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COMMITTEE ON HEALTH

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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June 18, 2019
Start: 10:07 a.m.
Recess: 4:05 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Mark Levine - Committee on Health
Chairperson

COUNCIL MEMBERS:

ALicka Ampry-Samuel
Inez D. Barron
Andrew Cohen
Mathieu Eugene
Robert F. Holden
Keith Powers

A P P E A R A N C E S

Christine Kim
Senior Community Liaison at the Mayor's Community
Affairs Unit

Corinne Schiff
Deputy Commissioner of the Department of Health
and Mental Hygiene's Division of Environmental
Health

Risa Weinstock
Chief Executive Officer of Animal Care Centers of
New York City

Melissa Treuman
Director of Brand Communications at Bideawee

Jenny Coffey
(Speaking on behalf of Animal Haven's Executive
Director Tiffany Lacey)

Dr. Felicia Magnaterra
Shelter veterinarian and manager with the ASPCA
Adoption Center

Jennie Lintz
Director of the Puppy Mill Initiatives at the
ASPCA

Michelle Villagomez
New York Legislative Senior Director for the
American Society for the Prevention of Cruelty to
Animals

Carrie Strauss (on behalf of the ASPCA and Daisy
Feund, the Director of our Farm Animal Welfare
Department

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COMMITTEE ON HEALTH

A P P E A R A N C E S (CONT.)

- Allie Feldman Taylor
Voters for Animal Rights

- Dr. Mary Morimoto
Veterinary Medical Association of New York City

- Heather Greenhouse
Voters for Animal Rights

- Ester Koslow
Shelter Reform Action Committee

- Nora Constance Marino
Animal Cruelty Exposure Fund of Queens County

- Matthew Dominguez
Voters for Animal Rights

- Cynthia King
Voters for Animal Rights

- Eileen Mullaney-Newman
Borough President Eric Adams office

- Benjamin Williamson
World Animal Protection

- Cynthia VonSchlichton
Compassion and World Farming

- Amber Canavan
PETA

- Kathy Nizzari
Voters for Animal Rights and Laura Leopardo

- Stephen Malone
Horse Carriages

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COMMITTEE ON HEALTH

A P P E A R A N C E S (CONT.)

Christina Hansen
Carriage Horses and Drivers

Josh Sausville
Carriages

Ariel Fintzi
Self

Alison Clark
Southeast Vice President of the New York State
Horse Council

Lily Hodge from the Equine Cultural Heritage
Museum

Sean Brooks
Prestige Towing

Miguel Montiel
Corona Self-Help Center

Andy Wertheim
DiArtagnan

Nelson Seravia
La Belle Farms

Jocelyn Hounnou
Rougie

Daniela Mercado
La Belle

Jessica Hollander
Brooklyn resident and business owner

Michael Dolling[SP?]
Tamerlain Sanctuary

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COMMITTEE ON HEALTH

A P P E A R A N C E S (CONT.)

Kirstin Kuhi
V for Veganism

Isabel Angel
Horses

Linda Mann
Self

Christina Liew
Representing Susan Whittred, DVM

Marissa Hight
Animal Law Committee

Elinor Molbegott
Humane Society of New York

Eileen Jefferson
Ethical Veterinary Association

Edita Birnkrent
Executive Director of NYCLASS

Kim Clouse
Owner and operator of North Jersey Equestrian in
Northwest New Jersey

Nathan Semmel
Attorney, lifelong New Yorker, lives in District
7

Kirk Miller
Resident of Manhattan

Deborah Thomas
Resident, animal advocate and humane voter

COMMITTEE ON HEALTH

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A P P E A R A N C E S (CONT.)

1
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3 Jesus Ponce
4 Hudson Valley Foie Gras

5 Jenny Chamberlain
6 Hudson Valley Foie Gras

7 Marcus Henley
8 Hudson Valley Foie Gras

9 Marcus Lingerman
10 Christ Health Care Ministry

11 Dr. Lawrence Bartholf
12 Veterinarian

13 Erwin Grome
14 Hudson Valley

15 Izzy Yanay
16 Hudson Valley

17 Robert Ambrose
18 Bella Bella Gourmet Foods

19 Sergio Saravia
20 LaBelle Farms

21 Ashley Byrne
22 Associate Director with PETA

23 Herve Breuil
24 Shelter Director at Woodstock Farm Sanctuary

25 Holly Cheever
NYS Humane Association

A P P E A R A N C E S (CONT.)

1
2
3 Chris DeRose
4 President and founder of Last Chance for Animals

5 Gene Baur
6 Farm Sanctuary

7 Blair Marshall
8 Resides in Flushing New York

9 Daulia Benaroya
10 Resides in District 19

11 Viola Agostini
12 Reside in District 36

13 Nicole Fernandez
14 Reside in District 36

15 Flora Mattis
16 Self

17 Joyce Friedman
18 Voters for Animal Rights

19 Natasha Reznik
20 Self

21 Judith Lustgarten
22 Humanity and Ethics for Shelter Animals

23 Marilyn Galfin
24 Voices for Shelter Animals

25 Craig Seeman
26 Voters for Shelter Animals

27 Brian Shapiro
28 Humane Society of the U.S.

COMMITTEE ON HEALTH

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A P P E A R A N C E S (CONT.)

1 Chris Allieri
2 Wild Bird Fund

3 Rita McMahon
4 Director of the Wild Bird Fund

5 Genie Grassi
6 Carriage driver

7 Amitz Velessy[SP?]
8 Horse carriage driver

9 Amitar Krasiev[SP?]

10 Ian McKeever
11 Self

12 Alison Clarke
13 Harry Werner Vet

14 Patricia Saffran
15 Colm McKeever

16 Johnny Smith
17 Self

18 Ann Fox
19 Self

20 Tony Dunofrio
21 Self

22 Jessica Zafonte
23 The animals

24 Stewart Mitchell
25 The animals

Maria Depaulis
Animal Shelter

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COMMITTEE ON HEALTH

A P P E A R A N C E S (CONT.)

Roxanne Delgado
On behalf of Bronx Animal Rights Electors

Shimon Shuchat
In Defense for animals

Caetana Laprebendere
Self

Carole Hughes
Self

Joan Sample
NYCLASS Animal Rights

Shina Van[SP?]
Animals

Christopher Wallach
New York City Bar Association Animal Law
Committee

Venessa Sol
Animals

Alexandrea Lafata
Animals

David Karopkin
Wildlife

Rebecca Milvich[SP?]
Animals

Elizabeth Argibay
Animals

John Dileonarldo
PETA

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COMMITTEE ON HEALTH

A P P E A R A N C E S (CONT.)

Sharon Discorfarò
New York City Bar Associations Animal Law
Committee

Desiree[SP?] Mattos
Animals

Jenna Shipiro
Animal Legal Defense Fund

Jacelyn Stone
Self

1
2 CHAIRPERSON LEVINE: [GAVEL] Good morning
3 everybody. I am Mark Levine, Chair of the City
4 Council's Health Committee. Welcome to our hearing
5 on animal welfare. We are going to be hearing today
6 a monumental package of sixteen pieces of legislation
7 on this important topic. Bills which aim to
8 strengthen current protections for animals and
9 introduce important new protections.

10 I am thrilled that we are joined today by fellow
11 health Committee Member Council Member Bob Holden as
12 well as three of the many sponsors of our bills
13 today, Council Member Justin Brannan, Council Member
14 Fernando Cabrera and Council Member Helen Rosenthal.
15 And I do want to thank our Chief Sergeant at Arms,
16 Rafael Perez for that important introduction.

17 I want to emphasize that we are going to make
18 sure all voices are heard today. All voices on all
19 sides of every issue. This is about dialogue, this
20 is about input, not only from the Administration but
21 even more importantly from all of you. From members
22 of the public and I see some of you are experienced
23 attendees at Council hearings and you already know,
24 but for those of you who are new, we have a special
25 way of showing approval instead of applause. It's

1
2 just raising your hands like this. So, can everyone
3 do a practice round and raise your hands like this?
4 Okay, we're off to a great start. I appreciate that
5 very, very much.

6 I am incredibly proud of the pace at which New
7 York City has been advancing animal welfare
8 legislation in recent years. From protections for
9 dogs, cats and horses, to promoting a plant-based
10 diet. To improvements in our shelter system. Our
11 city has continued to push smart humane policy.

12 The gains in our shelter system are particularly
13 striking thanks to progress at Animal Care Centers of
14 New York City or ACC. The non-for-profit
15 organization under contract with the Department of
16 Health and Mental Hygiene DOHMH, to run our animal
17 shelter system.

18 Two decades ago, the city's shelter system was
19 severely underfunded and in dire straits. In 1994,
20 75 percent of shelter animals in the city were
21 euthanized. 75 percent of animals in our shelter
22 system in 1994 were euthanized. Today, in a shelter
23 system that takes in nearly 29,000 animals per year,
24 the live release rate, not the euthanizer rate, the
25 live release rate is 92.5 percent.

1
2 There are shelter systems in many cities in
3 America which pick and choose which animals to
4 accept. Rejecting those that are more challenging.
5 That of course makes it much easier to achieve very
6 high live release rates, but New York City has
7 achieved its remarkable results with a policy of
8 accepting all animals and it is outperforming most
9 other big cities in America with similar policies.

10 We anticipate further improvements in our shelter
11 system, thanks to Enactment of Local Law 123 of 2018.
12 Which requires DOHMH to ensure full-service shelters
13 in all five boroughs by 2024. And there is great
14 news on that front, DOHMH is now moving to open a new
15 shelter in Ridgewood Queens.

16 We of course want to continue to push the live
17 release rate even higher and we will be considering a
18 number of bills today which seek to achieve this
19 goal.

20 I am pleased to be the lead sponsor of one of
21 those bills, Introduction 1570 which will require
22 that owners of dogs being accepted at a boarding
23 kennel business or similar establishment show prove
24 of active immunization against Bordetella bacterium,
25 also known as kennel cough. In the hopes that such

1
2 vaccination will bring about further reduction in the
3 instances of shelter youth euthanasia of dogs.

4 Today's package of bills introduces a variety of
5 new protections for our four legged and winged
6 friends. Including the creation of a City Department
7 of Animal Welfare, a bill sponsored by Council Member
8 Brannan. A ban on the sale of Foie Gras that is made
9 from force fed birds. A bill sponsored by Council
10 Member Rivera.

11 Increased penalties for trafficking of wild birds
12 also sponsored by Council Member Rivera. Increased
13 penalties for animal abuse, a bill sponsored by
14 Council Member Gjonaj. A consideration of heat
15 indexes for horse carriages, a bill sponsored by
16 Council Member Powers. A ban on non-therapeutic cat
17 declawing; a bill sponsored by Council Member
18 Brannan. And regulations for animals left behind
19 after an eviction, also a bill sponsored by Council
20 Member Brannan.

21 We will also hear bills today requiring further
22 reporting from city agencies and affiliated entities
23 including a bill requiring DOHMH posting of more
24 information connected to shelter youth in Asia,
25 sponsored by Council Member Holden.

1
2 A bill requiring New York City shelters posting
3 of photographs of adoptable animals, also sponsored
4 by Council Member Brannan. A bill requiring the New
5 York City Police Department to report on complaints
6 of animal cruelty, sponsored by Council Member
7 Cabrera. And a bill requiring DOHMH to conduct an
8 educational campaign regarding the proper disposal of
9 deceased animals, sponsored by Council Member Holden.

10 Finally, we are hearing four resolutions
11 including a resolution to recognize meatless Monday's
12 in New York City, sponsored by Council Member
13 Rosenthal. A resolution calling on the State to
14 prevent pet stores from offering dogs, cats, or
15 rabbits for sale, sponsored by Council Member
16 Brannan. A resolution calling on the State to provide
17 a tax credit for the adoption of household pets,
18 sponsored by Council Member Cumbo and a resolution
19 calling on the Federal Government to pass the so-
20 called the pact act making animal abuse illegally
21 federally, sponsored by Council Member Holden.

22 I look forward to a robust discussion on these
23 bills and especially look forward to hearing from
24 members of the public and to what I expect will be a
25 passionate and respectful dialogue. We expect a very

1 large number of people speaking today and that's a
2 great thing. We however are under a time constraint.
3 We have an unexpected meeting of the entire City
4 Council called for later today, so-called Stated
5 Meeting to pass time sensitive bills related to
6 sending budget messages to Albany before the session
7 concludes later today.

8 We are going to do everything in our power to
9 make sure everyone is heard. You have my commitment
10 on that, but I am also going to try and keep the
11 discussion moving. We will be adhering strict time
12 limits. The goal again today, is for all voices on
13 all sides of all these debates to be heard.

14 I want to acknowledge we have now been joined by
15 Council Member Rivera and I am going to turn it over
16 to the Administration to kick us off. I will ask
17 Committee Counsel Sara Liss to please administer the
18 affirmation.

19 COUNCIL CLERK: Thank you and this is for anyone
20 who will be testifying or answering questions. Do
21 you affirm to tell the truth, the whole truth and
22 nothing but the truth in your testimony before this
23 Committee and to respond honestly to Council Member
24 questions?
25

1
2 PANEL: Yes.

3 COUNCIL CLERK: Thank you.

4 CHAIRPERSON LEVINE: Please Commissioner.

5 CHRISTINE KIM: Good afternoon Chairman Levine,
6 the Committee on Health, and Council Members. My
7 name is Christine Kim and I am a Senior Community
8 Liaison at the Mayor's Community Affairs Unit, and I
9 work primarily on animal welfare issues. I am joined
10 on the panel today by two colleagues: Corinne
11 Schiff, Deputy Commissioner of the Department of
12 Health and Mental Hygiene's Division of Environmental
13 Health and Risa Weinstock, Chief Executive Officer of
14 Animal Care Centers of New York City. Deputy
15 Commissioner Schiff and I are pleased to represent
16 Mayor Bill de Blasio's administration, and to discuss
17 the animal welfare package which is being considered
18 today.

19 The Mayor has long supported progressive animal
20 welfare legislation, signed many bills into law to
21 protect animals, and implemented bold and positive
22 policies for animals ranging from companion animals
23 to wildlife.

24 For example, in March of this year the Mayor
25 announced that all New York City public schools will

1
2 participate in Meatless Mondays, affecting 1.1
3 million students. Not only will our schools, as well
4 as all 11 of our public hospitals, be serving
5 vegetarian meals on Mondays, but all city agencies
6 will be required to phase out processed meat and
7 reduce their beef purchases by 50 percent, as
8 directed by the Mayor's Green New Deal to combat
9 climate change.

10 The Mayor is also demonstrating the feasibility
11 and success of large-scale, nonlethal wildlife
12 management with the implementation of the City's deer
13 impact management plan, which has already led to a
14 deer population reduction of approximately 15 percent
15 and an estimated decrease of 77 percent in new
16 births. This is dramatic example of a humane and
17 scientifically cutting-edge alternative to hunting and
18 conventional, lethal methods of wildlife management.
19 Through the city's WildlifeNYC campaign, we are
20 promoting the safe co-existence of wildlife and
21 people and managing other impacts of deer in our
22 urban environment.

23 Other accomplishments for wildlife include the
24 Mayor's support for the 2017 bill to ban wild and
25 exotic animals from circuses in the city, and the

1
2 addition of a wild bird rehabilitation center to our
3 Bronx animal shelter, projected to open in 2024.

4 The Bronx shelter is just one of five major
5 capital projects currently underway for Animal Care
6 Centers of New York City, our open-admission
7 municipal animal shelter system.

8 In collaboration with City Council, the Mayor has
9 invested an unprecedented amount of capital funding
10 into Animal Care Centers which will bring full-
11 service animal shelters to each of our five boroughs
12 for the first time, as well as a stand alone adoption
13 center next to our Manhattan shelter, and this will
14 further increase our ability to adopt out animals,
15 enable New Yorkers to keep their pets rather than
16 surrender them because of hardship, and provide
17 critical animal services to our communities. With
18 the support of the City Council, we are now well
19 underway, and we have identified and are moving
20 forward with sites for care centers in the Bronx and
21 Queens. We also have capital projects in Staten
22 Island and Brooklyn to fully renovate those shelters
23 from the ground up. Each of these projects is
24 designed by animal shelter experts with the health,
25 safety, and well-being of animals in mind.

1
2 Animal Care Centers is also changing people's
3 understanding of what an open admission shelter can
4 and should be. They are at a historic 94 percent
5 placement rate of the approximately 30,000 animals
6 they take in each year, making Animal Care Centers a
7 national leader in the placement of dogs and cats.

8 Animal Care Centers services are not contained to
9 the physical structure of a shelter, they push their
10 programs out into communities where low or no-cost
11 services can mean the difference between animal
12 surrender or keeping pets in their homes. Shelter
13 surrender rates are linked to zip codes and income,
14 and the more we can promote access to care, the more
15 likely we are to see human-animal families staying
16 together. Animal Care Centers is providing exactly
17 this kind of progressive programming, offering low
18 and no-cost vaccine clinics, a food bank, and free
19 training seminars in the Bronx, as well as spay and
20 neuter services in Manhattan, Brooklyn, and Staten
21 Island. They are a model for municipal sheltering in
22 a large, urban environment. Consequently, some of
23 the country's most reputable animal welfare
24 foundations like Maddie's Fund and PetSmart Charities
25 seek out partnerships with Animal Care Centers to

1
2 pilot innovative programs to keep families and their
3 pets together and out of shelters altogether.

4 This commitment to shelter animals has been
5 cemented in the past year when we signed a 34-year
6 contract to ensure the stability Animal Care Centers
7 needs in order to continue delivering positive
8 outcomes for our shelter animals for decades to come.
9 Once these capital projects are complete, New York
10 City will have a totally revamped, world-class
11 shelter system that will be able to provide care for
12 animals for generations of New Yorkers.

13 In regards to Intro. 1478, the establishment of a
14 Department of Animal Welfare the Administration
15 recognizes the growth and success Animal Care Centers
16 has achieved with the support and oversight of the
17 Department of Health and Mental Hygiene. For these
18 reasons, it would be in the best interest of the
19 city's shelter animals to keep Animal Care Centers
20 housed in its existing department. To create an
21 entirely new Department of Animal Welfare with a sole
22 function of overseeing the city's animal shelter
23 provider and regulating the few private shelters
24 would replicate a system that already exists and can
25 lead to additional costs and inefficiencies. Much of

1
2 the progress the city has made for shelter animals
3 over the years would be disrupted.

4 There is tremendous value in the Animal Welfare
5 Liaison role at the Mayor's Office. It creates a
6 direct link between the animal welfare community and
7 City Hall and it also allows me to coordinate
8 interagency collaboration for animal welfare
9 initiatives and projects for my seat at the Mayor's
10 Office. I have the advantage of helping projects
11 navigate between agencies and I am able to encourage
12 collaboration with the directive of the Mayor.

13 Next, is Intro. 1496, ensuring the retrieval of
14 companion animals by an animal shelter after an
15 eviction or legal possession. We thank the Council
16 for raising the issue of animals who are abandoned or
17 for other reasons left in homes during the eviction
18 process. The administration agrees that it is an
19 issue that needs to be addressed. These cases are
20 complicated and deeply personal, and we want to make
21 sure we take a very deliberate, constructive, and
22 effective approach that does not place an undue
23 burden on Animal Care Centers. Companion animals are
24 a part of human-animal family units; thus, human
25 services and animal services must work

1
2 collaboratively and share the responsibility of
3 ensuring people and animals stay together. We look
4 forward to continuing this discussion with Council to
5 ensure all appropriate parties have a protocol for
6 the timely retrieval of animals after an eviction.

7 Regarding Intro. 1498, requiring the NYPD to
8 report data regarding animal cruelty complaints, the
9 Administration and New York City Police Department
10 support increasing transparency and the intent of
11 this bill. The NYPD is looking forward to working
12 with the Council on a reporting bill that provides
13 meaningful data and that accurately reflects the
14 realities of animal cruelty investigations. For
15 instance, it is common for animal cruelty
16 investigations to take more than 30 days since the
17 cases depend on the outcome of a forensic examination
18 and report completed by a forensic veterinarian. An
19 animal that may appear emaciated will be removed for
20 examination an observation, at which point a
21 determination can be made about whether it was
22 neglected by its owner or whether the condition is a
23 result of an underlying illness, such as cancer. The
24 time of an investigation is therefore subject to the
25 time of the examination and observation period.

1
2 The Administration also supports the intent of
3 Intro. 1378, banning the sales of certain poultry
4 products that are the result of force-feeding birds.
5 The Mayor believes in the humane treatment of animals
6 and birds suffer tremendously in the production of
7 foie gras. This cruelty and the resulting luxury
8 product consumed by few New Yorkers is completely
9 unnecessary. However, we have heard the concerns of
10 the producers outside the five boroughs regarding
11 economic impact and job loss, and we encourage these
12 producers to continue conversations with City
13 Council.

14 The Mayor has also always been clear about his
15 position on horse drawn carriages. The
16 Administration supports additional measures to
17 protect carriage horses. We look forward to working
18 with the Council on Intro. 1425, which would add a
19 heat index threshold to suspend horse carriage
20 activity.

21 Now, I turn to my colleague, Corinne Schiff, who
22 will further discuss the Administration's feedback on
23 the proposed bills. Thank you.

24 CORINNE SCHIFF: Good morning Chairperson Levine
25 and Council Members. My name is Corinne Schiff, and

1
2 I am the Deputy Commissioner for the Division of
3 Environmental Health at the Department of Health and
4 Mental Hygiene. On behalf of Commissioner Barbot,
5 thank you for the opportunity to testify on
6 legislation relating to animals.

7 The Health Department is charged with overseeing
8 a range of animal-related activities. We permit and
9 inspect animal shelters, grooming facilities, pet
10 shops, boarding establishments, training facilities,
11 animal exhibitions, and horse stables. We conduct
12 training on small animal handling; issue state-
13 mandated dog licenses; investigate animal nuisance
14 complaints, animal bites and dangerous dog incidents;
15 and monitor wildlife and domestic animals for
16 disease, such as rabies, that can impact human health
17 and undertake prevention activities. We host rabies
18 vaccination clinics around the city and provide low-
19 cost spay and neuter services.

20 The Department is also responsible for managing
21 and caring for the City's population of owner-
22 surrendered, abandoned, homeless and lost animals.
23 In 1995, the City created a nonprofit entity, now
24 known as Animal Care Centers or ACC to operate the
25 animal shelter system. The services the Department

1
2 carries out through a contract with ACC include
3 receiving and sheltering animals, providing medical
4 services, and animal placement. ACC also performs a
5 vital public safety function by handling potentially
6 dangerous animals and accepting suspected rabid
7 animals for observation or preparation for testing.
8 ACC operates full-service animal shelters in
9 Manhattan, Brooklyn, and Staten Island; admission
10 centers in the Bronx and Queens; field operations
11 throughout the city; and mobile adoption vans. ACC
12 is required to accept all animals, without regard to
13 their condition, age, temperament, or adoptability,
14 and is the only open admission shelter in the city.

15 The Administration has been a strong supporter of
16 ACC, committing more than \$98 million for capital
17 projects, with investment in every borough. This
18 includes a substantial renovation of the Brooklyn
19 Care Center, a new adoption center in Manhattan,
20 which I am pleased to report just won the Public
21 Design Commission's Excellence in Design award, and a
22 significantly renovated Staten Island Care Center
23 that is slated to open this fall. Perhaps the most
24 exciting, with the support of the Council, state of
25 the art, full-service animal shelters are in

1
2 development in the Bronx and Queens, fulfilling the
3 promise made by the Mayor and City Council to provide
4 a full-service shelter in every borough.

5 I will turn now to the legislation under
6 consideration today. Introduction 1502 would expand
7 the information that the Department reports to the
8 Council regarding city shelter operations and
9 establish a task force to review and advise on
10 shelter best practices. The Department already
11 provides a very detailed report to the Council each
12 year, which includes information on field rescue
13 intakes, transfers, animal outcomes and shelter
14 staffing. We look forward to discussing with the
15 Council what additional information would be
16 meaningful. As for a task force report, we are
17 skeptical that such an undertaking would yield useful
18 results. As Ms. Weinstock will describe, there have
19 been dramatic improvements in the animal shelter
20 system in the last several years. In 2015, ACC's
21 placement was 80 percent. Today, ACC is a national
22 leader among municipalities, with a 94 percent
23 placement rate in the current year. Ms. Weinstock
24 and the animal welfare experts who make up her
25 leadership group are at the top of their fields.

1
2 They are invited to speak around the country,
3 regularly consult with colleague in New York City and
4 other jurisdictions and are immersed in the
5 literature and current thinking about best practices.
6 ACC has strong partnerships with animal welfare
7 organizations, such as the ASPCA, Best Friends, and
8 hundreds of New Hope organizations, and ACC's
9 independent, engaged board of directors has helped
10 increase private fundraising and deepen marketing and
11 promotion strategies.

12 The Department is concerned that the time and
13 effort required to convene and run a task force,
14 instruct the members about these best practices, and
15 then to produce a report would be an unnecessary
16 distraction from the important work that ACC carries
17 out every day.

18 Introduction 1496 would require an animal shelter
19 to retrieve an animal when directed by a sheriff or
20 city marshal executing an eviction or legal
21 possession warrant. The Department would be happy to
22 work with the sheriff and marshal offices to
23 establish a protocol implementing such a mandate at
24 ACC. However, the Department does not know whether
25 the other animal shelters in New York City have the

1 capacity to comply. Introduction 870 would require
2 animal shelters to post photographs and other
3 information about adoptable animals on their website
4 within three days of receiving the animal. The
5 Department agrees that techniques such as posting
6 photographs of animals to a website can promote
7 adoption, and Ms. Weinstock can describe ACC's award-
8 winning projects that have done just that. The
9 Department doesn't know, however, whether the other
10 animal shelters in the City have websites or
11 sufficient staffing to be able to comply with this
12 requirement and it may be that in some circumstances
13 a three-day time limit would be inappropriate. We
14 would like to work with the Council to be sure this
15 bill promotes adoption.
16

17 Introduction 1570 would update the Bordetella or
18 kennel cough vaccination requirement at boarding
19 kennels. The Department supports these changes,
20 which would align the Administrative Code with the
21 New York City Health Code. Introduction 1477
22 prohibits veterinarians from declawing cats unless
23 the procedure is medically necessary. The Department
24 appreciates the Council's interest in protecting
25 cats, but the city is not the regulator of

1
2 veterinary medicine practice. This oversight is a
3 state function and we note that a similar bill
4 recently passed the State legislature and is awaiting
5 action by the Governor. Introduction 1598 would
6 require the Department to conduct a public awareness
7 campaign in English and Spanish regarding proper
8 disposal of deceased animals. The Department has a
9 robust outreach and education program and produces a
10 variety of materials in multiple languages regarding
11 animals and other issues.

