that is a question of not that we
21 can't, but we won't. So, there are avenues to pursue
22 if this is something that we determine to be a
23 positive policy moving forth. I will tell you
24 institutionally, as an institution, this council as a
25

1 legislative body has to discuss the issue of non-
2 attendance by the executive branch because this
3 concerns me greatly. It's an institutional issue.
4 I's not an issue about my bill. It could be
5 somebody else's bill tomorrow. This is an
6 institutional issue as to the relationship the
7 Council has with the Executive Branch, and in my nine
8 years here I have seldom seen this occur. I do know
9 that in the past over the nine years I'm here, the
10 Administration prior to this one did not feel that
11 they needed to testify when resolutions were brought
12 forth, and I can understand that because resolutions
13 are only the will of the body. They do not
14 constitute law, but when an Intro is introduced, we
15 have to have that relationship with the executive of
16 a positive nature. We have legislation introduced
17 and we count on the Executive Branch to be prepared
18 for the legislation to testify one way or the other
19 when the council's hearing is called. So, Mr. Chair,
20 I do have a list of questions to ask, but no one is
21 here to answer them. I hope they are entered for the
22 record. Maybe we will get answers soon, even though
23 I am--I take exception to the lack of attendance
24 today, I'm willing to meet with anyone to do what's
25

1
2 right by this city. No one can say that I've not
3 identified a problem. No one can say that we should
4 turn our backs and do nothing or leave it someone
5 else. I raised this problem to create a discussion,
6 because we cannot continue as if the problem does not
7 exist. Thank you, Mr. Chair.

8 CHAIRPERSON JOHNSON: Thank you, Council
9 Member. I actually think it would be helpful for you
10 to read your questions. I think it's helpful for you
11 to do that. I mean, we will submit the questions,
12 but I think, you know, this hearing is being streamed
13 and it will be run so that New Yorkers can see what
14 comes before this committee and I think that you
15 should go down and read a list of your questions to
16 be entered as part of the record.

17 COUNCIL MEMBER VACCA: Well, I will read
18 the questions, and I have to say one last thing
19 though that I made a note of in my scribbly
20 handwriting. I write so much sometimes I can't read
21 my own handwriting. I'm not a doctor, but I can't
22 read my own handwriting. I did want to mention too
23 that we've enacted legislation in the past where
24 enforcement was not ironclad, continuous enforcement.
25 I was part of this body when we voted to ban smoking

1
2 in the parks, and we banned smoking in the parks, and
3 we acknowledged that there was no enforcement
4 mechanism to enforce it. We have thousands of acres,
5 tens of thousands of acres of park land in the city,
6 tens of thousands of acres. So how do you enforce a
7 no smoking law when you have tens of thousands of
8 acres? But the reality is, smoking in our parks is
9 down. It created an awareness. People were
10 considerate of their neighbors and considerate of
11 themselves. So, I'm not looking for a way out, I'm
12 looking for a way in. Let me read these questions.
13 Number one, the first question was, would you
14 describe illegal use of human growth hormone as
15 substance abuse? What about the use of steroids?
16 That was the first question for whoever's not here.
17 Number two, what are the national trends with respect
18 to steroid or human growth hormone use? Do you see
19 any of these trends happening in New York City? How
20 is New York City different if at all? I would
21 speculate that since we do not compile statistics, we
22 probably do not have answers on something as
23 important as that. That's my speculation. What do
24 we know about steroid or human growth hormone use in
25 New York City? Good question. Is it sport related?

1
2 Is there any connection to bullying? Are there gender
3 or sexual orientation disparities? Number six, what
4 trends if any do you see across New York City gyms?
5 Is this a citywide problem, or does abuse occur if at
6 all in certain pockets of the city? Number seven,
7 what steps if any should the city be taking to combat
8 steroid or human growth hormone use? Should there be
9 education and outreach or more intensive enforcement
10 if at all? Should it be targeted? If so, how and to
11 whom? So those were the questions that I would have
12 asked of someone if that someone was here.

13 CHAIRPERSON JOHNSON: Thank you, Council
14 Member. I'm glad you read the questions. I
15 appreciate your statement at the beginning. You are
16 one of the members that has been here the longest,
17 and you previously chaired a committee that a lot of
18 controversial things came through and the
19 transportation committee and you had to work with the
20 previous Administration quite a bit. So, I agree
21 with you. I think that separate and apart from your
22 piece of legislation, it is important that city
23 agencies and the Administration be here to hear
24 Council Member questions on proposed legislation. I'm
25 glad they submitted testimony, and I look forward to

1
2 working with you and your staff to continue to have
3 conversations with the Department of Health and
4 Mental Hygiene and the Office of Legislative Affairs
5 in the other side of City Hall to see how we move
6 forward on this, because as you said, so much of what
7 we do, so many of the bills that we pass are
8 complaint driven and I think that is always the
9 intent of your legislation to raise awareness and
10 also to get this out there as much as we can. So,
11 there's no one here to testify on this from the
12 Administration or from the public, and so I look
13 forward to doing more work with you to get more
14 answers to see how we can move this forward. You
15 have been dogged in wanting to get this bill heard,
16 and I'm glad that we finally were able to have a
17 hearing today, even though it's not as substantive as
18 you or I would have liked, but that doesn't mean that
19 it's not worthy and that we can't keep pushing
20 forward to get answers and to see how we can move
21 this through the legislative process. So, I want to
22 thank you for your advocacy and hard work, and since
23 there is no one here to testify, what we're going to
24 do is we are going to temporarily adjourn the
25 hearing. We are going to move to the Committee Room

1
2 and we won't--we'll resume at 1:00 p.m. So if you
3 are here on the two proposed bills related to pet
4 shops, you can come back and join us at 1:00.
5 Everyone will have the opportunity to testify. So
6 that's, you know, an hour and a half from now.
7 People should go get lunch and enjoy the beautiful
8 weather, and then we will come back at one o'clock. I
9 want to acknowledge that we were joined by Council
10 Member Mathieu Eugene and we have just been joined by
11 Council Member Rosie Mendez, and I appreciate you all
12 being patient with us, and with that, I'm going to
13 temporarily adjourn the Health Committee hearing
14 until one o'clock.

15 [gavel]

16 [recess]

17 CHAIRPERSON JOHNSON: Good afternoon
18 everyone. I'm Council Member Corey Johnson, Chair of
19 the New York City Council's Committee on Health.
20 Today we're hearing a few topics and now we are at
21 our last portion of this hearing. We started at
22 10:00 a.m. and took a brief recess. For those that
23 came this morning, I really appreciate the fact that
24 you stuck around. Hopefully, you enjoyed the nice
25 weather outside. Thank you for coming back and being

1 here today. The next two items are two preconsidered
2 bills which will provide some technical corrections
3 to pet shop laws that were passed recently. We are
4 joined by Council Member Elizabeth Crowley, with whom
5 I have cosponsored the two preconsidered bills we're
6 about to hear and to whom I extend my thanks for her
7 ongoing leadership on animal welfare issues. After
8 two hearings last year, the City Council passed four
9 pieces of legislation in December of 2014 that
10 regulate the sale of animals in pet shops, all with
11 the common purpose of improving the welfare, health
12 and safety of both people and companion animals in
13 the City of New York. These local laws prohibit pet
14 shops from selling dogs and cats obtained from
15 brokers, require pet shops to spay or neuter any cat
16 or dog before leaving it to a purchaser, close a
17 loophole and expand the animal abuse registry to
18 cover all pet shop sales in the city, and also
19 prohibit a pet shop from releasing a dog or cat to a
20 purchaser unless the animal is implanted with a
21 microchip for identification. Taken together, these
22 laws enable the city to strengthen its shelter
23 system, empower consumers, decrease the number of
24 unwanted litters, increase the number of lost animals
25

1
2 returned to their owners, and join the nationwide
3 effort to keep bad actors out of the pet supply
4 chain. With any large piece of legislation there are
5 bound to be things that need to be tweaked and
6 clarified. For example, there is one provision that
7 some have read to require two microchips to be
8 implanted in the cats and dogs. Obviously, this was
9 not the intention of the law in the legislation we
10 are hearing today. We'll clarify issues such as
11 those. I want to acknowledge my colleagues who are
12 with us today. We are joined by Council Member
13 Crowley who is not a member of this committee, but
14 who as I said, worked on this legislation with me
15 last year. Other members should be coming. Some
16 were here earlier for the earlier portions of the
17 hearing. I have previously thanked my Health
18 Committee team, Dan Hayfits, Crystal Pond, Crillean
19 Francisco, my legislative director, Louis Sheldon
20 Brown, but I would also like to add Council Member
21 Crowley's Legislative Director, Jeff Mailman [sp?]
22 for his hard work as well as Jeff Campagna [sp?], who
23 was the Legislative Counsel who has been handling
24 this package of legislation. He has done a
25 tremendous job. I am very grateful for his advice and

1
2 counsel, and he is going to play an integral part of
3 today's committee hearing. I'd like to now recognize
4 my colleague and cosponsor of today's bills, Council
5 Member Elizabeth Crowley.

6 COUNCIL MEMBER CROWLEY: Thank you
7 Chairman Johnson. Good afternoon. As Chairman
8 Johnson mentioned, the legislation today consists of
9 two bills that make technical amendments to laws
10 enacted earlier this year to regulate the sale of
11 dogs and cats in New York City pet shops. As prime
12 sponsor of Local Law Five and Seven of 2015, which
13 imposed requirements on pet shops related to permits,
14 sourcing, disclosures to customers, and
15 sterilization, I want to use this opportunity to
16 voice my continued support for the policies
17 underlying those laws and for amendments that you
18 will hear today. The preconsidered legislation being
19 heard today would amend the laws and would reduce the
20 period of time that pet shops must retain documents
21 from 10 years to five years and add definitions of
22 terms such as Class A Dealer, Class B Dealer and the
23 term "finally determined." These are slight changes,
24 and the substance of the laws would remain unchanged.
25 The bills you will hear today just clarify the

1 requirements of the local laws and that is basically
2 all. I'd like to thank the staff for their work on
3 this, especially Jeff Campagna, Counsel to the
4 Committee, and of course my Legislative Director Jeff
5 Mailman, as well as all the other staff that worked
6 so much to make these amendments. And again, thank
7 you to my co-chair, or thank you to the Chair, to my
8 colleague, Council Member Johnson who has cosponsored
9 these laws with me. Thank you.
10

11 CHAIRPERSON JOHNSON: Thank you, Council
12 Member Crowley. We are going to start the hearing.
13 We're going to call people up. If you wish to
14 testify, everyone has the opportunity to testify.
15 Just please sign up in the back of the room with one
16 of the Sergeants, and they will take care of you.
17 The first two folks that we're going to call up are--
18 and forgive me if I mispronounce your name. Don't
19 forgive me if you have bad handwriting. Michael
20 Stokley [sp?] or Stokey [sp?] from the Hunte
21 Corporation. Thank you, sir. And Michael Glass from
22 the New York Pet Welfare Association, America's Pet
23 Registry. And Sergeant, Ray, if you could put a
24 three minute clock on. Sir, we are going to swear
25 every witness in today, so if you could please raise

1
2 your right hands? Just folks that are up here in
3 front of us. Do you affirm to tell the truth, the
4 whole truth and nothing but the truth in your
5 testimony before this committee and to respond
6 honestly to all Council Member questions? Thank you
7 very much. So, you may begin in whatever order you'd
8 like, just please identify yourself and make sure
9 that the red light is on, which means the mic is on.

10 MICHAEL STOLKEY: I'm Mike Stolkey with
11 the Hunte Corporation. In the 1930's Joseph Goebbels
12 [sp?], the propaganda minister for Nazi Germany
13 essentially believed that if one says something long
14 enough and loud enough, people will believe it.
15 Today, the animal rights extremists artfully embrace
16 this same tactic. Through animus [sic] us and the
17 pet retailers which you have clearly adopted filled
18 by their own agendas is largely void of science and
19 facts. Worse, as you destroy the livelihoods of your
20 very own citizens, ordinances like yours designed to
21 protect animals and consumers actually have the
22 opposite effect. Breeders simply sell over the
23 internet or they go underground while the rescues in
24 the shelters replace the purchasing power of the
25 retailers. I am not aware of one single USDA

1
2 licensed or hobby breeder that has shut down in spite
3 of 60 plus retail bands across the country. However,
4 thankfully, there are some legislators in this
5 country who actually conduct their own due diligence.
6 Example, these very same extremists were recently
7 pressed [sic] of the exact same agenda in Virginia.
8 Shortly thereafter, we received an email from a
9 Senator's aid stating, and I quote, "The Senator was
10 deceived by the activists for about a day. Once he
11 found out that they were disseminating false
12 information, he has never trusted them again." While
13 most citizens genuinely want to protect animals from
14 abuse and neglect, the extreme animal rights folks
15 who stormed Richmond believed the end justifies the
16 means, and if it means lying, cheating or spreading
17 falsehoods, they are okay with that." I could not
18 have said it better, but since this is New York City,
19 let's bring it closer to home. In the previous
20 hearing, my company was slammed in testimony much
21 like in Virginia, totally without merit, facts or
22 science. For example, one former retailer from
23 Pennsylvania, Michael Gill [sp?], who had just
24 recently converted to a rescue operation was brought
25 here to testify, and these are some of his lies,

1
2 okay? He said that the Hunte falsifies documents.
3 Really? The only false here is his statement. We
4 are both state and federally licenses, thus
5 regulated, inspected and fully compliant with all
6 animal welfare laws. This council insults all
7 government inspectors, because if his allegations
8 were true, we would either lose our license or we
9 would be cited. He described our alleged operation
10 or protocols without ever having set foot in our
11 building. How could he become an expert to a process
12 he had never witnessed? And he also stated that 70
13 percent of our puppies were sick for up to two weeks.
14 We do not ship sick puppies. Any illnesses in his
15 store for two weeks resulted from his failure to
16 provide for care, not ours. The fact is, if true, we
17 would not be in business today, and consequently,
18 there would be no need for this discussion. The fact
19 that HSUS has got this Council to ban Class B
20 breeder's distributors makes you complicit with the
21 defamatory statements from Gill and others previously
22 made in these hearings. Your very own animal control
23 facility is out of control, yet you choose to violate
24 our constitutional rights. Yes, we'll fight you in
25 court, and yes, we will win just as we already have

1
2 against the HSUS in Phoenix who declared that we were
3 puppy mill supporters, and the courts had already
4 decided that that was a lie as well. Thank you for
5 your time.

6 CHAIRPERSON JOHNSON: Thank you for your
7 testimony.

8 MICHAEL GLASS: Thank you for the
9 opportunity to testify. My name is Michael Glass.
10 I'm a national Field Representative from America's
11 Pet Registry Incorporated, recognized by New York
12 State Ag [sic] markets. Thank you for your attention
13 today, Ms. Crowley. I apologize. May I continue?
14 Thank you.

15 CHAIRPERSON JOHNSON: You may continue.
16 The clock is ticking you may go as long as you want.

17 MICHAEL GLASS: After reviewing the
18 proposed amendments to the pet shop laws, it is very
19 obvious these amendments do not address concerns
20 raised by pet stores, USDA licensees, exempt
21 breeders, and veterinarians previously provided to
22 the Council. As a hobby breeder exempt from USDA
23 licensure, I will be banned from selling puppies to
24 New York City pet stores. I have four breeding
25 female Newfoundlands. My breeding practices and care

1
2 for my dogs is second to none, and I dare anyone to
3 prove otherwise. I have an open door policy and
4 invite any one of you to visit. As a dog breeder for
5 over 35 years, animal lover, animal caregiver, I'm
6 astonished that the Council has not shown any
7 consideration to the testimony and data presented
8 about the harm resulting from mandatory sterilization
9 as young as eight weeks old. It is clear that your
10 intent is to harm pet stores, USDA licensees and
11 those exempt from licensing. The Council is willing
12 to sacrifice innocent puppies and kittens in the
13 process. I am not alone knowing that mandating
14 neonatal sterilization of dogs is more than
15 irresponsible, it is cruel. My personal veterinarian
16 agrees, and you will have heard testimony from other
17 veterinarians today that also agree. The ASPCA is
18 opposed to mandatory spay and neuter. The American
19 Veterinarian Medical Association is opposed to
20 mandatory spay and neuter. At previous hearings, the
21 New York State Veterinarian Medical Society testified
22 their concerns of the same issue, opposed to
23 mandatory spay and neuter. You have ignored
24 documentation about the negative health defects of
25 early sterilization that I have previously submitted

1
2 at two prior public hearings, and at a private
3 meeting with Bob Lichen's [sp?] PJAC [sic] and Mike
4 Stolkey, the Hunte Corporation, and the Committee
5 Council. I resubmit all that documentation today.
6 It is clear that the sponsors of these laws want to
7 close down pet stores and distributors. New York
8 State Law does not allow you to ban sale of dogs and
9 cats and that is exactly what these laws are doing.
10 These laws harm pet stores, excuse me. These laws
11 ban pet stores from buying puppies and kittens from
12 USDA Class B licensees or exempt breeders. Since the
13 source of the majority of pets from many stores by
14 default, this acts as a ban itself. I have entered
15 my testimony in writing at every previous meeting,
16 and I do so again today. I will always remain
17 optimistic that these ill-written and ill-advised
18 ordinances will be amended appropriately. Thank you.