12 We look forward to working with the Council to
13 better understand what information New Yorkers need
14 about disposal of deceased animals and we are
15 discussing the bill with the Department of
16 Sanitation, which is responsible for this activity.

17 Introduction 1567 would establish civil penalties
18 for animal abuse crimes that are also subject to
19 criminal prosecution, mandate a warning for a first
20 offense for certain crimes, and authorize the
21 Department, agents of ASPCA, veterinarians and others
22 to enforce its provisions. The Department manages
23 the city's animal abuse registry and has established
24 relationships with the Police Department and the five
25 district attorney offices to implement the program.

1
2 We would like to discuss with the Council the intent
3 of this bill to be sure it neither conflicts with
4 State law nor undermines efforts to prosecute people
5 who commit animal abuse.

6 Introduction 1425 would prohibit carriage horses
7 from working when the National Weather Service heat
8 index is 90 or above. The Department currently
9 suspends carriage horse activity when the temperature
10 reaches 90 degrees, and we monitor the weather
11 closely. We would like to work with the Council so
12 that codifying this practice would rely on the Equine
13 Heat Index rather than the National Weather Service
14 index, to be sure we tie protections for carriage
15 horses to a species-specific heat and humidity
16 standard.

17 Introduction 1202 would prohibit taking wild or
18 otherwise undomesticated birds. The Department
19 supports efforts to instill respect for wildlife and
20 prohibit interaction with non-companion animals. We
21 would like to work with the Council to be sure this
22 bill does not have unintended consequences such as
23 prohibiting people from rescuing injured birds and
24 bringing them to care and that it is consistent with
25 State law requirements governing wildlife matters.

1
2 Thank you again for the opportunity to testify.
3 Ms. Weinstock will testify next, and then we will be
4 happy to take questions.

5 RISA WEINSTOCK: Good morning Chairperson Levine
6 and members of the Health Committee. My name is Risa
7 Weinstock and I am the President and CEO Animal Care
8 Centers of New York City. Thank you for the
9 opportunity to testify at today's hearing on the
10 proposed bills concerning animal welfare. I would
11 also like to thank everyone for your commitment to
12 the health and welfare of New York City shelter
13 animals. Over the last five years ACC has steadily
14 improved thanks to the substantial support of
15 Council, the Mayor's office and the New York City
16 Department of Health and Mental Hygiene. With your
17 support and the growing community of support from the
18 private sector, ACC has grown to be a leader in the
19 nation for open admission shelters. The future
20 success of ACC is further assured with the city's
21 financial commitment to the construction of state-of-
22 the-art shelters in the Bronx and Queens as well as
23 much needed renovation of our existing facilities.

24 ACC is unique among all animal shelters in New
25 York City because we are open admissions, meaning we

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2 accept any animal brought to our five location,
3 wither the animal has been abandoned, surrendered,
4 found as a stray; brought in by the public, NYPD, or
5 our animal rescue team; and regardless of age,
6 health, breed, species, temperament or physical
7 condition. We not only accept and seek placement for
8 companion animals, but also wildlife, birds,
9 reptiles, and farm animals.

10 We operate three full-service Animal Care Centers
11 located in Manhattan, Brooklyn, and Staten Island and
12 two Resource Centers, located in the Bronx and Queens
13 respectively. We are open seven days a week to the
14 public and provide 24-hour care to our animals. Our
15 field rescue team is on call 24 hours a day for
16 animal emergencies throughout the city. We also work
17 to root out causes in animal homelessness or
18 abandonment. For families that may be struggling
19 with issues affecting their ability to keep their
20 pet, we offer an array of resources including owner-
21 surrender prevention counseling, free and local
22 vaccine clinics, vouchers for low cost or free
23 spay/neuter and medical services, and free basic
24 obedience training.

1
2 I want to thank City Council for the additional \$3
3 million provided ACC this past fiscal year. This
4 allowed us to add three new vehicles to further grow
5 our outreach efforts including a mobile adoption
6 vehicle to serve Queens; a vehicle to support our
7 community pets program and vaccine clinics; and a
8 third vehicle to support deeper community outreach.
9 The funding was also used to staff these programs as
10 well as hire additional medical staff, purchase
11 medical supplies and equipment and to add safety and
12 security features to our facilities.

13 ACC is always open, which means we are always
14 busy, always working and always problem solving. In
15 calendar year 2018, ACC took in over 28,000 animals
16 or roughly 75 animals each day. And while that is a
17 daunting number of animals, ACC has one of the best
18 placement rates in the nation for a shelter of our
19 size, 94 percent in the current year. The team that
20 has elevated ACC and New York City to this historic
21 position is made up of over 280 compassionate,
22 talented, and caring professionals. For an overview
23 of our work and impact year to date, I ask you to
24 refer to the 2019 community report on the back page
25 of my testimony.

1
2 ACC is very proud to have recently been awarded a
3 34-year contract to continue to provide animal
4 services to New York City. Over the next 34-years,
5 ACC and animal sheltering in New York City will
6 continue to dramatically change and evolve as we
7 incorporate state of the art shelters in the Bronx
8 and Queens, undergo significant renovation of our
9 existing facilities and continue to implement
10 innovative solutions designed to yield the best
11 outcomes for the most animals in our care.

12 The remainder of my testimony focuses on Intro
13 1502, specifically the requirement for additional
14 reporting and the creation of a task force to develop
15 best practices for animal shelters. ACC provides
16 detailed data to DOHMH which then annually reports to
17 the City Council. We welcome the opportunity to work
18 with Council to identify any additional information
19 that would be meaningful.

20 Concerning the proposal for a task force to
21 develop best practices in animal sheltering, there
22 already exists a wide field of animal sheltering and
23 welfare expertise comprised of industry
24 professionals. ACC follows industry best practices
25 including Guidelines for Standards of Care in Animal

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2 Shelters, published by the Association of Shelter
3 Veterinarians. ACC's decisions are informed by these
4 industry standards and the advice of our mentors in
5 the field. Our own team also includes professionals
6 who are experts in animal sheltering: are certified
7 or licensed in their fields of expertise; have
8 master's degrees in animal welfare and decades of
9 experience in animal behavior, sheltering and shelter
10 medicine.

11 The nation's animal welfare leaders, including
12 the ASPCA, Maddie's Fund, HSUS, Best Friends, the
13 University of Wisconsin, UC Davis Koret School of
14 Veterinary Medicine, the Petco Foundation, PetSmart
15 Charities, and the Association for Animal Welfare and
16 Advancement have recognized ACC for our progressive
17 work. These leaders have worked with ACC on multiple
18 pilot projects to analyze complex animal sheltering
19 issues and develop standards for other shelters.

20 ACC could not have progressed this far if we were
21 not acutely aware of industry best practices, or we
22 did not commit to attaining the industry gold
23 standards. In many cases, we are setting best
24 practices for other organizations to follow. For
25 example, we were one of the first municipal

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2 sheltering organizations of our size to successfully
3 implement the dog playgroup model as a life saving
4 measure. We were also one of the pioneers in
5 offering a robust surrender prevention program to our
6 clients, many of whom lack access to affordable
7 veterinary resources. We have been honored multiple
8 times by national standard setting organizations,
9 have been invited to speak at their conferences
10 across the United States, and received grant funding
11 specifically earmarked for the implementation of gold
12 standard programs.

13 There is no shortage of opinion and emotion in
14 animal welfare, but it should not supplant fact-based
15 dialogue or be used to second guess the professionals
16 we set national standards, nor the qualified inhouse
17 team that works directly with our animals inside the
18 care centers. Opportunities for input from the
19 public currently exist. Our board meetings are open
20 to the public; we regularly testify before the City
21 Council and the Health Committee at oversight
22 hearing; and we respond to public inquiry on a
23 regular basis. ACC's board is made up of private
24 individuals, several of who are appointed by the
25

1
2 Mayor and City officials, all of whom question,
3 review, and direct our operations.

4 I encourage the Health Committee to come for a
5 tour, meet our staff, attend one of our community pet
6 vaccine and wellness clinics, stop by a mobile
7 adoption event, or simply adopt or foster one of our
8 animals. You will quickly understand the depth of
9 our compassion, the meaning of our work and the
10 positive impact that ACC is making as we work to end
11 animal homelessness in New York City.

12 Thank you for the opportunity to testify and I am
13 happy to take your questions.

14 CHAIRPERSON LEVINE: Thank you. Thank you to all
15 three of our Administration representatives today. I
16 want to acknowledge we've been joined by fellow
17 Health Committee Member Council Member Alicka Ampry-
18 Samuel as well as fellow Health Committee Member and
19 one of our bill sponsors today, Keith Powers.

20 President Weinstock, could you update us on the
21 shelter development in Queens in the Bronx?

22 RISA WEINSTOCK: Currently in Queens and the
23 Bronx, sites have been selected, ACC is managing the
24 construction and design of the Queens project, so I
25 can speak more specifically about that. We've

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2 identified property, we haven't yet closed. We've
3 worked with the community board. We are going to
4 engage with the public and the community in that
5 district. We expect to start work, it is an
6 environmental site, we expect to start work soon
7 after the closing which is scheduled for sometime
8 this week, early next week.

9 CHAIRPERSON LEVINE: With an opening date of?

10 RISA WEINSTOCK: The anticipated opening date is
11 2024.

12 CHAIRPERSON LEVINE: And for the Bronx?

13 RISA WEINSTOCK: I defer to my colleague
14 Christine Kim on that.

15 CHRISTINE KIM: The Bronx is also scheduled to
16 open in 2024.

17 RISA WEINSTOCK: Let me just correct that. Queens
18 is scheduled for 2022 to be open, so that will
19 proceed the Bronx.

20 CHAIRPERSON LEVINE: And the Bronx is scheduled
21 for 2024?

22 RISA WEINSTOCK: That is correct.

23 CHAIRPERSON LEVINE: Okay. President Weinstock,
24 what is the average time that an animal spends in an
25

1
2 ACC shelter before you have release or in the worst-
3 case euthanasia?

4 RISA WEINSTOCK: On average, animals are placed
5 and adopted within seven days, and these are
6 averages. Animals that have been euthanized on
7 average have spent 12 days at ACC.

8 CHAIRPERSON LEVINE: And you have touched on this
9 many times before, but I do think it's important to
10 confirm again. What are the circumstances under
11 which you would euthanize an animal?

12 RISA WEINSTOCK: Euthanasia is not a decision
13 that anybody takes likely. We are a national leader
14 at 94 percent placement. So, we are looking at the 6
15 percent of the animals in our care that are either at
16 risk or have been euthanized. Those animals right
17 now, what we are seeing, those animals have behavior
18 issues. Euthanasia decisions are really based on
19 health and behavior. And it can be a combination of
20 both but the majority of animals that are at risk for
21 euthanasia have serious behavior issues.

22 CHAIRPERSON LEVINE: Meaning you have deemed them
23 to be unsafe to the public or to other animals?

24 RISA WEINSTOCK: Well, they have behavioral
25 challenges. During that 12-day period, we spend the

1
2 time trying to find the appropriate placement for
3 that animal. Most of the animals with behavior
4 issues, if they are severe, could not be placed with
5 the public. So, they would not be candidates for
6 adoption. Then we move to our over 300 partners in
7 what we call New Hope partnership. These are rescue
8 groups that have resources in a network of fosters to
9 try and find homes that are more suitable for animals
10 with behavioral issues.

11 When we have animals with behavioral issues that
12 do not have placement, they are at risk of euthanasia
13 and if we cannot find placement for them or if they
14 are a danger to the community or to individuals or
15 even to our staff, they are euthanized.

16 CHAIRPERSON LEVINE: So, there are some animals
17 with behavioral challenges which you will post for
18 adoption. Of course, you want the potential adoptee
19 to understand the challenges and there are some
20 animals where the behavioral issues are more serious,
21 and you don't post them for adoption. You transfer
22 them to one of the New Hope shelters, is that
23 correct?

24 RISA WEINSTOCK: We will post every animal, even
25 if they have a behavior issue with the exception that

1
2 those that have been deemed dangerous dogs, which are
3 animals that are not safe or suitable for the public.
4 We want the best outcome for the most animals. So,
5 there is no set time limit, it's really based on our
6 observation of behavior and what's happening in our
7 care. And any information that we've gotten, either
8 from the prior owner or just direct observation by
9 the people.

10 CHAIRPERSON LEVINE: And what portion of the
11 animals are ultimately determined to be a danger to
12 the public? One or two percent?

13 RISA WEINSTOCK: The ones that don't have any
14 placement, yes, yes, about one or two percent are
15 deemed dangerous.

16 CHAIRPERSON LEVINE: So, of the 6 percent that
17 are euthanized, close to one-third were determined to
18 be a danger to the public?

19 RISA WEINSTOCK: Yes.

20 CHAIRPERSON LEVINE: Is that accurate?

21 RISA WEINSTOCK: Yes.

22 CHAIRPERSON LEVINE: How much time are animals
23 posted for adoption publicly?

24 RISA WEINSTOCK: As soon as an animal comes into
25 the shelter, we post their photo within hours. And

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2 if they are a candidate for adoption, that
3 information will continue to be updated. On our
4 website, we have a mobile app for adoptions, and we
5 continue to promote as much information as we have
6 for that animal. If the animal is not available for
7 adoption, you will not see them posted on our
8 website. And they may not be available for adoption
9 because of what we just discussed; they are
10 considered dangerous dogs. They maybe going directly
11 to one of our rescue partners. They maybe too sick
12 to be considered for public adoption, but every
13 animal that comes in gets a photo and their
14 information gets posted within hours of intake.

15 CHAIRPERSON LEVINE: Okay, I will come back to
16 you and the rest of the panel for questions in a
17 moment but first, I am going to be very un-Chair like
18 quickly turn it over to my colleagues for questions.
19 And we will be hearing from Council Members Cabrera,
20 Rivera, Holden and Powers among others and
21 colleagues, we are going to have to use a clock only
22 because we have, I think at this point over 100
23 people who want to speak. And I am going to ask
24 Council Member Holden to kick us off.

25

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2 COUNCIL MEMBER HOLDEN: Thank you so much. Ms.
3 Weinstock, I appreciate you know, I love ACC by the
4 way. I visited your shelter and love what you are
5 doing. I like the increase the adoptions, in fact, I
6 adopted Rocky, my office cat and he has got more
7 followers on twitter than I do but that's alright.
8 He gets more likes. We are looking at the public and
9 we talked about the social media. The perception of
10 ACC and getting more information out and that seems
11 to be the problem where information goes out, but we
12 have advocates who are saying, you are not doing a
13 great job. We are not doing the best we can do. So,
14 that means there needs to be better communications.
15 So, that's why we created, we're thinking about
16 an oversight committee or somebody else, an
17 independent body to come in and just check on things.
18 Just so, it's not just you saying, you're doing a
19 great job, or you know, these national organizations
20 saying you are doing a wonderful job. It's also
21 people of New York City and experts saying, ACC is
22 great. We are an independent body, we're not
23 associated with ACC, we love what you're doing with
24 the animals. We love how you are taking care them;
25 we love how you are adopting them.

1
2 And again, we can discuss this what that looks
3 like, but that maybe a way where people then would
4 believe you because there is another organization.
5 We talked about the social media and we know how
6 social media can blow up things and maybe twist
7 things. We know that's possible because of
8 misinformation.

9 So, I know you don't really support it, you spoke
10 to me about it, about this task force but could there
11 be something else then? Could there be a middle
12 ground?

13 RISA WEINSTOCK: We welcome the opportunity for
14 transparency. I think the issues with the bill is
15 the setting of best practices by individuals who are
16 compassionate about animal welfare but don't have the
17 knowledge or the experience that's necessary to set
18 those best practices and standards. With respect to
19 offering information or understanding, I would
20 suggest the best way to understand or offer that type
21 of information is to engage with us the way that you
22 have engaged with us. I would suggest that people
23 come in and take a tour and sit down and talk to us
24 and get to understand the types of decisions that
25 we're making.

1
2 It's a very hands on; I think the most hands-on
3 information and opportunity that we give to
4 individuals who are concerned about our practices,
5 the better. I don't think that a task force without
6 rolling up their sleeves and really coming to see
7 everything that ACC is doing will be productive. In
8 particular setting best practices for an animal
9 shelter that's taking in 28,000 animals. And it's
10 not only about the adoption of dogs and cats and
11 rabbits. At any moment and time, we're also changing
12 gears to deal with a cow or 70 chickens or a hoarding
13 case.

14 So, there is a constant flow of activity that
15 changes our direction. And really, I think that it
16 is important for the Animal Welfare professionals to
17 set the best practice standards for municipal open
18 admission shelters.

19 COUNCIL MEMBER HOLDEN: I don't want to discuss
20 it right now this second, but I think we can, I
21 think, come up with a solution where the better
22 information is getting out and there is an oversight.
23 At least people coming in and just describing what
24 they see and evaluating ACC. Just you know, here and
25 there and I think that could be positive. I know

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2 that some people feel threatened, but I think it
3 might be a solution to great a body oversight, body
4 just to look at it.

5 You said you had board meetings with the public
6 kind attend, how many board meetings a year do you
7 have?

8 RISA WEINSTOCK: We have a board meeting twice a
9 year, in January and in June.

10 COUNCIL MEMBER HOLDEN: January and June, okay.
11 And where are they located?

12 RISA WEINSTOCK: They are generally located in a
13 building that the Department of Health occupies.

14 COUNCIL MEMBER HOLDEN: Okay, I'd like to ask the
15 Commissioner Schiff to talk about - do you think that
16 the public knows how to dispose of a deceased animal?

17 CORINNE SCHIFF: I actually don't know. We
18 wanted to discuss with the Council, I understand
19 that's you bell and so, I wanted to understand better
20 the knowledge gap that New Yorkers have and what kind
21 of educational campaign would be helpful. It maybe
22 that my colleagues at the Department of Sanitation
23 might know more. This activity is their
24 responsibility but happy to talk more about what
25 other information can be provided to New Yorkers.

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2 COUNCIL MEMBER HOLDEN: Okay, thank you. My time
3 is up, so I will yield. Thank you Chair.

4 CHAIRPERSON LEVINE: Thank you Council Member
5 Holden. Next, we will hear from Council Member
6 Cabrera.

7 COUNCIL MEMBER CABRERA: Thank you so much to the
8 Chair, I know I only have five minutes, so let me get
9 to the point. I noticed that you didn't mention
10 Intro. 1498, is there a particular reason why it was
11 not mentioned? Simply is a bill that will require
12 NYPD to publish some annual reports and complaints
13 and investigation of animal cruelty allegations?

14 CHRISTINE KIM: There was a mention of it in my
15 testimony and the Administration and the NYPD does
16 support.

17 COUNCIL MEMBER CABRERA: Fantastic, I am happy to
18 hear that. Can you let me know why briefly it's
19 taking so long for – you know, the Bronx, we always
20 feel we are the last ones to get anything and why do
21 we have to wait all the way into 2024 to get what
22 everybody else already has?

23 CHRISTINE KIM: We are working as expeditiously
24 as possible and looking for every opportunity to save
25

1
2 time. We agree that we would like these shelters to
3 open up as soon as possible.

4 COUNCIL MEMBER CABRERA: But I see Queens is
5 going to get it in 2022, what is it that is stopping
6 you, the administration, from being able to have it
7 at the same time? I mean, it shouldn't take five
8 years.

9 CHRISTINE KIM: Thank you for that question. So,
10 the Queens Animal Shelter is actually being managed
11 by Animal Care Centers and the Bronx Animal Shelter
12 is a city project. And because it's a city project,
13 we have to go through all the checks and balances
14 which takes a lot of time.

15 COUNCIL MEMBER CABRERA: Well, I would hope that
16 there will be a way to expedite because this being
17 literally you know, and I know you are for it, but
18 it's literally long overdue.

19 My last question is because I didn't get at least
20 from my end and I don't have your testimony here, so
21 I couldn't go back. When it comes to the foie gras
22 bill of Council Member Rivera, are you for it? Not
23 sure, or against it?

24 CHRISTINE KIM: The Mayor supports the humane
25 treatment of animals and the administration has a

1
2 very strong track record of supporting animal welfare
3 legislation. We support the intent of this ban
4 because the Mayor does support the humane treatment
5 of animals.

6 COUNCIL MEMBER CABRERA: So, the intent or do you
7 support the bill as it is?

8 CHRISTINE KIM: We support the humane treatment
9 of animals and the intent of this ban.

10 COUNCIL MEMBER CABRERA: Okay, so, if and when we
11 pass this bill and it comes to the Mayor's desk, is
12 the Mayor prepared to sign it?

13 CHRISTINE KIM: We would like to continue
14 conversations with Council on some of the language in
15 the bill, but we do support the intend of this ban.

16 COUNCIL MEMBER CABRERA: Okay, I appreciate your
17 answer. From my end, I think it's a disgusting
18 inhumane practice that we have that needs to stop
19 like asap. I just can't believe; I didn't even know
20 this practice existed. In the city, other cities
21 across the United States and other countries has
22 already been getting rid of this practice. I think
23 the time is now and I fully support my colleague and
24 thank you for championing this bill. Thank you so
25 much.

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2 CHAIRPERSON LEVINE: Thank you Council Member
3 Cabrera and next I'd like to queue Council Member
4 Rivera.

5 COUNCIL MEMBER RIVERA: Thank you Chair Levine
6 for giving me the opportunity to ask a couple of
7 questions. I have two bills today and they both have
8 been introduced, drafted and consulted with the
9 numerous stakeholders in response to constituent
10 concerns and experiences. So, we mentioned the foie
11 gras bill and again, this is all about the ethical
12 humane treatment of animals and this bill
13 specifically is addressing the inhumane method of
14 gavage just, if you've seen any of the videos, it is
15 horrifying, and it is certainly emblazoned in my
16 brain in terms of what the animals are going through.

17 So, I know Ms. Kim, you said that you support the
18 intent or the spirit of the bill and the humane
19 treatment of animals. Do you have any other
20 information regarding foie gras that the
21 administration has put forward in terms of, do you
22 know of alternative ways to get these poultry
23 products without force feeding the animals?

24 CHRISTINE KIM: It is our understanding that the
25 production of foie gras does involve the force

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2 feeding of birds in all methods of production. So,
3 we support the intent of this bill.

4 COUNCIL MEMBER RIVERA: It is the force feeding
5 of birds, in fact, veterinarians have determined this
6 over feeding process poses numerous health risks to
7 birds including liver disease, bacterial and fungal
8 infection, potential damage to the esophagus as well
9 as a number of other disease and stress related
10 issues.

11 So, what I am trying to do is put forward a bill
12 that would end this practice and create a more humane
13 New York City to live in. So, I would love to
14 continue talking with you about this. You will hear
15 from a number of people today. We want to hear from
16 every single person effected. This is something that
17 is truly a luxury product, it is served in roughly 1
18 percent of New York City restaurants and there are
19 alternatives. We can be a better city and still have
20 amazing experiences.

21 You mentioned about Intro. 1202, while I still
22 have time. So, in your testimony, you mentioned
23 specifically that to make sure that this bill does
24 not have unintended consequences such as prohibiting
25 people from rescuing injured birds and bringing them

1
2 to care. Have you ever seen a netting of birds?
3 Have you ever seen one of these instances, these
4 examples that we've described to you today?

5 CHRISTINE KIM: I have not seen, but I have
6 heard, and I understand that that's what the bill is
7 targeting, and we think that it will provide some
8 additional tools for NYPD. So, we'd like to just
9 talk with you to make sure that the definitions in
10 the bill don't have unintended consequences. That's
11 what the testimony was designed to indicate.

12 COUNCIL MEMBER RIVERA: Because we have a number
13 of people that support us and we certainly want to
14 encourage people to bring animals into the
15 organizations that care for them and this is
16 particularly happening in my district in Tompkins
17 Square Park, in Washington Square Park and they are
18 being taken to other states for use in sport
19 shooting.

20 We realize it is already illegal to grab animals
21 off the street, but this is to increase the penalties
22 for something that is illegal and something that
23 should not be happening in New York City. And I
24 always tell people regardless of how you feel about
25 pigeons, they are animals. This is about humane

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2 treatment, being a cruelty free NYC and they are
3 central to the core of New York City, I just want to
4 add that.

5 So, I am interested in working with you to really
6 take about how we can make sure that we are doing
7 this the right way. Again, we have a number of
8 advocacy organizations who are supporting us, and I
9 want to make sure that we work together. So, I
10 really have a lot of questions for the advocates and
11 for the other stakeholders in the room, so I want to
12 thank you for your testimony, and I look forward to
13 working with you.

14 CHAIRPERSON LEVINE: Thank you very much Council
15 Member Rivera. Next up we will be hearing from
16 Council Member Powers.

17 COUNCIL MEMBER POWERS: Great, thank you. Thank
18 you for the testimony. I wanted to ask on the bill
19 related to, Introduction 1425 related to the horse
20 carriages which you had mentioned that you had
21 thought that the testimony from the DOH mentioned
22 working with the Council so the practice would rely
23 on a different heat index, the National Weather
24 Service Index. Can you speak more specifically about
25 what you are asking for there? And what the

1
2 difference is between the one that's being proposed
3 and what you are asking for?

4 CORINNE SCHIFF: Sure, so what we're suggesting
5 and we'd like to come back to you with some more
6 details once we've had a little more time to work
7 through this is that the goal of the legislation as
8 we understand it is to introduce a humidity
9 consideration into the trigger for when horse
10 carriage activity is suspended. Right now, the add
11 code addresses temperature only and this bill would
12 have that trigger include humidity determination.

13 The bill would use the National Weather Service
14 tool and we are suggesting that instead, there is a
15 tool that is specifically about horses, and so, we
16 would suggest that that tool be what's used. And
17 what we'd like to do is - we've started working on
18 this now to see how the Equine Heat Index is used in
19 other context where horses work. So, we're taking a
20 look at that and then we'd want to come back to you
21 with a recommendation for what that trigger would be
22 under this heat index. So, it's really just swapping
23 out a tool, one tool design really for humans and the
24 other tool that is designed for horses and then we

1
2 can work together to figure out what that trigger
3 would be.

4 COUNCIL MEMBER POWERS: And is there a specific
5 number that the agency administration suggests as
6 where that cut off should happen under the
7 measurement that you are requesting?

8 CORINNE SCHIFF: So, we don't have a number now.
9 We've started to work on this. If the Council is
10 open to considering the Equine Heat Index as an
11 alternative species-specific tool, then we will
12 continue work.

13 We will take a look at some of the other context
14 and bring to you what we would suggest and the
15 rational for that and then we can have that
16 conversation.

17 COUNCIL MEMBER POWERS: And under the current
18 proposal, do you have an estimate for how many days a
19 year they would exceed the threshold when you include
20 the humidity factor?