19 CHAIRPERSON JOHNSON: Thank you, Mr. Glass
20 for being here today. Thank you, Mr. Stolkey. I
21 have some questions for you. Mr. Stolkey, you're
22 here today representing the Hunte Corporation?

23 MICHAEL STOLKEY: That's correct.

24 CHAIRPERSON JOHNSON: Do you sell animals
25 from breeders who do not have any citations for

1
2 violations of the Animal Welfare Act on the most
3 recent USDA inspection forms?

4 MICHAEL STOLKEY: There seems to be a
5 pervasive feeling here that if a--if you get a ticket
6 for a broken tail light, does that make you a
7 criminal, sir? If somebody has an inspection or a
8 violation on an inspection, that's proving that the
9 actual system is working. That's what USDA
10 inspectors do. They go with a manual and they have
11 to go through breeder's facilities and write up a
12 report based on what that manual tells them. I have
13 not found any place in any world today where
14 perfection exists, except for maybe this Council, but
15 I would find argument with that myself, but the fact
16 is that if they do give an infraction, that doesn't
17 make them criminal and it doesn't make them a bad
18 breeder. They're given time to respond that
19 infraction and clean it up. That's how this system
20 works.

21 CHAIRPERSON JOHNSON: [interposing] So is
22 the ans--

23 MICHAEL STOLKEY: [interposing] Some
24 infractions--

25 [Cross-talk]

1
2 CHAIRPERSON JOHNSON: Is the answer yes
3 or no?

4 MICHAEL STOLKEY: We may at times,
5 correct, but that doesn't mean that the system is
6 broken.

7 CHAIRPERSON JOHNSON: Okay, thank you.
8 Do you sell animals obtained from breeders who exempt
9 from the licensing requirements of the Animal Welfare
10 Act?

11 MICHAEL STOLKEY: I'm sorry, say that
12 again, please.

13 CHAIRPERSON JOHNSON: Do you sell animals
14 obtained from breeders who are exempt from the
15 licensing requirements of the Animal Welfare Act?

16 MICHAEL STOLKEY: You're talking about
17 hobby breeders? Yes, we do. As do the rescues and
18 everybody else in the country today. They're buying
19 from the same sources that we are, and except that
20 they are also buying from the unregulated sources to
21 fill the machines that they are calling the adoption
22 centers today. Let's be clear about that, sir. We
23 have proof and that proof was submitted to your
24 Council before, but obviously that didn't make a
25

1
2 difference to anybody here. Go ahead, sir. If you
3 have more I'm happy to answer.

4 CHAIRPERSON JOHNSON: Thank you very
5 much. I look forward to hearing your answers. What
6 percentage of the animals you sell come from sources
7 that are exempt from the licensing requirements of
8 the Animal Welfare Act, what percentage of the
9 animals you sell--

10 MICHAEL STOLKEY: I'm not in my breeder's
11 support [sic]. I don't track those numbers. But it
12 doesn't matter. They're legal breeders that we can
13 buy from to obtain to supply to our consumers.

14 CHAIRPERSON JOHNSON: So the answer is you
15 don't know the percentage.

16 MICHAEL STOLKEY: That's correct.

17 CHAIRPERSON JOHNSON: Do you sell animals
18 obtained from USDA Class A dealers that have
19 citations for violations of the Animal Welfare Act on
20 their most recent USDA inspection reports?

21 MICHAEL STOLKEY: It sounds like the same
22 question as before. Would you repeat it please?

23 CHAIRPERSON JOHNSON: Do you sell animals
24 obtained from USDA Class A dealers that have

1
2 citations for violations of the Animal Welfare Act on
3 the most recent USDA inspection reports?

4 MICHAEL STOLKEY: That's the same
5 question as before. I've already answered that.

6 CHAIRPERSON JOHNSON: No, it's different.

7 MICHAEL STOLKEY: It's possible it could
8 happen. It depends on the level of the infraction
9 that is on the USDA inspection report. Again, it
10 goes back to the fact that the system is designed to
11 catch infractions, some are very innocuous [sic], and
12 often times are not finally determined violators.
13 They have an appeal process that they can go through
14 before it becomes an official violation.

15 CHAIRPERSON JOHNSON: Do you know what
16 percentage of your sales came from such sources?

17 MICHAEL STOLKEY: Very few.

18 CHAIRPERSON JOHNSON: Very few. Do you
19 sell animals obtained from the Humane Society of the
20 United States Horrible 100 List of Breeders?

21 MICHAEL STOLKEY: The Human Society
22 Horrible 100 List of Breeders is not any officially
23 sanctioned group that has the right to go out there
24 and determine who is a good breeder, who is not a
25 breeder. Just because the anoint themselves as such

1
2 doesn't make it so. Be clear on that point first,
3 sir. Second point, and I saw in testimony on one of
4 the TV cameras here recently that they had a store
5 that had a puppy that came from a USDA licensed
6 breeder that was on the Horrible 100 list. When asked
7 for proof, the people said yes, they had it, and then
8 they cut the tape. The reason why? Because it was a
9 report from 2011. I believe in this country if
10 somebody has made an infraction or has not performed
11 as stellar as they could, they have hit opportunity
12 to make corrections. So, the USDA can have people on
13 that list that you're talking about and I could be
14 buying from them today, but that list could be three,
15 four, five, six years old and has no bearing on
16 today's world or how they operate their businesses
17 today. So, I don't take any. Their report does not
18 mean anything to us. We look at the USDA inspection
19 reports. We visit our breeders. I have 11 agents in
20 the field that are on the ground constantly visiting
21 breeders at their facilities, reviewing their
22 processes and procedures, working and talking with
23 their veterinaries, which is the value that we
24 provide to our customers, by the way, compared to
25 some of the allegations that you all have made right

1
2 here in other testimonies as to the nefarious
3 activities that we shield these people from that.
4 It's quite the opposite, and that's why we are the
5 largest in the country today, because we are simply
6 the best at what we do all the way through, including
7 our transportation system.

8 CHAIRPERSON JOHNSON: Do you sell animals
9 who have been--do you sell animals from breeders who
10 have been cited for indirect violations of the Animal
11 Welfare Act on the most recent inspection reports?

12 MICHAEL STOLKEY: It's obvious by your
13 questions you don't understand the business and you
14 keep asking the question. They can have an indirect
15 violation on the most recent inspection report. Is
16 that your question?

17 CHAIRPERSON JOHNSON: I'm asking you--

18 MICHAEL STOLKEY: Yeah, you asked me how
19 many, what percentage, if I do. I've already--I've
20 told you that we do, that we can, but again, there's
21 degrees of infractions and we review each and every
22 USDA inspection report before we purchase from a
23 breeder. Some can be as benign as a--I'm sorry, sir,
24 you're not listening to my answer.

1
2 CHAIRPERSON JOHNSON: Yes, I am
3 listening, sir.

4 MICHAEL STOLKEY: They can have an
5 infraction for a dog bowl for being chewed or a
6 scratch mark on their kennel walls. Does that make
7 them a breeders that's--

8 CHAIRPERSON JOHNSON: [interposing] I'm
9 just asking questions--

10 MICHAEL STOLKEY: not a good breeder
11 because a dog is being a dog?

12 CHAIRPERSON JOHNSON: I think you're
13 imputing. I'm not. I'm asking you questions.

14 MICHAEL STOLKEY: You are, sir.

15 CHAIRPERSON JOHNSON: No I'm not.

16 MICHAEL STOLKEY: Because I've got
17 testimony from you where you have said in the past,
18 sir, and I'd be happy to read it to you.

19 CHAIRPERSON JOHNSON: No, it's okay, I
20 don't need you to read it to me.

21 MICHAEL STOLKEY: Don't care to have--

22 CHAIRPERSON JOHNSON: No, I'd like to go
23 back to the previous question. Do you sell animals
24 obtained from the Humane Society of the United States
25 Horrible 100 List of Breeders, yes or no?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNIDENTIFIED: I'm sorry--

CHAIRPERSON JOHNSON: [interposing]

Excuse me, ma'am. You have not--excuse you, ma'am.

Excuse me. You have not--[gavel]

UNIDENTIFIED: I'm--

CHAIRPERSON JOHNSON: [interposing] You

are not up at--you are not up on the witness stand.

You are not up at the witness stand.

UNIDENTIFIED: I object--

CHAIRPERSON JOHNSON: Sergeant--

MICHAEL STOLKEY: Then I'll answer a

question, sir. I'll answer the question. I am under

oath--

UNIDENTIFIED: [interposing] Excuse me.

MICHAEL STOLKEY: Can I have my attorney

here? So, you're badgering me.

CHAIRPERSON JOHNSON: I'm not badgering

you. I'm asking you yes or no questions.

MICHAEL STOLKEY: You are badgering me.

CHAIRPERSON JOHNSON: No, I am not

badgering you.

MICHAEL STOLKEY: If I'm going to

continue to answer questions, alright, I have my

1
2 counsel here that as I under oath I would like my
3 counsel to have some input. Thank you.

4 UNIDENTIFIED: Excuse me. If I may
5 before I proceed?

6 CHAIRPERSON JOHNSON: No, sir. I--
7 Michael, I have questions for you. I'm going to come
8 to you. Then you can talk in whatever way you want
9 to talk and say whatever you want to say. Yes or no,
10 do you sell animals obtained from the Humane Society
11 of the United States Horrible 100 List of Breeders?

12 MICHAEL STOLKEY: I've already answered
13 that question.

14 CHAIRPERSON JOHNSON: It's a yes or no
15 question, you haven't answered it.

16 MICHAEL STOLKEY: No, it's not a yes or
17 no question, and I'm sorry--

18 CHAIRPERSON JOHNSON: [interposing] So
19 you won't answer it.

20 MICHAEL STOLKEY: And I'm not going to
21 give you a yes or no question.

22 CHAIRPERSON JOHNSON: Okay.

23 MICHAEL STOLKEY: I don't look at the
24 report, so it doesn't mean anything to me. So it's
25 not a yes or no question, sir, I'm sorry.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON JOHNSON: Thank you.

MICHAEL STOLKEY: That might be important to you, but some--the information that's four or five years old is not valid in today's world. I'm sorry.

CHAIRPERSON JOHNSON: What value should the City Council put on the testimony from the Humane Society of the United States and the ASPCA?

MICHAEL STOLKEY: Well, the fact that both have recently paid over 25 million dollars, you know, for violation of RECO [sic] statutes, for lying under oath, paying--it actually wasn't lying. They paid somebody to lie. That's what it was. I think it's called jury tampering. I'm not a lawyer, but since they have shown the willingness to purge, to pay a witness in a federal court, I would think that they are highly suspect in anything that they can say.

CHAIRPERSON JOHNSON: The current sourcing practices for Class B, the Class B dealer industry, do you think that those are sort of the best practices that exist?

MICHAEL STOLKEY: The practices?

1
2 CHAIRPERSON JOHNSON: Hunte's practices,
3 your practices for Class B dealers. Do you think
4 those are the best practices that exist?

5 MICHAEL STOLKEY: Anybody that has ever
6 come to my facility will say unquestionably that they
7 are. I know that [sic] this council will send one
8 representative down to our marketplace to actually
9 conduct your own due diligence rather than take
10 smears and lies and innuendos from people by a
11 Senator next door to the state who has already
12 exposed them for what they are, liars and deceitful.

13 CHAIRPERSON JOHNSON: Thank you. Michael,
14 I have some questions for you.

15 MICHAEL GLASS: Before I answer any
16 questions, may I ask if you're going to allow me
17 legal counsel during your questioning?

18 CHAIRPERSON JOHNSON: I didn't hear you,
19 sir?

20 MICHAEL GLASS: Are you going to allow me
21 or deny me legal counsel during my questioning?

22 CHAIRPERSON JOHNSON: So, if someone
23 wants to come up and testify along with you, they can
24 fill out a slip and they can come sit next to you if

1
2 they want to testify. So if someone wants to do that.
3 Perfectly allowed.

4 MICHAEL GLASS: I'm not in control of the
5 order of testimony, and my question is am I going to
6 be--

7 CHAIRPERSON JOHNSON: [interposing] I'm
8 saying someone can come up--

9 MICHAEL GLASS: denied legal counsel?

10 CHAIRPERSON JOHNSON: and testify with
11 you.

12 MICHAEL GLASS: My question is am I
13 denied legal counsel?

14 CHAIRPERSON JOHNSON: No, you're not being
15 denied legal counsel.

16 MICHAEL GLASS: So if--okay. So I may
17 consult with our attorney in the interest of--

18 CHAIRPERSON JOHNSON: [interposing] That's
19 right.

20 MICHAEL GLASS: Okay, thank you.

21 CHAIRPERSON JOHNSON: Yes, absolutely.
22 You can turn around privately, quietly, run your
23 answers by whoever's here if you want to. Why was
24 America's Pet Registry Incorporated formed? Why was
25 it founded?

1
2 MICHAEL GLASS: We're a registration
3 service. We register dogs.

4 CHAIRPERSON JOHNSON: But why was it
5 founded?

6 MICHAEL GLASS: Sir, you would have to go
7 to the founders of that company. I'm an employee of
8 the company and my job description within the company
9 is to aid with education and legislative concerns as
10 well as I help with registering dogs, but the purpose
11 of why APRI was founded and its mission is that we
12 are a dog canine registration service. I cannot help
13 you if you don't like my answer.

14 CHAIRPERSON JOHNSON: I didn't say I
15 didn't like it. I'm listening to you.

16 MICHAEL GLASS: Disputed [sic] the
17 question.

18 CHAIRPERSON JOHNSON: The Humane Society
19 of the United States alleges that APRI was founded to
20 compete with the American Kennel Club in response to
21 the American Kennel Club support of anti-puppy mill
22 legislation in the 1990's. Why shouldn't the council
23 believe this?

24 MICHAEL GLASS: That's evidence not
25 before me today and I would prefer not to answer.

1
2 CHAIRPERSON JOHNSON: Okay. What was
3 your role in forming the New York City Pet Welfare
4 Association?

5 MICHAEL GLASS: I acted as a consultant
6 in the interest of forming an association as all--as
7 many associations are formed. We follow Robert's
8 Rules of Order, and we are an association with a
9 mission to educate legislators, educate public policy
10 and work towards responsible animal ownership and
11 responsible legislation.

12 CHAIRPERSON JOHNSON: Who founded APRI?
13 Besides you, who else participated in the founding of
14 it?

15 MICHAEL GLASS: Again, I don't see that
16 as--I don't see that as--

17 CHAIRPERSON JOHNSON: So you're not going
18 to answer the question?

19 MICHAEL GLASS: No.

20 CHAIRPERSON JOHNSON: Thank you both for
21 being here. I appreciate your testimony. Just hold
22 on one second actually. We have a couple of more
23 questions from the legislative counsel.
24
25

1
2 LEGISLATIVE COUNSEL: Good to see you
3 both again. Mr. Stolkey, we met in December where we
4 discussed--

5 CHAIRPERSON JOHNSON: State your name.

6 LEGISLATIVE COUNSEL: Jeff Campagna,
7 Counsel. We met in December where we discussed much
8 of what you've testified here today, and you talked
9 about the sourcing of animals at Hunte. Do you
10 recall telling us that Hunte obtains 30 percent of
11 its animal from hobby breeders or breeders who are
12 exempt from USDA regulations?

13 MICHAEL STOLKEY: I believe the term was
14 it could be up to 30 percent, but that--that mix can
15 change any week to week, month to month. It's a fluid
16 situation. To track an actual number is meaningless
17 to me. We buy from legally--legal breeders across
18 the country, period. So, to me, it doesn't matter if
19 it's USDA licensed or exempt.

20 LEGISLATIVE COUNSEL: And do you recall
21 telling us that you sourced 29 percent of your
22 animals from sources that had indirect violations on
23 their inspection reports?

24 MICHAEL STOLKEY: No, sir. That's not--
25 that is absolutely false.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

LEGISLATIVE COUNSEL: So, what percentage of animals that you source, or what percentage of animals that you sell to pet stores come from sources that have USDA violations, indirect USDA violations on their inspection reports? On their last inspection report.

MICHAEL STOLKEY: Counsel, you know, I'm going to try to answer this the best that I can, okay? It's amazing that the rescues are burning for breeders that aren't even regulated, and they are buying, and there's proof to that. And there's 200 shelters that have been shut down in the last two years for criminal activity. It's amazing that they transport in these horrid conditions, you all don't care about that. What I don't have today, which I had at one point when you and I had met was facts and some figures, and I don't have those facts and figures today, and I'm not going to try to recall them from memory. Because obviously you think that you do have some of my facts and figures there. And to ask me what percentage are--do I buy from direct violators? Absolutely not. That's our standard. That's our standard protocol. I do not buy from a

1 breeder with a direct violator. That I can say
2 absolutely.

3
4 LEGISLATIVE COUNSEL: Not direct.
5 Indirect.

6 MICHAEL STOLKEY: Indirect, what? A dog
7 bowl being chewed? A kennel that has some claw marks
8 on it?

9 LEGISLATIVE COUNSEL: So, is it--

10 MICHAEL STOLKEY: I mean, what you need
11 to do, sir, and this whole Council is understand the
12 system and how it works if you do your due diligence.
13 But can I buy from an indirect violator? Absolutely.
14 Because as I had already mentioned, just because you
15 get an infraction for a tail light being broken, does
16 not make you a criminal, nor does it make a breeder
17 that has some infractions make them bad operators or
18 bad breeders.