21 CORINNE SCHIFF: We did not model that. If I
22 understand your question, we don't know how many
23 additional days say for summer 2018, how many
24 additional suspensions, we didn't do that modeling.

1
2 Perhaps Council has done that, we would be interested
3 to see that.

4 COUNCIL MEMBER POWERS: And do you have under the
5 model you are proposing, any idea of how many less
6 days people would be available to work under that and
7 the horses would be taken off the streets?

8 CORINNE SCHIFF: So, again we don't have a
9 number. What we'd like to do is take a look at some
10 of these other areas where horses work. Think about
11 that in terms of this work context. Bring that back
12 to you and then I think that that point is an
13 important one and I would imagine that the Council
14 has some idea of having chosen 90, how many
15 additional suspensions you would be interested in
16 seeing and so we can have that conversation and land
17 on the right number.

18 COUNCIL MEMBER POWERS: Great, than you and can
19 you just tell where the Equine Heat Index, can you
20 talk about where that's being used today in other
21 places?

22 CORINNE SCHIFF: Sure, so for example, in an
23 agricultural setting or a horse competitive setting,
24 these are the context and we're continuing to look,
25 and we will pull as many different context as we can.

1
2 COUNCIL MEMBER POWERS: So, the point being that
3 the National Weather Index would measure what a human
4 feels that measures in other setting what a horses
5 temperature or animals temperature would be?

6 CORINNE SCHIFF: Correct.

7 COUNCIL MEMBER POWERS: Okay, and can you just
8 talk about the process under the current proposal. As
9 I understand it today, I think it's the NYPD, I think
10 takes the temperature. When it exceeds 90 degrees,
11 they go out and they tell the horse carriages they
12 can't operate for that period of time, where it
13 exceeds 90 degrees temperature. Can you talk about a
14 little bit the process that would occur if we changed
15 it, in terms of how notification would happen and how
16 measurement would happen?

17 CORINNE SCHIFF: So, currently, horse carriage
18 activity has to be suspended when the temperature
19 reaches 90 degrees. We work very closely with NYPD.
20 We have a weather station in Central Park, when that
21 temperature threshold is met, both we and NYPD have
22 handheld weather meters. We are out where the horse
23 activity is to take that temperature reading and when
24 that 90 degrees is reached, then the activity is
25 suspended. We place calls, we have contacts at all

1
2 of the stables, so we place calls to alert them. We
3 have a texting service and nearly all the drivers
4 have signed up for that. So, a text alert goes back
5 and when that happens, the horse carriages have to
6 return to the stable.

7 If they are in the middle of a ride, the tourists
8 don't have to exit in the middle of the park, they
9 have 30 minutes to finish that ride and then the
10 horses have an opportunity for rest and water and
11 then have to return to the stable.

12 Should we include a humidity factor into that
13 threshold for suspension, we would follow the very
14 same protocol. Our hand-held weather meters that we
15 and NYPD have are able to monitor humidity. So, I
16 don't foresee and as we get deeper into this and
17 think through it you know, we'll come back to you if
18 there are changes but I foresee generally the same,
19 the same protocol would be in place.

20 COUNCIL MEMBER POWERS: Okay, my times up. Thank
21 you.

22 CHAIRPERSON LEVINE: Thank you Council Member
23 Powers and now, we will hear from Council Member
24 Rosenthal.

1
2 COUNCIL MEMBER ROSENTHAL: Thank you so much for
3 your testimony today. As you know, I support all of
4 the bills. I am very excited to see them shepherd
5 through the Council. I do want to note that you did
6 not mention anything about my Resolution for Meatless
7 Mondays and I just want to confirm that there are no
8 concerns on behalf of the administration.

9 CORINNE SCHIFF: There are absolutely no
10 concerns. The Mayor has enacted many Meatless
11 Mondays Initiatives already and he also is part of
12 the Green New Deal the administration is phasing out,
13 beef processed meat purchases and also reducing beef
14 purchases by 50 percent. These are all measures that
15 are taken for the health and wellness of New Yorkers
16 and also for environmental sustainability and for
17 animal welfare.

18 COUNCIL MEMBER ROSENTHAL: Okay, thank you very
19 much. I defer the remainder of my time to Council
20 Member Powers.

21 CHAIRPERSON LEVINE: Thank you. Thank you,
22 Council Members, for your brevity and for your
23 yielding of time and we have over 100 members of the
24 public who want to testify, so we are going to move
25 on to our first panel. I thank the Administration

1
2 for your testimony. And for those who are new to
3 Council hearings, we try to organize panels by
4 perspective and interest area. We are going to make
5 sure everybody with every perspective on all these
6 issues is heard and we are going to try and keep this
7 moving very quickly.

8 I am going to call the first panel, which
9 includes Jenny Coffey of Animal Haven, Michelle
10 Villagomez of the ASPCA, Cammie Strauss also ASPCA,
11 Jennifer Lintz, sorry if I mispronouncing that,
12 ASPCA, Felicia Magnaterra ASPCA and Melissa Truman, I
13 am not sure the organization. And we will ask you to
14 come up. We are going to have a two-minute clock for
15 public testimony. Again, to accommodate the
16 extraordinary number of people who want to testify.

17 Okay, you may begin.

18 MELISSA TREUMAN: Is this on? Thanks. Hi, I am
19 Melissa Treuman, Director of Brand Communications at
20 Bideawee, speaking on behalf of Leslie Granger, our
21 President and CEO.

22 Bideawee is a 116-year-old animal welfare
23 organization with three locations: one in Manhattan
24 and two on Long Island. Bideawee is a selective
25 intake shelter that does approximately 1700 adoptions

1
2 annually from our New York and West Hampton centers.
3 We are a New Hope Partner and pull dogs and cats,
4 many in need of urgent medical care from ACC,
5 including from their Staten Island location. Because
6 many of our animals are rescued from abuse, neglect,
7 or abandonment and arrive at the shelter in need of
8 medical care before they are available for adoption,
9 they are often not feeling or looking their best upon
10 arrival.

11 Many of them come to us after losing the only
12 family they have ever known and are initially
13 terrified. Some spend days hiding before they feel
14 comfortable enough to allow handling and photos.

15 Our staff works incredibly hard to showcase our
16 animals in the best possible light so that they have
17 the greatest potential to attract adopters. Many
18 people look for their next family member online, from
19 adoption sites like Petfinder, as well as from our
20 own website, and seeing images of animals looking in
21 dire need of care or cowering in the back of the cage
22 does little to entice people into the shelter to
23 adopt. We work extremely hard to change public
24 perceptions about what adopting a shelter pet means,
25 and to have to post images within an arbitrary

1
2 timeframe, means many of these images will suffer, as
3 will our animals.

4 This will potentially mean longer stays for
5 animals, less foot traffic into our shelter, and an
6 increased likelihood that potential adopters will go
7 elsewhere to adopt or worse, purchase a pet. Putting
8 arbitrary time constraints before the medical care,
9 behavior care, and wellbeing of our animals is
10 counter-intuitive to our mission as an animal welfare
11 group. We believe that every animal deserves to be
12 highlighted at their very best in order to increase
13 their chances of finding a forever home. I will wrap
14 up.

15 Bad photos have been proven to suppress adoption
16 numbers, and our mission is to increase adoption
17 numbers and save more lives. This bill would
18 restrict our ability to do that and do a disservice
19 to the 1700 animals we rescue every year.

20 Thank you for the opportunity.

21 CHAIRPERSON LEVINE: Thank you, we appreciate
22 your perspective and thank you for adhering to the
23 time limit. Please.

24 JENNY COFFEY: Hi there. My name is Jenny
25 Coffey, I am speaking on behalf of Animal Haven's

1
2 Executive Director Tiffany Lacey. Animal Haven is a
3 small shelter with a mission to find homes for
4 abandoned dogs and cats. We serve approximately
5 1,000 animals each year. While we regularly assist
6 the Animal Care Centers as a New Hope Partner, Animal
7 Haven receives no City funding and we are not
8 contracted with the city to provide animal services.

9 We are here today to oppose the proposed 870.
10 This bill would be negative to our organization, it
11 would not help animals get adopted and it would serve
12 as a tax because we would actually have to hire
13 somebody to comply with it.

14 Simply put, requiring Animal Haven to photograph
15 and document all animals for adoption within a City-
16 determined timeframe would mean that we would focus
17 primarily on intake with little consideration for the
18 outcomes for which we strive. The photographs would
19 be little more than mug shots and the descriptions
20 would fail to tell the accurate story.

21 Today, Animal Haven is seen as a leading shelter,
22 it elevates animal welfare to a new standard. Our
23 website does showcase a selection of animals and we
24 conduct additional marketing to draw people to come
25 to visit. We promote these animals as quickly as

1
2 possible, but we are not set on any specific
3 timeframe.

4 Our communications with adopters is sophisticated
5 and our marketing is strategic and intentional. We
6 have incorporated new philosophies that suggest
7 adopters don't want to be overwhelmed with poor
8 quality snap shots of sad animals, but they are
9 searching for a connection with a pet. We no longer
10 post kittens and puppies because they get adopted
11 quickly and we've moved away from using intake
12 picture for exactly the same reason as my colleague
13 does. They don't offer adoption as an opportunity;
14 it actually deters people. I will close up.

15 I would also like to remind everybody that Animal
16 Haven is a small shelter like many other animal
17 programs in the city. Our Staff is twelve, so that
18 means, we wear so many different hats. Our marketing
19 director is our photographer, our website manager and
20 many other roles. This work would detract from our
21 mission. It would limit our success and service of
22 financial tax for us. Thank you.

23 CHAIRPERSON LEVINE: Thank you very much.

24 FELICIA MAGNATERRA: Hello, can you hear me?
25 Perfect. Hi, I am Dr. Felicia Magnaterra, I am a

1
2 shelter veterinarian and manager with the ASPCA
3 Adoption Center. The ASPCA, does not support Intro.
4 870. This bill would lead to welfare, operational
5 and resource challenges that will increase the of
6 stay for our animals in our care, which is in turn
7 going to prolong their time in the shelter and
8 directly work against the mission of the
9 organization.

10 We do not operate as a lost and found, or an open
11 admission shelter. Our population is uniquely
12 different than any shelter population in the country
13 because of the community outreach in New York City
14 and the NYPD relationship that is established.

15 Every week, animals are examined at intake and
16 placed immediately on the floor for adoption where
17 the public can see them the very same day. It is not
18 uncommon for these fast track animals, those not in
19 need of significant medical or behavioral
20 intervention, to get adopted the same day they arrive
21 in the shelter. We also regularly have animals in
22 our care for less than 3 days; so, the pet will have
23 an intake examination with the veterinarian on day
24 one, go and get spayed or neutered on day two, and
25 then get adopted on day three.

1
2 A mandate to photograph and post photos of these
3 animals is a drain on all organizational resources
4 and time that can be spent helping more animals in
5 the New York City community.

6 We currently manage a variety of sensitive
7 patient cases, ranging from abuse, neglect, hoarding,
8 and often with NYPD legal origins. These particular
9 pets have been traumatized by their previous
10 situations and experiences. They require a special
11 approach to acclimate them slowly to a new
12 environment where they are comfortable enough to come
13 out just to form basic functions in the shelter
14 setting. Photographing an animal in this condition
15 is not only difficult requiring additional resources
16 to achieve successfully, but it can also be a
17 significant setback to the progress made during the
18 pet's acclimation into the shelter from both the
19 behavioral and a welfare standpoint.

20 I just want to close up by saying that we
21 recommend before further action is taken into Intro.
22 870 that the Council work with the Animal Shelters in
23 the community to find a better way to address the
24 aims of this bill. We look forward to sharing our
25

1
2 expertise and continue to work to improve conditions
3 for New York City's animals.

4 CHAIRPERSON LEVINE: Thank you very much.

5 FELICIA MAGNATERRA: My pleasure.

6 JENNIE LINTZ: Hello, my name is Jennie Lintz and
7 I am the director of the Puppy Mill Initiatives at
8 the ASPCA. On behalf of our organization and New
9 York members, I would like to thank Councilman
10 Brannan for introducing Resolution 798 in support of
11 A. 6298/S.4234, which would prohibit the sale of
12 dogs, cats, and rabbits in pet stores across the
13 state.

14 In 2015, New York City took a stand to keep
15 puppies from some of the worst breeders in the
16 country out of our pet shops, by prohibiting the use
17 of dog brokers, or middlemen. Unfortunately, it
18 appears that pet stores continue to buy from such
19 brokers. This bold defiance is not unexpected. This
20 is an industry that makes money off buying and
21 reselling puppies, relying on aggressive and
22 deceptive sales tactics, exploiting the emotional
23 connection that people feel towards animals.

24 We are living in an era now where New York's pet
25 stores are almost completely geographically

1
2 disconnected from these suppliers. Import records
3 demonstrate that overwhelmingly, pet stores are
4 selling puppies from licensed wholesale breeders or
5 dog brokers, from states like Missouri, Iowa, and
6 Ohio. These operations consistently prioritize
7 profit over responsible, humane care and are
8 permitted by our federal government to remain in
9 business even after documented violations.

10 But even those that are in full compliance with
11 animal welfare act can legally keep dogs in wire-
12 bottomed cases just six inches longer than the dog in
13 each direction, stacked on top of each other.

14 In a further blow to transparency in 2017, the
15 USDA abruptly removed thousands of animal welfare
16 records including inspection reports, enforcement
17 actions and other information from its website and
18 that information remains unavailable today. By
19 obstructing access to this data, the USDA removed
20 critical protections from animals who need them most.
21 This means without inspection reports, there is no
22 way to independently determine which licensees have
23 violations, rendering our sourcing efforts
24 ineffective.

1
2 There are hundreds of pet store in New York both
3 large and small selling food, supplies and services
4 to millions of pet owning families throughout the
5 state. Those are the businesses we want in New York.

6 It's time to limit the ability of puppy mills to
7 profit from cruelty and improve the lives of
8 thousands of dogs. Please pass Resolution 798.

9 CHAIRPERSON LEVINE: Thank you.

10 MICHELLE VILLAGOMEZ: Good morning, I am Michelle
11 Villagomez New York City Legislative Senior Director
12 for the ASPCA. I'd like to thank the Health
13 Committee and Chairman Levine for hosting this
14 hearing on such varied animal related legislation and
15 all your efforts to make New York City a more humane
16 community. We appreciate the opportunity to share
17 our expertise to help inform your work and offer our
18 position on the following bills: Resolution 921, we
19 support Resolution 921 in support of providing a tax
20 credit to taxpayers who adopt their pets from a
21 shelter. The Council could commit to the goal of
22 incentivizing adoptions of homeless pets. The ASPCA
23 has invested millions of dollars into both the city
24 and the state's sheltering infrastructure to help
25 increase adoption rates, and we believe this measure

1
2 will inspire New Yorkers to adopt their next pet. We
3 thank Council Member Cumbo for her leadership in
4 urging state lawmakers to enact A.286 which would
5 make New York State the first in the nation to
6 provide a tax credit for shelter adoptions.

7 We support Intro. 1570, Council Member Levine's
8 bill to require that the owners of dogs being
9 accepted at boarding kennel, businesses, or
10 establishment show proof of active immunization
11 against Bordetella. This bill would clarify the
12 Bordetella vaccine requirement to reflect
13 manufacturer recommendations and current veterinary
14 best practices. Current law requires the vaccine to
15 be administered every six months which conflicts with
16 manufacturer recommendations.

17 We support Intro. 1425, Council Member Powers
18 bills to make it unlawful for carriage horses to work
19 with the heat index reaches or exceeds 90 degrees.
20 By law, carriage horse maybe work 9 hours a day in
21 temperatures ranging from a low of 18 to a high of 90
22 degrees, not taking into account windchill factor or
23 humidity. We believe that using horses to pull
24 carriages through very busy and loud city streets is
25 unsafe and an undeniable strain on the horses'

1
2 quality of life and we support efforts to address the
3 working and living conditions of the carriage horses
4 and support this step.

5 We support Council Member Holden's Resolution in
6 support of the Preventing Animal Cruelty and Torture
7 Act, and I am just going to add in additionally, in
8 Intro. 1567, there is language that still keeps the
9 ASPCA as an enforcer and I would recommend that.

10 ASPCA has turned over animal cruelty enforcement to
11 the NYPD.

12 Thank you so much for the opportunity to talk to
13 you today and considering all of these really
14 important measures.

15 CHAIRPERSON LEVINE: Thank you Michelle and an
16 important point of changeover of enforcement
17 jurisdiction and we appreciate all your positions.
18 Offering testimony as well, correct?

19 MICHELLE VILLAGOMEZ: I am.

20 CHAIRPERSON LEVINE: Okay, please.

21 CARRIE STRAUSS: Good morning, my name is Carrie
22 Strauss and I am sharing testimony on behalf of the
23 ASPCA and Daisy Feund, the Director of our Farm
24 Animal Welfare Department and who couldn't be here.
25 We appreciate the opportunity to testify today in

1
2 support of Resolution 379 which would recognize
3 Meatless Monday in New York City and share a position
4 on banning the sale of poultry products from force-
5 fed birds.

6 While the ASPCA is widely known for a long
7 history of work with companion animals, we are also
8 dedicated to reducing farm animal suffering by
9 promoting higher welfare farming practices,
10 increasing public awareness about how to make welfare
11 conscious purchasing decisions. We work nationwide
12 to build a more humane and transparent farming system
13 through consumer education, corporate collaboration,
14 support for more humane farmers and legislative
15 initiatives that support higher welfare practices on
16 farms.

17 We know that a more compassionate farming system
18 is possible, and we are working hard to make it the
19 way of the future. A big piece of this work is
20 educating the public in addition to encouraging
21 consumers to select products with meaningful animal
22 welfare certifications, we recognize the importance
23 of plant-based eating and encourage consumers to try
24 to get more plant-based foods on their plates.

1
2 Replacing meat with plant-based options, even
3 just one day a week, as Meatless Monday calls for,
4 has huge benefits for animals, people, and the plant.

5 We are grateful to Council Member Rosenthal and
6 excited to see that the Council is considering this
7 resolution. We will be thrilled for New York City to
8 join its public-school system and cities across the
9 country in adopting Meatless Monday.

10 Doing so, would further cement the city's
11 commitment to building a healthier and more humane
12 system.

13 The ASPCA's farm animal work is rooting in
14 improving conditions for farm animals and getting rid
15 of the cruelest practices used on farms. To that
16 end, we oppose the forceable feeding of farm animals,
17 including force feeding for the production of foie
18 gras. This practice which generally involves feeding
19 birds by inserting long pipes into their throats
20 causes distress, acute pain, injury and chronic
21 health complications. Consuming unnaturally large
22 quantities of corn and fat, causes the birds livers
23 to become diseased with hepatic lipidosis and swell
24 to ten or more times in normal size. These diseased

1
2 livers are then harvested during slaughter and
3 marketed as foie gras.

4 A recent poll found the 81 percent of New Yorkers
5 support a ban on the sale of foie gras from force fed
6 birds prohibiting this inherently practice used to
7 produce food items should be common sense for the
8 Council and we encourage you to move forward with the
9 initiative to prohibit the sale of products from
10 force fed birds in New York City. Thank you.

11 CHAIRPERSON LEVINE: Thank you very much. I
12 wonder whether either of our independent shelters
13 Bideawee or Animal Haven, has a position on our bill
14 to require a vaccination for Bordetella, kennel
15 cough?

16 MELISSA TREUMAN: I am speaking on behalf of our
17 President and CEO, so I personally wouldn't want to
18 speak to that. I just wouldn't want to misspeak.

19 JENNY COFFEY: And Animal Haven would likely defer
20 to the ASPCA for recommendations in that way.

21 CHAIRPERSON LEVINE: Okay, I do want to
22 acknowledge that we've been joined by fellow Health
23 Committee Member, Council Member Inez Barron as
24 fellow Health Committee Member Dr. Matthieu Eugene
25

1 Council Member. Thank you. Okay, Council Member
2 Rivera has a question.

3
4 COUNCIL MEMBER RIVERA: Thank you for testifying
5 on behalf of Intro. 1378 and your support of it. Do
6 you know of alternative ways to get the poultry
7 products without force feeding the animals? Do you
8 have that info?

9 CARRIE STRAUSS: I do not, I am actually not a
10 subject matter expert, I was presenting this
11 testimony on behalf of our Director of Farm Animal
12 Welfare.

13 COUNCIL MEMBER RIVERA: So, your director of
14 Animal Welfare is part of a larger coalition in
15 supporting this bill? We're doing a little swap.

16 MICHELLE VILLAGOMEZ: Our Director of Farm Animal
17 Welfare is currently in Italy. So, unfortunately,
18 she wasn't able to be here, but we can get you that
19 information, this is part of a larger network of
20 work. As Carrie mentioned, we do work looking at
21 like farm certification, animal welfare standards in
22 terms of you know, the criteria to look at when
23 consumers are making choices at the supermarket. We
24 have an arm that works with corporations to try to
25 improve their animal welfare practices.

1
2 So, I'd be glad to get you some additional
3 information on the foie gras piece when she returns.

4 COUNCIL MEMBER RIVERA: Yes, that would be great.
5 I have received a ton of information over the past
6 few months, but I am willing to take in anything in
7 terms of what you've seen abroad, what we can do
8 better here in New York and I thank you for your
9 testimony.

10 CHAIRPERSON LEVINE: Thank you Council Member
11 Rivera and thank you to this panel. We are now going
12 to move on to our next panel. I will ask them to
13 start making their way up, Allie Feldman Taylor of
14 Voters for Animal Rights; Dr. Mary Morimoto from The
15 Veterinary Medical Association of New York City;
16 Heather Greenhouse of Voters for Animal Rights; Ester
17 Koslow from Shelter Reform Action Committee; Nora
18 Constance Marino from Animal Cruelty Exposure Fund of
19 Queens county.

20 Would you like to kick us off?

21 MARY MORIMOTO: Sure.

22 CHAIRPERSON LEVINE: Thank you.

23 MARY MORIMOTO: Good morning, my name is Dr. Mary
24 Morimoto and I am representing the Veterinary Medical
25 Association of New York City which I will now call

1
2 VMANYC. I am a veterinarian licensed in the state of
3 New York and I am a member at large of the Executive
4 Board of the VMANYC. We are the regional
5 professional association of veterinarians residing
6 and/or practicing in the five boroughs, and we've
7 been serving the profession, the New York City
8 community, and all animals, both owned and otherwise,
9 since 1879. We just celebrated our 140th
10 anniversary.

11 I want to thank Chair Levine and the Health
12 Committee for allowing us to provide testimony today.
13 There should be written testimony being passed out
14 because I realized I have a time limit. I plan to
15 speak on two pieces.

16 The first is Intro. 1570-2019 which will unify
17 and make consistent New York City's requirement
18 regarding Bordetella immunization for dogs pertaining
19 to any dog entering Boarding training, grooming, or
20 other animal service facility in the city.

21 There are two current regulations, they
22 contradict one another, and we are hoping that this
23 will unify them. The Boarding Kennel Regulation Act
24 requires proof of vaccination against Bordetella
25 among other vaccinations but for Bordetella during

1
2 the previous six months whereas, Article 161 of the
3 Health Code currently actively vaccinated is the
4 language used and that is defined elsewhere in the
5 Health Code as administered according to
6 manufacturer's instructions.

7 So, manufacturers do conduct vaccine trials that
8 must be validated and approved by the USDA. And all
9 currently licensed Bordetella vaccines in the United
10 States have vaccination instructions for a yearly
11 basis and there has been no scientific evidence that
12 suggests more frequent vaccinations beyond
13 manufacturer recommendations, provides any additional
14 protection from infection of Bordetella.

15 In addition, the term often used kennel cough,
16 refers to upper respiratory conditions. Only one of
17 the cause of agents being Bordetella, there are many
18 other pathogens which are not covered by most
19 Bordetella vaccines.

20 Therefore, we feel that this is the best interest
21 that allow the veterinarian to provide care that is
22 consistent with manufacturer recommendation.

23 The other was Intro. 1478 but I will answer
24 questions about that separately since I am out of
25 time.

1
2 CHAIRPERSON LEVINE: Thank you doctor, we
3 appreciate that.

4 ALLIE FELDMAN TAYLOR: My name is Allie Feldman
5 Taylor and I am the President of Voters for Animal
6 Rights. We proudly support Intro. 1378 to ban the
7 sell of foie gras and for which I am very grateful
8 that my Council Member Alicka Ampry-Samuel has co-
9 sponsored. I am going to defer anymore discussion
10 from Intro. 1378 to my colleagues who are going to be
11 talking about this later on in the hearing.

12 We also support Intro. 1202 to increase penalties
13 for stealing wild birds. Intro. 1425 to protect
14 carriage horses from excessive summer heat and Reso.
15 379 to endorse Meatless Mondays in New York City.

16 Also encouraging the Council to adopt Reso. 798,
17 this is vital legislation to reduce pet
18 overpopulation and irresponsible breeding in New York
19 City.

20 And last, we urge the Council to pass Intro. 1477
21 which puts and end to the unnecessary mutilation of
22 cats purely for human convenience. I am a mom myself
23 of six rescued cats, a professional cat sitter,
24 manager of a Feral cat colony and a volunteer for
25

1
2 neighborhood track neuter release programs in Bedford
3 Stuyvesant.

4 Another words, I spend quite a lot of time with
5 cats and I can attest to the fact that declawed cats
6 suffer from physical and emotional trauma resulting
7 in even worse behavior then scratching up your couch.
8 In my experience, declawed cats will resort to
9 increased biting and aggression or unwanted marking
10 outside of the liter box as a result. The solution
11 is simple, a ten-dollar cardboard scratching post
12 that you can by online or in any pet store.

13 Declawing is a brutal practice that actually
14 requires the cats first toe to be amputated along
15 with the removal of tendons and muscles leading to a
16 lifetime of pain and discomfort. Cats need their
17 claws, they assist in climbing and maintaining
18 balance, they help to relieve stress through the act
19 of kneading, and they serve to protect a cat from
20 danger.

21 Without their claws and first toes, a cats gait
22 shifts creating a strain on the spine and leg joints
23 which often leads to early arthritis and prolonged
24 back and joint pain. Arthritis has been linked to
25

1
2 bone loss and fractures. All to protect a couch or a
3 pair of curtains. Thank you.

4 CHAIRPERSON LEVINE: Thank you very much.

5 ESTHER KOSLOW: Good morning, my name is Esther
6 Koslow and I am wearing a few hats today. The first
7 is for Shelter Reform Action Committee that's been on
8 the job for 25 years to reform the city's animal
9 shelter system and we wholeheartedly support
10 Councilman Brannan's Intro. 1478 to create a
11 department of animal welfare. It's something we
12 tried 21 years ago, but we got rebuffed by a court
13 saying that only the Mayor could create a government
14 department. But now, it's up again and it's
15 important. Why should the DOH not have any power
16 over animal welfare? Because it has a conflict of
17 interest.