19 LEGISLATIVE COUNSEL: You've drawn
20 distinctions between shelters, rescues and breeders
21 and Class B dealers USDA license sources. Do you
22 believe that USDA inspection reports are reliable?

23 MICHAEL STOLKEY: I think it's an insult
24 to consider that these USDA inspectors are out in the
25 field doing their jobs and not doing their jobs well,

1
2 okay? Are their inspections report reliable, yes, I
3 do believe that it is. Unfortunately, the USDA--

4 LEGISLATIVE COUNSEL: [interposing] if
5 they are reliable, can you answer yes or no please?

6 MICHAEL STOLKEY: I already did. I
7 said, yes, they are reliable.

8 LEGISLATIVE COUNSEL: Okay, thank you.

9 MICHAEL STOLKEY: To the standards that
10 they have in front of them.

11 LEGISLATIVE COUNSEL: Mr. Glass, what is
12 your financial relationship with Hunte?

13 MICHAEL GLASS: Zero.

14 LEGISLATIVE COUNSEL: What is the
15 financial relationship with APRI with Hunte?

16 MICHAEL GLASS: Zero.

17 LEGISLATIVE COUNSEL: So who is on the
18 Board of Directors of APRI?

19 MICHAEL STOLKEY: That's not relevant,
20 and I would prefer not to answer that question.

21 LEGISLATIVE COUNSEL: It's relative to us
22 in determining whether you are trying to conceal the
23 source of animals and the relationships between the
24 financial actors in the industry.

1
2 MICHAEL STOLKEY: You're making a very
3 serious accusation, be it direct or indirect.

4 LEGISLATIVE COUNSEL: I'm not accusing
5 you of anything. I'm asking what the relationship
6 is.

7 MICHAEL STOLKEY: Quite on the contrary.
8 You absolutely are accusing me. Quite the contrary,
9 I'd like to put this on record. You are accusing me
10 and I object to that line of questioning. If you
11 have any questions for me with regards to the ill-
12 founded amendments, I'd be happy to answer them.

13 LEGISLATIVE COUNSEL: That's all.

14 CHAIRPERSON JOHNSON: Thank you. Thank
15 you both for being here. I just want to say for the
16 record, I appreciate your testimony, you're coming
17 here. What I don't appreciate is drawing comparisons
18 to Nazi Germany and Joseph Gobels [sp?]. I think that
19 is incredibly offensive and very sick to make any
20 comparison to the Holocaust. I would like to call up
21 next--this many? Six? Okay, next up--Sergeant, if
22 you could pull up one more of the chairs on the
23 corner. We're going to have five people come up.
24 Thank you. Kenny Chuan [sp?] from NYPWA, Angelina
25 Sherman from Arcadia Pets, Harsha Perera [sp?] from

1
2 the New York Pet Welfare Association, John Farina
3 from Zoo-rama [sp?] Pets, and Cynthia Daluise or
4 Deluise from Arcadia Pets. Thank you all for being
5 here. If you could please raise your right hands.
6 I'll wait til he's done. Do you affirm to tell the
7 truth, the whole truth and nothing but the truth in
8 your testimony before this committee and to respond
9 honestly to all Council Member questions? Thank you
10 very much. So you may being in whatever order you'd
11 like. Just please pull the mic close. Make sure the
12 red light is on which means the mic is on and
13 identify yourself, and each person testifying will
14 have three minutes. You may begin, ma'am.

15 CYNTHIA DALUISE: My name is Cynthia
16 Daluise. Together, my husband and I have owned
17 Arcadia pets for 25 years, a family business and we
18 have three children who have been raised from birth
19 to love and care for animals. We both are native New
20 Yorkers who have put our blood, sweat and tears into
21 building this small business into something that we
22 can support our family on. This may sound cliché,
23 but this isn't just a job to us, it's a lifestyle.
24 From fish to snakes to birds or puppies, there is
25 nothing we care about more than making sure those

1
2 animals are properly cared for and look to find them
3 homes where they will receive the same love and care
4 they get from us. We pride ourselves on the time and
5 the care we put into the welfare of our animals and
6 the happiness of our clients. I have spent 25 years
7 building relationships with other animal
8 professionals who I trust and have known personally
9 to make sure that they would never put profit over
10 the importance of puppies and their parent's
11 wellbeing. I would never tolerate or condone harm to
12 an animal, but your law banning sales from USDA Class
13 B licensees from whom I obtain all my puppies will
14 put me out of business. But you don't seem to care.
15 The puppies you claim you are protecting will be the
16 real victims under the law you fail to amend. Your
17 mandate to sterilize dogs and cats before sales means
18 puppies as young as eight to 12 weeks will undergo
19 general anesthesia and major abdominal surgery, which
20 will certainly result in the death of at least some
21 puppies. According to my veterinarian, all for an
22 elective surgery. I submit here two letters from
23 veterinarians that I say, "At no time would an
24 elective sterilization be performed in a puppy less
25 than six months old, and it is not in their best

1
2 interest under anesthesia at such a premature age,
3 and is something that will never be done at my
4 practice." To take this decision out of the hands of
5 qualified licensed veterinarians and the pet owners
6 is unconscionable and violates state laws. I urge you
7 to reconsider the amendments here and strike the
8 mandatory spay requirement and the ban on Class B
9 licensees. If not, harm will come to the health and
10 welfare of innocent puppies and the livelihood of
11 thousands of hardworking law abiding families, both
12 pet store owners and the animal professionals they
13 deal with who can and do tend to the care and
14 wellbeing of these puppies.

15 CHAIRPERSON JOHNSON: Thank you, Ms.
16 Daluise. Yes, sir? If you can pull the mic close.
17 Thank you.

18 HARSHA PERRERA: My name is Harsha
19 Perrera [sp?] and I am an immigrant who has come here
20 from Sri Lanka 25 years ago. I worked for five years
21 in the pet industry and then I started my own
22 business borrowing money from the bank, and today,
23 I'm facing problems by the City Council bringing up
24 laws to restrict the sales of the puppies that we
25 sell. The bad economy alone has reduced our business

1
2 drastically and we are, today, we are finding it
3 very, very difficult to pay our own bills. We pay
4 taxes. My staff pay taxes, and we are law abiding
5 citizens. So, this is a great burden on us, on me
6 personally, my family and also my employees. On top
7 of this, you are adding unnecessary laws to increase
8 the cost of the puppies that we sell by asking us to
9 sterilize. Forced sterilization is going to add more
10 cost to us, and according to you, you say there is a
11 lot of dogs, stray dogs, which I have never seen for
12 the past 25 years I have lived in this country, I
13 have never seen--I have never seen a stray dog on the
14 street. So, I don't know where you're getting--where
15 you're seeing the stray dogs. I see a lot of rats in
16 New York City, but not stray dogs. And I see a lot
17 of homeless people, but not stray dogs. So I think
18 our focus should be on homeless and reducing the rat
19 population in New York City other than putting
20 restrictions on the dogs that we sell. They are
21 beautiful pure bred dogs and I want you to come to my
22 store and look for yourself the quality of the dogs
23 that we sell. And the sources, I don't know why you
24 have to restrict the sources of our purchases,
25 because these are all coming from very, very good

1 breeders. We go on their records before we purchase
2 the puppies from these breeders and we talk to them.
3 We know them personally, and thanks to Google, we can
4 even go to their doorstep. So, this, these--all
5 these restrictions are putting a big burden on us.
6 So I would appreciate if you can consider a different
7 way to--different laws to impose other than
8 restricting in this manner.
9

10 CHAIRPERSON JOHNSON: Thank you, Mr.
11 Perrera.

12 ANGELINA SHERMAN: Yes, hello, my name
13 is--

14 CHAIRPERSON JOHNSON: [interposing] If you
15 could pull the mic close, and just you can tilt it
16 down. There you go.

17 ANGELINA SHERMAN: My name is Angelina
18 Sherman and I am Manager and Puppy Master at Arcadia
19 Pets. I'm speaking on behalf of Doctor Arnold
20 Goldman that could not be here today for this
21 testimony. I urge you not to increase the medical
22 risk of neonatal animals or to force veterinarians to
23 risk malpractice. The recently passed legislation
24 should be amended. Early sterilization magnifies the
25 risk of anesthesia in such young and tiny patients

1
2 which are more vulnerable to hypothermia,
3 hypoglycemia and even minimal blood loss. The
4 technical demands of what is formed to be a
5 microsurgery may be very challenging to
6 veterinarians, and finally, the post-operative care
7 of these tiny little patients are inappropriate for
8 pet store environments. Recent veterinarian research
9 has identified significant long term medical risks
10 for pets undergoing early removal of reproductive
11 organs, which also functions as endocrine glands.
12 Veterinarian profession has been involving towards
13 latter recommendations for sterilizing surgery. The
14 added risk of neonatal anesthesia, the developmental
15 benefits of preserving hormonal influences later into
16 development, a positive influence on life span, and a
17 positive influence on specific orthopedic and
18 cancerous conditions in a later life are the reasons
19 why. Indeed, some breeds of dogs remaining intact
20 for an intended period is associated with a much
21 longer life span. We choose electively sterilized
22 animals because the behaviors of sexually enact
23 animals are perceived to reduce their suitability to
24 be household pets. We also electively sterilize
25 animals because of a societal concern for unwanted

1
2 litters and the healthy euthanasia of shelters and
3 pounds. We do not sterilize animals because we know
4 that it's good for them as individuals.
5 Sterilization surgery is always elective with the
6 real risk of anesthesia and sterilization pose. Pet
7 owners should be able to decide if and when they will
8 pursue this such surgery, unencumbered by the
9 government. As a veterinarian, I should not be
10 limited to the way that I provide care to my
11 patients, but continue to have professional freedom
12 to communicate the pros and cons in such a procedure
13 to the owners. Finally, this bill would require
14 veterinarians to predict the future health of an
15 animal based on what is seen only at its most recent
16 examination by stating in writing that the animal is
17 not likely to require hospitalization or non-elective
18 surgical procedures in the future, and examination is
19 at best a snapshot in time of what animal's current
20 and immediate health are. A veterinarian cannot
21 predict in the case of acquired subclinical illness
22 or condition what hospitalization or surgery should
23 be required in the future. I urge you to strike this
24 from the requirements. Thank you.

1
2 CHAIRPERSON JOHNSON: Thank you, Ms.
3 Sherman, for being here. Mr. Chuan [sp?]

4 KENNY CHUAN: My name's Kenny Chuan. I'm
5 Manager of Q Puppy. I'm reading the testimony from
6 my vet. In regards to current regulation, regulating
7 the sale of puppy and kitten in New York City stating
8 that they must be spayed or neutered prior to sale.
9 I feel this will be a great mistake and will result
10 in the unnecessary anesthetic complications and death
11 of these innocent dogs and cats. I do not know if
12 there was a veterinarian consulted prior to the draft
13 of this bill, but I cannot imagine any vet standing
14 behind this policy. I appreciate Council, please pay
15 attention to our testimony because you guys already
16 made up your mind. We feel like we're wasting our
17 time here.

18 CHAIRPERSON JOHNSON: Sir, I'm listening
19 to you.

20 KENNY CHUAN: There's always a risk of
21 anesthesia in any surgical procedure, whether that is
22 human or veterinary. The risk goes up dramatically
23 as the size of patient diminishes. When we attempt
24 to sterilize puppy and kitten with a body weight of
25 two pounds or less, the risk to the animal is huge. I

1
2 am aware of the fact that the shelters are performing
3 these surgeries but these animals have no owners. So
4 that they have no liability and therefore they have
5 no one to answer to when the animal expire either
6 during or after the procedure. In the real world,
7 that is not the case. The current recommended
8 protocol is to perform this procedure at six months
9 of age when animal is better able to cope with
10 anesthesia and surgical procedure. That protocol has
11 been in place as long as I have been in practice,
12 which is about 35 years. If you want to move ahead
13 with this bill, then it must be left up to the
14 veterinarian discretion as to which animal is a
15 qualified candidate for this surgical procedure. It
16 cannot be mandated by any legislative body with no
17 medical experience expertise. I believe that this
18 issue needs to be reviewed further before any law is
19 put in place. I also believe that veterinarian
20 committee needs to be consulted to help guide the
21 legislature to ensure that animal's life is not put
22 in jeopardy by people with little or no knowledge of
23 medical and surgical protocols. That is all I have.

24 CHAIRPERSON JOHNSON: Thank you, Mr.
25 Chuan. Mr. Farina?

1
2 JOHN FARINA: Hi. Yeah, thank you. I
3 don't want to bore the council with a lot of reading.
4 I basically, I'm a former teacher. I have a
5 Bachelor's Degree in Biology, and I was taking care
6 of my mom for a long time and I got out of teaching,
7 and I'm working part time in the pet shop with
8 Harsha. A lot of the stuff, I don't want to repeat
9 things. If you look at the packet that I gave you,
10 John Farina, page one and two, and page two that
11 abstract thing with that scientific name, we look--
12 that's an article that documents scientifically in a
13 peer review journal what some of the people that have
14 been saying that spaying and neutering, which is
15 redundant by the way, neutering is male and female.
16 The word should be spay and castrate or--with male
17 dogs. Neutering is for males and females. That's
18 sloppy English. If you look at the bottom of that,
19 of page three there, you'll see that's an
20 international peer review journal. So that means that
21 a lot of the people who know looked at the
22 information in this document. Okay, to look at the
23 pretty pictures now, if you turn to page four you'll
24 see on top it says male golden retrievers and there's
25 a bar graph. I'm sorry Council person Crowley is not

1 here who I believe cosponsored the bill and is a big
2 person in pushing the bill through. This shows you,
3 the middle bar there, the light colored HD refers to
4 hip dysplasia which is a problem in the formation of
5 the hips. CCL is the cranial cruciate ligament which
6 is a problem with the knees in the dogs. When you
7 gonadectomize the dog, that's a fancy name for
8 neutering the dog, the sex glands don't just control
9 reproduction. They control development, okay, how
10 the bones grow. So you're creating--you'll see that
11 problem show up with dogs that were pre-pubescent
12 puppies that were neutered before proper development
13 get problems later on, you know, in adult age. And
14 you see the other three bars at the end, LSA, HSA and
15 MCT are different types of cancers, and in females,
16 you'll see that they don't exist at all in normal
17 dogs, and when they are neutered early you get a big
18 spike. Again, this is a big complicated scientific
19 article. I tried reading through it. I don't
20 understand everything, but I looked up some of the
21 details there, but they go through all the statistics
22 and stuff like that that they did. The next thing,
23 again, it does seem like you've made up your minds
24 already and this is just a formality so we get the
25

1
2 illusion in the input when you pass a law, well, you
3 had your say. Okay. People--you're asking before
4 about indirect violations and stuff, and people seem
5 picked on. If you look on the last two pages on my
6 handout, this is from North Shore Animal League,
7 which I think has a good representation with
8 everybody. You know, it's a nice soft and fuzzy. We
9 feel a nice emotional connection. They're helping
10 puppies. If you look at the back of page one, two,
11 three, four--on page six, the Animal League Puppy
12 Mills, they talk about--I hear puppy mills all the
13 time and I have no idea what people are talking about
14 because the definition shifts. Okay, you say puppy
15 mills are bad breeders, cruel and inhumane, okay.
16 They're rescuing dogs. They have no medical or human
17 contact. They're locked in cages. They're never
18 cared for. They never felt grass under their feet.
19 How many New York City dogs living in apartments and
20 walking on concrete sidewalks have never felt grass
21 under their feet? You're making all pet breeders
22 bad, and I don't see that. There are things that are
23 part--I think people have mentioned why is there is a
24 need for these laws because of overpopulation. If
25 you look on the last page that I gave you, again,

1
2 this is for the website of the North Shore Animal
3 League, an animal--a popular, you know, good deed
4 doer animal rescue group. If you look at the arrow I
5 put on all the pages, and I hope Ms. Crowley will get
6 to see this information here, they say on their
7 public website, and all the details are on the top
8 there, the time and stuff when I got this. It says,
9 "Our humane transport efforts bring animals from over
10 populated areas to our New York Metro Campus."

11 CHAIRPERSON JOHNSON: Thank you.

12 JOHN FARINA: Dogs from outside--

13 CHAIRPERSON JOHNSON: [interposing] Mr.
14 Farina, thank you.

15 JOHN FARINA: to here.

16 CHAIRPERSON JOHNSON: Thank you. I let
17 you go over by a lot.

18 JOHN FARINA: That means they don't have
19 enough puppies here to do it so they're bringing them
20 from overpopulated areas outside, which means that
21 overpopulation is not a problem in the New York Metro
22 Area as stated by the North Shore Animal League on
23 their website.

24 CHAIRPERSON JOHNSON: Thank you.

25 JOHN FARINA: Thank you for listening.

1
2 CHAIRPERSON JOHNSON: I mean, I want to
3 point out that last year in 2014, 30,000 animals
4 ended up in the New York City shelter system. So,
5 pretty--

6 JOHN FARINA: [interposing] Is it
7 documented? I mean, you have all this?

8 CHAIRPERSON JOHNSON: We're not going to--
9 I'm just telling you that's a fact, and I appreciate
10 your testimony.

11 JOHN FARINA: Okay.

12 CHAIRPERSON JOHNSON: I appreciate you
13 bringing along exhibitions to back what up you said,
14 and I thank you all for being here. I have some
15 questions, and you all may weigh in as you see fit.
16 So, any of you, because you all work at pet shops or
17 have done this for a living. Do you believe that
18 customers care about how their animals are bred and
19 where they come from? Do people ask those questions?

20 JOHN FARINA: Absolutely.

21 CHAIRPERSON JOHNSON: So, if you could
22 take your tur--you take turns and answer the question
23 if you want to, and if you have anything more to say
24 about it. Okay, can you speak into the mic?

1
2 ANGELINA SHERMAN: They do care about
3 where the puppies come from and that they're healthy
4 and that's why we deal with USDA licensed breeders.

5 CHAIRPERSON JOHNSON: So how often do
6 customers ask? I mean, how do you know? You're just
7 going off anecdotally when customers come into buy,
8 you're saying that people are asking you?

9 ANGELINA SHERMAN: We love our puppies at
10 Arcadia Pets, okay? I get there at 5:30 every
11 morning to be with my puppies early in the morning so
12 that they have plenty of play time, roaming around
13 time. Prior to open they get play time, all day
14 during the day, okay? You know, our puppies, the
15 same concern that they have as far as how healthy
16 they are is the same concern that they express on
17 this bill as well, because when I sell a little tiny
18 pound and a half Yorkie, and to think that I have to,
19 you know, it has to be legislated that they have to
20 go into surgery. They won't make it, okay? And they
21 don't want to take that chance. They don't want to
22 be mandated. They want that decision, not for the
23 government to make that decision for them.

24 CHAIRPERSON JOHNSON: So how do you all
25 know that your customers care, though? You're basing

1
2 this off of what people are saying when they're
3 coming in to buy animals, where they're bred, how
4 they're bred and where they come from?

5 KENNY CHUAN: May I jump in that
6 question? May I jump in?

7 CHAIRPERSON JOHNSON: Yeah.

8 KENNY CHUAN: Yeah. Sure. I think it's
9 crazy to assume that we want to sell a sick puppy to
10 a consumer. It's like shooting our own legs. That's
11 why we rely on Class A, Class B broker. Provide--
12 they will screen and give us the best healthiest
13 puppy to give to consumer, and that's how the
14 industry sustain. I mean, we are not trying to give
15 puppy mill or anything sick puppy to a customer, to
16 public, and that's our duty. That's why we are here
17 to assure that everybody receive a healthy puppy.

18 CHAIRPERSON JOHNSON: Understand. My
19 question was, but how do you know that your customers
20 care? You're going off of what people say when they
21 come in?

22 KENNY CHUAN: Sure, of course. Of
23 course.

24 CHAIRPERSON JOHNSON: Okay. That's my
25 question. Okay. How do you believe that consumer

1
2 decisions would be affected if you posted signs that
3 said, "We obtain our animals from the five biggest
4 puppy mills in the country?"

5 CYNTHIA DALUISE: That would be false.
6 That wouldn't a true statement. That's not a true
7 statement. You know, Mr. Johnson, I was at the spay-
8 -the sprinkler hearing here, and I really felt like
9 you care about animals.

10 CHAIRPERSON JOHNSON: I do.

11 CYNTHIA DALUISE: So, that's why I just--

12 CHAIRPERSON JOHNSON: [interposing] I
13 just adopted a cat two weeks ago from a shelter.

14 CYNTHIA DALUISE: I can't believe because
15 of how much you care about animals that you would
16 fail to amend this bill because of what's going to
17 happen to these innocent puppies. They're in danger.
18 Puppies are going to die from this, and if you love
19 animals, how could you allow this? How could you be
20 behind this?

21 CHAIRPERSON JOHNSON: You're speaking
22 specifically to the spay and neuter of eight weeks.

23 CYNTHIA DALUISE: Yes.

24 CHAIRPERSON JOHNSON: Well, we wouldn't
25 [sic] get into that. But do you--the question was do

1
2 you think consumer decisions would be affected if
3 people had to post a sign like that?

4 CYNTHIA DALUISE: Oh, none of us would
5 every do that. We wouldn't have--we have puppies
6 from good breeders that we're proud of. So we would
7 never have to post that. That's why people come to
8 us because they feel safe.

9 CHAIRPERSON JOHNSON: Okay. Do any-- do
10 you all post that you're puppy mill free?

11 CYNTHIA DALUISE: Yeah.

12 CHAIRPERSON JOHNSON: There are posters
13 that say we don't sell from--we don't buy from puppy
14 mills?

15 CYNTHIA DALUISE: We--puppy mills are
16 substandard breeders and we don't buy from them. So
17 this is nothing. There's no discussion about it.

18 CHAIRPERSON JOHNSON: So do you post
19 signs that say you don't?

20 CYNTHIA DALUISE: Why? Why would we?

21 HARSHA FERRERA: We don't need to post
22 signs because we do not buy from puppy mills. And to
23 tell you the truth, I don't know if there are any
24 more puppy mills in existence, because they have been
25 cracked down. A lot of the puppy mills are shut

1
2 down. I mean, that's the job of the United States
3 Department of Agriculture. USDA is cracking down on
4 these substandard breeders, and who would want to run
5 a business by offering substandard products?

6 CHAIRPERSON JOHNSON: So, sir, you're
7 saying you don't--that you think that there might not
8 be puppy mills anymore?

9 HARSHA PERRERA: I don't know. I haven't
10 gone--

11 CHAIRPERSON JOHNSON: [interposing] Or not
12 sure?

13 HARSHA PERRERA: I don't--as far as I
14 know, we don't know any puppy mills that still in
15 existence, and the breeders that we deal with they
16 are very good, top notch breeders who care for their
17 animals and who have really good quality breeding
18 stock. That's how--

19 CHAIRPERSON JOHNSON: [interposing] Do you
20 think customers come to any of you because you don't
21 sell from puppy mills, you don't buy from puppy
22 mills?

23 CYNTHIA DALUISE: It's not really
24 discussed. People don't come in and say, "Do you
25 have puppy mill dogs."

1

CHAIRPERSON JOHNSON: People do ask that?

2

3

CYNTHIA DALUISE: Not much.

4

5

CHAIRPERSON JOHNSON: Or people don't ask that?

6

7

CYNTHIA DALUISE: Not much, to be honest, especially when they come to my store because we have a great reputation.

8

9

10

CHAIRPERSON JOHNSON: So it's not even an issue, you think. I mean, people just aren't even asking about it?

11

12

CYNTHIA DALUISE: Not so much in my store.

13

14

CHAIRPERSON JOHNSON: In your store. What about some of the other places?

15

16

17

HARSHA PERRERA: Sometimes, very rare, you might hear from somebody who doesn't even know what a puppy mill is. They might ask, "Oh, are these dogs--are any of these dogs from puppy mills?" I mean, they might. They probably they don't even know what a puppy mill is.

18

19

20

21

22

JOHN FARINA: Yeah, I mean, again you're using the word. When I hear puppy mill my bad reaction is from a substandard breeder as they talk about here on like the North Shore Animal League. We

23

24

25

1
2 get them from private breeders. When he gets a puppy
3 from a new breeder, he has me check on the computer
4 and find out are there many violations or anything
5 bad about this person. When they come in we look at
6 the puppies to see. If they come from a bad breeder,
7 you can tell by looking at the puppy. I've had
8 people come in the store where I got the same dog you
9 got for a cheaper price at another store, and the
10 puppy has, you know, a bad eye or lumps on the body
11 and stuff like that compared to our dogs.

12 CHAIRPERSON JOHNSON: Sir, Mr. Farina,
13 tell me the name again of the pet store you work at?

14 JOHN FARINA: John Farina.

15 CHAIRPERSON JOHNSON: Yeah, what's the
16 pet store?

17 JOHN FARINA: Oh, Zoo-Rama Pets.

18 CHAIRPERSON JOHNSON: Okay.

19 JOHN FARINA: The same Harsha, and I work
20 there part time. So I'm not involved in all the
21 business. I know of all the details and stuff like
22 that. I see people come in there. I see the dogs
23 and I see the quality of dogs in other stores, and I
24 hear from people too who have been to other stores

25

1
2 who say, "This is so much nicer than the other store
3 I was at."

4 CHAIRPERSON JOHNSON: And do any of you
5 obtain animals from Class A breeders?

6 JOHN FARINA: Yeah.

7 HARSHA PERRERA: Yes, we do.

8 CHAIRPERSON JOHNSON: You do, sir?

9 HARSHA PERRERA: Yes, sir.

10 CHAIRPERSON JOHNSON: What about other, do
11 you obtain from Class A breeders?

12 ANGELINA SHERMAN: Mostly B.

13 CHAIRPERSON DROMM: Mostly B?

14 KENNY CHUAN: Yeah, we mostly--

15 CHAIRPERSON JOHNSON: [interposing] If you
16 could speak into the mic, sir.

17 KENNY CHUAN: We rely on mostly B,
18 because they are a second safety valve [sic] for us.

19 CHAIRPERSON JOHNSON: Okay. And?

20 ANGELINA: She works--

21 CHAIRPERSON JOHNSON: Oh, I apologize.
22 Thank you, both from Arcadia. They all answered? Do
23 any of you ever sell animals obtained from breeders
24 who are exempt from the licensing requirements of the
25

1
2 Animal Welfare Act under the USDA? Do any of you
3 every purchase from people that--

4 JOHN FARINA: [interposing] Meaning hobby
5 breeders?

6 CHAIRPERSON JOHNSON: Potentially. Do
7 you ever--do you buy from hobby breeders or anyone
8 who's outside the licensing requirements?

9 KENNY HARSHA: Yes, I have.

10 CHAIRPERSON JOHNSON: Yes, you do.

11 CYNTHIA DALUISE: Through my class B
12 dealer.

13 SERGEANT AT ARMS: Can you speak into the
14 mic?

15 CYNTHIA DALUISE: Through my Class B.

16 CHAIRPERSON JOHNSON: Through your Class
17 B. And Mr. Chuan, do you--

18 KENNY CHUAN: Yes, through a Class B.

19 CHAIRPERSON JOHNSON: Through Class B.

20 JOHN FARINA: No, I just want to--from
21 your question you're making it sound like that that's
22 somehow bad. I--

23 CHAIRPERSON JOHNSON: [interposing] I'm
24 not imputing anything, I was just asking a question.

25 JOHN FARINA: Right.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON HEALTH

CHAIRPERSON JOHNSON: That was it. I'm just asking a question.

JOHN FARINA: The hobby breeders we've gotten from, I mean, the puppies are very high quality, and again they're families taking care of the pets.

CHAIRPERSON JOHNSON: Thank you. Thank you. Thank you all very, very much for being here, taking time out of your--

CYNTHIA DALUISE: [interposing] I thought we were going to talk about the spay and neuter?

CHAIRPERSON JOHNSON: Well, you know, I'm not sure where in Local Law Seven it says that pet shops have to spay or neuter cats or dogs who are eight weeks of age. I don't know where it says that. I think it says that you can't--

CYNTHIA DALUISE: [interposing] It requires--

CHAIRPERSON JOHNSON: [interposing] Let me finish. I believe that it says that you cannot sell a cat or dog until it is spay or neutered, but it does not say at weeks of age you must spay or neuter a cat or dog. You could--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON HEALTH

100

CYNTHIA DALUISE: [interposing] They
come to our store.

CHAIRPERSON JOHNSON: But if you--if you
decided as someone who owned a pet shop--let me
finish, and then you can go. If you decided that
you're uncomfortable based on your veterinarian's
advice or your own beliefs that you did not want to
spay or neuter an eight week puppy or kitten or a 10
week puppy or kitten or a 12 week puppy and kitten,
you don't have to do that. That's up to you. That's
still within your rights.

CYNTHIA DALUISE: That's fine, but there
are going to be people who are going to do that, so
puppies are still going to die, and this is your
bill. So that's what I don't understand. Because
maybe I won't do it, but there will be other people
who do and puppies and kittens will still die.

CHAIRPERSON JOHNSON: Well, thank you
very much for being here. I appreciate that you came
today. Thank you very much.

KENNY CHUAN: I have a question, Mr.
Johnson.

CHAIRPERSON JOHNSON: You can ask me to
the side afterwards. We have 20 more witnesses.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

KENNY CHUAN: Okay.

CHAIRPERSON JOHNSON: So, I just want to make sure everyone has the opportunity to testify. Thank you sir for being here. Okay, up next is Keith--I apologize, I can't see your last name, Delesso [sp?]? Dalessio, thank you sir. James Earl [sp?], David Barton [sp?], Steven Weinstein, and Gary Nudelman. Oh, I'll wait. I'll wait. I'll wait. I'm just going to use--yeah, after. [off mic] How are you, sir? It's okay, I'll hold this. Okay, so you may begin in whatever--oh, sorry. If you all could raise your right hand? Do you affirm to tell the truth--I just want to go slow so that the gentleman has the opportunity to read it on the screen. Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this committee and to respond honestly to all Council Member questions?

UNIDENTIFIED: I do.

UNIDENTIFIED: I do.

UNIDENTIFIED: I do.

CHAIRPERSON JOHNSON: Thank you very much. So--excuse me? He said it. They all said, "I do." I saw them. So, you may begin in whatever

1
2 order you'd like. Just make sure the light is on on
3 the mic and identify yourself for the record.

4 KEITH DALESSIO: Hi, my name is Keith
5 Dalessio, and I'm a third generation pet shop owner.
6 My dad opened his first store 40 years ago. I started
7 going to work with him as a child and grew to love
8 the business. There's nothing more fulfilling than
9 watching a family bond over their first puppy. I've
10 always had an affinity for animals, and I'm very
11 passionate about what I do. Hopefully I can continue
12 the cycle and allow for my daughter the opportunity
13 when she gets older to continue on with the business.
14 Unfortunately, with the constant bombardment of anti-
15 pet shop bills being passed, I don't know that this
16 will be possible. I feel like my livelihood is a
17 target of an egregious attack, and attack rooted in
18 animosity, hostility and disdain. It is no secret
19 the Council Members Ms. Crowley and Ms. Johnson have
20 an agenda--

21 CHAIRPERSON JOHNSON: [interposing] Mr.

22 KEITH DALESSIO: Oh, sorry.

23 CHAIRPERSON JOHNSON: Thank you.

24 KEITH DALESSIO: Mr., yes. Pet shops out
25 of business. Their ill will towards pet shops is

1
2 clear from listening, reading and watching hours of
3 their testimony about these bills. The pet shop
4 related laws being discussed today are made with no
5 common sense and will result in puppies being harmed,
6 pet shops owner's rights being taken away, and pet
7 shops going out of business. Proposed Ordinance 136,
8 now Local Law Number Seven, which will require an
9 eight week old, two and a half pound puppy to undergo
10 major traumatic abdominal surgery is irresponsible,
11 unethical and amounts to animal cruelty. You do not
12 have to be a vet to know that the rigors of
13 anesthesia at such a young age poses serious health
14 problems. Puppies will die, and you will have blood
15 on your hands. Also knowing that many pet shops will
16 not be able to comply with this bill essentially puts
17 a ban on the sale of puppies. Proposed Ordinance 55,
18 now Local Five, says we can no longer buy puppies
19 from Class B USDA licensees which are our number one
20 source of puppies. So this also essentially amounts
21 to a ban on the sale of puppies. There is no
22 evidence that the puppies I sell contribute to
23 overpopulation at local shelters. In fact, Ms.
24 Weinstock from Animal Care and Control stated under
25 oath that the main cause for overpopulated shelters

1
2 is irresponsible pet ownership. She also stated that
3 pit bulls are the number one breed overpopulating the
4 shelters. Guess what? Pet shops do not sell pit
5 bulls. If sterilization is the best answer and in
6 the best interest of the pets I sell, then owners
7 should make that decision with their veterinarian at
8 the age that makes sense and will not cause harm to
9 puppies and will not put pet shops out of business. I
10 know Mr. Johnson you have said that as a child it was
11 your dream to grow up and be a vet. If your dream
12 had in fact come true, would you perform surgery on a
13 puppy knowing it would cause harm or possibly death
14 because an elected official said you should?