18 It's mission statement is to protect people's
19 health and animals factor in only if animals pose a
20 risk to the public health. So, there you are. So,
21 who is going to protect animals? That's why we need
22 a department of animal welfare.

23 I would note that the Animal Care and Control,
24 Animal Care Centers are now subsumed and have always
25 been under the Department of Health's Pest Control

1
2 Division. Animal's aren't pests, they need
3 protection. And this bill should be amended to
4 include all animals that's not only dogs, cats,
5 bunnies, but all pets, wildlife and carriage horses.

6 I am now wearing the hat of a volunteer with the
7 Wild Bird Fund and I am also a member of the Pigeon
8 Defenders in New York City. And we wholeheartedly
9 support Council Member Rivera's Intro. 1201, to stop
10 pigeon netting. Pigeons are wild animals; I have
11 taken many emergency calls by people who have
12 witnessed these pigeon nettings. The animals, the
13 birds, many are injured during the netting and then
14 they suffer a terrible fate at the end of this
15 network.

16 So, thank you very much. I appreciate it.

17 CHAIRPERSON LEVINE: Thank you, Ms. Koslow.

18 HEALTH GREENHOUSE: Hi, good morning, my name is
19 Heather Greenhouse and I am a board member of Voters
20 for Animal Rights. I am here today in support of
21 several bills and Resolutions but would like to talk
22 specifically about Intro. 1425, the carriage horse
23 heat bill and Reso. 379 Meatless Mondays. The
24 carriage horse heat bill is common sense. Many
25 studies and scientific journals have reported the

1
2 effects of horses forced to work in extreme
3 temperatures and all agree that a temperature of 90
4 degrees Fahrenheit is too hot.

5 The horses suffer daily in this cruel industry
6 and even more in severe heat. Changing the
7 regulation to include the real feel temperature or
8 heat index would not only make logical sense but it's
9 simply the right thing to do ethically. In this
10 brutal and antiquated industry where horses suffer
11 day in and day out, forced to work and live in
12 conditions that are the complete opposite of anything
13 natural or enjoyable for their species, I ask you to
14 please support this bill, which would allow them one
15 small relief and let them rest when it's too hot
16 outside.

17 Surely, we can empathize with these horses and
18 realize that none of would want to be forced to work
19 outdoors in sweltering heat either. I'd like to also
20 point out that the carriage drivers oppose this bill
21 for one reason only and that's money. They are only
22 interested in profits. Their business depends on
23 using and abusing animals for profit. If they cared
24 about these animals, they would not force them to
25 work in extreme weather conditions.

1
2 We have nothing to gain from the horses getting a
3 bit of relieve. We are here fighting for this
4 because it's the right thing to do and we actually
5 care about the horses wellbeing. We are on the right
6 side of history, we're on the side of justice.
7 Animal exploitation and those who engage in it prefer
8 profit will be relegated to the destine of history
9 and looked back on shame and horror.

10 About Meatless Mondays, Resolution 379, we are
11 excited to support this initiative pioneered by Helen
12 Rosenthal, thank you Helen. Animal agriculture is
13 the leading cause of climate change which is the
14 biggest threat facing our very survival on the planet
15 right now. It's also well known that illuminating
16 meat, dairy and egg consumption can greatly improve
17 health by reducing the risk of chronic preventable
18 conditions. Furthermore, reducing the suffering of
19 animals by leaving them off of our plates is
20 imperative for a progressive and ethical society.

21 As Helen says, peace begins on your plate. Thank
22 you.

23 CHAIRPERSON LEVINE: Alright, thank you.

24 NORA CONSTANCE MARINO: Hi, my name is Nora
25 Constance Marino. I am an attorney in private

1
2 practice for 20 years. I am a former JAG officer in
3 the United States Army Reserves, and I am currently a
4 Commissioner on New York City Taxi and Limousine
5 Commission, although I am not testifying in that
6 official capacity here today.

7 My law practice focuses mostly on — or a great
8 deal of it is on Civil Rights and Constitutional
9 Rights. And I mention that because the bills that
10 are presented today are also about rights and they
11 are about justice. And I am not going to get into
12 each bill, you are going to hear plenty of very
13 talented speakers here today talk about each
14 particular bill, but particularly the carriage horse
15 heat bill, the ban foie gras which is heinously
16 cruel, there is just no other words for it. To stick
17 a metal pipe down somebodies throat and force food
18 down it for long periods of time. The trafficking of
19 birds, so they can be shot and used for target
20 practice or games or entertainment. The Declawing
21 bill and the establishment of Department for Animal
22 Welfare.

23 These bills are all about what is moral and what
24 is just and this morning on New York One News, Pat
25 Kiernan made a comment. They were talking about this

1
2 hearing today and Pat Kiernan made a comment; why is
3 the Council looking at a foie gras bill when we have
4 streets that need to be repaired.

5 First of all, the Council can look at everything.
6 You can look at bills regarding of the streets, you
7 can look at bills regarding people and you can look
8 at bills regarding animals and you can consider all
9 of them. And frankly, I disagree with Mr. Kiernan
10 because these are the bills that define a city, not
11 the pothole repairs. Bills like this are the bills
12 that define a city and a society and our morality and
13 this is what makes us progressive and this is what
14 makes us evolve. Speaking up for the voiceless,
15 speaking up for the vulnerable. This is what defines
16 New York City and I support all of these bills and I
17 am grateful to be a citizen of a city with such a
18 fabulous Council that is such a moral compass to
19 initiate these bills and I am in full support of
20 them. And if you do establish this Department of
21 Animal Welfare, I would like to submit a resume.
22 Thank you.

23 CHAIRPERSON LEVINE: Thank you for your
24 testimony. Is it Lieutenant, did I get your rank
25 right?

1
2 NORA CONSTANCE MARINO: It was First Lieutenant,
3 but I am no longer in the Army.

4 CHAIRPERSON LEVINE: Well, we appreciate your
5 service to the country, and we appreciate your
6 compliment of the City Council and for speaking out
7 today.

8 NORA CONSTANCE MARINO: And we appreciate you.
9 Thank you very much.

10 CHAIRPERSON LEVINE: Okay, thank you to this
11 great panel and now we will be moving onto our next
12 panel which includes Matthew Dominguez Voters for
13 Animal Rights; Cynthia King Voters for Animal Rights;
14 Eileen Mullaney-Newman from Borough President Eric
15 Adams office; Benjamin Williamson from World Animal
16 Protection; Cynthia VonSchlichton Compassion and
17 World Farming; Amber Canavan from PETA; Kathy Nazzari
18 Voters for Animal Rights and Laura Leopardo.

19 Okay, you can start us off please, so we don't
20 lose time.

21 MATTHEW DOMINGUEZ: Thank you very much Council
22 Member and Members of the Committee. Good morning
23 and this is an incredibly exciting day to be able to
24 testify in support of Intro. 1378. My name is
25 Matthew Dominguez, I am a proud Brooklyn resident

1
2 voter and the political advisor for Voters for Animal
3 Rights. I will be testifying exclusively on 1378 and
4 I want to thank the Council Member Rivera for
5 introducing this bill and being a champion for ducks.

6 The photo speaks for itself. I provided a packet
7 for all the members of the committee. For those of
8 you who have seen photos of force feeding, for those
9 of you who have seen the videos, this is what the
10 definition of animal cruelty is about. Foie gras is
11 the disease that an enlarged liver of a duck or goose
12 produce through force feeding. The force feeding is
13 done by shoving a foot-long metal tube down the
14 throat of a bird that is unwilling to have it, who
15 does not want it to happen and having food injected
16 that is far more food than it would ever consume on
17 its own.

18 In front of you is this informational packet.
19 This packet details the extraordinary support that
20 Intro. 1378 has which also includes 24 co-sponsors,
21 23 Council Members and the Public Advocate.

22 On the first page, you are going to find the
23 Table of Content which will help guide you to all the
24 information that we have provided for this committee.
25 And then, on the first page, you will have your fact

1
2 sheet. The fact sheet will of course detail all the
3 information and all the support that this bill has.
4 Page four, a scientific study that was done by Mason
5 Dickson here in New York City that found that 81
6 percent of your constituents support this bill, 81
7 percent.

8 Page seven, a statement of support by over 50
9 not-for-profit charities. These are organizations
10 who have a mission to protect our environment, our
11 health, and animals. These are not organizations
12 that are focused on profit and exploiting animals, 50
13 organizations.

14 Page nine, a letter of support of over 50 New
15 York City and New York State base veterinary
16 professionals who have endorsed this bill.

17 And page eleven, is a statement of support of
18 over 100 New York City based restaurants that support
19 this ban on foie gras.

20 Additionally, on page 24, you will find a
21 comprehensive white paper that was done by the Humane
22 Society of the United States that details all the
23 scientific backing for this bill. And on page three,
24 I would call your attention specifically for that
25 document that covers the common myths refuted because

1
2 the foie gras industry has refused to be candid and
3 transparent when it comes to the lies that they are
4 telling.

5 I will just wrap it up and just say that I am
6 very proud to be a New Yorker because at the end of
7 the day, we fight to be a beacon of light for
8 animals. We do not shy away when it comes to abuses,
9 we rather run to aid those who need our help. Our
10 moral character of this city is defined by the way we
11 defend and stand up for the rights of the most
12 vulnerable in our society and I can't think of a
13 group of living creatures that are more vulnerable in
14 need of protection than ducks being violently
15 force fed by the foie gras industry. Thank you so
16 much and I'm happy to take any questions that you may
17 have.

18 CHAIRPERSON LEVINE: Thank you.

19 AMBER CANAVAN: Thank you. My name is Amber
20 Canavan. I visited Hudson Valley Foie Gras in 2011.
21 I did so without permission because I did not believe
22 the mislike leading advertisements that the company
23 puts out and I thought the public had a right to know
24 the truth. I was right to be suspicious. I found
25 that Hudson Valley Foie Gras is an industrial factory

1
2 farm that force feeds animals until they become sick
3 and slaughters them just before they would die from
4 the process itself.

5 I discovered that birds were being kept in wire
6 bottom pens suspended over a river of their own
7 waste. The shed was so long, and the air was so hazy
8 inside, that I could barely see the end of it. Just
9 rows after rows of pens filled with distressed birds.

10 When not being used, the force-feeding tubes
11 which were about the length of my forearm were left
12 dangling menacingly over their heads. Many of the
13 ducks at the facility had difficulty walking and
14 breathing. Experts say that this is because of their
15 engorged livers and being forced to stand 24/7 on the
16 wire.

17 Several of them had dried discharge around their
18 eyes and nostrils. The skin and feathers of many of
19 the ducks were caked with feces and some of the birds
20 suffered from opened untreated wounds. I found the
21 corpses of several dead ducks lying beside living
22 birds in these pens.

23 I had hopes that the legal system would do
24 something to help these suffering animals. Instead,
25 after I exposed the truth, Hudson Valley Foie Gras

1
2 used its political influence to have me prosecuted
3 and thrown in jail. While being incarcerated is
4 awful, it made me think deeply about the animals used
5 for the foie gras industry, all of them who are
6 subjected to far, far worse for their entire lives
7 only to be killed horribly.

8 I am extremely grateful to the City Council for
9 hearing me out today and considering this issue.

10 Please do not allow Hudson Valley Foie Gras or any
11 other greedy company from the foie gras industries to
12 sell its products in this progressive city. Thank
13 you very much.

14 CHAIRPERSON LEVINE: Thank you.

15 CYNTHIA VONSCHLICHTON: Good morning everyone.

16 My name is Cynthia VonSchlichton and I am speaking to
17 you today on behalf of Compassion in World Farming
18 and our US Executive Director Rachel Dreskin who is
19 from Brooklyn and I am from New York as well.

20 In this capacity, I request the passage of Intro.
21 1378 the proposed ban on the sale of foie gras. It
22 is not surprising that an organization called
23 Compassion in World Farming would support such a ban.
24 As the production of foie gras flies in the face of
25 the very principals that our organization was built

1
2 upon. Founded by a dairy farmer who became
3 disheartened by the increase in intensive farming
4 more than 50 years ago, we continue his mission on a
5 global scale to end factory farming in its most
6 horrific practices. Foie gras production is
7 certainly one of those practices. It involves the
8 force feeding of ducks or geese via a feeding tube,
9 pipe or funnel several times a day until they develop
10 fatty liver, which is a painful liver disease. Not
11 only is this process excruciating, it results in
12 numerous complications including bruising,
13 perforation of the esophagus and asphyxiation. But
14 its production is forcing these birds to live lives
15 that are exclusive to pain, misery, fear and
16 completely absent of what is natural to them, such as
17 swimming in a pond.

18 Compassion works closely with major food
19 businesses to address supply chain policy changes
20 that reduce animal suffering. A recurring theme in
21 our discussion with food leaders is the significant
22 economic risk an entity faces if they chose to do
23 nothing with regard to animal welfare.

24 So, if you need another argument that goes beyond
25 the blatant animal cruelty of foie gras production,

1
2 take a look at the numbers. More than 70 New York
3 City restaurants already support a ban on force fed
4 foie gras. And 81 percent of New Yorkers support
5 legislation to prohibit the sale of foie gras. 81
6 percent, when was the last time that many people
7 agreed on something?

8 Passing Intro. 1378 is not only banning a
9 practice that is inherently inhumane but is in the
10 best economic interests of New York City. Thank you.

11 COUNCIL MEMBER RIVERA: Thank you. I am just
12 stepping in momentarily for Chair Levine.

13 BEN WILLIAMSON: Hello, my name is Ben
14 Williamson, I am the US Programs Director with Wild
15 Animal protection. We have offices in over 14
16 countries. We have an office in Midtown Manhattan,
17 and we operate in over 50 countries. I live on the
18 upper eastside in Council Member Ben Kallos's
19 district and myself and my organization support bill
20 1378.

21 I have submitted my written testimony and it
22 repeats a lot of what my colleagues here have said,
23 so I won't repeat that. I do want to answer your
24 question, Council Member Rivera from earlier about
25 whether there is anyway to produce foie gras humanely

1 and the answer is simply no. I have been an animal
2 protection professional for eight years now. I have
3 reviewed countless exposes of foie gras farms
4 including Hudson Valley Foie Gras, several there and
5 So-called High Welfare Farms in France and
6 Townsit[SP?] is the highest welfare farms in the
7 world. I saw footage of birds with broken legs whose
8 legs breaks under the weights of their own distended
9 livers. I've seen birds who are still not spared the
10 horror of the force-feeding machine with those
11 maladies. The ones who can escape, who can run to
12 the side of their open top pens, do so whenever they
13 see the farmers force-feeding machine come around.
14 That tells you what I think about it. They have
15 labored breathing; their livers are pushed against
16 the side of their lungs. They are panting
17 breathlessly constantly and so, there is no such way
18 to produce foie gras humanely. There are some farms
19 in Spain that claim to be humane, but as you know,
20 the birds gorge themselves but traditional foie gras
21 can only be produced through the gavage method of
22 force feeding. Humans would never reap the kind of
23 quantities of food that birds are forced to ingest
24 from force-feeding.
25

1
2 So, I would just like to say that you and the
3 food and agricultural organization, view and all
4 agree that there is no way to produce foie gras
5 humanely. Virtually all veterinarians and avian
6 experts agree there is no way to produce foie gras
7 humanely. And I thank you for your time and
8 consideration, I hope that answered your question.

9 COUNCIL MEMBER RIVERA: Thank you.

10 CYNTHIA KING: Good morning, my name is Cynthia
11 King, I live in 39 and own a business in district 40.
12 I am a mother, a teacher, an employer and a voter. I
13 am here because I was taught, if you see something,
14 say something. I have seen photos, video and have
15 read the facts about foie gras. You have already
16 heard the gruesome descriptions, so I will skip it
17 here and talk just about what we can do.

18 Council Member Rivera has introduced a
19 commonsense bill that would end the unnecessary
20 suffering by prohibiting the sale of products from
21 force-fed birds in New York City. I strongly support
22 Intro. 1378. New York City should join dozens of
23 countries. The state of California and many
24 prominent retailers in prohibiting the sale of foie
25 gras from force fed birds.

1
2 What can possibly be a rational argument in favor
3 of this cool practice and for the record, I also
4 strongly support Intro. 1425, 1202, 1477, 1496, 1567,
5 Resolution 379, 798 and 921. Thank you.

6 CHAIRPERSON LEVINE: Thank you very much. I
7 wonder if one of you could clarify, is there such a
8 thing as foie gras that's produced from non-force-fed
9 birds.

10 BEN WILLIAMSON: No, the traditional French
11 method of gavage is the only sanction method of
12 producing foie gras. There are farms that claim to
13 produce foie gras that doesn't come from force
14 feeding, but that's not, foie gras is recognized,
15 that's just pate.

16 CHAIRPERSON LEVINE: Understood, okay, thank you.
17 Council Member Rivera.

18 COUNCIL MEMBER RIVERA: Thanks again for being
19 here. Question, we've covered a lot on the process,
20 the implications, the negative impact. I want to
21 talk a little bit, I want to ask you rather, about
22 how do you think restaurants could adapt to this
23 proposed law?

24 MATTHEW DOMINGUEZ: Well, as you mentioned in
25 your opening remarks on this bill, only about one and

1
2 a half percent of New York City restaurants even
3 provide foie gras on their menu. Most of them, it's
4 just one to two items are on the menu, appetizer or
5 something like that.

6 And so, for many of the businesses that have
7 this, removing it from it is going to cause no
8 problems for them at all. It is a luxury item; it is
9 not one that many people in New York City eat. I do
10 not believe that this will have any real impact and I
11 can certainly say there will be absolutely no job
12 loss in New York City.

13 COUNCIL MEMBER RIVERA: What alternatives to foie
14 gras could the restaurants serve?

15 MATTHEW DOMINGUEZ: Of course, there are a few
16 chefs, there are actually quite a few chefs like
17 Wolfgang Puck and others who have said that they are
18 not going to contribute to the suffering of animals
19 and stopped using foie gras in their recipes.

20 There are a few out there. There is actually a
21 phenomenal French restaurant in the lower eastside
22 called Delice and Sarrisin where the owner of that
23 restaurant has produced an actually very tasty
24 alternative that's a plant based foie gras and for
25 many people that like the taste of foie gras, have

1
2 gone in and said that it's relatively passable and
3 so, we would recommend that if they want to keep
4 having something on the menu that resembles it, then
5 to use a plant base.

6 COUNCIL MEMBER RIVERA: And how much foie gras
7 comes from US production versus other countries?

8 MATTHEW DOMINGUEZ: That's a really great
9 question and that's one I don't have the answer for
10 unfortunately. The foie gras industry in industrial
11 farmers, they are not exactly what you would call
12 transparent. We have tried to get information in
13 regards to the number of the ducks at the facilities.
14 We've tried to get numbers in regards to the number
15 of restaurants that serve it. How much of it is
16 coming from say, Hudson Valley into New York City.
17 How many is coming from the foreign countries. We
18 simply don't know. However, the one thing I will say
19 is that we do know that part of the foie gras that is
20 coming in, a portion of it that is coming into the
21 city is coming from the few European countries that
22 still allow the production of it, even though their
23 aren't many. And we do know that investigations have
24 been done in those facilities and they are equally,
25 if not even more cruel than the videos that have been

1
2 taken and the production methods that have been
3 exposed at Hudson Valley.

4 COUNCIL MEMBER RIVERA: Thank you. Thank you all
5 for your advocacy and for your answers and for your
6 time. Thank you Chair.

7 CHAIRPERSON LEVINE: And I believe Council Member
8 Holden, you got a question.

9 COUNCIL MEMBER HOLDEN: Thank you. I have more
10 of a statement just to thank this panel for great
11 testimony and Matt, is that your name Matt? Thank
12 you for this because it's amazing and I just can't
13 believe we could be so cruel for some luxury item
14 like foie gras, it's just ridiculous and if you look
15 at these photos, it just makes you so sad that this
16 has to be stopped and it has to be stopped now. I
17 want to thank the panel for your advocacy. Thank you
18 so much.

19 CHAIRPERSON LEVINE: Thank you Council Member
20 Holden. Thank you to this panel, we appreciate it.
21 Thank you.

22 Our next panel will include Stephen Malone,
23 Christina Hanson of Carriage Horses and Drivers.
24 Forgive me, we have a few people on the previous
25 panel that did not get to speak. So, those of you

1
2 who did not get to speak, please join us. That was
3 my mistake.

4 EILEEN MULLANEY-NEWMAN: Hi, my name is Eileen
5 Mullaney-Newman. I am here representing Brooklyn
6 Borough President Eric L. Adams. Good morning Chair
7 Levine and the City Council Committee on Health.
8 Thank you for the opportunity to testify at today's
9 hearing about prohibiting the sale or offer for sale
10 of foie gras made from force-fed birds.

11 Brooklyn is home to 2.6 million residents. A
12 population that represents the largest county in both
13 New York City and state. The public health of our
14 constituents is therefore one of the most important
15 responsibilities of the Brooklyn Borough President.
16 Including not only the physical health of New Yorkers
17 but also, their emotional and wellbeing mental
18 health.

19 That's why we ask Council Member Cabrera to
20 introduce Reso. 238 to bad processed meats from
21 school food. That is why we work to expand Meatless
22 Monday to all hospitals and schools aided by Council
23 Member Helen Rosenthal's Meatless Monday Resolution.

24 Intro. 1378 would prohibit the sale or for sale
25 foie gras made from force-fed birds as well as

1 further provision of such foie gras and any matter in
2 food service establishments addressing both public
3 health concerns. Foie gras is unhealthy for humans.
4 It drives 85 percent of its calories from fat and can
5 trigger the production of a certain compound that
6 raises ones risk of developing Alzheimer's,
7 Huntington's Disease, Type 2 diabetes, heart disease,
8 which is New York's number one killer. And as we all
9 have heard, to produce foie gras workers force pipes
10 down the throats of confined male ducks and geese,
11 two to three times each day.

12 This routine force feeding causes the birds
13 livers to swell up to ten times their normal size
14 which causes difficulty standing and the birds to
15 tear out their own feathers and attack each other out
16 of stress. For humans to inflict this pain upon
17 these animals, is emotionally and psychologically
18 damaging. Foie gras has been banned in Austria, the
19 Check Republic, Denmark, Finland, Germany, India,
20 Israel, Italy, Luxembourg, the Netherlands, Norway,
21 Poland, South Africa, Sweden, Switzerland and the UK.
22 Ultimately, there is no justification from a
23 nutritional or a humanitarian standpoint for foie
24 gras to be available for sale or consumption in New
25

1
2 York City. The Borough Presidents beliefs is our
3 obligation as policy makers to ensure that New York
4 City agencies and institutions do not continue to
5 force feed our health care crisis or perpetuate the
6 suffering of animals.

7 The Borough President stands with the 24 Council
8 Members who have cosponsored this historic and
9 important bill that would promote and protect the
10 health of all New Yorkers. Thank you.

11 CHAIRPERSON LEVINE: Thank you and we want to
12 acknowledge what a leader Borough President Eric
13 Adams has been on so many issues but his record on
14 Animal Welfare is really extraordinary.

15 EILEEN MULLANEY-NEWMAN: And I am very pleased to
16 be his animal advocate.

17 CHAIRPERSON LEVINE: Okay.

18 EILEEN MULLANEY-NEWMAN: Thank you.

19 CHAIRPERSON LEVINE: Thank you. Please.

20 KATHY NIZZARI: Thank you, Council, for the
21 opportunity to speak today asking you all to support
22 Intro. 1378 and thank you for this unprecedented
23 number of animal protection bills. Evidence you are
24 making New York a compassionate city.

1
2 I am Kathy Nizzari, board member of Voters for
3 Animal Rights and Solid Waste advisory board. County
4 Committee woman in Speaker Johnson's district and a
5 pet care and behavior specialist. If you live with
6 cats or dogs, you know they have the same emotions we
7 do including fear.

8 I would with fearful and avoidant pets who have
9 been traumatized by people physically abusing them.
10 PTSD is scientifically documented in animals most
11 notably military dogs and some farm animals. Foie
12 gras farms meet all the markers for inducing PTSD
13 which can often result from a single event and I've
14 provided research for all of you. Please close your
15 eyes and picture yourself in a confined stall
16 surrounded by endless rows of others. A man
17 approaches, grabs your face and quickly shoves a long
18 metal pipe down your throat. No anesthesia, it hurts
19 like hell. You try to get away, he pumps ten pounds
20 into you and pulls the pipe out. You are in
21 incredible pain and lethargic from all of that food.
22 You feel absolutely sick, vomit, there is even some
23 blood. You look down and see a puncture wound on
24 your stomach from where he shoved the pipe too hard.
25 He does the same to your neighbors and leaves.

1
2 He comes back, your heart is racing, he repeats
3 what he did earlier. You are in excruciating pain
4 and so sick. When he leaves, a rat climbs on your
5 stomach to pick at your wound. You are absolutely
6 terrified. A couple of hours later, the sadist is
7 back. It's clear there is only one reason he is
8 there. Your anxiety level is incomprehensible making
9 your throat very dry, so that pipe hurts even more,
10 and every day is the same as the first, every single
11 day, day after day, but there is no end until he
12 finally kills you.

13 I don't know a single human being who could
14 withstand this type of prolonged torture. Would you
15 do this to your dog or your cat?

16 Thank you for your time, I urge you all to please
17 support or co-sponsor if you haven't already Intro.
18 1378 and 1202 to protect birds. Thank you.

19 CHAIRPERSON LEVINE: Thank you.

20 LAURA LEOPARDO: Good morning, my name is Laura
21 Leopardo and I live in Prospect Heights Brooklyn in
22 Council Member Laurie Cumbo's district. I urge her
23 to support Intro. 1378, the force-fed foie gras sales
24 ban. I am here also today to ask your committee to
25 pass that Intro.

1
2 I will repeat several points previously made, but
3 I will read what I have prepared. A few more moments
4 of discomfort or monotony of hearing several facts
5 repeated is nothing compared to the suffering of the
6 birds involved in this cruel and inhumane practice.
7 Birds raised for foie gras spend the first four weeks
8 of their lives eating and growing sometimes in semi-
9 darkness. For the next four weeks, they are confined
10 to cages and fed a high protein, high starch diet
11 that is designated to promote rapid growth. Force
12 feeding begins when the birds are between eight and
13 ten weeks old, then for 12 to 21 days, they are
14 subjected to having a pipe unwillingly shoved down
15 their throat every day. So, between 2 and 4 pounds
16 of grain and fat are forced down their throats two to
17 three times per day.

18 The Washington Post reported the tube is "is
19 pushed down their throats and more food that they
20 want is gunned into their stomachs. If the mushy
21 food sticks, then a stick is sometimes used to force
22 it down."