15 CHAIRPERSON JOHNSON: Are you done with
16 your testimony?

17 KEITH DALESSIO: Obviously.

18 CHAIRPERSON JOHNSON: Thank you. So,
19 who--someone can go next.

20 KEITH DALESSIO: Are you going to answer
21 the question?

22 CHAIRPERSON JOHNSON: I am here to ask the
23 questions. You're here to testify.

24 STEVE WEINSTEIN: My name is Steven
25 Weinstein. I've been a veterinarian in Queens for

1
2 the last 35 years, and just recently I heard about
3 the laws that are going on, so I thought I'd like to
4 make a few--a statement. I agree with the Council
5 that spay and neutering is good, and all
6 veterinarians try as hard as we can do that. I went
7 through the records of my office, and I deal with a
8 lot of pet store dogs, and we see about a 90 to 95
9 percent of everyone that buys a dog from a pet store
10 by six months of age has them spay or neutered. Now,
11 if the--I don't know--this is my first time at a
12 meeting. I don't know if the Council just hates pet
13 stores and they want to put them out of business,
14 then they should just propose a law that pet stores
15 are illegal. But to tell veterinarians when we
16 should spay or neuter a dog--for example, if you
17 bring me a dog at six months of age, I have the Board
18 of Veterinarian Examiners that is going to check my
19 records. I have to do pre-surgical bloods. I have
20 to use pain management. I have to use IV fluids on
21 dogs when I think they're at risk. Now, I know the
22 ASPCA, they're not--they don't have the same rules
23 that we do. The ASPCA takes a dog, throws them on
24 the table, knocks them out, and most likely they're
25 fine, but if we lose a patient, we're brought before

1
2 the Board of Veterinary Examiners and Licensing
3 Board, and we have to answer serious questions. What
4 you're going to create is yes, we could probably get
5 a lot of these dogs and they'd be fine, but it's
6 going to be shoddy medicine, and that--for example,
7 if one of your children is having surgery, do you
8 want pre-surgical bloods? Do you want pain
9 management? Do you want an expensive anesthetic
10 machine? We're just going to throw them on the table
11 and hopefully it's going to be fine. The spay and
12 neutering is already being done. We do it at six
13 months. I don't even--I don't have any patients, and
14 I have 40,000 patients, that aren't spay and
15 neutered. So there's not even reason for a law,
16 unless for some reason the Council feels pet stores
17 aren't doing a good job, but I will tell you this,
18 these--the people that own the pet stores not only
19 love their dogs, they have a profit motive. If
20 they're selling dogs that are sick and dogs that are
21 dying, how long will they be in business? They break
22 their backs. They do everything to sell a healthy
23 puppy, and I see these puppies. So, this Council
24 meetings and the law, I don't understand. Like
25 what's behind it? What is the city gaining? The dogs

1
2 are already being spayed and neutering. It's doing
3 properly by a veterinarian at six months of age.
4 What is the advantage except to hassle the pet store
5 owners. So, I'm not sure why this law--I don't even
6 know why you guys are wasting your time with this.

7 CHAIRPERSON JOHNSON: Thank you. Sir, you
8 can go in whatever order you'd like.

9 KEITH DALESSIO: Before I pass the mic
10 on, so I could put on the record that Ms. Crowley has
11 left the room.

12 CHAIRPERSON JOHNSON: Thank you. These
13 meetings are recorded, so the video tape will show
14 who's here and not here, and we provide transcripts
15 of all these meetings that are publicly available.
16 So everything I say and you say is recorded and
17 everyone gets a copy of it.

18 DAVID BARTON: Hi, good afternoon. My
19 name's David Barton and I represent City Pups, and I
20 have two stores in the Chelsea and the Village area.
21 I had something written here I'm not going to read
22 because it's been said 10 times over and over. And
23 Mr. Johnson, I know that you live in the neighborhood
24 in Chelsea. I've seen you walk by the store, and
25

1
2 yet, you've never come in, to my knowledge, and asked
3 to--

4 CHAIRPERSON JOHNSON: [interposing] I have
5 come into your store.

6 DAVID BARTON: Okay, if you come in the
7 store, then you haven't identified yourself, or maybe
8 you have, but to discuss the whole matter, and we're
9 probably one of the best pet stores in New York City.
10 We care about our puppies. We deal with only
11 reputable breeders. We check all of our--all of the
12 records continuously. We go and visit our breeders,
13 and really clearly, I really do believe that you and
14 Ms. Crowley, and only the two of you that I know,
15 that are intent to put pet stores out of business.
16 And most of you guys don't even realize what goes
17 into the pet store. You don't--nobody goes to visit
18 the breeders and check out the quality of our
19 breeders, and I just feel that you guys are just
20 attacking the business. We contribute to the
21 livelihood of veterinarians, whether it's Pet's Mart
22 or Pet Supermarket or whoever, we--everything that we
23 do contributes to the welfare of New York City and
24 puts money in all people's pockets. And it's like
25 you guys are just, like he was saying, you guys are

1
2 just out to do the pet stores in. That's the whole
3 thing behind the sprinklers, behind everything that
4 you guys do, it's like you all sit behind and are
5 like attacking the pet stores, and yet you don't even
6 come in and see our operation and see. There may be
7 bad pet stores. There may be bad breeders, but not
8 everybody is--not everybody is bad, and we're so
9 heavily regulated, that I just believe it's a direct
10 attack on pet stores to put us out of business. And
11 it's just not right what you guys are doing, and I
12 really believe that you know what you're doing, and
13 it's not right. And of course, I'm upset as well as
14 everybody else, but you guys just walk like you have
15 this power and that you're going to just, bing, and
16 you're going to put the pet stores out of business.
17 And you just said that you--okay, you don't have to
18 fix your dogs at eight or nine weeks of age. Well,
19 you know that puppies come in, they're eight or nine,
20 10 weeks old, and by doing this you know what you're
21 doing, and you cannot look me straight in the face
22 and tell me that you don't know, because you do.
23 Good afternoon.

24 CHAIRPERSON JOHNSON: Thank you. And I
25 just want to state, some of you, Mr. Glass who was

1
2 here earlier and there are other folks, we had hours
3 and hours and hours of committee hearings that were
4 publicly noticed, and I believe you sent someone, Mr.
5 Barton. I think you had people that work for you that
6 came and testified in some of the hearings, but for
7 folks that are here for the first time, there were
8 other opportunities to come and to participate. This
9 isn't the first time that we're having a committee
10 hearing that's open to the public. And we sat
11 through many, many hours of testimony from many, many
12 different people, many people who did not have the--
13 that don't agree, and there are difference of
14 opinion. And so it wasn't like we just heard from
15 you all and decided to do something differently.
16 There are people--

17 UNIDENTIFIED: [off mic]

18 CHAIRPERSON JOHNSON: You're going to--

19 UNIDENTIFIED: [off mic] You had it on
20 12/22. That's my busy season after I pay my taxes.

21 CHAIRPERSON JOHNSON: Sir, you're going to
22 be able to testify. Well, let me--you're going to be
23 able to testify. Hold on a second. So, I just want
24 to say that, that you know, this Council, anyone that
25

1
2 shows up can come testify. All of our meetings are
3 publicly noticed.

4 UNIDENTIFIED: But that's the problem.
5 They're publicly noticed. A lot of people go to work
6 every day. Maybe you don't see this. Did we get
7 any--do pet stores get any letters or anything? I
8 realize how the law works, but you guys post these
9 things. I didn't even know all this was really
10 happening when it started to happen, because that's
11 the nature of government. That's what you guys do.

12 CHAIRPERSON JOHNSON: So we're going to--
13 we're going to get to you. So after you have the
14 opportunity to testify, we're going to come back for
15 questions and you all can speak further and say what
16 you want to say for the record.

17 UNIDENTIFIED: Thank you.

18 CHAIRPERSON JOHNSON: So, go ahead, sir.

19 GARY NUDELMAN: My name is Gary Nudelman.
20 I've been a resident of New York City for over 50
21 years. I opened my pet store in 1984. I run a clean
22 business for over 30 plus years and continue to do
23 well [sic]. Thank you. The reason we have been in
24 business for such a long time is we provide a service
25 for our customers that they're happy with, and they

1
2 come back and recommend people to us. We employ 12
3 families and pay taxes and support their family. We
4 collect sales tax. We pay all our state and city
5 taxes. I'm appalled and embarrassed by the City
6 Council who have no real interest in animal welfare.
7 I am a member of the New York Pet Welfare
8 Association, and together with our store owners, USDA
9 Class B licensees, exempt [sic] breeders and
10 veterinarians, we have 100's of years' experience of
11 New York [sic] puppies, understanding the customer's
12 needs and knowing how to handle any problem that may
13 arise. We are responsible pet care professionals.
14 We understand that you do not spay or neuter an
15 infant that is already stressed from leaving his mom.
16 We understand that the strongest bonds between owners
17 and dogs begin when puppies are purchased between
18 eight and four weeks of age when general anesthesia
19 and major abdominal surgery will harm their puppies
20 and some will die. Just don't question they're going
21 to die. I also heard you say we don't have to do it
22 at eight weeks. That's be facetious. You know that
23 a pet shop sells dogs between eight to 12 weeks, and
24 that's the most aptitude [sic] time to sell and to
25 owner to bond [sic]. I'm a behaviorist. That's when

1
2 you want to own the dog. That's when you want to do
3 it. So you're telling us, "Well, you don't have to
4 do it. You have to wait til the dog is four months
5 or five months. We don't care." Well, the bottom
6 line is the veterinarians do care and we care. We
7 know what a healthy puppy looks like and how
8 important it is to keep them healthy in our shops.
9 We have learned from our years of experience that we
10 understand that under the law we are responsible for
11 18 months after the sale. That's why we're careful
12 where we buy our dogs from. [inaudible 01:18:00]
13 100, whatever. That's not a--that's not any kind of-
14 -what's our best [sic] with HUS? That's their
15 propaganda. I mean, why don't you look at facts,
16 real facts. You the council are forcing us to do
17 something we would never dream of, and that is put a
18 puppy at harm's way. You are telling us we cannot do
19 business with smaller breeders that we have been
20 doing business with for decades, because they only
21 breed a few puppies or maybe just one litter. That
22 means if you breed a litter of Snauzers [sp?], I
23 can't buy them from you, even though you went to the
24 veterinarian and took care of it, dog was perfect. I
25 can't sell that perfect dog to my clients. Are you

1
2 killing me? This is big government at its worst. I am
3 embarrassed for the city. The law as it stands is
4 doing harm to relationships I have with my customers.
5 I cannot say that spay and neutering puppies or such
6 gains [sic] will not alter their lives. I will not
7 lie to my customers and no longer being quiet,
8 because everybody's going to know. I do not know a
9 golden retriever will grow to its normal size or if
10 the temperament will remain the same. I do not know
11 if altering a puppy just under two pounds will be
12 also susceptible to illness. My veterinarians were
13 against the law, and even the idea of government
14 making this decision for people. This should be the
15 decision between a veterinarian and a dog's owner,
16 not the New York City Council. I've been in business
17 for over 31 years and I've sold puppies to families,
18 their family's children and now their grandchildren.
19 I have sold dogs to Senators, reporters, movie stars,
20 and to just a regular Joe on the street. Tell me,
21 with all the rules and regulations of the City of New
22 York and how many business can say they have been
23 doing business with generations of families for
24 decades. I raised three children. I have supported
25 hundreds of families throughout the years. I'm an

1
2 animal behaviorist and I offer my services free of
3 charge to anyone that buys a puppy here or adopts a
4 puppy from the shelter. Why do people want our [sic]
5 business so badly, why, why?

6 CHAIRPERSON JOHNSON: Thank you, Mr.
7 Nudelman. So I do have some questions for you all.
8 It's the same questions that I had to the previous
9 folks. And if you--I know, Mr. Barton, you are the
10 owner of Citipups, as you said. Mr. Dalessio, I
11 apologize if I mispronounce your name, what's the
12 name of your store? I forgot it.

13 KEITH DALESSIO: Gabby Pets.

14 CHAIRPERSON JOHNSON: Gabby Pets, thank
15 you. And Mr. Nudelman, what's the name of your
16 store?

17 GARY NUDELMAN: A World of Pups.

18 CHAIRPERSON JOHNSON: Thank you. So--

19 [cross-talk]

20 CHAIRPERSON JOHNSON: That's fine. No,
21 no, he was just saying make sure the button's on when
22 you speak into the mic. Make sure the red light is
23 on when you speak into the mic. And Mr. Weinstein,
24 do you work with--do you own a particular pet shop?

25 STEVE WEINSTEIN: I'm a veterinarian.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON HEALTH

CHAIRPERSON JOHNSON: You're a veterinarian. You're not associated with a pet shop, no. Okay, thank you. So, I have the same question, do you believe that customers care about how their animals are bred and where they come from? Do they come in, do they ask such questions?

KEITH DALESSIO: I believe they care, but I'd say maybe 10 percent ask.

CHAIRPERSON JOHNSON: Okay, so a small number. I'll ask again. I'll ask you again.

DAVID BARTON: In Citipups, because as you know that we've had problems with protestors. I'm sure you've seen them. We've been attacked. I was kicked and my leg has never been the same. We've had violent people with the store, and because of our location, I would say probably 75 percent of the customers come in and ask us where do the dogs come from. We have signs in the store that say, "Our dogs do not come from puppy mills." We go and visit our breeders, and we because of our situation have to take extra effort into explaining to the customers what are these protestors here for, what's happening. So, I would say that the majority of our customers do ask where the dogs come from and if it's puppy mill,

1
2 and they ask a lot of questions, and a lot of them
3 will ask us for the breeder names. They'll go and
4 investigate on their own, and we also have a policy
5 in our store, which I don't know if everybody else
6 does, and that is that if you purchase a puppy and
7 you find out where the puppy comes from and you
8 contact the breeder and you don't like the breeder,
9 you can return the puppy for a full refund, whatever.
10 We go beyond anybody else that I know of because of
11 our situation. And so when other people say that the
12 customers come in and don't ask, it's not in our
13 situation. They ask most of the time.

14 CHAIRPERSON JOHNSON: That's why I'm
15 asking because it sounds like there are different
16 experiences depending on the store. So let me ask
17 Mr. Nudelman. No, Maria, he has a hearing problem.
18 He has a hearing problem. Mr. Nudelman, do your
19 customers care about where the puppies are bred from,
20 where they come from?

21 GARY NUDELMAN: They absolutely do, and
22 we answer where they come from, and they also know
23 me. I've been in--my family's been in that
24 neighborhood since the 1920's so they know me and
25 they trust me. I know my breeders. I know most of the

1 breeders I've been doing with. I deal direct with
2 USDA. I don't really deal with other brokers. So I
3 know my breeders. I've gone to their houses. I've
4 seen them. I met these people. I mean, I know them.
5 And they know me, because I'm backing the dog. They
6 know me. I mean, Bay Ridge is a neighborhood, and
7 that's where I live and that's where I grew up, and
8 they trust me. And that's the way they've done for
9 over 31 years, from the Senators to everyone who's
10 bought dogs from me. So, they ask me, I tell them,
11 and they trust me.

12
13 CHAIRPERSON JOHNSON: So, a lot of people
14 ask? A lot of people ask?

15 GARY NUDELMAN: Absolutely, they ask.

16 CHAIRPERSON JOHNSON: Okay. Do you ever-
17 -do any of you ever obtain animals from Class A
18 dealers?

19 GARY NUDELMAN: Absolutely.

20 CHAIRPERSON JOHNSON: You do, yes.

21 KEITH DALESSIO: Yes.

22 CHAIRPERSON JOHNSON: Mr. Barton, you do?

23 DAVID BARTON: Like I said before, it's a
24 family business. I'm not privy to that. I don't do
25 the purchasing.

1
2 CHAIRPERSON JOHNSON: So you're not sure
3 if you from Class A, okay. And do you ever sell
4 animals obtained from breeders who are exempt from
5 the licensing requirements of the Animal Welfare Act?

6 DAVID BARTON: In my case,

7 CHAIRPERSON JOHNSON: If you could talk
8 directly into the mic, Mr. Barton.

9 DAVID BARTON: In my case very few. It
10 just works out that way.

11 CHAIRPERSON JOHNSON: Hobby breeders?

12 DAVID BARTON: Very few, but--

13 CHAIRPERSON JOHNSON: [interposing] Some
14 but very few.

15 DAVID BARTON: Once in a while, but very
16 few.

17 CHAIRPERSON JOHNSON: Okay. Mr. Nudelman?

18 GARY NUDELMAN: Same answer. Very few.
19 Very few.

20 CHAIRPERSON JOHNSON: Very few.

21 GARY NUDELMAN: Because anyone who
22 doesn't have a license, they don't sell a lot of
23 dogs. They're smaller breeders. They might be Joey
24 down the block who's breeding Snauzers or something.
25 You don't buy them from hobby breeders that often

1
2 because they're hobby breeders. But I can tell you,
3 when the dogs come in--I'm a behaviorist, I check
4 their socialization, how they react to a certain test
5 that I do. I take them to my veterinarian who checks
6 them to make sure that they're perfect before they go
7 up for sale. So, yeah, once in a while.

8 CHAIRPERSON JOHNSON: And Mr. Dalessio, do
9 you know?

10 KEITH DALESSIO: I don't handle the
11 purchasing.

12 CHAIRPERSON JOHNSON: You don't know,
13 okay. And it seems like Mr. Dalessio will be able to
14 answer this question. So, both of you, Mr. Nudelman
15 and Mr. Barton, you buy primarily from Class B
16 dealers?

17 GARY NUDELMAN: Once in a while.

18 CHAIRPERSON JOHNSON: So who do you
19 primarily, what type of dealers do you typically buy
20 from?

21 DAVID BARTON: In my case, we buy mostly--
22 I don't want to say percentage, but I would say more
23 than 50 percent we deal directly with the breeder.
24 There are some instances where in a certain area
25 where you have to bring the dogs in so somebody will

1
2 consolidate for us and bring them for us, because
3 it's not like every single breeder is going to, you
4 know, ship two puppies, three puppies or four
5 puppies, but in our case we're still dealing directly
6 with the breeder.

7 GARY NUDELMAN: Right, because you have
8 certain breeders that know their friends that are
9 breeders, so they might--they say, "Listen, I have
10 someone who has a litter of German Shepherds that are
11 amazing." I just bought a litter of German Shepherds
12 that out of five dogs, two of them went to Michigan
13 Law Enforcement. So that breeder knows other
14 breeders that are in that same boat. So, in which
15 case, those I guess would be B breeders, right?