23 I have even read reports that at times motor oil
24 is used to lubricate the tube for a more easily
25 insertion. The birds livers which become engorged

1
2 can grow to be more than ten times the normal size,
3 which is actually a disease called fatty liver
4 disease. So, this practice of literally force
5 feeding a bird for the sole purpose of making it sick
6 and diseased just to create some delicacy is
7 gruesome, inhumane, and certainly animal cruelty.

8 The force-feeding of ducks and geese cause a host
9 of other afflictions documented by the scientific
10 committee on Animal Health and Welfare, which advises
11 the European Commission as well as the American and
12 Canadian Veterinarian Medical Associations. These
13 scientists found that birds biology doesn't protect
14 them from the stress, pain, and injury that occurs
15 from capture and restraint of the birds before the
16 tubes insertion.

17 I will move on.

18 CHAIRPERSON LEVINE: I will ask you to wrap up
19 quickly if you can please.

20 LAURA LEOPARDO: It's so cruel and inhumane that
21 it has been banned in 17 countries. So, when you are
22 eating foie gras, you are eating the intentionally
23 diseased liver of a bird that has been inhumanely
24 raised and handled. There is nothing ethical about
25 that and there is no way to make it okay.

1
2 CHAIRPERSON LEVINE: Just to confirm one point
3 you had made. It is in fact not true that ducks have
4 no feeling in their throats. I want to confirm the
5 facts here because there is some misinformation out
6 there.

7 LAURA LEOPARDO: Yes, they have thicker throats
8 then we do, but they still feel pain, because they
9 are such beings that feel stress, pain, and love and
10 actually avoid the workers that come to them to
11 insert those pipes. Because they know what is coming
12 next.

13 CHAIRPERSON LEVINE: Okay, that's a critical
14 point. I just wanted to get that out there. I have
15 a question for you which maybe some members of the
16 first half of the panel might be able to help with,
17 but is it true that there is experimentation now to
18 create in the laboratory, lab grown foie gras? Do we
19 know about this?

20 UNIDENTIFIED: I cannot answer that. Not that I
21 am aware of.

22 CHAIRPERSON LEVINE: You could come back sure.

23 MATTHEW DOMINGUEZ: There is a growing movement
24 whether it's meat producers or from animal advocacy
25 groups in other corporations to make sure that

1 animals are not killed, and animals are not tortured
2 for meat, dairy, and eggs. And in vitro meat and
3 other cell based clean meat is being produced.
4

5 However, the companies that are working on this, from
6 my understanding are not working on foie gras. It is
7 such a product in order to put the amount of money
8 that would require to create that into something that
9 very few people consume is just not business sense.

10 Most of those companies are focusing on making
11 burgers and hotdogs and chicken.

12 CHAIRPERSON LEVINE: Thank you for that
13 clarification and thank you to this panel. We
14 appreciate you speaking. Now, we can move on to
15 Stephen Malone from the Horse Carriages; Christina
16 Hansen also Carriage Horses and Drivers; Josh
17 Sausville; Ariel Fintzi; Alison Clark and we have
18 Lily Hodge from the Equine Cultural Heritage Museum.

19 And you can start us out. Thank you.

20 STEPHEN MALONE: Good afternoon, my name is
21 Stephen Malone, I am a Second-Generation Carriage
22 Operator and my family has been in this business
23 since 1967. I come to you today to vehemently oppose
24 Intro. 1425. During the past summer of 2018, the
25 hottest summer the carriage industry has ever had to

1
2 endure. We did so with zero, I repeat, zero
3 incidents.

4 The current regulation has been on the books for
5 30 plus years and is a strong and fair regulation,
6 the Regulation quite simply works. With this
7 regulations, our horses have been through 30 summers
8 without incident and I am confident it would continue
9 another 30 if the regulation was left as is.

10 There is no basis for this change other than the
11 city with the help of New York Class to try to
12 overregulate us out of business. I have personally
13 met with most of you over the last few months in
14 regard to this bill and have offered many very good
15 solutions. Solutions that are reasonable, solutions
16 that are rational, and make perfect sense to better
17 protect our horses.

18 Unlike other industries, we come to you without
19 an open hand or a handout. We don't come to you with
20 gripes and complaints. We come to you with
21 solutions. Solutions to created public problems that
22 do not exist. We are a self-sufficient industry that
23 is completely dependent on the weather. We need to
24 protect our strong and fair regulations on the books
25 now rather than arbitrarily changing laws that work

1
2 and do not need to be changed. Passing Intro. 1425
3 will create a major hardship for all the men and
4 women that operate within this industry.

5 Arbitrarily changing the industry to an index
6 will not protect the horses any better than it does
7 now, but actually make it worse on them. Under the
8 new law, they will not get the proper exercise for
9 most parts of the summer and the horses will not even
10 be allowed out most days when the humidity is very
11 high in the morning.

12 At least today, the horses can get their exercise
13 until the temperature reaches the legal limit of 90
14 degrees before returning to the stable.

15 I will wrap up. This bill as written today is
16 not only careless but irresponsible on behalf of the
17 City Council. There have been no studies done to
18 warrant such a major change to the current
19 legislation to show better protection for our horses.
20 Intro. 1425 on the surface, looks like a good
21 reasonable bill to most but if the bill is enacted,
22 it will do the exact opposite of what it is enacted
23 to do. Thank you for your time.

24 CHAIRPERSON LEVINE: Thank you, Mr. Malone.
25

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2 CHRISTINA HANSEN: I am loosing my voice, but
3 members of the Committee on Health, Council Members
4 and Chairman Levine, who is my Council Member. My
5 name is Christina Hansen, I have been a carriage
6 driver for 13 years, 7 in New York City and I come
7 here with numbers. For the past 30 years, our heat
8 regulations have worked perfectly to protect the
9 carriage horses. There are very few laws you say that
10 of. Our horses have never worked above 90 degrees,
11 the temperature measure where they work will return
12 those tables.

13 Extremely hot summers like last years, were
14 suspended 34 days, meant that our horses actually
15 worked less last summer then they usually do. This
16 bill if enacted would have added 16 to 20 more days
17 of suspensions that neither our horses nor we can
18 afford to miss.

19 We are proud to already have the lowest
20 temperature in the country. I used to drive in
21 Philadelphia where our horses were suspended in 92
22 without incident. Carriage horses in Charleston and
23 Savannah that use heat index values, stop work at 95
24 absolute temperature 110-degree heat index quite
25 safely. Chicago City Council in 2017, reviewed their

1
2 stop work temperature, also 90 Fahrenheit and
3 veterinaries from the Illinois State Veterinary
4 Medical Association determined that 90 Fahrenheit was
5 a perfectly adequate temperature cut off since
6 carriage horses are doing extremely light work
7 usually and I have included those documents from
8 Illinois. They rejected lowering the temperature
9 there.

10 Carriage horses are no different physiologically
11 from police horses, racehorses, and riding horses,
12 yet none of these other Equine populations in New
13 York City would be subject to these ridiculous
14 restriction. The ASPCA even sponsors in Long Island
15 in August, the Hampton Classic, where horses
16 routinely compete in much warmer weather.

17 Intro. 1425 is the product of New Yorkers for
18 safe streets. This organization has since 2008
19 existed solely for the purpose of putting us out of
20 business. Whether by replacing our horses with
21 electric, cutting the number of licensed horses in
22 half. Moving carriages off of their hack stands on
23 Central Park south and hiding them in the park or
24 this new scheme, to limit our ability to pay our
25

1
2 bills during the summer months and take care of our
3 horses.

4 Since we last testified before the City Council
5 on Carriage legislation in January of 2016, the high
6 class has spent more than one half a million dollars
7 lobbying everyone in the City Council for changing
8 our already effective and humane regulations. There
9 is zero evidence this bill would help horses in any
10 way, since they are already being perfectly protected
11 by the 90 Fahrenheit cutoff. Please support science,
12 horses, and carriages and vote no on 1425.

13 CHAIRPERSON LEVINE: Thank you Ms. Hansen. I just
14 want to pause and say we've had a remarkably
15 respectful hearing so far; I want to thank everybody
16 for that and want to continue in the vein for the
17 rest of the hearing. Please proceed.

18 ALISON CLARK: Hello, my name is Alison Clark, I
19 am the Southeast Vice President of the New York State
20 Horse Council. Which is New York State's umbrella
21 organization for horses. Amongst other committees,
22 we have a humane committee and a safety committee.

23 Because I've been told I can only read one
24 testimony and I have several expert ones, I would
25 like to read please the testimony of Dr. Harry

1
2 Werner, veterinary doctor. And he is in opposition
3 to Intro. 1425, as of the New York State Horse
4 Council. His testimony reads, my name is Harry
5 Werner. I have practiced at Equine Medicine in
6 surgery in Connecticut and New York State for 45
7 years and I am past president of the American
8 Association of Equine practitioners. I have
9 personally visited each of the Central Park carriage
10 horse stables and inspected the horses. In my
11 opinion, these horses get exceptionally good care,
12 and this extends fully to their working conditions.
13 There is absolutely no evidence-based data to support
14 any lowering from 90 degrees Fahrenheit, the
15 temperature which their work must be suspended.

16 There is simply no Equine benefit to be achieved
17 by doing so. The current protocol is working well
18 and is in the best interest of the horses health and
19 welfare. I strongly advise against this proposed
20 change. Respectfully.

21 CHAIRPERSON LEVINE: Thank you. And I will
22 inform you that your free to submit the testimony
23 from the other experts to the Sergeant and for any
24 folks here in public who are not able to speak, they

25

1
2 also may submit their testimony to the Sergeant, and
3 it is entered into the record.

4 ALISON CLARK: Thank you.

5 LILY HODGE: My name is Lily Hodge and I am not a
6 horse expert, but I was asked to read this statement
7 from Gloria Austin who is an educator, an
8 internationally renown carriage driver who took a
9 carriage ride in Central Park on Sunday. She is
10 located in Florida, so she is not here.

11 As a carriage driving expert, I believe there is
12 no further need for regulating the work of horses in
13 New York City. Horses have been breed for 6,000
14 years to serve mankind for transportation,
15 agriculture, warfare and commerce. We have only used
16 self-propelled vehicles for 100 years. These people
17 who make their living with horses do not want to
18 abuse their horses, nor work them beyond their limits
19 or they lose their livelihood. Our history must be
20 preserved through the presence of horses on the
21 streets of New York. Please, no further regulation
22 and I praise you for keeping these important symbols
23 of our history on the streets of New York.

24 CHAIRPERSON LEVINE: Thank you.
25

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2 JOSHUA SAUSVILLE: My name is Joshua Sausville, I
3 am a carriage driver and I mean, I think anyone who
4 is involved knows that the current regulation is
5 fine. It's actually very strict, as the temperature
6 gets taken by the NYPD using an official thermometer
7 on the sidewalk at the horse carriage line, it's very
8 organized and we get suspended a lot already, because
9 it is quite strict as it is.

10 To arbitrarily say that it has to be 90 heat
11 index and keep it at that number just because 90 is
12 kind of a nice round number, well, it's just plain
13 silly, but it's also uninformed.

14 But I think there is kind of an unspoken
15 assumption that is the only reason that NY Class and
16 the anti-horse carriage lobby gets taken seriously
17 and it has a lot to do with the fact that our
18 industry is mostly made up of an immigrant workforce
19 and the assumption is that only Americans know how to
20 treat animals. Only rich upper eastside New Yorkers
21 know how to treat animals. Only White people know
22 how to treat animals. And that assumption is
23 coloring this whole debate and it's very unfair to my
24 industry that we have to put up with this. Frankly,

1
2 unspoken racism that we have suffered with for years
3 coming from the animal rights lobby. Thank you.

4 CHAIRPERSON LEVINE: You know your are free to
5 site statistics but don't impugn the motives of
6 people on the other side and don't ascribe that form
7 of prejudice. It's really inappropriate and
8 inaccurate. Do we have one more person who is
9 scheduled for this panel, is that right?

10 ARIEL FINTZI: You called my name before. You
11 called my name, Ariel Fintzi.

12 CHAIRPERSON LEVINE: Oh, yes, your name again
13 sir.

14 ARIEL FINTZI: Ariel Fintzi.

15 CHAIRPERSON LEVINE: Okay, can maybe one of your
16 colleagues swap out a seat?

17 ARIEL FINTZI: My name is Ariel Fintzi, I am a
18 carriage driver since 2181. I've been around horses
19 since 1958. I grew up with horses, I love horses. I
20 love people and I am here to speak on behalf of
21 everybody. But especially from the horses mouth, the
22 horse feeling and the horses needs.

23 The horses needs in order to be in good shape,
24 they must have enough exercise daily. It makes them
25 all their gut system - it makes them be adjusted and

1
2 function very well. To keep the horses and for any
3 body to decide that they cannot work with the new
4 current laws that you are suggesting, it would hurt
5 our horses. That's not something you want to do. We
6 need to take our time to do a thoroughly
7 investigation and with thoroughly study and make sure
8 that what your intention is to protect our horses
9 would not hurt our horses. It's not your attention,
10 you must use a horse sense and a horse needs to be on
11 the first priority. It's not about the money. I
12 hurt about here, it's all the money, money. No, it's
13 not about the money. We care and love our horses.
14 We have a full commitment to our horses.

15 Please, take your time, don't rush to make
16 something that would hurt everybody. I pledge you.

17 CHAIRPERSON LEVINE: Thank you. I believe Powers
18 has -

19 COUNCIL MEMBER POWERS: Yeah, I have a few
20 question, thank you. I just want to start though
21 just to reject the premise here that was stated that
22 this is about anti-immigrant or anti-worker. If you
23 believe in the New York City Council is against
24 immigrants or workers, you just simply haven't been
25 paying attention to the work that Council has been

1
2 doing and predominantly, I am one of the five members
3 of the Irish caucus, an industry that's been
4 historically Irish and immigrant, I just want to
5 reject that out of hand. And I have been never
6 vilified the industry. I have been careful to hear
7 the concerns and to be careful in hearing how the
8 impact of the industry would be, and I don't feel
9 like that respect is being given back to the Council
10 today, to be fair. But I am going to ask questions
11 anyway.

12 So, my first question is, the Administration was
13 here, and they made a recommendation to us about
14 using a different index. I understand the position
15 of the panel is that 90 degrees as stated today is a
16 fine metric, but I'm interested in hearing thoughts
17 on the Administration's recommendations today about
18 using the Equine Heat Index rather than the National
19 Weather Heat Index.

20 STEPHEN MALONE: Well, you know, again, as long
21 as it's good for the horses, we're definitely open to
22 discussion. I think there needs to be studies done
23 and I think there needs to be a panel of non-bias
24 veterinarians brought in to weigh in on this subject,
25 more than there has been so far. I do not believe we

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2 would be completely against it, but we are definitely
3 open for the discussion. And I think, you know, we
4 have the Rental Horse Advisory Board that was in
5 place for many years, that maybe that's something
6 that they could weigh in on as well.

7 COUNCIL MEMBER POWERS: Got it.

8 CHRISTINA HANSEN: I actually have testimony from
9 the past Chairman of the Rental Horse Advisory Board,
10 but I have to submit it because I cannot read it to
11 you, I think.

12 COUNCIL MEMBER POWERS: Okay, you can submit it
13 to us, and we will take a look at it. So, I mean,
14 presumably you do believe though there is a number
15 here that where an animal or a horse particularly
16 shouldn't be out and working and so, I am curious to
17 hear what that number is.

18 CHRISTINA HANSEN: Well, the thing is that our
19 number that we have right now is already sufficient.
20 It is very low, it's basically, it has protected our
21 horses perfectly. So, whatever that number is, is
22 actually higher than what we are at now. And that
23 number would be the same number that it would be for
24 the police horses, the racehorses an aqueduct the
25 fighting horses, the therapeutic horses and all of

1
2 the horses in New York City who are subject to this
3 climate and this particular geography. Obviously,
4 horses in other parts of the country work quite
5 safely to much higher temperatures because they are
6 acclimated to the subtropical temperatures of Florida
7 or whatever. So, the point is that this particular
8 number of 90, it works perfectly and so, whatever
9 that number is, it's much higher than what we're at
10 now.

11 ARIEL FINTZI: I want to add something else.
12 That our horses is part of the whole trade carriages
13 around the country. So, think why our horses should
14 be singles first. Second, our horses, if they are
15 not comfortable, then let us know. Even if it's 80
16 degrees, I wouldn't take my horse out if it's not
17 comfortable but now, in general speaking, we are
18 falling, we are going behind the horse and we can see
19 what the horse needs and we follow the horses. The
20 horses are the leaders for us.

21 COUNCIL MEMBER POWERS: Were there any horse
22 deaths last year?

23 CHRISTINA HANSEN: Not from heat, there has not
24 been any heat deaths since ever.

25 COUNCIL MEMBER POWERS: How about just in total?

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STEPHEN MALONE: In terms of what?

COUNCIL MEMBER POWERS: Last year.

CHRISTINA HANSEN: In terms of?

COUNCIL MEMBER POWERS: The horse deaths. I mean we're talking about working conditions.

STEPHEN MALONE: Well, yeah, obviously horses die, but there is nothing to say that they died working in this industry.

COUNCIL MEMBER POWERS: How many was it for 2018?

STEPHEN MALONE: How many died, I have no idea.

The Department of Health -

CHRISTINA HANSEN: Certainly not at work.

COUNCIL MEMBER POWERS: Not at work.

CHRISTINA HANSEN: None at work.

STEPHEN HANSEN: Zero on the job.

COUNCIL MEMBER POWERS: Okay, so moving on. So, how many days do you estimate if we change under the current metric would take carriages off the streets?

STEPHEN HANSEN: Well, judging from what we had last year, and I think with this new regulation if it's brought in as it's brought in written today, it would make last year the norm and well, we were suspended for 34 days and I believe it was another 16 days on top of that, that would have been -

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2 COUNCIL MEMBER POWERS: How many days were for
3 the 90-degree temperature?

4 STEPHEN MALONE: 34.

5 COUNCIL MEMBER POWERS: 34 last year? For a
6 period of time, not the entire day?

7 CHRISTINA HANSEN: Not the entire day, but this
8 particular heat index which we're using the National
9 Weather Service's readings for Central Park, which
10 may not be exactly what they are at the hack lines.
11 It probably would be warmer at the hack lines than it
12 is at the Belvedere Castle. That's what we generally
13 find is that before we've changed our hacks - we
14 haven't changed our hack stand location since last
15 summer and so far, we've been sent in at lower
16 temperatures this year relative to the Central Park
17 National Weather Service than before.

18 So, we are already going to be losing more work
19 because of that and because our carriage stand at 6th
20 Avenue no longer has any shade because of that move.
21 But what we looked at based on the National Weather
22 Service Data and the data that we had from the Hack
23 stands, we missed 34 partial days last year. 90 Heat
24 Index sent us into another 16 to 20 days as you
25 mentioned and for a lot of those 34 days that we

1 missed, we were suspended around 12:15, 1:00 we would
2 not have been able to leave the stable at 9:30 in the
3 morning on the weekdays when we were allowed to leave
4 to go to work because it is more humid in the morning
5 then it is throughout the day.

6 So, it might have been 84 degrees at night at
7 9:30 but the humidity was such that we wouldn't be
8 able to leave. But at 4 o'clock, it might have been
9 86 and a lower humidity and we might have been able
10 to go back out again, depending on what was going on
11 in the hack stands and things like that.

12 So, you know, 50 days of full or partial
13 suspension is a lot and it's not healthy for the
14 horses, especially on those days where you might have
15 a heat wave. Now, bearing in mind that a heat wave,
16 the horses aren't out once it hits 90, they go in.
17 So, it doesn't matter whether it's going to be 93 or
18 98 or how humid. The minute it turns 90 they stop
19 working, the temperature that they work at has never
20 changed in the past 30 years. So, you know, there
21 might be a really hot time where we can at least take
22 the horses out and take care of them and get them the
23 exercise that they need for their digestive systems
24 to function for their wellbeing and everything like
25

1
2 that. We could at least get them out for an hour or
3 two in the morning and this bill would eliminate that
4 during one of these hot and humid heat waves like we
5 had last year. So, we understand the intention, you
6 know, behind the City Council of doing this to take
7 into account humidity but you know, it's not actually
8 helping the horses when they are already protected
9 perfectly from heat stress.

10 COUNCIL MEMBER POWERS: I will just wrap my
11 questions up, but to the point the administration
12 made, and I don't know much about that index, so just
13 taking their information here. They are matching to
14 what our current standards that are used in like the
15 Polo Industry and other industries excited, which in
16 your testimony I know that you said that other
17 industries - their not talking about other uses and
18 other industries. So, I heard Mr. Malone's point.
19 Does that mean you are also supportive of the
20 administrations point to match it to a measurement to
21 all that's used in other areas.

22 CHRISTINA HANSEN: Certainly, you know, the
23 reality is that we already have more restrictive
24 temperature requirements then pretty much any other
25 Equine discipline or industry.

1
2 So, the answer is like they did a big study for
3 the 1996 summer Olympics in Atlanta because it's very
4 hot and humid there and there were all kinds of
5 recommendations that were made, and all of those
6 things were nowhere near 90 heat index. They were
7 significantly warmer. Horses are outdoor animals, so
8 I think you know, that it's important to take a look
9 at you know, like what the Mounty Unit is doing what
10 Act duck's doing, what the riding horses in
11 therapeutic are doing and the reality is that they
12 don't have the regulations that we do. But we do
13 know that horses are able to be outside because they
14 are outdoor animals walking at a very low level of
15 excursion which is what carriage horses do without
16 ill effect. They sweat to keep cool. They are well
17 hydrated, thanks to our water troughs. So, we are
18 certainly open to the Health Department bringing in
19 Equine Veterinarians to look at the issue and to make
20 some recommendations as to humidity as well. But I
21 think we're nowhere near it with the current
22 proposal.

23 COUNCIL MEMBER POWERS: Okay, I am going to wrap
24 my questions up there because I know we have a long
25 hearing ahead. I just want to say again, I am happy

1
2 to hear more information from folks but lunging into
3 attacks on peoples intentions here who are supportive
4 of animal rights or Council Members is a bad way to
5 start a conversation or to have a conversation at a
6 point where we are trying to have a reasonable
7 conversation about what we think is right for animals
8 and how to protect workers and protect the industry.
9 I am saying everybody is guilty of that but
10 certainly, when you come here, there is a reasonable
11 expectation that we can act like adults and we can
12 have a conversation back and forth and not attack
13 each other and I will not be attacking anybody for
14 any position they take on this and I would ask the
15 same from everybody in this room today. Thank you.

16 CHAIRPERSON LEVINE: Thank you Council Member
17 Powers. I would like to associate myself with those
18 remarks and I thank this panel.

19 We are going to move on now to Sean Brooks of
20 Prestige Towing; Miguel Montiel from Corona Self-Help
21 Center; Andy Wertheim from DiArtagnan; Nelson Seravia
22 from La Belle Farms; Jocelyn Hounnou from Rougie; and
23 Daniela Mercado from La Belle.

24 And you can kick us off sir while everyone's
25 getting settled.

1
2 SEAN BROOKS: Good morning, my name is Sean
3 Brooks, I own Prestige Towing and Truck Repair in
4 Harris New York and Hudson Valley Foie Gras as well
5 as La Belle Farms have been my customer and friends
6 of mine for many, many years.

7 I am here in opposition of 1378. Together these
8 two forms contribute well over a quarter of a million
9 dollars a year in business to my company. We
10 currently employ over 60 people in Sullivan County
11 services these farms and other customers in upstate
12 New York. We frequent New York City ourselves. We
13 are here on a regular basis. We eat in your
14 restaurants; we shop in your stores.

15 We serve hundreds of people that work on these
16 farms. They are our customers also. They frequent
17 our area and spend money as well. These two farms
18 are a huge economic staple in the Sullivan County
19 area and a huge amount of business is generated by
20 these farms. I am proud to do business with these
21 farms. I have never seen anything that would offend
22 me. I think that most everybody that I do business
23 with at these farms are animal friendly people. I
24 would be shocked if somebody showed me something
25 different. The proposed legislation would be

1
2 detrimental to these farms, our employees and many,
3 many more.

4 I have been in business for about 26 years
5 myself. I have always been taught you know, supply
6 demand, supply demand. If these people have a demand
7 for their product, they must be doing a good job
8 producing it. I think we live in a time - can I
9 finish.

10 CHAIRPERSON LEVINE: If you can briefly wrap up
11 please.

12 SEAN BROOKS: If I may. Okay, long story short,
13 simply put. We all rely on these folks. I disagree
14 with the current bill that you are proposing, and it
15 would be extremely detrimental to many, many people
16 that I think you should consider.

17 CHAIRPERSON LEVINE: Thank you, Mr. Brooks.

18 NELSON SERAVIA: Hello members of the Health
19 Committee. My name is Nelson Seravia Jr. I am a
20 second-generation farmer employed by La Belle Farms
21 and the son of Nelson Seravia Senior, cofounder and
22 one of the owners of La Belle Farms.

23 I am here in opposition of instruction 1378. I
24 have been involved with the farm from the young age
25 of 12. Being a farmer is more than just a job but a

1 lifestyle that we take very seriously which can be
2 hard for people who are not farmers to understand.
3 We work long days of hard intensive labor and it's a
4 profession that requires a lot of sacrifice, patience
5 and discipline that is only obtained with years of
6 experience. Though on the hard and long days we may
7 ask yourselves why we chose this work. There are a
8 few things in life that can give us the same feeling
9 of honor and pride that comes with being a farmer.
10 We are proud of the work that we do and the animals
11 that we care for day in and day out. Ducks are not
12 only our livelihoods, but our lives and we take care
13 of them.

14
15 Along with this, being part of this operation has
16 given me and so many others a support system that can
17 only be explained by telling my story.

18 In 2011, I was injured playing football at the
19 college I was attending. I had to have surgery on my
20 right knee, and I found myself addicted to the
21 painkillers and started on a path to self-
22 destruction. For anyone that's ever loved or cared
23 for anyone that's an addict, they know the amount of
24 damage their addiction can cause. For years I would
25 carry on like this, but never did the family and

1
2 friends that I worked with over at the La Belle farms
3 pull their support for me.

4 In 2014, I finally hit rock bottom and nearly
5 homeless and deep in dept, my family and friends
6 pulled me aside for an intervention. I realized I
7 needed help, but I was unable to afford any kind of
8 rehab. La Belle Farms paid for me to go to rehab for
9 three months and today I stand in front of you five
10 years sober.

11 I was able to rebuild my life. They paid for me
12 to get my commercial drivers license, so I can get a
13 pay raise, with that pay raise, it allowed me to pay
14 for my wedding, buy my first home and support my new
15 family that I just welcome a newborn baby on January
16 4th of this year.