16 DAVID BARTON: May I say something, Mr.
17 Johnson?

18 CHAIRPERSON JOHNSON: Excuse me?

19 DAVID BARTON: I just wanted to know if I
20 could say something to you.

21 CHAIRPERSON JOHNSON: Yes.

22 DAVID BARTON: No, but you know, again,
23 finding out--you know, as long as you're buying from
24 a breeder that's a good breeder and you know, doesn't
25 have bad marks against them and you know, they've

1
2 been in business a long time, but it still all boils
3 down to is why would anybody require you to fix a dog
4 at eight weeks or nine weeks of age? I mean, it's
5 like you're talking about two different things. We
6 all care about our dogs. It's not--imagine you're
7 doing invasive surgery, fixing a female where you
8 have to take a microscope to, you know, to even find
9 how to fix the puppy. I mean, it's just--you know,
10 there has to be another alternative. It's just not
11 correct. It's not right for anybody to think that.
12 And I'm sure-- and I'm sure if you knew that what you
13 were saying or doing hurt a puppy or killed a puppy,
14 I don't think you would--you know, you would agree
15 with that. I mean, you know, you're putting an eight
16 week or nine week old puppy under anesthesia. Okay,
17 I understand what you say, you don't have to sell a
18 dog at eight or nine weeks of age, but I feel that
19 you're going around, because you know that people are
20 out to buy a puppy. They want to bond with the
21 puppy. They don't want to buy a six month, or four
22 month, or five month old puppy. And you know, you're
23 asking questions about when people come in and where
24 do you get your dogs, whatever. You have no idea how
25 many people come in the store and say, "I went to the

1
2 shelter. They don't--all they have is mixes and big
3 dogs." And I have customers that come in that
4 adopted from the shelter and end up returning the
5 shelter because the behavior of the dog, and this is
6 why people buy young animals. And as you well know,
7 most of the--I don't want to say most, but a great
8 amount of dogs that do come in from the shelters,
9 they're all trucked in from other states. And New
10 York City does not have dogs running around the
11 street. They don't have dog catchers. They don't
12 have all the things that where these dogs come from.
13 So why should we be penalized by selling dogs to New
14 Yorker's small apartments that want small dogs--

15 GARY NUDELMAN: [interposing]
16 Hypoallergenic dogs.

17 DAVID BARTON: And hypoallergenic. They
18 don't want a big German Shepherd in their studio
19 apartment. They don't want huge dogs or pit bulls
20 with a--how many pit bulls you see walking down the
21 street? You're in Chelsea.

22 CHAIRPERSON JOHNSON: Oh, no, I see a lot
23 in Chelsea. In Chelsea I see a lot of pit bulls.

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DAVID BARTON: You may see a lot of pit bulls, but you also see a lot of French bull dogs. You see Chihuahua's. You see Yorkies, Maltese--

CHAIRPERSON JOHNSON: [interposing] You see a range of dogs.

DAVID BARTON: Right, most of our--

CHAIRPERSON JOHNSON: [interposing] Mr. Baron?

[cross-talk]

CHAIRPERSON JOHNSON: Mr. Barton, thank you. We have to keep going. Mr. Nudelman, if you want to say something you can, but we have to keep going. We have a lot of other people that want to testify.

GARY NUDELMAN: Can you just tell me why--where would--you're saying that you want to spay/neuter dogs. I want to make sure I understand. I'm not that bright. I'm a puppy guy. So you want to spay and neuter to keep dogs out of the shelter, is that-- why? Can you just give me a reason? I mean, I know I can't ask you questions, you're asking me questions. But just in general, why would you guys--I don't know if these people are involved, but

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

why would you want us to spay and neuter dogs at that age? We don't have an internal problem--

CHAIRPERSON JOHNSON: [interposing] No, again, you're not required to spay or neuter a dog at eight weeks of age.

GARY NUDELMAN: That's again being facetious.

CHAIRPERSON JOHNSON: We're not. You're not required to. You can make a decision.

GARY NUDELMAN: I think we should wait until a dog is six months, then get them--

CHAIRPERSON JOHNSON: [interposing] That is up to you. That is up to you.

[cross-talk]

CHAIRPERSON JOHNSON: So thank you all.

KEITH DALESSIO: What's the alternative? What's the alternative? Go out of business?

GARY NUDELMAN: You can put me out of business.

CHAIRPERSON JOHNSON: No.

KEITH DALESSIO: Then what? Don't sell dogs--don't sell puppies and kittens.

[cross-talk]

1
2 GARY NUDELMAN: You're being a bad guy.
3 Come on man, come on.

4 CHAIRPERSON JOHNSON: Thank you very much.
5 Thank you. Thank you. We're going to call up the
6 next panel.

7 GARY NUDELMAN: Alright. We'll wait for
8 the six months.

9 CHAIRPERSON JOHNSON: We're going to take
10 a five minute break and we'll be right back.

11 [gavel]

12 SERGEANT AT ARMS: Gentleman, if you
13 could please find your seat. We are slated to begin
14 again. Quiet down, please. Quiet down.

15 CHAIRPERSON JOHNSON: Thank you for being
16 patient. We are going to resume with testimony. If
17 the next five individuals could please come up. If
18 you have written testimony you may give it to the
19 Sergeant and they will give it to me. Linda
20 Jacobson, David Halpern, Stuart Goldenhorn--Goldber--
21 Goldenberg, sorry sir. Thank you. Allan Bregman and
22 Regina McCan [sp?]. So, if you all could please
23 raise your right hands. Do you affirm to tell the
24 truth, the whole truth and nothing but the truth in
25 your testimony before this committee and to respond

1
2 honestly to all Council Member questions? Thank you
3 very much. You may begin in whatever order you'd
4 like. If you could just make sure that the red light
5 is on on the mic in front of you, and if you could
6 speak directly into the mic and identify yourself,
7 that would be great. Whoever wants to start may
8 start.

9 LINDA JACOBSON: Hi, thank you, Chairman
10 Johnson and the members of the New York City Council
11 Committee on Health. My name is Doctor Linda
12 Jacobson. I'm a private practitioner in Brooklyn,
13 New York and a former President of the New York City
14 Veterinary Medical Association and the New York State
15 Veterinary Medical Society. I am coming before you
16 today to respectfully ask you to please reconsider
17 the mandatory spaying or neutering of pediatric pets
18 purchased from pet shops. While the AVMA and the New
19 York State Veterinary Medical Society believe that
20 dog and cat overpopulation is a primary welfare
21 concern of our society, we do not support regulations
22 requiring the spay and neuter of privately owned non-
23 shelter dogs and cats. These pets rarely contribute
24 to pet overpopulation and these procedures are not in
25 the best interest for the health of these animals.

1
2 These procedures performed on pediatric animals are
3 complex and can be at great risk to the animal. For
4 example, the risk of a drop in body temperature is
5 greater in a young animal than in an older one. This
6 can lead to death. There can be a drop in blood
7 sugar as well, leading to seizures and death. Also
8 many pups and kittens are born with congenital heart
9 murmurs that can be outgrown over a period of time.
10 To operate on an animal with this condition can
11 hasten death, whereas if the pet is allowed time, the
12 procedure would have a more successful outcome. Just
13 as for other medical and surgical procedures,
14 veterinarians should use their best medical judgement
15 in deciding at what age a spay/neuter should be
16 performed on individual animals. Studies done at
17 several universities and by breed associations are
18 demonstrating time and again that early spay and
19 neutering can increase the risk of many types of
20 cancers such as bone cancer and lymphoma as well as
21 increasing the risk of joint diseases, such as hip
22 dysplasia and ACL tears. And even more seriously, it
23 can shorten the lives of these pets. The ovaries and
24 testicles of pets are endocrine glands. That means
25 they produce hormones. Although they are needed for

1 reproduction, these glands also produce hormones that
2 appear to be needed for optimal growth and health.
3 One would not think of removing the thyroid gland of
4 an animal or the pancreas which secreted insulin, yet
5 many think that removing of these reproductive glands
6 of these animals can be done without a single
7 thought. Again, studies show that the longer an
8 animal has these glands, the better their health. Pet
9 shop purchased animals are bought with the idea of
10 having many years of healthy companionship with the
11 new owner or owners. Enforcing this new law can
12 seriously diminish this from happening. I can direct
13 you to studies on families and children and the
14 elderly on the benefits derived from the human
15 companion animal bond relationship. Again, I implore
16 you to leave the law as was originally written with
17 the mandatory age of spay/neutering of four months of
18 age. I would also invite every member of this
19 committee to come to my practice and observe a
20 spay/neuter. I've invited Councilman Johnson before,
21 and the invitation is still there. I think this
22 might help all involved today to gain a greater
23 insight into this particular issue. Thank you.
24

1
2 CHAIRPERSON JOHNSON: Thank you, Linda.
3 It's good to see you. Thank you for being here.

4 REGINA MCCANN: Good afternoon. My name
5 is Regina McCann [sp?]. I'm here to submit and read
6 a testimony for a veterinarian Amy Hinton [sp?] of
7 Mountanview Veterinarian Services. Testimony reads:
8 "To whom it may concern, above all else do no harm.
9 This is a part of veterinary oath which all
10 veterinarians abide by and all animal caretakers
11 should too. It has been brought to my attention that
12 New York City is considering an early spay and neuter
13 program prior to entry into New York City. Current
14 research shows that early spay and neutering may
15 cause an increase incidence of anterior cruciate
16 tears and other orthopedic disorders as an animal
17 ages, as well as female urinary incontinence.
18 Anesthetic risk is also is increased when sedating
19 animals under 10 pounds. At this time, my veterinary
20 associates and I do not recommend early spaying and
21 neutering. The animal's age and breed have a
22 tremendous effect on their developmental rate.
23 Therefore, surgical procedures are done on an
24 individual basis. Having worked with the Class B
25 Kennel for the last 13 years, I have been able to

1
2 witness a metamorphosis of the level of care given to
3 animals. Changes to Pennsylvania laws have set new
4 standard for dog and care across the state, this
5 increase with the quality of animals received in the
6 facilities. Feeding, temperature, air flow, flooring,
7 medical care, exercise, and behavioral enrichment. I
8 have been seeing the quality increase and the
9 decrease in the contagious diseases such as
10 parasites, parvovirus and kennel claw [sic] to the
11 point of rarity. The consistency of puppy quality I
12 feel is good to excellent. The particular case of
13 Kennel B offers one year health guarantee up to the
14 value of the dog. They also offer a lifetime
15 guarantee to take back the dog should the owners be
16 unable to keep it. I believe the standards set forth
17 in Class B Kennels across the nation will continue to
18 produce a better quality of dogs to meet the ever
19 increasing needs and demands to the public for
20 puppies in New York City. You'd be taking away the
21 resident's rights and disservice to limit their
22 canine companion choices.

23 CHAIRPERSON JOHNSON: Thank you, Ms.
24 McCann for being here. Mr. Goldenberg?

25

1
2 STUART GOLDENBERG: Good afternoon. I'm
3 Doctor Stuart Goldenberg. I represent the Sunnyside
4 Pet Healthcare Center. I've been practicing
5 veterinarian medicine for about 25 years in New York
6 City. Having only three minutes to speak, I would
7 like to make three important points and then hand my
8 documents to the Council for later viewing. First,
9 it's become increasingly more evident that early or
10 pediatric spaying of female dogs conversely affect
11 the health and longevity of those pets. The concept
12 that neutering animals especially before they reach
13 sexual maturing has implication for their health and
14 is not new. In 2007, a review paper published in the
15 Journal of the American Veterinarian Medical
16 Association cited more than 180 research papers
17 dating back to the mid-20th century. Investigators
18 have looked at the societal impacts of neutering,
19 behavior effects, the effects of the incidents of a
20 number of diseases, including cancer, endocrine
21 disorders and bone problem. It appears that we may
22 be shortening the life of these animals as well as
23 increasing the health cost to the owners. Early spay
24 and neutering may lead to shortening life span, a
25 typical Cushing [sp?] Disease, cardiac tumors, bone

1
2 cancers, abnormal bone growth and development and
3 higher rates of cruciate ligament ruptures as well as
4 hip dysplasia. Secondly, in the attempt to
5 improve the health and the wellbeing of these pets,
6 we may be opening the door to greater pain and
7 suffering. As they often say, follow the money in a
8 capitalist society, people will usually find a way to
9 do things in a way to reduce the cost and increase
10 their profits. With already concerns as to the
11 quality and type of care being given at the breeders,
12 it's only logical with the size of the pet market in
13 New York City that they will soon be spaying and
14 neutering these pets at the source. And who knows who
15 is going to be doing those surgeries there and where
16 and how they're going to get done. Then, right after
17 that, these surgeries--these puppies will be put in
18 the back of a truck or in the hold of an airplane and
19 then shipped off to New York City in all that
20 stressed that's involved with that before arriving
21 here. Thirdly, this law does nothing to curtail or
22 control even the growing internet sale of pets.
23 After all, this is New York City where every
24 increasing number of the population orders almost
25 everything from their iPad, their iPhone or their

1
2 computer. Most pet stores have already lost a good
3 amount of their food and supply business to the
4 internet, and I and most veterinarians are seeing an
5 ever increasing number of internet bought pets.
6 Requiring pet stores to sell only spayed or neutered
7 puppies will increase even more of these internet
8 sales, due to the fact that the prices will be even
9 lower for the internet stores compared to the pet
10 stores. This may put the pet stores out of business,
11 which may make certain groups happy, but it will make
12 it even more difficult to control the quality, the
13 care and the health of the puppies that arrive in
14 this city. For all these reasons, I urge you to
15 remove this requirement from the bill. Thank you.

16 CHAIRPERSON JOHNSON: Thank you, doctor.

17 ALLAN BREGMAN: Hi, my name is Doctor
18 Allan Bregman. I am the President of the Veterinary
19 Medical Association for New York City and an
20 Executive Board Member of the New York State
21 Veterinary Medical Society. I appreciate the
22 opportunity to speak today before you. We are in
23 opposition of the legislation as it stands and would
24 like some amendments with the spay and neuter. As
25 President of the Veterinary Medical Association of

1
2 New York city and as a member of the executive board,
3 I represent the interest of over 900 veterinarians in
4 the five boroughs with over 440 residing in New York
5 County. More than a majority of these professionals
6 own independent small businesses in Manhattan and
7 would be directly impacted by this legislation. As
8 the animals--sorry about that. As the protectors of
9 animals and their welfare in the state of New York,
10 we are duty bound to provide the highest caliber of
11 care and welfare to the animals that walk through our
12 doors. While the AVMA in New York State Veterinary
13 Medical Society believe that dogs and cat population
14 control is a primary welfare concern of society
15 today, we do not support regulations mandating spay
16 and neuter of privately owned, non-shelter dogs and
17 cats. Although spaying and neutering helps control
18 the pet population, mandatory approaches contribute
19 to pet owners avoiding licensed veterinarians
20 licensing their animals, rabies vaccines, veterinary
21 care for their pets, and other unintended
22 consequences. Specific scientific research
23 illustrates that the surgical procedures required on
24 animals at such a young age demonstrate seriously
25 long term health consequences. Additionally,

1
2 mandatory spaying and neutering laws are ineffective
3 in controlling populations of unwanted pets, unfair
4 to responsible breeders and owners and not in the
5 best interest of animals. The Veterinarians of New
6 York City firmly believe that the decision to perform
7 a major surgical procedure on any animal should be
8 made by the owner of the animal with his or her
9 veterinarian consulting. If you look at recent
10 scientific paper, the American College of
11 Theriogenologists, which is the study of
12 reproduction, states that spaying and neutering prior
13 to puberty or sexual maturing make the risk of some
14 diseases higher in certain breeds and individuals. A
15 study by Rutgers University indicating that
16 sterilizing a dog before one year of age
17 significantly increases osteosarcoma, which is a type
18 of bone cancer. Other studies have shown that Purdue
19 University that spaying Rottweilers before six years
20 of age decreased their age life expectancy. And
21 recently, a study out of the University of Davis
22 [sic] in California found that dogs that were spayed
23 had--Golden Retrievers had higher hip dysplasia,
24 cruciate tears, lymphosarcoma, mangealsarcoma [sp?]
25 and mass cells. In conclusion, our veterinarians who

1
2 provide untold service to the animal population of
3 New York City wish to join with the City Council and
4 amend these health requirements. Thank you.