17 The point is this company helps me and so many
18 others and while I understand some people have
19 concerns with the treatment of the ducks, I can
20 assure you that if the mistreatment of ducks was part
21 of our jobs, none of us would be here and our farm
22 would be out of business. I urge you to look at the
23 facts while you consider this legislation.

24 CHAIRPERSON LEVINE: Thank you Mr. Seravia and
25 for sharing your compelling personal story. I think

1
2 we can all agree whatever we feel about the welfare
3 of the ducks that to hear about your success in
4 achieving sobriety and other breakthroughs over the
5 challenges that you have confronted is certainly a
6 wonderful story. We appreciate you sharing it.

7 NELSON SERAVIA: Thank you.

8 CHAIRPERSON LEVINE: Thank you.

9 ANDY WERTHEIM: Good morning, my name is Andy
10 Wertheim and I am President of DiArtagnan foods. We
11 are a 35-year-old company and Hudson Valley's biggest
12 distributor of foie gras in New York. We employ 280
13 people in our company and this ban would have
14 repercussions to our company that we might not be
15 able to recover from.

16 First, I would like you to know that I am not a
17 foie gras fan, I've devoted my career to doing better
18 for your foods in the areas of diabetes, dysphasia, a
19 bunch of areas and I joined DiArtagnan specially 13
20 years ago because of their values. DiArtagnan is not
21 just a purveyor of meats but also a company whose
22 reputation pointed difference in very reason for
23 being is predicated upon superior animal husbandry
24 and a commitment to always seeking the highest
25 possible standards regardless of cost and difficulty.

1
2 We are the anti-factory farm company for those of you
3 who would like to look us up.

4 If you were to visit our facility, we raise
5 chickens, ducks and geese as pets. Our owner, who
6 could not be here today, grew up on a farm and I
7 would say personally, she loves animals more than any
8 person that I have ever met. We get just as sickened
9 about animal cruelty and inhuman farming practices as
10 this committee. Our rigid specifications and
11 principles are our calling card. We only hire people
12 who share these core values. Hudson's commitment to
13 good animal husbandry is beyond reproach. If it
14 wasn't, I guarantee you, our company would not be
15 doing business with them. We applaud this Council's
16 push for more humanity and decency and the work of
17 the Humane Society while the distortions today or the
18 misinformation, I would welcome a civilized
19 discussion with everybody because the distortions of
20 information today are grand.

21 But we share our core values with them, and we
22 don't view them as anathema. Surely there is room
23 for incrementality in the world of farming and
24 processing and I am proud to represent a company that
25 does that. We want to fight along side you, not as

1
2 advisories. We periodically ask our customers to
3 come up to the farm, we are transparent. We want to
4 demonstrate the reality versus hyperbole.

5 So, too many lives depend upon you not rushing to
6 judgment today and if you act without visiting the
7 farm, you will not only deprive New York City of the
8 scene of great product, but you will effectively
9 cripple hundreds of disciples of the very mission
10 that you seek to energize. Thank you.

11 CHAIRPERSON LEVINE: Thank you.

12 DANIELA MERCADO: To most when I say that I am
13 the youngest of four, they may think wow, that's a
14 lot of kids.

15 CHAIRPERSON LEVINE: Could you maybe pull the
16 microphone a little bit closer, so we can hear you.

17 DANIELA MERCADO: Would you like me to restart.

18 CHAIRPERSON LEVINE: Sure.

19 DANIELA MERCADO: To most when I say that I am
20 the youngest of four, they may think wow, that's a
21 lot of kids but nothing out of the normal. When I
22 say that I am a 19-year-old girl currently enrolled
23 in a private college, they still may think it is
24 normal. However, when I say that I am Mexican and
25 that I am going to be following the footsteps of all

1
2 three of my siblings by graduating college, it is not
3 normal but rather it is a dream come true. A dream
4 that both of my parents imagined when they came to
5 the United States of America.

6 My name is Danila Mercado and I am the proud
7 daughter of immigrants. From 1996 through 2005, my
8 father worked for Hudson Valley Foie Gras. From 2005
9 to now, my father works for La Belle Farm. In those
10 23 years of labor, my father has been able to give my
11 siblings and I everything.

12 Our whole lives have been filled with
13 opportunities that I know my parents did not have
14 themselves. I can remember from a very young age;
15 they taught my siblings and I the importance and
16 value of education. With my parents help, I was able
17 to participate in cross-country, indoor and outdoor
18 track, debate club and national honor society during
19 my high school years. In the end, I graduated in the
20 top ten of my class as number five with an advanced
21 diploma. I also made it to the cross-country states
22 championship meet in 2017. All because of the many
23 times my dad drove me to and picked me up from
24 practice.

1
2 My parents just simply want the very best for us.
3 And now, my oldest brother and sister graduated
4 college in 2016, while my other brother graduated
5 from the same college in 2017. Since then, my oldest
6 brother has been in South Korea for the last two
7 years teaching English.

8 My sister has become a lead microbiologist in a
9 research lab with my other brother following suit.
10 While I have just recently finished my freshman year
11 of college.

12 When I was applying for college, I specifically
13 remember my father telling me not to worry about the
14 cost, but to worry about finding a school that best
15 suits me in the career that I plan to follow.
16 Because I knew that my parents would work endlessly
17 no matter what to make sure that I was able to study
18 to make a better future for myself.

19 And to conclude, it is because of my fathers
20 labor and my mothers support that my siblings and I
21 have the lives to one day be able to provide our own
22 children with better futures and I ask that before
23 you make your decision, please take into
24 consideration the jobs and livelihoods outside of New
25

1 York City that will be effected by your choice.

2 Thank you.

3 CHAIRPERSON LEVINE: Thank you Daniela.

4 MIGUEL MONTIEL: Good morning, my name is Miguel
5 Montiel and I am representing the Corona Self-Help
6 Center. And I thank you for the opportunity to speak
7 in this hearing. I am here because I think it is
8 very important to speak about the human part.

9 It should be known that the foie gras producers
10 are humane with their work, extremely. They are
11 unique in their engagement in the communities.
12 Particularly when it comes down to their work force,
13 not just to enhance productivity or distribution but
14 also because they care. So, they make sure that the
15 workers have access to good housing, their workers
16 connecting their families and also when in need, to
17 have access to service related to mental health at
18 city's where the substance abuse recovery in the area
19 of Hudson Valley. In that they are unique.

20 A few years ago, while working in the field of
21 substance abuse, I encountered Hudson Valley Foie
22 Gras and La Belle Farms. The farms were eager to
23 bring our services to serve those in need. At that
24 time, they got involved because they knew that
25

1
2 addiction afflicts many in New York and because they
3 felt that culturally competent and free services
4 should be supported. Today, I can tell you that our
5 organization without the support of this farmers
6 wouldn't be the same. They support our members wiht
7 their contributions with a place for them to work and
8 be independent; they support us with housing for our
9 members so they can transition from using drugs to
10 productive life. They help us understanding that the
11 approach to recovery should be holistic, therefore
12 they have donated sports equipment and they are
13 helping us to create a unique place in Sullivan
14 County that can benefit anyone desiring a different
15 lift.

16 With all due respect, I urge you to let the idea
17 go that those benefited by the production of foie
18 gras are few and to understand that there are a lot
19 of communities in the Hudson Valley and even in New
20 York City, that depend on these farms. Those that
21 believe foie gras should be banned lack the
22 understanding that the communities affected by this
23 ban will never recover.

24 Finally, I thank you again for the opportunity to
25 speak today and I hope that you might reconsider on

1
2 this proposal and allow the farm to continue to work
3 with us. Thank you very much.

4 CHAIRPERSON LEVINE: Please sir.

5 JOCELYN HOUNNOU: I am Jocelyn Hounnou from
6 Rougie. I am representing Rougie, one of the largest
7 producers of foie gras in the world. And just to
8 tell you, I am not going to go through the testimony
9 over here. I am just going to tell you my personal
10 story about foie gras.

11 So, I have been in the industry for 20 years and
12 I work in a restaurant doing anything that you can
13 imagine. After that I moved to the distribution and
14 after that, I started to consider to come to the foie
15 gras industry, but I had my doubts. Me, as an animal
16 lover, have an animal at home, I have my sense about
17 this. I went to Rougie based in Canada and I started
18 my internship with them to see how it is, and I was
19 very amazed about the way that they treat all the
20 ducks. The conception that you have over here today,
21 that I have seen over here, is not the right
22 conception of foie gras. To be able to have foie
23 gras, you have to have care about the ducks. You
24 have to be able to say that the foie gras, in them
25 usually is a liver, so the liver, to be able to have

1
2 a liver, to have that as a dish, as something that
3 you could eat, you have to treat the animal very
4 well. You have to make sure that when it is in the
5 summer, when there is a lot of heat outside, they
6 have an AC inside. In the winter, when it's cold,
7 they have heat. You treat them as a human being
8 always to be able to have the right response to it.
9 So, my decision to come to work for a foie gras
10 company is not based on the - like the industry or
11 not, it's based on my personal idea about the foie
12 gras and I was like, wow, I was very amazed about
13 that industry. And if any companies that treat
14 animals the right way and they could do it, they
15 could be on the foie gras business.

16 CHAIRPERSON LEVINE: Okay, is there someone else
17 who is on this panel who we need to swap in? We got
18 everybody already. I wonder if someone who knows the
19 business structure at either La Belle or Hudson
20 Valley can explain whether there are other products
21 that you produce beyond foie gras and what portion of
22 your business that constitutes?

23 ANDY WERTHEIM: So, I can tell you from
24 DiArtagnan standpoint, about 18 percent of our
25 business is foie gras, from the foie gras duck but

1
2 more importantly, we represent because we do a couple
3 of other artisan farm products such as a vegetable
4 fed chicken at Hudson. So, the implications to us
5 being hit by this foie gras initiative go well beyond
6 the loss which would be catastrophic in of it itself,
7 because the very nature of what we do, what my
8 company does is based upon small farms. It's based
9 upon antibiotic free. All the methods that are anti-
10 commercial. So, when we operate, we are not going to
11 be able to go to other farms. You get rid of a Le
12 Belle or a Hudson Farms, what you have then is the
13 destruction of the small farm structure in this
14 county and then we are left eating factory farmed
15 items and that's just meant to make it as cheap as
16 possible. So, we will let Hudson speak to that but
17 we're probably 35 to 40 percent of their business.
18 So, it affects beyond just a foie gras ban.

19 CHAIRPERSON LEVINE: And what percent of the foie
20 gras sales are to New York City?

21 ANDY WERTHEIM: Of our foie gras sales to New
22 York City, probably, 35-40 percent.

23 CHAIRPERSON LEVINE: Okay, so if I am doing my
24 math right, this is in the single digit as a percent
25 of your total business.

1
2 ANDY WERTHEIM: No, we do about - I would say we
3 do about \$15 million worth of foie gras duck business
4 in New York City in the five boroughs.

5 CHAIRPERSON LEVINE: Right, you said 18 percent
6 overall foie gras and then 35-40 percent of that is
7 in New York City. I understand that's not a trivial
8 amount and we certainly respect all the workers who
9 have come here to speak out and we very much care
10 about your prospective. This is a society whose
11 values are evolving. Where we are becoming ever more
12 conscious about ethical treatment of animals and we
13 want businesses to adapt to that. And that in this
14 case could mean growing your business in some of the
15 other product lines.

16 ANDY WERTHEIM: Sir, we have been doing that for
17 a long time. All we ask is for a civilized
18 discussion, not these numbers that are being thrown
19 around here that are just - they are ridiculous in
20 terms of their context. So, what we ask is for a
21 civilized discussion, so the facts truly can come
22 out. We share your values, okay, but we want a
23 chance to exchange a free flow of ideas on those
24 values.

1
2 CHAIRPERSON LEVINE: Well, you have heard nothing
3 but civility from me and my colleague today. I think
4 it's fair to say and that will continue to be the
5 case.

6 ANDY WETHEIM: Thank you.

7 CHAIRPERSON LEVINE: And we certainly always
8 value dialogue at all times.

9 ANDY WETHEIM: Thank you.

10 CHAIRPERSON LEVINE: Council Member Rivera.

11 COUNCIL MEMBER RIVERA: Quick questions for the
12 farmers and thank you all for being here and for
13 giving your time and for sharing your personal
14 stories. I am excited for you to go to college.

15 So, how many ducks do you have on your farm at a
16 single time?

17 CHAIRPERSON LEVINE: Turn the mic on.

18 ANDY WERTHEIM: We have speakers that will come
19 up that will give you all the right answers for that.

20 COUNCIL MEMBER RIVERA: Okay, so there is no
21 estimate, no numbers, or someone else is going to
22 speak?

23 ANDY WERTHEIM: Someone else is going to speak.

24 COUNCIL MEMBER RIVERA: Okay. I really wanted to
25 ask questions about kind of applying ethical

1 standards given the production. So, I will wait to
2 ask that question. So, I guess, thank you all again
3 for being here.
4

5 CHAIRPERSON LEVINE: Council Member Rosenthal,
6 did you have a question. Okay, folks, one moment, we
7 do have additional question.

8 COUNCIL MEMBER ROSENTHAL: Yeah, it's not really
9 so much for the workers but I do have just a few
10 questions for the farm. For the representative of -
11 thank you - sorry, someone gave it away. For Andy
12 Wertheim, thank you, you know, I've actually thought
13 about this for a very long time because a friend of
14 mine is a chef and has visited the farm. And he
15 reported that he was comfortable with the procedure
16 that went on.

17 But of course, he's in a conflicted position,
18 because he sells the product. My concern is that
19 while it is - and I just want to get very specific
20 and I want to hear your very specific response.
21 While it is normal for a duck to swallow a fish
22 whole, right, and that's the response I am always
23 getting. We are not shoving something down a throat
24 because it is normal for a duck to swallow a fish
25 whole. Help me understand the difference between a

1
2 fish which is squishable and can move and a steel
3 rod.

4 ANDY WERTHEIM: For the most part I'd like to
5 defer to a veterinarian who is going to be speaking
6 on that account from Hudson Valley, but what I would
7 say to you is without a gag reflex, the people
8 respectfully, who start talking to how would you like
9 to be a human with somebody shoving a pipe down your
10 throat, it's a done starter. So, we're not ducks,
11 okay.

12 COUNCIL MEMBER ROSENTHAL: I asked you
13 respectfully if you could just look in my eyes and
14 answer my question.

15 ANDY WERTHEIM: What I would say is I can speak
16 to the business angle and what I would like and to
17 tell you that for my company, we are dedicated to
18 non-factory farming. That is our whole mission is to
19 be non-factory farming.

20 COUNCIL MEMBER ROSENTHAL: Again, I am really
21 asking - I don't mean to interrupt but I'm really
22 just asking a very simple question. An animal
23 regulates its intake of food, right. When it's
24 hungry and I am going to guess it can find a fish and
25 swallow the fish whole. So, I understand the idea

1
2 that something going down the throat whole is
3 reasonable. I'm trying to understand the difference
4 between a fish and a pipe and an amount of food that
5 is in nature normal, a whole fish and not in nature
6 an over extension of the belly or of the liver.

7 ANDY WERTHEIM: Yeah, the mythology of the duck
8 will have to be spoken to by a veterinarian, but I
9 will say they do that on their own naturally.

10 COUNCIL MEMBER ROSENTHAL: Do what on their own?

11 ANDY WERTHEIM: The gavage, they go through the
12 gavage process and swallow on their own naturally
13 heavy amounts to last them.

14 COUNCIL MEMBER ROSENTHAL: Okay, you know what, I
15 think, let's stick with the vet.

16 ANDY WERTHEIM: Okay, thank you.

17 COUNCIL MEMBER ROSENTHAL: Thank you very much.

18 CHAIRPERSON LEVINE: Okay, thank you Council
19 Member Rosenthal and thank you to this panel. Next
20 up we will be hearing from Jessica Hollander; Michael
21 Dolling[SP?] from the Tamerlain Sanctuary; Kirstin
22 Kuhi for V for Veganism; Isabel Angel; Linda Mann and
23 Christina Liew.

24 Okay, please.

1
2 JESSICA HOLLANDER: Hi name is Jessica Hollander
3 and I am a Brooklyn resident and business owner and I
4 strongly the support the bill to ban foie gras Intro.
5 1425 and any laws that improves the lives of nonhuman
6 animal at the hands of human animals.

7 But I am going to use my time today to read a
8 letter from Holly Cheever who is a Doctor of
9 Veterinary Medicine and the Vice President of the New
10 York State Humane Association.

11 Dear New York City Council Health Committee, I am
12 an Equine Veterinarian educated at Harvard University
13 and at the college of Veterinary Medicine at Cornell
14 with a lifetime of experience in horse management
15 including driving carriage horses. I have practiced
16 veterinary medicine in the state of New York for the
17 past 40 years and I have severed as a consultant to
18 many animal advocacy groups to eliminate New York's
19 anachronistic and inhumane carriage horse tourist
20 trade.

21 As I have stated consistently since my first
22 involvement with this industry in 1988, I do not
23 believe that New York City can provide a safe and
24 humane environment for its carriage horses for a
25

1
2 myriad reasons and I live to celebrate some day the
3 news that the industry has folded.

4 With that said, until the horses are removed from
5 this inappropriate environment, I support Intro.
6 1425. As long as the industry exists in New York
7 City and horses are forced to pull carriages during
8 extreme heat and humidity, Intro. 1425 would be
9 better for them than leaving the inadequate
10 temperature laws as they currently are.

11 Changing the law so that horses must stop working
12 when the heat index reaches 90 or above would provide
13 some relief for the horses who currently only stop
14 working when the air temperature hits 90 degrees and
15 more. And they often work when the heat index far
16 surpasses 90 degrees.

17 Our high humidity levels add to the misery the
18 horses endure. The problem of inadequate and
19 lukewarm enforcement remains a large obstacle to the
20 horses actually benefiting from this new law. But I
21 hope that at least a small crumb of additional
22 comfort may be given to them to lessen their physical
23 discomfort and health hazards.

24 I continue to hope that New York tires of its
25 well-deserved criticism for this form of abuse and

1
2 eliminates the entire carriage horse misery all
3 together.

4 CHAIRPERSON LEVINE: Thank you very much.

5 MICHAEL DOLLING: I am on the Board of Directors
6 of Tamerlaine Sanctuary and Preserve. I am a park
7 slope resident and I fully support Intro. 1425 as
8 well as the other bills and resolutions being
9 discussed today.

10 At our sanctuary we home animals who are rescued
11 from horrible situations of abuse and neglect. We
12 have first-hand experience and knowledge of the
13 abuses animals suffer because of human mistreatment.

14 One of our horses is named Apache. She was used
15 in a side show and suffered day in and day out
16 because of it. She would collapse during her
17 performances, much like the horses who have collapsed
18 on the streets of New York City due to exhaustion and
19 being overworked.

20 Her owners would pass it off as nothing serious,
21 have a fraudulent vet look her over, dope her up and
22 put her right back to work within a couple days.
23 Much like the horse carriage industry does with their
24 horses who collapse from being overworked in brutal
25 temperatures.

1
2 We were lucky enough to be able to rescue her.
3 She now lives at our sanctuary and has taught us so
4 much about the sensitive nature of horses. We
5 witnessed firsthand how horses are not comfortable in
6 high heat and humidity and how in the upper 80's let
7 alone 90-degree days; our horses seek out shelter
8 from the intense heat. Walk the hack lines on a hot
9 summer day and see for yourself. Horses who are
10 panting and suffering is all to common. Protecting
11 these horses from extreme temperature who workday in
12 and day out don't get to roam on pasture and who get
13 locked into horrible stables after their long day of
14 forced work is the least we can do.

15 We are a progressive city that prides itself on
16 helping those in need and if we can't give these
17 horses this little bit of relief, then we have
18 failed. Open your hearts and put yourself in their
19 shoes. Please pass Intro. 1425.

20 Everyone at Tamerlaine including our rescued
21 ducks would also like to voice support for Intro.
22 1378 and ban the horrific industry of foie gras.
23 From one sanctuary to another, please support the
24 bills and resolutions today that give us small amount
25

1
2 of piece to the suffering animals that dwell on our
3 city.

4 CHAIRPERSON LEVINE: Thank you.

5 KRISTIN KUHI: Thank you to the Health Committee
6 for holding this hearing concerning an unprecedented
7 amount of animal rights issues including a ban on the
8 horrifically cruel product of foie gras. My name is
9 Kirstin Kuhi, I reside in Midtown East Manhattan and
10 my Council Member is Ben Kallos.

11 I would like to add that I am also the daughter
12 and granddaughter of immigrants and the daughter of a
13 refuge for no reason at all.

14 I am here today to speak in support of Intro.
15 1425, the carriage horse heat relief bill. I've
16 lived in New York City since 2000 when I moved to the
17 upper east side for college. In those first several
18 years, I moved around the city a lot, but it wasn't
19 until I settled in my current residence in 2008 that
20 I really began to notice carriage horses and the
21 incredible wrongs that have befallen these beautiful
22 creatures.

23 Residing in midtown east gave me access to the
24 city in a way I had not yet experienced and I spend
25 more time walking rather than taking the subway.

1
2 These walks inevitable took me past the infamous hack
3 line on 59th street where I encountered the carriage
4 horses on a consistent basis for the first time in
5 the eight years, I had been living in New York City.
6 It only took a couple passes past these creatures for
7 me to recognize something was wrong. I walked away
8 thinking, this is horrible, someone needs to do
9 something about it. Quite literally, the next day I
10 saw an add on the side of a telephone booth sponsored
11 by NYCLASS with Leah Michelle's face on it and I
12 thought, oh, thank God, someone is doing something.
13 I was not an animal rights activist at the time and
14 little did I know that day when I signed up to
15 volunteer to help the horses that I would be sitting
16 in front of you more than ten years later asking for
17 a simple request to curb to some of the suffering of
18 these innocent beings by recognizing that 90 degrees
19 Fahrenheit on the thermometer does not take into
20 consideration humidity and heat index and also the US
21 Weather Bureau sited temperature reading are
22 significantly lower then the temperature within the
23 carriage horses microenvironment.

24 I ask today that the committee members consider
25 that as we run into air-conditioned buildings to

1
2 escape the torture of a New York City summer, the
3 carriage horses are still standing outside for hours
4 in overwhelming distress because their bodies do not
5 react to the heat and humidity in the same way ours
6 do.

7 I am not here to kill businesses or destroy
8 lives. I am simply here for horses as I have been
9 for the past ten years who unfairly have no say in
10 the matter. I ask that you please pass Intro. 1425
11 to allow for the horses to get some relief just
12 during the hottest parts of the day and only about 15
13 days out of the entire summer. Thank you.

14 CHAIRPERSON LEVINE: Thank you.

15 CHRISTINA LIEW: My name is Christina Liew and I
16 live in Brooklyn New York district 43. I will be
17 reading a testimony on behalf of Susan Whittred,
18 Doctor Veterinary Medicine. I have been a licensed
19 practicing veterinarian in the state of New York for
20 16 years and I am a graduate of Cornell University.
21 I am in strong support of Intro. 1425 which makes it
22 unlawful for carriage horses to work when the heat
23 index reaches or exceeds 90 degrees Fahrenheit.
24 Horses find difficulty dissipating body heat in warm
25 environments particularly in the temperature range of

1
2 89 to 96 degrees. Especially if the humidity is
3 high. Horses can loose eight to ten gallons of fluid
4 with exercise in a hot environment and if that is
5 coupled with high humidity, the horse cannot cool
6 itself by evaporation because air is too saturated to
7 absorb more fluid. This result in an elevation of
8 the horses core temperature. Furthermore, if the
9 horse becomes dehydrated and cannot produce sweat,
10 the lack of sweat production can be life threatening.

11 New York City horses also have to contend with
12 the temperature that the asphalt reaches on New York
13 City streets on those hot summer days. According to
14 the New York Times article in July 1989, the
15 temperature on the asphalt surfaces have reached
16 temperatures of 200 degrees. This additional heat
17 source contributes to the heat of the horses
18 microenvironment and should be taken into account
19 when deciding it is safe for horses to work or not.

20 In light of these facts, I support Intro. 1425.
21 I would also like to mention that I am also in
22 support of 1425 and 1378 as well as the many bills
23 that's proposed at today's hearing.

24 CHAIRPERSON LEVINE: Thank you.

25

1
2 LINDA MANN: Good afternoon. My name is Linda
3 Mann and I am here to urge you to support Intro.
4 1425, the Carriage Horse Heat Relief Bill. The title
5 of this bill should really be enough. I live in
6 Manhattan and I don't need the thermometer to reach
7 90 degrees to know that it is too hot or too humid to
8 be outside, let alone to be working pulling hundreds
9 of pounds. That is no low level of excursion. Some
10 things just should not be judged in economical
11 political terms. We must ask ourselves why anyone
12 who professes to love or care for another being would
13 want to risk putting that living innocent being at
14 risk for heat stress or total collapse.

15 We as a city need to commit in all ways to being
16 the best possible example. When it comes to animals,
17 all animals, there really are no two sides. They did
18 not chose these lives. They have no choice. They
19 are subject to our whims and they are subject to our
20 laws.

21 The least we can do, the least we should do is
22 have our laws protect and help them whenever
23 possible. Sometimes we thing of change as a
24 difficult task but sometimes all that is required is
25 a small turn. Let's take that small turn. Let's

1
2 make the changes in the laws, whether it is banning
3 foie gras, protecting wild birds, or helping our
4 horses. How we treat animals is a powerful measure
5 of who we are. Let's take those small turns and pass
6 Intros 1378, 1202, and before the summer heat hits,
7 Intro. 1425. Thank you.

8 CHAIRPERSON LEVINE: Thank you very much. Are
9 there any other people who need to rotate into this
10 panel. Was the name called? Okay, but that might be
11 on the next panel which will consist of Marissa Hight
12 from the Animal Law Committee; Elinor Molbegott from
13 Humane Society of New York; Eileen Jefferson Ethical
14 Veterinary Association; Edita Birnkrent; Kim Clouse;
15 Nathan Semmel; Kirk Miller and Deborah Thomas. Did
16 that clear up the - apparently it did.

17 Okay, please kick us off, thank you.

18 MARISSA HIGHT: Hello, my name is Marissa Hight
19 and I am a New York Attorney testifying on behalf of
20 the New York City Bar Associations Animal Law
21 Committee. We urge the Committee on Health to vote
22 in favor of Intro. 1425 which would prohibit
23 operating carriage horses once the National Weather
24 Service's Heat Index reaches 90 degrees.

1 wet bulb temperature has reached 85 degrees. Yet the
2 bulb metric can differ significantly from the real
3 feel temperature measured by the heat index. For
4 example, in 86-degree air temperature and 90 percent
5 relative humidity needs a wet bulb temperature of
6 just over 83 degrees. Conditions in which carriage
7 horses could still work. Using the heat index
8 however, these same conditions really feel like 105
9 degrees.
10

11 In summary, Intro. 1425 would better protect New
12 York's carriage horses and further the city's animal
13 welfare goals. The New York City Bar Associations
14 Animal Law Committee therefore urges the Committee on
15 Health to vote in favor of the bill. Our written
16 comment provides additional reasons for our position
17 and includes citations to relevant laws and
18 supporting evidence. Thanks.

19 ELINOR MOLBEGOTT: My name is Elinor Molbegott.
20 I am an attorney for the Humane Society of New York.
21 I have been practicing animal law for 40 years. In
22 fact, when I was at the ASPCA more than 40 years ago,
23 horse protection was the first thing on my plate.

24 We strongly support 1425 to provide for the
25 protection of carriage horses. What's interesting is

1
2 that decades ago, the New York City Health Department
3 recognized that humidity needed to be taken into
4 consideration and there is a law that was just
5 mentioned, there is a rule on the books already
6 dealing with wet bulb readings. So, that it was
7 already understood that humidity should be a factor
8 and this legislation will help to codify that yet in
9 a better way. So, when the industry speaks about
10 just counting temperature, as compared to humidity as
11 if humidity is a new factor that's being brought up
12 suddenly.

13 No, this is not a sudden thing. This has been on
14 the books for decades. It's just not been enforced.
15 So, we do need a law that will be better enforced,
16 and this also brings to my mind, how important it is
17 to have a separate department of animal welfare
18 because perhaps, had there been a Department of
19 Animal Welfare, the wet bulb reading rule would have
20 already been enforced. Even if it needed to be
21 stronger there would have been some enforcement of
22 laws that took into consideration humidity and that
23 hasn't been done.

24 We strongly support legislation to ban the
25 capturing of wild birds. We've received at the

1
2 Humane Society so many complaints and personally have
3 seen so much horror imposed upon our city's birds
4 that whether they end up on a dinner plate or at a
5 pigeon shoot, it needs to be stopped. We of course
6 support a ban on force feeding birds and support
7 strongly Intro. 1378.

8 Worth noting is that California has a similar law
9 and it's been upheld in the courts and the Supreme
10 Court recently just this year denied **[Inaudible**
11 **4:18:00]**. Our other comments are here, so you have
12 them there. I just want to finally thank the City
13 Council. In my 40 years of coming to the City
14 Council to testify, I have to say this is the most
15 humane City Council that I have ever seen, and it is
16 really a pleasure, so thank you very much.

17 CHAIRPERSON LEVINE: Well, we appreciate that
18 feedback, thank you very much. Usually the ratio of
19 positive to negative feedback is not very good, but
20 today I am liking the numbers. Thank you.

21 Honorable New York City Council Members, thank
22 you for this opportunity to testify. My name is Dr.
23 Eileen Jefferson as a New York State Licensed and
24 Practicing Veterinarian, I fully support Intro. 1425,
25 the carriage horse heat relief bill. In addition to

1
2 my veterinary training, I have over 15 years of
3 personal hands-on Equine care experience which has
4 included horse ownership and competitive show jumping
5 as well as work at the Cornell University Hospital
6 for Animals Equine ward and the John T. Oxley
7 Equestrian Center at Cornell University.

8 I am here to testify about the science and the
9 facts. So, humidity is absolutely positively one of
10 the most crucial factors in determining and
11 exercising horses susceptibility to heat stress, heat
12 stroke, collapse and death. Under New York City's
13 current law however, humidity is not considered at
14 all. Intro. 1425's proposed cut off is a National
15 Weather Service Heat Index of 90. This translates to
16 84 degrees Fahrenheit and a relative humidity of 70
17 percent or 82 degrees Fahrenheit and 85 percent
18 relative humidity.

19 The sums of these if you add them, these
20 temperatures and humidity's are 154 and 167
21 respectively. An American Association of Equine
22 Practitioners resource plainly states that when the
23 temperature and humidity exceed 150 together, it is
24 hard for a horse to keep cool. Even at 130, there
25 are some muscular horses whose cooling system simply

1
2 will not function. This is why most Equine
3 associations urge caution in exercising horses
4 anywhere above 120. It is an indisputable medical
5 fact that if the humidity becomes high enough, an
6 exercising horse can incur serious physical
7 compromise and distress at a temperature below 90
8 degrees Fahrenheit. Of course, in horse country,
9 it's rare to hear these numeric' s being so analyzed
10 because basic horsemanship and horse sense would
11 normally preclude working horses continually in the
12 weather extremes in question.

13 It's important to ensure that New York City, one
14 of the most prominent and progressive city's in the
15 world is currently abiding by the fundamentals on
16 every issue. This issue of safety in animal welfare
17 being no exception and I would also like to say that
18 on behalf of the Humane Society Veterinary Medical
19 Association, we support and our 9,000 nationwide and
20 300 in New York, we absolutely support Intro. 1378 to
21 ban foie gras.

22 CHAIRPERSON LEVINE: Thank you very much.

23 EDITA BIRKRENT: Thank you Council Member, my
24 name is Edita Birnkrent and I am the Executive
25

1
2 Director of NYCLASS. Here today to express our
3 strongest support for passage of Intro. 1425.

4 As a lifelong New York City resident who has
5 dedicated over a decade of my life to documenting,
6 reporting, and exposing the dismal conditions of the
7 horses, I will tell you that it is absolutely
8 necessary to improve the heat laws for the horses,
9 which have never been updated since they have been
10 enacted. As has been said, the current law only
11 stops horses from working when the air temperature is
12 90 or above and this inadequate because horses
13 natural cooling ability through sweating is
14 compromised when the air is saturated with humidity.
15 As a result, New York City summers are a torment for
16 horses who are forced to work during high humidity
17 heat waves when air temperatures don't yet reach 90.

18 This past summer, I documented horses on the
19 streets, strapped and chained to carriages weighing
20 several hundred pounds, doing heavy labor during
21 citywide heat advisories. When the real feel
22 temperature and the heat index was soaring to 100.
23 In just one horrifying instance, from last August, I
24 filmed a carriage horse in a state of serious heat
25 stress and oppressively humid sweltering conditions,

1
2 gasping for breath in agony. On a day that both the
3 Department of Health and the National Weather Service
4 issued severe citywide heat advisories to all
5 residents and their pets. Warning them to limit time
6 outdoors, yet carriage drivers were legally still
7 allowed to be working the horses in these dangerous
8 conditions.

9 How can we continue to allow this abuse to go on
10 in our progressive compassionate city. Intro. 1425
11 would merely stop horses from being worked during the
12 hours the National Weather Service Heat Index reaches
13 or exceeds 90. I beg of each of you on this Council
14 to finally show some mercy for these carriage horses
15 by passing Intro. 1425. The horses will get no mercy
16 from carriage drivers who will continue to work them
17 in hazardous heat waves this summer and every summer
18 until the City Council passes this bill. You have
19 the power to end this abuse.

20 CHAIRPERSON LEVINE: Thank you Edita.

21 EDITA BIRNKRENT: Thank you.

22 KIM CLOUSE: Hello, my name is Kim Clouse and I
23 am the owner and operator of North Jersey Equestrian
24 in Northwest New Jersey for the past 26 years. I
25 have been working with horses and caring for horses,

1 riding and training horses for the past 26 years. I
2 have 30 horses that I provide daily care for with the
3 help of 3 employees on two separate farms. I teach
4 the disciplines of dressage and eventing. I am here
5 today to express my support for Intro. 1425, the
6 carriage horse heat relief bill and I urge the Health
7 Committee to vote yes. Every day of my life is
8 dedicated to caring for 30 horses and I feel strongly
9 that the New York City law needs to be changed so
10 that the carriage horses no longer have to work when
11 the heat index is over 90 degrees. Most of the
12 carriage horses are draft horses that are big, heavy
13 and very thick bodied and cannot easily cool their
14 bodies when the temperature plus humidity is over 90
15 degrees compared with a smaller, lighter bodied
16 horse.

17
18 Working in conditions with the heat index
19 reaching 90 degrees and over, is very dangerous to
20 the health and wellbeing of the horses especially
21 when they are pulling heavy carriages and have no
22 chance of being watered down or put in the shade. I
23 reviewed a video of a horse from last summer that is
24 clearly suffering from heat stress and is a very good
25

1
2 example of why these horses shouldn't be working in
3 those humid heat waves.

4 I have also become aware that the spokesperson
5 for the carriage horse industry apparently has
6 bragged about using the drug Ventipulmin on horses
7 suffering heat stress or respiratory issues in the
8 summer and I am shocked and find this very troubling
9 and something that should be investigated.

10 Ventipulmin is indicated for the management of horses
11 with COPD, chronic obstructive pulmonary disease, not
12 heat stress. In all my years working with horses, I
13 have never and would never do this. A horse that
14 requires the use of Ventipulmin has severe
15 respiratory disease and by no means should be working
16 let alone pulling a carriage in a humid heat wave.
17 Ventipulmin has been banned by many racing and equine
18 sport associations.

19 I can't stress enough my support for passing
20 Intro. 1425 to protect the health and wellbeing of the
21 carriage horses during extreme heat and humidity.

22 EDITA BIRNKRENT: I just would like to add one
23 thing to add to Kim's. We have the tweets from
24 Christina Hansen bragging about using this drug
25 Ventipulmin and I really think there should be an

1
2 investigation into that being used. That is an
3 outrage. The veterinarian here on the panel can tell
4 you that. Something is seriously wrong if they are
5 drugging these horses with this drug that's been
6 banned and I also, speaking of - we mentioned the
7 video that I took last summer that was supposed to be
8 played but unfortunately due to technical
9 difficulties, it cannot play. But I am happy to send
10 that to each of you on the Committee to show you
11 exactly, just one example of what happens when these
12 horses are being forced to work, doing heavy labor in
13 high humidity heat waves.

14 CHAIRPERSON LEVINE: And we are able to enter
15 that video onto the record.

16 EDITA BIRNKRENT: Thank you.

17 CHAIRPERSON LEVINE: And we certainly will review
18 it. We have three more speakers for this panel. So,
19 if I could ask a little seat swap here, because we
20 want to hear from everybody. That's great, thank
21 you. Only three of you or more that's fine. Okay,
22 please.

23 NATHAN SEMMEL: My name is Nathan Semmel. I am
24 an attorney; a lifelong New Yorker and I proudly live
25 in District 7. You don't have to be an expert on

1
2 child abuse to spot a kid who is hurting. You don't
3 have to an expert on domestic violence to recognize a
4 tormented spouse. You don't have to be a canine
5 expert to identify the anguished stare of an
6 abandoned dog and you don't have to be an expert on
7 equines to know what a distressed horse looks like.
8 Suffering is universal, and so are its signs.

9 The current heat regulation is insufficient
10 because it does not account for the single most
11 impactful metric, humidity.

12 I am a runner, I run in Central Park. I don't
13 need to see the NYCLASS videos of suffering horses,
14 I've seen them for myself for years. Horses heavily
15 panting, heads bobbing, struggling, sluggish, just
16 like I feel when I go out for a run on a hot and
17 humid day.

18 But you know what, I get to slow down if I want.
19 I get to have as much water as I want, when I want
20 it. I get to rest when I want, I get to stop when I
21 want. And I get to decide if I don't want to even
22 run at all.

23 I have observed the horse carriage industry for
24 years. They will tell you they care for the horses
25 like family. Now, a dose of reality; they will never

1
2 resist a fare on a brutally hot humid day. They will
3 never rest a panting, head bobbing and sluggish horse
4 out of the goodness of their hearts. And they will
5 never not work their horses on a high heat index day
6 unless it's the law.

7 When is the last time a safety or comfort measure
8 was offered to this industry that they accepted?
9 Never, they will tell you they love their horses.
10 No, they love what their horses can do for them.

11 This bill is not about money or politics. This
12 bill is progressive, it's selfless, it's about
13 compassion and it is right. The horse carriage
14 industry should be counting their lucky stars that
15 we are not debating abolishment like we've seen in so
16 many other cities worldwide. Intro. 1425 is a no-
17 brainer. Please vote yes.

18 CHAIRPERSON LEVINE: Thank you very much and
19 thanking for living in District 7.

20 NATHAN SEMMEL: Thank you.

21 KIRK MILLER: Hi, my name is Kirk Miller. I am a
22 resident of Manhattan and a supporter of Intro. 1425,
23 the carriage horse heat relief bill.

24 I am also not an expert on horses, nor do I
25 pretend to be one. The real experts have already

1 testified. I have spend some time around horses. I
2 grew up in the country around both farm animals and
3 domesticated animals, some wild animals. Today, I
4 rescue and help cats and other animals in Harlem.
5 I've seen animals in pain, animals dying. I have
6 intervened and had to put a few down. I do think I
7 know when an animal is in distress. It actually
8 doesn't take an expert, just an empathetic person.

9
10 I've seen New York City carriage horses in
11 distress. I've seen panting carriage horses, limping
12 carriage horses, carriage horses with fly leg wraps
13 covering open sores on their legs and carriage horses
14 collapsing in the heat and it is hot out there. The
15 hottest four years on record are the past four years.

16 In 2018, I measured the surface temperature of
17 the asphalt on 59th street at nearly 120 degrees and
18 that was not even a significantly hot day and now one
19 of the leading horse experts in the world, who was an
20 expert in horse carriages their selves says it can go
21 up to 200 degrees on the asphalt. The current
22 guidelines don't take any of this into consideration.
23 Dr. Cheever was reluctant to even testify here
24 because she wants a ban on the industry, which a lot
25 of people do. A lot of people are rethinking the

1 relationships with the creatures with whom we share
2 the city and the planet. I think that's why we have
3 so many of these bills, animal related bills being
4 presented today.

5 All the more reason to support Intro. 1478
6 establishing a department of animal welfare in New
7 York City. Animals need our help, so I
8 enthusiastically support Intro. 1425, the carriage
9 horse heat relief bill. The laws need to be updated
10 and this is not a big ask. Thank you.

11 CHAIRPERSON LEVINE: Thank you very much and to
12 another resident of District 7, Deborah Thomas.

13 DEBORAH THOMAS: Thank you, a proud resident of
14 District 7. My name is Deborah Thomas, and I am a
15 New York City resident, animal advocate and humane
16 voter. I support the passage of Intro. 1425, The
17 Carriage Horse Heat Relief Bill, because I feel that
18 having horses pulling hundreds of pounds on city
19 streets in New York City during very humid heat waves
20 is extremely cruel to the horses and dangerous to
21 everyone, because under those circumstances the
22 horses are a risk of heat stress and collapsing.
23 Since the current law does not take real feel and
24 high humidity of the horses into consideration, I
25

1
2 strongly favor changing the current law to take into
3 consideration the heat index when it reaches 90
4 degrees and considering humidity levels. I
5 respectfully urge you to pass Intro. 1425 because it
6 will keep the poor horses from suffering through any
7 future brutal, humid New York City heat waves.

8 I would also like to add that I would support
9 Intro. 1478, the Bill that would created an Animal
10 Welfare Department, if the language were to be
11 amended to number one, cover all animal issues,
12 including carriage horses, wildlife, etc., and
13 overseeing animal shelters and number two, if it were
14 to assure that continuity at the Animal Care Centers
15 would continue. I am aware that there are some plans
16 to make changes in language of that bill and I
17 applaud that.

18 Also, as a longtime volunteer at the Animal Care
19 Centers at the Manhattan Shelter, I could only
20 support Intro. 1478 if it plans to work within the
21 existing framework of the ACC, and to improve upon
22 the numerous positive changes and improvements that
23 have already been made there over the past few years.
24 That would include retaining current members of the
25 administration and staff, who have come up through

1
2 the ranks, who have been volunteers at the shelters
3 and know firsthand what needs to be done about animal
4 welfare and so on.

5 What I would not support would be replacing those
6 people with political appointees who might only be
7 there for photo ops and a paycheck. And I want to
8 thank Councilman Levine and this whole wonderful City
9 Council for doing all you are doing for animals.
10 Thank you.

11 CHAIRPERSON LEVINE: Thank you Deborah and I
12 believe that Council Member Rosenthal has a question.
13 I also want to acknowledge we've been joined by
14 Council Member Andy Cohen.

15 COUNCIL MEMBER ROSENTHAL: I have a quick
16 question for the woman who introduced herself as a
17 veterinarian.

18 EILEEN JEFFERSON: Yes, that's me.

19 COUNCIL MEMBER ROSENTHAL: Okay, thank you. You
20 mentioned that you were in support of the ban on foie
21 gras.

22 EILEEN JEFFERSON: Yes.

23 COUNCIL MEMBER ROSENTHAL: Do you have any
24 experience or any insight about the cruelty of the
25 mechanism of feeding the duck?

1
2 EILEEN JEFFERSON: I have a statement about that
3 which I wrote, which is, according to the American
4 Veterinarian Medical Association, there are 2,014
5 literature review of foie gras. It takes a very
6 unfavorable stance on foie gras in terms of the
7 information that it presents and one of the things
8 that it mentions is that the livers of foie gras
9 ducks, when they are enlarged, they are enlarged to
10 ten times their normal size and people who support
11 foie gras will often say that it is natural because
12 they are seasonally fattened. That the ducks do this
13 naturally, but when the ducks do it naturally, it's
14 only 1.3 to 1.5 times the normal size of the liver.

15 So, there is a huge difference there. It's a
16 completely different thing. 1.3 and 1.5 is a totally
17 different thing than ten times the size. When the
18 liver is that large, it is as people mentioned
19 earlier, it impinges on the air sacks of the bird, it
20 makes them unable to breath properly, unable to stand
21 properly and it also makes them more likely to have
22 injuries during transport and susceptibility to heat
23 stress.

24 COUNCIL MEMBER ROSENTHAL: Thank you very much.

25

1
2 CHAIRPERSON LEVINE: Okay, thank you to this
3 panel. We are going to move on to the next panel,
4 which is Jesus Ponce from Hudson Valley Foie Gras;
5 Jenny Chamberlain also Hudson Valley; Marcus Henley;
6 Marcus Lingeran from Christ Health Care Ministry;
7 Dr. Lawrence Bartholf; Erwin Grome for Hudson Valley;
8 Izzy Yanay Hudson Valley; Robert Ambrose from Bella
9 Bella Gourmet Foods; Chris DeRose — I have here it
10 said here Avia, I am not sure if Mr. Saravia has
11 already spoken, but if it's someone different, okay,
12 then we'll call up Sergio Saravia and we thank you
13 for your patience as we swap people out on this very
14 large panel and sir on the end, would you like to
15 start us off? If you could pull the mic over to you,
16 please and make sure it's on.

17 ISSY YANAY: Can you hear me now? Alright, good.
18 My name is Izzy Yanay. I am the founder and one of
19 the owners of Les Fermes Hudson Valley Foie Gras in
20 Quebec, and Hudson Valley Foie Gras in Sullivan
21 County, New York. I am here in opposition to
22 Introduction 1378.

23 First, I want to applaud the noble and difficult
24 work that the animal rights people, here in front of
25 me, which I am proud to be one of by the way. And

1
2 what they are doing and trying to do in improving the
3 cares of animals.

4 Only, that in the case of the ducks, the geese
5 and the foie gras farming, they are unfortunately,
6 misguided and missing the mark. Even though it does
7 look that the birds are going through an ordeal, our
8 observations, combined with the observation of many
9 veterinarians, scientists and visitors, and my own
10 experience of more than 45 years, show, that the
11 ducks are not bothered by the hand feeding that is
12 done by dropping the feed into their esophagus using
13 a tube, like they said.

14 It is very difficult for me to make my point
15 here, at City Hall, trying to make you understand
16 something that at the farm, you could see in an
17 instant, as many many visitors, may chefs,
18 journalists, students from all walks of life, have
19 come and realized over many many years

20 People said here that you are not transparent.
21 This is not true, we are transparent, but I will talk
22 about it in a second.

23 Judging by the ducks behavior which I have
24 observed, as I said for some 45 years or experience,
25 I can assure you that it doesn't hurt them the way it

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will, most definitely, hurt us or the dogs or the cats. But the doctor who will talk after me, will explain the physiology of the ducks.

They do not exhibit any behavior that show that they are afraid of their feeders and are very calm and content. Now, I had a lot of comments before, some of them are absolutely true, but some of them not. Especially, there was woman, a very sincere woman that spoke before and talked about a version of behavior of the ducks towards their feeders. This is exactly the point that I am trying to make but inviting you that before you make a decision, any decision, which I will completely abide by, but you need to come to see what happens. If you don't want to come yourself send somebody. Thousands of people are coming every day of the week, seven days for years and years and all of them besides some lady here -

CHAIRPERSON LEVINE: Thank you, we do appreciate that, and we are just over time. So, I need to ask you to wrap up.

IZZY YANAY: And I will be the first to support a ban on any food that is obtained by harming and torturing animals, any animals. But here it is not

1
2 the case. And as every farmer knows, the treatment
3 and the condition of our animals -

4 CHAIRPERSON LEVINE: Thank you.

5 IZZY YANAY: I didn't finish.

6 CHAIRPERSON LEVINE: Well, we have a two-minute
7 time limit sir. Okay, you are way over time.

8 IZZY YANAY: Okay, torturing animals -

9 CHAIRPERSON LEVINE: All these people waiting to
10 speak, a big pile.

11 IZZY YANAY: Aye, aye, aye, stop me, okay.

12 CHAIRPERSON LEVINE: Okay, thank you. Your full
13 comments will be entered into the record if you would
14 like to submit the written remarks to the Sergeant,
15 then they will be part of the record of this hearing.
16 Please sir.

17 JESUS PONCE: Hello, I am Jesus Ponce. I work at
18 Hudson Valley Foie Gras. I am here in opposition to
19 Introduction 1378.

20 I came to the United States in 1981. I was one
21 of the first people hired by the farm in 1983. I
22 became a citizen of the United States through my work
23 at the farm and with the help of the owner, Izzy
24 Yanay. Many of us at the farm become citizens in
25 this way.

1
2 I have don't well. My daughter is working at the
3 farm this summer before she goes back to college at
4 the University of Rochester. The first one in my
5 family to study political science. The farm has
6 given my family and all at the farm a chance to be
7 part of this country, to have a better life and make
8 an even better life for our children.

9 The farm takes good care of the animals. If you
10 don't take good care of the animals, it doesn't make
11 no sense. You have to take good care of the animals
12 to be able to make a profit. The way we feed the
13 ducks might seem strange but if you know about
14 animals, you can see feeding the ducks does not hurt
15 them. I have talked to veterinarians and they
16 explain why this is true. It is the same as judging
17 me as a bad person when you don't know me.

18 There have been people saying bad things about
19 the farm for a long time that are not true. I don't
20 really understand this, and I wish it would not
21 happen. WE spend a lot of time defending ourselves
22 that would be better spent taking care of the animals
23 in the farm.

24

25

1
2 We have visitors who tour the farm all the time.
3 We expect people to visit us and that makes us better
4 than any other farms I know.

5 UNIDENTIFIED: Okay, we want to make sure that
6 everyone gets an opportunity to speak. So, if you
7 could just wrap up because we are given everybody a
8 time allocation, okay.

9 JESUS PONCE: Okay.

10 UNIDENTIFIED: Just like finish your last
11 thought, so we can move on.

12 JESUS PONCE: Okay, okay. Through the animals we
13 have a good place to work and we could not work at
14 the farm maybe go find another job. If I couldn't
15 work at the farm, maybe I could find another job, but
16 I worked for 35 years and made a living, so I can
17 send my daughter to college. Thank you.

18 UNIDENTIFIED: Thank you. I am just stepping in
19 for Chair Levine for a few moments.

20 JENNY CHAMBERLAIN: My name is Jenny Chamberlain;
21 I am the Chef and General Manager of Further
22 Processing for Hudson Valley Foie Gras. I have been
23 with the farm family for over seven years. I am here
24 in total opposition of Intro. 1378.

1
2 I am a former resident of Brooklyn; I now live on
3 the farm with my longtime partner Michele. I have
4 two dogs, a cat and a tortoise. So, I put those
5 cards out there, happy pride. And I am appalled by
6 the proposed legislation, to each their own but
7 without having a true education of the practices at
8 Hudson Valley Foie Gras and Le Belle Farms, our truth
9 is the reality of American produced foie gras. That
10 truth is 90 miles away and a short trip would answer
11 your questions and concerns.

12 Most importantly, the ducks will tell their story
13 in both their appearance and behavior. The behavior
14 of not being afraid and the appearance of not being
15 wounded or lying around dead.

16 The first thing I did before accepting my
17 position was tour the farm to learn. I ultimately
18 made my decision based on being 100 percent behind
19 the practices that I say. This opportunity has
20 proven to be well beyond personal economic gain. I
21 have found a greater purpose in my life and
22 profession helping the farm move towards total
23 utilization of the animal. Meaning yes, we're first
24 and foremost foie gras. But from the breast we make
25 duck bacon, duck ham, we make barbacoa, the legs,

1
2 duck leg comfest, the trip, sausages reet and the
3 bones, we sell for pet food. Nothing is wasted or
4 taken for granted.

5 And those efforts have personally created 40 jobs
6 for out of the over 300 total employees. So, this is
7 not just a job, it is my life and I am here to fight
8 for the livelihood of all the employees who depend on
9 us and the families who depend on them and why would
10 any one of us hurt the ducks that we all depend on?

11 If this ban is passed, it will be in vein and
12 devastating to many. I ask you to please come and
13 see for yourself and to take the opportunity to be
14 true hero's and work with us to write good practices
15 for foie gras production in New York. Thank you.

16 UNIDENTIFIED: Thank you as a turtle mom. You
17 said you had a tortoise.

18 JENNIFER CHAMBERLAIN: He's going to out live us
19 all, my tortoise.

20 MARCUS HENLEY: I am Marcus, the Manager of
21 Hudson Valley Foie Gras and I am against 1378. I
22 sleep with my dog, okay. The New York Times
23 Editorial Board, Village Voice, Esquire, Chicago
24 Tribune, have all published articles saying that they
25 found nothing after journalists visited the farm.

1
2 Improper about our inhumane about our farming
3 practices. This is not the first time the New York
4 City Council has considered banning foie gras and
5 several years ago Councilman Allan Gerson had the
6 integrity to send an investigator to inspect our
7 farm. That was Paul Nagle who is the Executive
8 Director of the Stonewall Community Development
9 Corporation. After his recommendation, Councilman
10 Gerson dropped his attempt to ban foie gras. Former
11 Bronx Assemblyman Michael Benjamin after introducing
12 legislation at the State level to ban foie gras,
13 during the visit, stopped and told a group of people
14 that was with him, I think Dr. Bartholf was there
15 that day, that I have been lied to. And he withdrew
16 his support for his own bill. The truth, we're these
17 wonderful people on both sides and we listen to each
18 of them, the importance of our jobs and the economics
19 that's very different in a rural economy. But you
20 are not going to find the truth here today. But the
21 truth is two and a half hours away and for God sake,
22 send somebody to see what we do, because it is very
23 hard to describe, and you can look at all the
24 pictures you want but seeing is a true thing.