5 CHAIRPERSON JOHNSON: Thank you, Doctor
6 Bregman.

7 DAVID HALPERN: Good afternoon. My name
8 is David Halpern. I'm a veterinarian in Queens.
9 First, I'd like to ask that--thank you for giving me
10 the opportunity to speak. I'm not much of a public
11 speaker, and I'm here basically to provide my own
12 personal opinion on a few items. I used to do a lot
13 of pet store related work. I've been to some of the
14 breeders out west. I've been to the Hunte
15 Corporation, the Landbriar [sp?] Corporation to their
16 facilities. I somewhat have a unique knowledge of the
17 trade having been doing this now for almost 30 years.
18 On the veterinary side, the comments made by the
19 veterinarians here are outstanding and I'd like you
20 to give them some serious consideration. I'd like to
21 put some points out on the table that basically are
22 mine, but I think they have some relevance to
23 everything that's going on. I agree in principle
24 with the mandatory spay/neuter law, but this is not
25 the way to do it. I agree with the old law that you

1
2 guys had that required these animals to be spayed or
3 neutered, take a deposit from the pet store, give it
4 to the city, and return it to the veterinarian when
5 the animals are spayed or neutered. That would force
6 the owners to get these animals spayed. I don't know
7 why that law was rescinded but that would allow the
8 work to be done when the animals are older, safer,
9 healthier. The city would have that money in their
10 hands, and if it wasn't returned to the veterinarians
11 for the spay/neuter, it could be given to the
12 shelters for the care of those other animals. If
13 this law is for overpopulation, it is very
14 incomplete. We should also prevent the importation
15 of dogs from out of state, allowing more local dogs
16 to be adopted. The North Shore Animal League, the
17 ASPCA, the Humane Society and many other areas take
18 more dogs from out of state than we sell here in many
19 of these stores. I think it's unconscionable that
20 we're not regulating the importation of these dogs,
21 completed unregulated, bringing in disease. We treat
22 heart worms. We treat other diseases, diseases that
23 we do not see in these pet store animals that go
24 through multiple vet checks before sale.
25 Veterinarians such as myself that have worked with

1
2 pet stores, we work with the store owners to make
3 sure that these animals are healthy. We check them
4 at the store. We thoroughly counsel the owners after
5 sale. We work with these animals. Most of these
6 stores give the owners one year health guarantee,
7 something way beyond what the shelters and everybody
8 else does. While early age neutering is safe, I
9 disagree, I have no problem doing early age neuter.
10 When done properly it is safe, but it is still wrong
11 to do. Doing this in the pet store trade is going to
12 absolutely hurt these animals. Stress is what causes
13 disease. Transporting these dogs from the breeders
14 to the pet store and then from the pet store to the
15 owner are two levels of stress. Adding a
16 spay/neuter, which is changing the complete hormonal
17 safety of this animal is cruel and unusual punishment
18 for these animals. I realize the pet stores can wait
19 until six months of age to sell these animals, but
20 obviously that would only be designed to put these
21 stores out of business or have them go to the
22 shelters. There's a lot more I'd like to say, but I
23 really don't want to override my time, unless I have
24 an opportunity to say a little bit more.

1
2 CHAIRPERSON JOHNSON: Yeah, you'll have an
3 opportunity to answer questions, and then feel free
4 Doctor Halpern to weigh in then if there's anything
5 additional that you would like to say. Okay. So, I
6 want to thank you for being here. One question that
7 I have is, is there--is this a universal opinion
8 among all vets? I mean, are there veterinarians out
9 there who may disagree with what you're saying today?

10 LINDA JACOBSON: May I speak?

11 CHAIRPERSON JOHNSON: Yeah, please speak
12 into the mic.

13 LINDA JACOBSON: When you deal with
14 shelter-employed veterinarians or Humane Society
15 employed veterinarians, you know, that's their job,
16 so they may disagree on that. But I think as far as
17 private practitioners are concerned, the experts have
18 said it. Early spay/neutering is harmful to pets,
19 and it should not be a condition of sale for a pet
20 store.

21 CHAIRPERSON JOHNSON: But Doctor Halpern
22 just stated that he was not against early spay and
23 neuter.

24 LINDA JACOBSON: He may have had--
25

1
2 DAVID HALPERN: [interposing] I'm not
3 against the early spay/neutering, but I didn't say
4 that it was safe. If we're really worried about
5 reproduction--

6 CHAIRPERSON JOHNSON: [interposing] Take
7 your hand off the mic. There you go.

8 DAVID HALPERN: I'm sorry.

9 CHAIRPERSON JOHNSON: It's fine.

10 DAVID HALPERN: If we're really worried
11 about reproduction all along, then that's a
12 necessity, but I have a doctor in my office who
13 worked in Pennsylvania for four years doing early
14 spay/neutering. She attests to the safety of that,
15 but she herself has a dog that is completely
16 malformed. The legs are long. The face is narrow.
17 She says it was wrong for the dog that she did. She
18 wishes she had the right to choose which breeds to do
19 it on.

20 CHAIRPERSON JOHNSON: Thank you. So,
21 thank you all for being here. Thank you very much.
22 We're going to move onto the next panel. Cori Menkin
23 from the ASPCA, Dale Bartlett [sp?] from the Humane
24 Society of the United States, Michelle Villagomez
25 from the ASPCA, Stephanie Janeczko with the ASPCA, a

1
2 veterinarian, and Jane Hoffman with the Mayor's
3 Alliance for New York City's animals. Okay, you may
4 begin in whatever--oh, we need to swear you in. If
5 you could all raise your right hand. Do you affirm
6 to tell--shh [sic], shh, shh. Do you affirm to tell
7 the truth, the whole truth and nothing but the truth
8 in your testimony before this committee and to
9 respond honestly to all Council Member questions?
10 Thank you very much. You may begin in whatever order
11 you'd like. Make sure the red light is on. Please
12 speak directly into the mic and identify yourself for
13 the record.

14 DALE BARTLETT: Thank you. My name is
15 Dale Bartlett. I'm with the Humane Society of the
16 United States and I thank you for the opportunity to
17 speak here today. I actually didn't bring written
18 testimony because I felt like the issues have been
19 resolved, right, that the bill is passed and that
20 these are relatively minor things that we're
21 discussing today. I would say that we certainly have--
22 -we take issue with some of the testimony that's been
23 presented today. I thank you personally, Mr.
24 Chairman, for you know, recognizing that we're not
25 Nazis, and I--we know that the ordinance was passed

1 based on reams and reams of evidence and materials
2 that were presented showing clearly sort of where the
3 dogs come from when they come from these--some of the
4 worst Class A breeders or from in some cases, the
5 Class B licensees. And I mean, nothing has changed
6 since that's passed. And so, so I really don't have
7 anything new to add other than what--we've presented
8 evidence that shows that the USDA itself, it's not
9 us, it's the USDA itself that says that their
10 inspection program allows for horrific conditions to
11 continue. We've presented material showing directly
12 from government records, not us, showing that the pet
13 shops are purchasing from dogs--purchasing from
14 breeders who have horrific violations on their
15 inspection records. The evidence has all been
16 brought in, and I think you made the right decision
17 and we firmly support it. On spay/neuter, we don't
18 take a position typically, but I would say that the
19 leading veterinary societies, associations in the
20 country do support early age spay and neuter. The
21 AVMA has a position in support. The American Animal
22 Hospital Association has a position in support. So,
23 it's not shelter workers that believe that it's a
24

1
2 good idea and healthy for animals. It's the leading
3 veterinary institutions in our country. Thank you.

4 MICHELLE VILLAGOMEZ: Good afternoon.
5 I'm Michelle Villagomez, New York City Legislative
6 Director for the ASPCA. The ASPCA supported the
7 passage of these critical laws whose measures were
8 designed to prevent pet stores in New York City from
9 obtaining puppies from some of the most unscrupulous
10 puppy breeders in the nation. Requiring pet stores
11 to disclose information to customers about the
12 origins of the animals they sell, as well as to
13 spay/neuter and microchip dogs and cats and license
14 dogs before selling them is sound public policy.
15 This multipronged approach will protect animals from
16 exploitation and suffering and help arm consumers
17 with the information they need to make smart choice
18 about bringing new pets into their homes. We support
19 the technical changes to the bills and believe that
20 they will make compliance easier. I'd like to take a
21 moment to clarify the ASPCA's position on mandatory
22 spay/neuter. At past hearings and earlier in this
23 one, we saw many people make the claim that the ASPCA
24 opposes mandatory spay/neuter. I want to clarify
25 that. Although the ASPCA does not support laws that

1
2 mandate spay/neuter of all owned animals within a
3 community, the ASPCA strongly supports spay/neuter as
4 an effective means to reduce shelter intake. In
5 particular, the ASPCA supports voluntary, affordable,
6 accessible spay/neuter programs for owned pets,
7 trap, neuter, return programs for feral cats and the
8 mandatory sterilization of shelter animals and dogs
9 and cats prior to sale by pet stores. As people have
10 been attaching our position statement to their
11 testimonies saying the ASPCA opposes this, we oppose
12 it for owned individual animals. In communities we
13 see problems arise like in Los Angeles with a program
14 like that, but we don't oppose it for dogs and cats
15 prior to sale at pet stores. We actually provide a
16 lot of incentives for spay/neuter here in New York
17 City, and we've partnered with the city on many
18 things, many programs to address the animal
19 overpopulation crisis. Another point that I'd like
20 to bring is that requiring the spaying and neutering
21 of animals prior to sale at pet stores as in in
22 shelters was a requirement put on by the city in the
23 Shelters and Sterilization Act of 2000. So, it's a
24 law that we've had on the books, and we thank you for
25 the ability to revisit the position and have

1
2 legislation that now we will be able to enforce. So
3 this is not a new discussion, and this is something
4 that we've accepted. The ASPCA is supportive of
5 pediatric spay/neuter. My colleague, Doctor
6 Janeczko, will answer some questions and clarify some
7 of the points brought up. Thank you.

8 CHAIRPERSON JOHNSON: Thank you.

9 STEPHANIE JANECKO: Thank you. My name
10 is Doctor Stephanie Janeczko and I'm the Senior
11 Director of Shelter Medical Programs at the ASPCA.
12 I'm also a current board member and the immediate
13 past President of the Association of Shelter
14 Veterinarians. I was trained here in New York at
15 Cornell, and in addition to my veterinary degree I
16 also completed a residency in shelter medicine, hold
17 a master's degree in epidemiology and am board
18 certified and canine and feline practice by the
19 American Board of Veterinary Practitioners. On
20 behalf of the ASPCA I am here to testify in support
21 of pediatric or early age spay/neuter for cats and
22 dogs. These procedures are widely recognized to be
23 safe and humane for individual animals and are an
24 effective means of addressing the significant problem
25 of companion animal overpopulation. Euthanasia of

1
2 unwanted, homeless pets remains the single largest
3 cause of deaths for dogs and cats in this country.
4 The need to reduce this risk for each individual
5 animal should not be understated. Sadly, there are
6 many pets that have never seen a veterinarian, and
7 being sexually intact is a leading risk factor for
8 relinquishment to shelters. Pediatric procedures are
9 performed before the onset of estrus. This is not
10 always the case with spay/neuter performed at the
11 traditional age of six months or later. The slight
12 change in timing is crucial in reducing the risk of
13 pregnancy as well as maximizing some of the health
14 benefits for the individual animal, such as the
15 significant reduction in the risk of breast cancer in
16 cats. Although critics of pediatric spay/neuter may
17 argue that surgery should be delayed until the animal
18 is six months of age or even older, there is
19 insufficient evidence in the scientific literature to
20 support a claim that surgery at this later age is
21 superior. Numerous scientific studies that have
22 evaluated pediatric spay/neuter suggest that it is a
23 medically sound practice, not associated with serious
24 health problems, and that it can provide numerous
25 physical and behavioral benefits. It's also important

1
2 to note that many studies examining the relationship
3 between health concerns and the timing of spay/neuter
4 do not necessarily compare pediatric and traditional
5 age spay/neuter, as a cut off of one year of age or
6 even older is often used. And in some cases, the
7 breeds selected for study were chosen because of
8 their vulnerability to certain conditions such as
9 cancer or joint problems. This is the case in the
10 Golden Retriever study that's been referenced before
11 this council several times already today. In most
12 studies, in addition, they continue to find that
13 sterilized animals live longer. Pediatric neutering
14 is supported by numerous organizations including the
15 American Animal Hospital Association, the American
16 Association of Feline Practitioners, and the
17 Association of Shelter Veterinarians. The AVMA
18 supports pediatric spay/neuter and has done so for
19 more than 20 years. These are not new procedures.
20 They are taught in veterinary schools. They are
21 performed in many shelters, high quality, high volume
22 spay/neuter clinics, and even some private practices
23 across the country every single day. Pediatric
24 spay/neuter procedures are recognized to be safe and
25 humane. Surgical techniques and anesthetic protocols

1
2 have been well documented that are safe. These
3 procedures are considered easier to perform, and
4 although I no longer perform surgery as part of my
5 regular job duties, I did so previously as both a
6 private practitioner and a shelter veterinarian and
7 can attest firsthand to the benefits. Complication
8 rates have been reported to be lower in younger
9 animals compared to adults, and research on post-
10 operative pain levels suggest that kittens not only
11 tolerate surgery but cope with it better than adults,
12 which is a clear argument on the grounds of welfare
13 in addition to the other benefits already mentioned.

14 CHAIRPERSON JOHNSON: Thank you.

15 JANE HOFFMAN: Hi, my name is Jane
16 Hoffman. I'm the President of the Mayor's Alliance
17 for New York City's Animals, which is a not for
18 profit coalition of over 150 animal rescue groups in
19 New York City. Thank you for the opportunity to
20 testify. First, we'd like to thank the Council for
21 clarifying the definition of animal rescue group and
22 making the distinction clear between adoptions
23 facilitated by not for profit entities and sales by
24 for profit businesses. As Michelle Villagomez
25 testified, in 2000 the City Council passed a law that

1 would have required animal shelters and pet store to
2 spay and neuter prior to adoption or sale.
3 Unfortunately, an injunction on pre-emption grounds
4 was gotten by the pet store lobby, which prohibited
5 New York City from regulating its own pet stores.
6 However, in January of 2014, Governor Cuomo signed a
7 law as you all know that allowed us to regulate our
8 pet stores or the City Council to do so. Sadly, if
9 the injunction had not been granted, I believe we
10 would be so much further along in saving the lives of
11 cats and dogs in New York City. This is why we
12 strongly supported the earlier bills requiring spay
13 and neuter of dogs and cats sold in pet stores.
14 Because of the efforts of the animal shelter and
15 rescue community, we have increased the live release
16 rate in New York City by increasing adoptions. The
17 other part of the equation, however, is to increase
18 spay/neuter. The Alliance requires all animals at
19 our adoption events to be spayed and neutered prior
20 to adoption. If left up to a doctor, sadly, many
21 times those pets are not spayed and neutered and it
22 is often a large factor in people relinquishing their
23 animals to shelters. For this reason, we support
24 spay/neuter of all entities that either adopt or sell
25

1 cats or dogs to the public. Pediatric spay/neuter is
2 especially crucial with regards to pet stores because
3 they supply consumers with a large number of puppies.
4 Requiring pet stores prior to sale to have these
5 puppies spayed or neutered at two months and two
6 pounds will help reduce the number of unwanted dogs
7 entering the city shelters. Pediatric spay/neuter
8 has been performed successfully and safely by
9 veterinarians, including those at the ASPCA for over
10 20 years. Given the tremendous volume of spay/neuter
11 surgeries performed by the ASPCA for the cats and
12 dogs, as I said, 150 animal rescue organizations and
13 shelters that belong to the Alliance, if the
14 procedure had posed a risk to the cats and dogs, we
15 would certainly be hearing about it, and we are not.
16 Aside from the health benefits of spaying and
17 neutering cats and dogs at an early age, the greatest
18 value this practice provides is the elimination of
19 any chance of unwanted pregnancy and consequently the
20 reduction of animal homelessness. That is to say
21 fewer animals ending up in our shelters, facing
22 possible euthanasia. Thank you.

24 CHAIRPERSON JOHNSON: Thank you.

1
2 CORI MENKIN: Good afternoon. My name is
3 Cori Menkin. I'm the Senior Director of the Puppy
4 Mills Campaign at the ASPCA. Just like Dale, I
5 didn't really come with prepared testimony. I'm here
6 to answer any questions that you guys may have
7 regarding the testimony that we presented last
8 December in light of all the evidence that was
9 presented today. We continue to stand by our
10 position that was presented in that hearing, that
11 the pet stores continue--in New York City, continue
12 to source their animals from substandard breeders and
13 including the Class B dealer system, which sources
14 its animals from substandard breeders by in large.
15 So, we stand by our positions, and I'm happy to
16 answer any questions the Council may have.

17 CHAIRPERSON JOHNSON: Thank you very
18 much. So, we heard from the previous panel of
19 veterinarians that a distinction was made between
20 shelter medicine and non-shelter medicine and that
21 they would not be opposed for shelter animals to have
22 mandatory spay and neuter before release, but that
23 they did have concerns as it related to puppies or
24 kittens at eight weeks old to be mandatory spay and
25 neuter, and we heard from many people here today who

1
2 said that they believed that it would lead
3 potentially to the death of certain animals, and
4 other folks said that it potentially would lead to
5 shortened life and serious and significant health
6 concerns. Doctor Janeczko, you testified that you
7 didn't agree with that. Can you go into that a
8 little bit more?

9 STEPHANIE JANECKO: Correct. I think the
10 short answer is that the data that is available
11 regardless of age and regardless of whether or not an
12 animal has been spayed or neutered that try to
13 associate reproductive status with what are often
14 complex medical conditions is not straightforward.
15 There's a lot of different pieces to that. There are
16 a number of studies spay/neuter, pediatric
17 spay/neuter rather, is not a new procedure. This is
18 something that's been performed for more than 20
19 years. The AVMA statement in support itself is over
20 20 years of age. And there are significant number of
21 studies that have found no significant deficits
22 caused by early age spay/neuter in these puppies and
23 kittens that have had it performed. There's been
24 some newer research studies that are cited frequently
25 as a reason not to consider performing this

1
2 procedure. The Golden Retriever study, which is how
3 people often refer to it, was a study looking
4 specifically at a population of dogs, a single breed
5 that the author says was chosen because of their
6 vulnerability to cancer and to joint disorders that
7 were studied at UC Davis, and they compared dogs who
8 are not altered at all with those who were altered
9 before or after one year of age. And so that's
10 really not even a helpful study to necessarily look
11 at pediatric compared to traditional age spay/neuter
12 and there's a lot of limitations with some of the
13 other studies that frequently get cited as an
14 argument against that procedure.

15 CHAIRPERSON JOHNSON: But what is the
16 difference between shelter medicine and non-shelter
17 medicine? I think there was some allegation that
18 people are doing this in shelters potentially to keep
19 their jobs. I don't know. I mean, I'm not expert in
20 that area. But what is the difference between the
21 two? Why would there need to be a distinction made
22 between how you treat animals in shelter and how you
23 treat animals that are being sold not in shelter, but
24 from pet shops?

25

1
2 STEPHANIE JANECKO: Sure. Shelter
3 medicine is a recognized veterinary specialty. It
4 was recently approved by the AVMA, and shelter
5 medicine really is looking at the care of animals in
6 shelters in the entire context that that occurs. And
7 so that really does involve a level of population
8 medicine that we don't typically associate with the
9 care of cats and dogs when they're owned in
10 individual private homes. So there are different
11 areas of focus and different areas of emphasis that
12 shelter veterinarians need to consider in ways that
13 private practitioners often don't, and that includes
14 making decisions and choices that weigh not only the
15 welfare and the best interest of that individual
16 animal, but also with the entire population as a
17 whole. I can't speak to what another veterinarian
18 working for a shelter may or may not do or testify to
19 keep their job. I can tell you on my own behalf when
20 I worked in private practice, I also performed
21 spay/neuter, not on every patient, but on certain
22 patients, before I was ever employed with a
23 sheltering organization.

24 CHAIRPERSON JOHNSON: Thank you. And
25 could--do any of you want to speak to the previous

1 panel of veterinarians that testified--sir, you
2 already testified. You could have said something in
3 your three minutes. Does anyone, on this panel, have
4 anything to say with one of the previous
5 veterinarians referenced the law that existed before
6 that included the deposit that existed and money
7 would be given to incentivize people to spay or
8 neuter their animals? You all supported the change
9 in law that we voted on in December of last year.
10 Can you talk about why you supported the change from
11 the previous program and how it existed to the new
12 requirement?
13

14 JANE HOFFMAN: I think I mentioned it my
15 testimony, but unfortunately, many people do not
16 return to have their pet spayed and neutered. That's
17 been our experience when you see the animals that are
18 turned in. And this is all breeds. It's not just
19 pit bulls, which are wonderful dogs, as we all know
20 in Chelsea. But they don't it, especially if the
21 deposit is not of a high enough nature, amount, or it
22 doesn't fit into their schedule, their lifestyle.
23 It's not something that necessarily becomes a
24 priority. Or some people get animals, frankly, from
25 pet stores because they want to breed them. They

1
2 have actually come to vaccine clinics that we've had
3 that are saying--you know, we say, "Hey, we can also
4 arrange spay/neuter, you know, low cost or free at
5 the ASPCA or, you know, somewhere else." And they
6 basically say, "Oh, no, I got them because I want to
7 breed them." And those are often the progeny of
8 those are the ones that also then go out un-spayed
9 and neutered to another family that do the same
10 thing, and on and on and on. So, unfortunately, I
11 think that, you know, the reason we have seen such a
12 decrease in euthanasia at the shelter is--and we do
13 not have the same--we don't have stray dogs running
14 in the street, which is really not the measure for
15 this bill in my opinion, is because of the successful
16 spay and neuter that we have done, the amount, the
17 capacity that's been created by the ASPCA over the
18 course of the last 20 years or so has reduced the
19 population in New York City. So this is to me, the
20 final piece and why we need to do it at a safe age
21 for these animals, which I believe based on some of
22 the earlier testimony shows it is safe. It's, you
23 know, it is the leading cause of death for animals in
24 shelters is overpopulation. And every animal,
25 whether they're in a shelter, whether they came from

1
2 a shelter, whether they come from a pet store should
3 be equally valued, and I find it disturbing that
4 they're trying to make a distinction between shelter
5 medicine and other vets. The shelter medicine vets,
6 frankly in my opinion, are on the frontline doing the
7 really hard work in the trenches dealing with the
8 effects of overpopulation. Thank you.

9 CHAIRPERSON JOHNSON: Thank you. Thank
10 you all for your testimony today. We move to the
11 next panel. Up next is Mark, again I apologize if I
12 mispronounce your name. Marc Seibert. Good to see
13 you again. John Sangiorgio, okay. Dimitri
14 Peralstein [sp?], Anne Lettuce [sp?], and I am very
15 sorry, I cannot read your name. You're from Vet
16 Viddles [sic], Nahem Garugan [sp?]. Is there someone
17 here from Vet Viddles, 2220 Avenue X, Brooklyn? No?
18 That person's not here. Okay. What about Bashura
19 Raffa [sp?]? Great. Did someone else not come up?
20 We have--was Ann Lettuce here? Anne left, okay,
21 thank you. Excuse me? Thank you. Thank you. We're
22 going to take one more. Boris Xexor [sp?], is Boris
23 here? Boris left, okay. Is there a James Earl here
24 from the Bronx? You submitted something? Okay,
25 thank you very much. We have that. Thank you, sir.

1
2 So you are the last panel. Thank you for being
3 patient and for coming today. You may begin in
4 whatever order you'd like. Just make sure the red
5 light is on the mic and please speak clearly into the
6 microphone and identify yourself. Thank you.

7 MARC SEIBERT: Hello. I'm Doctor Marc
8 Seibert. I own the Heart of Chelsea Animal Hospital
9 and Lower East Side Animal Hospital. I've been
10 practicing veterinary medicine for more than 20 years
11 and have owned and operated an animal hospital in New
12 York City for 16. I'm going to skip all this stuff
13 that everyone else has said, because it's--I don't
14 want to just repeat myself or repeat everybody else.
15 A couple of things that I do want to talk about are
16 the veterinarian patient/client relationship, which
17 hasn't been addressed at all today. The pet owner
18 needs to make an informed decision about when to spay
19 and neuter their new family member based on breed,
20 size, age, and genetics. With legislation, most
21 likely you'll be deferring the sterilization
22 procedure to another state, most likely where the
23 puppy is bred. The burden of paying for the
24 sterilization procedure will be on the pet store or
25 on the originating breeder. This will create

1
2 incentive to seek the least expensive procedure
3 available, thus, setting up a system that invites
4 increased morbidity and mortality. The New York City
5 veterinarians use many safety measures when
6 sterilizing animals such as owner consent IV
7 catheters, IV fluids, IV antibiotics, licensed
8 technicians, heat support, blood pressure support and
9 I can go on and on. None of this stuff can be done
10 at eight to 12 weeks of age and two pounds. The
11 veterinary client pet bond is incalculable. Many
12 sterilized pet owners will not seek veterinary care
13 as a result of the puppy being sterilized already and
14 thus will not visit the veterinarian. The pet owner
15 will not learn and develop knowledge of wellness and
16 preventative veterinary care for their new pet. This
17 may lead to an increase in viral diseases, flea
18 infestations, tick diseases, heartworm disease, as
19 the compliance of prevention will decrease in the
20 first year of life and possibly beyond. And you had
21 asked the question about the difference between
22 shelter animals, shelter doctors and non-shelter
23 doctors, and the answer is that shelter animals are
24 owned by the shelter and therefore, the liability to
25 the veterinarian is not related. Pet store dogs are

1 owned by the pet store, therefore, if the pet store
2 brings the puppy to an individual veterinarian, the
3 veterinarian is liable for the outcome of the
4 procedure and can be brought up on medical charges
5 and even sued if there is a problem with that
6 procedure. Thank you.

7
8 CHAIRPERSON JOHNSON: Thank you, Doctor
9 Seibert.

10 DIMITRI PERALSTEIN: Good afternoon. My
11 name is Dimitri. I'm from Oceanside Animal Clinic. I
12 just want to address a few things from the last
13 panel, one regarding the difference between private
14 practice and shelter law, shelter medicine, sorry.
15 One thing that you need to know about procedures is
16 that anytime if any of you had any kind of medical
17 procedures, you do pre-op first, bloodwork, make sure
18 you're okay, usually x-rays as well, and then when
19 you go into procedure they put IV catheter,
20 antibiotics, pain medication, and then they put you
21 under with licensed technicians and other doctors
22 present. Same thing applies to veterinary medicine
23 as well. In shelter medicine, it's a little
24 different. So they don't use the same protocols.
25 They don't use IV catheters. They do not have the

1 same anesthesia protocols, and they don't do pre-op
2 bloodwork as well on a pet. Also, if you could
3 request the records, I don't know, from the Humane
4 Society or ASPCA, I don't know if they're available
5 or not, but I have worked in those places, and during
6 my time of working there in the surgical department,
7 we had about 15 percent death rate of every animal
8 that was under three months of age. So, 15 percent
9 for a general practice, that's a lot. In our practice
10 we had one death in five years. ASPCA, you could ask
11 them how many they have on a daily basis in their
12 surgeries as well in their ASPCA low-cost vaccine,
13 spay and neuter trucks. We do see a lot of those
14 patients as well from surgeries that were not
15 performed correctly. We see the adverse reactions of
16 those. I also worked previously in other rescues as
17 well as in those things that you call puppy mills. I
18 spent a summer at a puppy mill when I was 18 years
19 old out of college, looking, seeing everything that
20 they do. And the problem with them is that if you
21 leave it in the hands of the puppy mills to take care
22 and spay/neuter the pets, because they will. Because
23 the pet stores, no licensed vet in New York is going
24 to spay/neuter an eight week old pet. So who's going
25

1
2 to do it? The puppy mills. And what do they--they
3 don't have licensed vets who do it. They have workers
4 who do it themselves. They right now perform all
5 minor surgeries such as tail cropping, do claws and
6 ear cropping. So if you leave it in the hands to do
7 spay and neuter, they will do it as well, which will
8 cause more deaths in animals as well. I think that's
9 the main point I wanted to bring on. Later on if
10 something--

11 CHAIRPERSON JOHNSON: [interposing] Thank
12 you, Mr. Peralstein. Thank you for being here.

13 BESHROY RAFLA: Good afternoon, Mr.
14 Johnson. I'm Doctor Beshoy Rafla from Queens Animal
15 Hospital. I'm presenting myself and three other
16 veterinarians that work with me at Queens Animal
17 Hospital. I don't want to repeat myself regarding
18 what other doctors spoke about how important is
19 doctor/patient/client relationship and veterinary
20 medicine. I do not want to repeat myself in how
21 important it is to avoid anesthesia in pediatric
22 patients in eight weeks or younger. I just want an
23 emphasis on just a few points. You said in your bill
24 that, oh, I'm not forcing the pet shop to spay and
25 neuter the dog. I just want you sell a neutered or

1
2 spayed dog, but the reality check is that most
3 people, and I'm actually one of them, when I went to--
4 -you know, when I went to get another dog when I lost
5 my dog, I want to get a young dog, seven or eight
6 weeks of age. I don't want to get, you know, like--
7 it's individual difference. Some people they want
8 the older puppy, but for me myself I looked into
9 getting a seven or eight weeks old puppy, and yes, I
10 decided to neuter my dog, but I did this at the right
11 time, at six months of age. I agree with the doctor
12 from the shelter medicines that she said it's still
13 under debate whether there is really risk,
14 [inaudible] sequence of neutering the dog below six
15 months or after. Yes, it's still in debate.
16 Although, I'm sure that she knows that a lot of
17 spayed female dog, when they get older, they develop
18 urethra incontinence, which I don't see it normal
19 dog, non-spayed or female dog. Which put emphasis in
20 how important the female hormone. I just want to
21 point to one thing. If I as a client want to get a
22 dog, I should have the choice if I want to get the
23 dog spayed or neutered or not, and if I want a puppy
24 seven or eight weeks of age, I don't want him
25 neutered or spayed, I might step out to New Jersey or

1
2 Pennsylvania and get him. So getting this law
3 passed, I don't think it will really put a lot of
4 impact on the overpopulating here. I see there are
5 other things that we can do in New York City that we
6 can decrease the overpopulation issue. Like, for
7 example, the New York City pet license, we can put
8 like some restriction like in order to get this pet
9 license, you have to get your pet spayed or neutered
10 by the maturity age, which is most breeds is like
11 eight or nine months. So by nine months, you should
12 get your dog spayed or neutered in New York City in
13 order to get the license, and put a big fine if you
14 didn't get this license. This license is important
15 anyway for the rabies vaccine as you know. So if we
16 can put it in such law, I think it will be a great
17 thing. For regarding the--the other thing is about
18 the surgery itself. Like, for me, as a veterinarian,
19 I don't feel comfortable--can I finish for you, sir?
20 So I don't feel comfortable, neither me nor the other
21 three vets, to spay and neuter like one or two
22 pounds, means they're like seven or eight weeks of
23 age. I don't think I would do that. But let's assume
24 I can do it. The problem is, what about the post-op,
25 like, care? Who's going to take care of this dog?

1
2 The shelter, usually, the ASPCA they do same day, the
3 owner will take care of the dog next day, but for the
4 pet shop, like, who's going to care for them
5 overnight? It's going to be a big problem. Like
6 let's say we'll be able to spay and neuter them, but
7 the post-op is a big problem, you know? I highly
8 recommend and argue with the point that the post-op
9 care is very important for the success of the
10 procedure.

11 CHAIRPERSON JOHNSON: Thank you. Doctor
12 Sangiorgio?

13 JOHN SANGIORGIO: Sangiorgio, yes.

14 CHAIRPERSON JOHNSON: Thank you, sir.

15 JOHN SANGIORGIO: Thank you for saving me
16 for last.

17 CHAIRPERSON JOHNSON: Yes, of course.

18 JOHN SANGIORGIO: I'm a veterinarian.
19 I'm a private practitioner. I'm former President of
20 the City Veterinary Association. I also do some work
21 with HBO taking care of the animals for Boardwalk
22 Empire and the Newsroom. And as I understand it, the
23 main issue here is overpopulation of animals, and is
24 the best way to fix that overpopulation by mandating
25 really young spay and neuters? Now, a couple of the

1 facts I looked at. You know, we're governed by New
2 York State Practice Act, so we have to be responsible
3 to New York State to answer for anything we do. Also,
4 my colleagues mentioned earlier that the AVMA 20
5 years ago came out with a statement about pediatric
6 spay and neuters. Now, there's been a lot of things
7 that changed in 20 years, my age. In the books, more
8 animal anesthesia techniques published in January of
9 2014, they didn't look at the age, but they looked at
10 the weight of the animal. So, if the animal is
11 certainly eight weeks old, like a person at eight
12 weeks is going to weigh much less and it's going to
13 weigh in maturity. Also the AVMA Journal, that's the
14 Journal of the American Veterinary Medical
15 Association 2008, came out with some interesting
16 facts about fatalities in young spay and neuters.
17 Journal of Veterinary Medicine 2009 talked about risk
18 factors in anesthesia in young animals, and across
19 the pond, our British colleagues, the British Journal
20 of Anesthesia talked about--in 2007, talked about
21 fatalities in small animals. Now, as a veterinarian
22 we have to make our decisions scientifically based,
23 and I think that if this law passes, it probably
24 would decrease the amount of animals reproducing
25

1 naturally, but I think the fact that it would be
2 almost cruel to do it to these young animals, and
3 that's what my real concern is, and that's why I'm
4 really here. And in conclusion, yeah, I wouldn't go
5 on the Journal of Anesthesia and Surgery because you
6 guys the City Council Members told me, and I wouldn't
7 expect my patients to either. I mean, that's--so I'm
8 here for them really. And just in closing, too, I
9 see your name Councilman on all the animal
10 legislation, and I thank you for taking interest in
11 the animals.

13 CHAIRPERSON JOHNSON: Thank you. And I
14 really appreciate you being here. I appreciate
15 everyone who cares and loves for animals being here
16 to talk about these important issues. I just want to
17 say again, what we're hearing today, and I wanted
18 everyone to have the opportunity to speak and say
19 whatever they wanted, I wasn't going to try to
20 squelch what people said at the very beginning.
21 We're dealing with very technical amendments here to
22 this bills. These substance of these bills
23 overwhelming passed the New York City Council in
24 December of last year, overwhelmingly. There were
25 two long, drawn out committee hearings. We talked

1 and listened to everyone, and so everyone came today
2 because they have major concerns about what passed in
3 December of 2012. We went through a legislative
4 process. That doesn't mean that things can't be
5 changed, but that wasn't the intent of today's
6 hearing. Anyone can still come and say whatever they
7 want, and I'm never going to tell anyone they can't,
8 especially when it's around an issue that's so heated
9 where people love and care about animals. And so I
10 really appreciate the fact that everyone came today.
11 You know, I am not--I don't have the level of
12 expertise that you all may have in certain areas, but
13 I really want to make sure that our city is a humane
14 city that takes care and treats animals as we should.
15 And I will continue to do that in my time in the
16 Council. Thank you very much. With that, the
17 committee hearing is adjourned.

18 [gavel]

19 [Document is combination of part one,
20 #232593, and two, #232594, of Health Committee
21 Hearing April 4, 2015]
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON HEALTH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON HEALTH

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 30, 2015