1
2 The other thing is, Supreme Court didn't take the
3 California lawsuit, they sent it back to federal
4 district court. We are in our eighth year of
5 litigation in federal court and I just want to share
6 that this type of legislation is unconstitutional.
7 We overturned the California ban and we will again,
8 and we would immediately contest this kind of
9 legislation. Not only for ourselves but the farmers
10 everywhere because it's unconstitutional. Thank you.

11 MARK LINGERMAN: My name is Mark Lingerman, I am
12 the Executive Director for Christ Health Care
13 Ministry. We are concerned that the banning of the
14 sale of foie gras products will result in reduced or
15 eliminated access to healthcare for poor, migrant
16 farm workers in Sullivan and Orange County, New York.

17 That's why I am here in opposition to
18 Introduction 1378. Our Ferndale Free Medical Clinic,
19 which was built and is heavily supported by Hudson
20 Valley Foie Gras, is the only free medical clinic in
21 Sullivan County. If that funding is eliminated, it
22 would eliminate the only health care option for our
23 patients, many of who are poor, migrant farmers. Our
24 clinic manages more than 260 patient visits per year;
25 more than 1000 in the five years of our existence.

1
2 Christ Health Care Ministry provides healthcare
3 at no cost, to those without access to insurance.
4 The ministry is a federal 501C3. The medical
5 providers, doctors, nurses, nurse practitioners, and
6 physicians assistants all volunteer their time. If
7 we lose the financial support of the Hudson Valley
8 Foie Gras, it would impair our ability to open and
9 maintain our free Warwick, New York Clinic as well,
10 which is slated to open on July 1st. The Warwick free
11 clinic is surrounded by a large migrant population of
12 more than 300 families who lack medical insurance and
13 the financial resources to obtain reliable, caring,
14 comprehensive, medical aid.

15 Our patients receive: Primary care; lab and
16 radiologic support; phlebotomy; and the
17 subspecialties of cardiology; general surgery;
18 hematology/oncology; nephrology; orthopedics;
19 rheumatology; urology; wound care; endocrinology;
20 dermatology; neurology; OBGYN; etc.

21 Prior to the installation of the CHCM clinic in
22 Ferndale, our patients did not have access to
23 healthcare or necessary medications. Now, our
24 patients have a medical home. They are seen by a
25 stable set of medical providers. There are repeat

1 patients who are comfortable coming into the clinic.

2 We collaborate with the Catskills Regional Medical

3 Center and we are seeing evidence of reduced Alc

4 levels and reduced blood pressure in our patients.

5 Thank you.

6 UNIDENTIFIED: Thank you.

7 LAWRENCE BARTHOLF: I am Dr. Lawrence Bartholf,

8 Doctor of Veterinary Medicine. I am here in

9 opposition to Introduction 1378.

10 For the last 50 years, I have been a Doctor of

11 Veterinary Medicine, specializing in the care of farm

12 animals. I am past President of the New York State

13 Veterinary Medical Society. And I have long been

14 active in animal welfare causes. I was the first

15 recipient of the American Veterinary Medical

16 Associations Animal Welfare Award in 1990.

17 In the course of my career, I have had many

18 opportunities to observe firsthand the practices of

19 Hudson Valley Foie Gras. America's largest foie gras

20 farm and the only one of three remaining in the

21 United States. I first visited Hudson Valley Foie

22 Gras about 30 years ago to investigate an animal

23 welfare complaint and I was an active member of the

24 Sullivan County Society for the Prevention of Cruelty

1
2 to Animals at that time. In the years since, I have
3 visited the farm with many animal welfare and
4 veterinary groups. In 2006, I accompanied a group of
5 veterinarians from the American Veterinary Medical
6 Association and we all inspected the farm at that
7 time.

8 Here I would like to divert a little bit, digress
9 from my written part and I would like to cover some
10 misconceptions that I've heard earlier today. One, is
11 that the liver has been described as diseased in
12 these ducks and they say they have hepatosis. Well,
13 yes, they do. Hepatosis is the medical term for
14 fatty liver. Foie Gras is fatty liver. While this
15 would be abnormal in humans and usually the cause the
16 death, it's not abnormal in birds and it's a normal
17 ability that birds have because they migrate and lay
18 eggs.

19 Two other things, these ducks pant because -

20 UNIDENTIFIED: Just wrap up your testimony.

21 LAWRENCE BARTHOLF: They wrap down and they pant
22 just like your dog does to control their body
23 temperature and the esophagus, which I would love to
24 cover and that would take me three minutes all by
25 itself, but it's flexible, it's durable and that's

1
2 what allows a wild – a water fowl to have a fish, a
3 live fish and fins that you wouldn't be able to hold
4 in your hand in its throat and not be damaged.
5 That's why a feeding tube is a nonevent for them.
6 Thank you very much.

7 UNIDENTIFIED: Thank you. Were we waiting for
8 anyone else to come and sit down and also give
9 testimony, because we do have a few question, I am
10 sure we have questions.

11 Yeah, if you could just remain for a second.

12 CHAIRPERSON LEVINE: We are going to allow
13 Council Member Rosenthal to jump in with a question
14 or two now.

15 COUNCIL MEMBER ROSENTHAL: And then the remainder
16 of people will testify for sure. I appreciate that
17 Chair.

18 CHAIRPERSON LEVINE: Of course, please.

19 COUNCIL MEMBER ROSENTHAL: I really want to ask
20 the doctor a couple of questions. Have you seen
21 farms where the ducks are not treated humanely?

22 LAWRENCE BARTHOLF: No, but I have not seen any
23 farm other than Hudson Valley Foie Gras and after
24 all, there are only three in the United States.
25

1
2 COUNCIL MEMBER ROSENTHAL: You had said that many
3 years ago, you visited a bunch of farms.

4 LAWRENCE BARTHOLF: This farm.

5 COUNCIL MEMBER ROSENTHAL: Only this farm?

6 LAWRENCE BARTHOLF: Yes.

7 COUNCIL MEMBER ROSENTHAL: So, you don't have
8 anything to compare it to?

9 LAWRENCE BARTHOLF: Well, I grew up on a farm.

10 COUNCIL MEMBER ROSENTHAL: Was it had force
11 feeding of the ducks.

12 LAWRENCE BARTHOLF: No.

13 COUNCIL MEMBER ROSENTHAL: Okay, and then
14 secondly, I want to know what your response is to
15 this notion of a liver growing by one in a half times
16 versus ten times.

17 LAWRENCE BARTHOLF: Yes, the liver has the
18 potential to grow ten times in birds, all birds and
19 it's the reason because they lay eggs which takes a
20 lot of fat in a very, very short period of time.
21 Also, to cover periods of starvation and also to
22 cover migration when the birds are flying and not
23 able to eat.

24 COUNCIL MEMBER ROSENTHAL: And so, when you -
25

1
2 LAWRENCE BARTHOLF: So, birds have the ability to
3 store fat around their body like we do, but also in
4 their liver, which is unique to birds.

5 COUNCIL MEMBER ROSENTHAL: Ten times. I guess my
6 question was the three instances that you just
7 mentioned are all you know, how often do they lay
8 eggs? How often do they migrate? Is it on a daily
9 basis that it's common for a bird to be at ten times
10 the liver size every single day of it's life?

11 LAWRENCE BARTHOLF: No, of course not.

12 COUNCIL MEMBER ROSENTHAL: I don't know, I am not
13 a physician but that is what happens in these
14 situations.

15 LAWRENCE BARTHOLF: For a matter of a few weeks,
16 yes.

17 COUNCIL MEMBER ROSENTHAL: For a matter of a few
18 weeks? Could you explain that to me?

19 LAWRENCE BARTHOLF: Well, for actually about
20 three weeks, is when they are in the final stages of
21 the feeding. Okay, up until — and Marcus can tell
22 you better —

23 COUNCIL MEMBER ROSENTHAL: Before they are killed
24 for the use of the liver.

1
2 LAWRENCE BARTHOLF: Before they are slaughtered,
3 yes.

4 COUNCIL MEMBER ROSENTHAL: Okay, I just wanted to
5 be clear about that. So, it's not that they could
6 function after their liver is ten times the normal
7 size?

8 LAWRENCE BARTHOLF: As a matter of fact, what has
9 happened, a researcher in France brought these birds
10 up to where the liver was at its maximum extend and
11 then the birds were not hungry, so they were allowed
12 at their own will not to eat. The liver shrank down
13 and then they could refill it again with fat. It is
14 a normal procedure in the wild, it doesn't go to ten
15 times in the wild. It does expand when they are
16 eating in the fall or when there is lots of grain and
17 as they are preparing to migrate.

18 COUNCIL MEMBER ROSENTHAL: Ten times the size
19 every single day of its life. I just think there is
20 a difference.

21 LAWRENCE BARTHOLF: Not every single day of its
22 life. Only at the end when its being tube fed.

23 COUNCIL MEMBER ROSENTHAL: For the purpose of
24 slaughter.

25 LAWRENCE BARTHOLF: That's right.

1
2 COUNCIL MEMBER ROSENTHAL: Okay, and then, if you
3 could just explain to me what is in the mixture that
4 is fed to the duck?

5 LAWRENCE BARTHOLF: It is a mixture of protein
6 and starch.

7 COUNCIL MEMBER ROSENTHAL: Protein and starch,
8 what does that mean?

9 LAWRENCE BARTHOLF: Well, the protein fraction is
10 primarily soybeans and the starch fraction is
11 primarily corn. This is a combination of grains that
12 are fed to all of our domestic animals. It's nothing
13 unusual.

14 COUNCIL MEMBER ROSENTHAL: Sir, are you employed
15 by the farm in any way as a consultant?

16 LAWRENCE BARTHOLF: As a consultant, and asked to
17 come to some testimony like this?

18 COUNCIL MEMBER ROSENTHAL: Are you paid as a
19 consultant?

20 LAWRENCE BARTHOLF: On occasion.

21 COUNCIL MEMBER ROSENTHAL: Okay, I just was
22 curious to know. And how am I to respond to the
23 testimony of the Humane Society Veterinary Medical
24 Association which says on behalf of 9,000 members
25

1 nationwide and 300 in New York who endorse the
2 passage of this bill?

3
4 LAWRENCE BARTHOLF: That's the Humane Society of
5 the United States.

6 COUNCIL MEMBER ROSENTHAL: No, the Humane
7 Veterinary Medical Association.

8 LAWRENCE BARTHOLF: Right, that is another
9 veterinary medical association and an association of
10 veterinarians. It is not the American Veterinary
11 Medical Association which is -

12 COUNCIL MEMBER ROSENTHAL: Do you represent the
13 American Veterinary Association?

14 LAWRENCE BARTHOLF: I am a member of the American
15 Veterinary Medical Association, which is a
16 membership, which is the original membership of
17 approximately 90,000 -

18 COUNCIL MEMBER ROSENTHAL: And do you have a
19 statement from them?

20 LAWRENCE BARTHOLF: Do I have a statement from
21 them?

22 COUNCIL MEMBER ROSENTHAL: Yeah, I am just trying
23 to understand how to respond to this, one person
24 compared to 300 in New York, 9,000 nationwide. Okay,
25 thank you very much. I appreciate it.

1
2 CHAIRPERSON LEVINE: Thank you and I just want to
3 remind our colleagues and everybody that we have over
4 50 people waiting to testify. We lose the room in an
5 hour, so we're going to try and really keep this
6 moving. But please, Council Member Rivera.

7 COUNCIL MEMBER RIVERA: I just want to follow up
8 on Council Member Rosenthal's question. How long
9 would the duck live for if it was fed at the same
10 rate but not slaughtered? Do you understand the
11 question?

12 LAWRENCE BARTHOLF: Yeah, as long as its normal
13 life, it would probably be.

14 COUNCIL MEMBER RIVERA: If it's fed at the same
15 rate and it's liver was as enlarged; it would live to
16 the same duration of a normal duck.

17 LAWRENCE BARTHOLF: Right, what happens in these
18 birds is once the liver reaches its maximum, okay,
19 it's like if you want to think of an assembly line,
20 like in a Ford assembly line plant. If they don't
21 need any more cars down at the end of the line, they
22 don't start anymore at the beginning.

23 COUNCIL MEMBER RIVERA: I appreciate the analogy,
24 but I don't want to compare a living thing to a car.
25 So, give me one second. I want to just say, because

1
2 I don't have a lot of time and we do have a lot of
3 people that I want to hear from.

4 So, you mentioned about the migratory factors of
5 the birds in their natural habits, but from what I've
6 read at most, that enlargement is at three times, not
7 ten. And then the second thing I will add is that
8 many other vets, including the former Wildlife
9 Pathologist for the New York City Department of
10 Environmental Conservation, they have a completely
11 different view of the health and safety of foie gras.
12 So, of course, professionals will disagree. So, we
13 appreciate your testimony and trying to answer some
14 of our questions, but I feel that again, a lot of my
15 questions will really be for the farmers, so I ask
16 Chair Levine if you want to move on. I am happy to
17 do so, and I thank you all for your testimony and for
18 giving us time. I really do.

19 CHAIRPERSON LEVINE: Thank you Council Member
20 Rivera and I think we have additional witnesses on
21 this panel. Is that right? Yes, sir.

22 ROBERT AMBROSE: Hello, my name is Robert
23 Ambrose, and I am the managing partner of Belle Bella
24 Gourmet and I am here in strong opposition of 1378.

1
2 How many of you here today can say you visited
3 our farms in Sullivan County, or have an
4 understanding of the physiology of a duck? The
5 reality is just a short drive away, and you can see
6 how the ducks are treated and how much economic
7 impact we have on the area. Bella Bella Gourmet is a
8 wholesaler and transforming kitchen of foie gras,
9 duck and poultry products. We distribute our
10 products in New York City across the country and
11 around the globe.

12 Prior to partnering with LaBelle Farms, I wanted
13 to see the farm. I went up and worked every aspect
14 of the farm, toured every building, total
15 transparency. I wanted to see what they were doing.
16 What I saw was how the farmers treated the birds, how
17 they treated their employees. It was amazing.
18 Whenever I take a group of Chefs up there, I see the
19 same thing and so does the Chefs that we have tour
20 there.

21 The birds have clean, dry bedding, fresh water
22 and food. It is evident that they show respect for
23 the birds as well as the employees. The entire birds
24 are utilized, nothing goes to waste. The employees
25 receive monetary incentives based on how they handle

1
2 the birds. So, exceptional care is taken at each
3 step of the growing. Over the past 15 years, I have
4 conducted many tours for journalists, chefs,
5 restaurant tours and inquisitive individuals.

6 When a visitor views the interaction between the
7 farmer, staff and birds firsthand is astounding.
8 Demanding chefs can recognize quality product by
9 taste, smell, looks, and how it reacts in cooking.
10 When these chefs experience how the birds are raised
11 and treated and are proud to serve our foie gras in
12 their establishment, it makes us so happy.

13 I ask that before moving forward with 1378, you
14 take time to visit our farms. See the birds, see the
15 people, see the area.

16 CHAIRPERSON LEVINE: Thank you sir for your
17 testimony. Please.

18 ERWIN GROME: Hello, I am Erwin Grome, General
19 Manager of Hudson Valley Chicken LLC. I am here in
20 opposition to the Introduction 1378.

21 Hudson Valley Chicken provides high-quality
22 Certified Humane and organic chickens to the markets,
23 restaurants, and the restaurants in this region. Our
24 facility shares resources such as transportation and
25 wastewater treatment with Hudson Valley Foie Gras.

1
2 We fear the loss of Hudson Valley Foie Gras would
3 raise our costs and put our business at risk.

4 Our chickens are grown on family farms in
5 Pennsylvania. Large chicken companies demand farmers
6 have expensive upgrades to their building, or new
7 buildings to work with them. We work with farmers
8 with older, but well-maintained facilities. Without
9 us, dozens of these farms would be very difficult to
10 find work for them to continue.

11 Hudson Valley Chicken is also one of the very few
12 facilities in the Northeast that allows very small
13 farmers to bring their chickens or other poultry to us
14 for processing. They can bring a few birds, or they
15 can bring several more and we give them back the
16 fully processed under USDA inspection product. This
17 facility has created opportunities for many small
18 farms to bring their products to farmers markets in
19 the region. We processed for almost 200 small farms
20 last year. Loss of this service would be crushing
21 and force many of these farmers to discontinue
22 producing poultry. Those that continue would be
23 forced to distant processors, raising their cost of
24 their products in their markets significantly.

1
2 I also want to say that working with Hudson
3 Valley Foie Gras and comparing our Certified Humane
4 chicken operation with their duck operation, the
5 ducks are very well cared for. I have seen the
6 farming statistics reflecting proper care of animals
7 that exceeds the Certified Humane standards.

8 The other issue that is not understood that many
9 products from poultry that would be almost impossible
10 to separate from the New York City market without
11 great disruption to companies across the country.
12 Most stores selling pet treats, food, have products
13 made from duck. Many ducks are sold whole and there
14 are no left-over materials. Foie Gras ducks are
15 deboned, and the bones and trimmings are used in pet
16 products. It is almost certain every store selling
17 pet products in New York City has duck from foie gras
18 farms. Further, all the feathers from the duck
19 processing are saved, cleaned and dried for use in
20 down clothing, bedding and pillows.

21 The bill is very threatening to the 60 people
22 working at Hudson Valley Chicken and the many many
23 farmers we support. We reject Introduction 1378.

24

25

1
2 CHAIRPERSON LEVINE: Thank you sir and I believe
3 this concludes our panel. Oh, one more, forgive me
4 please.

5 SERGIO SARA VIA: Hi, my name is Sergio Saravia.
6 I am in opposition to 1378. I was born in El
7 Salvador and it was during the Civil War and the
8 earliest childhood memory that I have is of my mother
9 being severely beaten because soldiers came to our
10 house assuming that we had money and they wanted to
11 rob us. We watched our mother get beaten, we had to
12 move from our town to another town and then we walked
13 to the United States. Our country never gave us any
14 protection from the guerrillas or the soldiers.

15 When we got here as refugees, we weren't given
16 asylum. Imputed political opinion wasn't recognized
17 as a claim for political asylum. The only people
18 that accepted to help us was Izzy from Hudson Valley.
19 He gave my father a job, we lived in a one-bedroom
20 apartment, eleven of us. He signed so that they
21 sponsored my father and we got legal that way. I
22 went to school. We went to a school where I was the
23 only Spanish guy and I wasn't meant to be in school.

24 I wasn't meant to do anything good because of
25 where I came from because of the language that I

1 spoke. I went to college, the same thing. I
2 actually had a teacher tell me, you are not going to
3 graduate, you are not going to do well, you are not
4 going to be an attorney. I made it as an attorney.
5 I'm Spanish, so automatically, I am supposed to be
6 something that was like everybody else in my country.
7 Those people know about torture, we work seven days a
8 week from when I was 11 to this day. We work with
9 every person on that farm. There is over 400 people
10 between the two farms.

12 Whether you go visit or not, I need you to at
13 least do something before you pass it and make
14 generalizations like other people do. Like our
15 country did to us because we couldn't have neutrality
16 like when the immigration system denied us something
17 because we didn't have the right claim. Here we
18 stand with some generalizations of people who are
19 against what we do. We are workers, these are our
20 families, this is our community. One percent to you
21 is 100 percent to us. I can walk away from that now
22 that I am an attorney. I will never do that because
23 that's my family. Every person in here, that's my
24 family. I cannot walk away from it.

25 [APPLAUDING]

1
2 CHAIRPERSON LEVINE: Okay, folks please, please.
3 Mr. Saravia, I want to thank you for speaking out
4 today. I want you know that independent of the
5 debate we are having here around legislation that I
6 solute you and celebrate you and your family. I
7 think you embody the best of the American dream and
8 you have our full support as people who undoubtedly
9 have helped make New York a better place. Have
10 helped make this country a better place and I thank
11 you for that.

12 And thank you for your bravery in speaking out
13 today. Your opinion very much matters, thank you.

14 [APPLAUSE]

15 CHAIRPERSON LEVINE: Folks, we have done very
16 well with the respectful atmosphere in here and I
17 don't want to break from that as we enter the
18 homestretch of the hearing.

19 And Council Member Rivera has a question.

20 COUNCIL MEMBER RIVERA: I had a question for the
21 managers of the farm. I don't know if you want to
22 come back to the microphone and I appreciate you
23 swapping with your colleagues.

24

25

1
2 So, just quickly, because I know there are a lot
3 of people here to testify. How many ducks do you
4 have on your farm at a single time.

5 ERWIN GROME: About 100,000.

6 COUNCIL MEMBER RIVERA: 100,000, how do you
7 ensure that your standards are applied to every duck
8 given your production volume?

9 ERWIN GROME: I provided your office with the
10 statistics that are comparing as an indicator of
11 animal welfare the comparative mortality rates for
12 various poultry rearing facilities. And if you
13 reviewed that, you saw that while our ducks are
14 raised for 105 days, our farm mortality rate is four
15 and a half percent. Chickens, our Certified humane
16 antibiotic free chickens at 42 days have a mortality
17 rate of about 4.7 percent. Certified organic
18 chickens at 42 days. So, we keep statistics at about
19 7 percent. Regular ducks that are not grown for foie
20 gras at 42 days are at about 5 percent.

21 So, those welfare indicators are very carefully
22 tracked at every point in the process. We have
23 caretakers I think that we have twelve in the
24 pregavage period in the nurseries and the growing.

1
2 COUNCIL MEMBER RIVERA: So, I wanted to ask, I
3 did get the data and I thank you because we have had
4 a conversation and I thought it was very reasonable
5 and it was quite pleasant. And the data that you
6 sent to me from what I remember, wasn't very
7 comprehensive. It didn't account for entries. It
8 was only for one week. So, if you have longer more
9 comprehensive data, I am happy to take that and
10 review it, absolutely send anything my way. I just
11 have another question.

12 So, there is 100,000 ducks on the farm and there
13 is how many workers, I think you said 285.

14 ERWIN GROME: About 280, yes.

15 COUNCIL MEMBER RIVERA: 280-285, what policies
16 are in place? This is the question I was trying to
17 get at earlier. What policies are in place to ensure
18 that 285 workers could feed 100,000 ducks and still
19 reach those quality standards that you are discussing
20 today?

21 ERWIN GROME: We have a farmer codes of conduct
22 for each of the different sections of the farm and
23 the gavage section is I think the one that we're most
24 concerned about and so, we have a bonus system or a
25 profit sharing system where the different measures of

1
2 animal welfare, the quality of the output, the
3 mortality rate, is rewarded so that each person is
4 assigned a certain number of ducks and each duck one
5 by one, is evaluated during the processing stage and
6 then the workers by the quality of their output which
7 reflects the quality of the animal care are given –
8 so the bonus numbers for the last week, it's a three
9 week cycle for feeding the ducks. I think the
10 average was close \$400 dollars for each worker last
11 week. So, we're doing a really great job right now.

12 COUNCIL MEMBER RIVERA: So, you have workers
13 responsible each for hundreds of ducks. So, I just
14 want to you know, be very just honest about again,
15 the data that you sent, I did not find it
16 comprehensive and it did not account for injuries
17 from what I recall. So, I understand you've had a
18 number of people here with you and there will always
19 be a difference in opinion. I think what we are
20 trying to get at today is how we ethically define the
21 humane treatment of animals.

22 So, I want to thank you for your testimony and
23 for everyone else's and with that Chair, I thank you
24 for the time.

25

1
2 CHAIRPERSON LEVINE: Thank you very much Council
3 Member Rivera and thank you to this panel. We are
4 going to move onto the next panel which will be Herve
5 Breuil from the Woodstock Farm Sanctuary; Holly
6 Cheever from New York State Humane Association; Gene
7 Baur from the Farm Sanctuary; Ashley Byrne from PETA;
8 Blair Marshall; Viola Agostini; Nicole Fernandez and
9 we are going to try and keep it moving because we are
10 under very severe time constraints so I will allow
11 you to please kick us off. If you can pull the
12 microphone, are you speaking as well. Okay, thank
13 you. If I could have it quite, please.

14 ASHELY BYRNE: Good afternoon, my name is Ashley
15 Byrne and I am an Associate Director with PETA and a
16 longtime resident of New York City and I am speaking
17 on behalf of our several thousand members and
18 supporters here who live in the New York City area.

19 PETA absolutely supports the bill to ban foie
20 gras sales from the city. Investigations at every
21 foie gras farm in the United States and throughout
22 Europe have all documented sick, dead, and dying
23 animals. Some with holes in their necks from pipe
24 injuries.

25

1
2 You know, there has been a lot of talk from
3 people here in support of foie gras, saying to come
4 visit the farms. Well, we have had people visit the
5 farms and I would like to talk about what they saw.
6 A PETA investigation at Hudson Valley Foie Gras,
7 which is a factory farm, previously called
8 Commonwealth Enterprises found that a single worker
9 was expected to force feed 500 birds three times each
10 day. The pace meant that they often treated the
11 birds roughly and left them injured and suffering.

12 So many ducks died from ruptured organs resulting
13 from over feeding. That workers who killed fewer
14 than 50 birds per month were given a bonus. By
15 Hudson Valley's own calculations, approximately
16 15,000 ducks on the farm die every year before they
17 can be slaughtered. Ducks who don't die prematurely
18 at Hudson Valley are killed on site and PETA's
19 investigator documented one bird during their visit
20 who was still moving after his throat had been cut.
21 The birds suffered from other ailments as well,
22 including one duck who had a maggot ridden neck
23 wound, so severe that water spilled out of it when he
24 drank.

1
2 At a farm near Montreal that is owned by Palmex
3 Inc. which is a brand of Rougie who was represented
4 here today as well. PETA documented ducks lined up
5 in rows of iron coffin like cages that encase their
6 bodies like vices. The birds heads and necks
7 protruded through small openings to make the force
8 feeding easier for the human workers. And the birds
9 couldn't turn around or spread a single wing. And I
10 will just say that similar conditions have been
11 documented on the largest French Foie Gras Factory
12 Farms.

13 So, cruelty is just standard in this industry.
14 There is no such thing as humane foie gras. Thank
15 you.

16 CHAIRPERSON LEVINE: Thank you, thank you. Please
17 sir.

18 HERVE BREUIL: Good afternoon Council Members.
19 Good afternoon Chair Levine. My name Herve Breuil, I
20 am the Shelter Director at Woodstock Farm Sanctuary
21 where we care for 370 rescued animals amongst them,
22 40 ducks and I am here today to testify in strong
23 support of Intro. 1378.

24 I am originally from France and I worked as a
25 Campaign Manager for the Animal Rights Association

1
2 L214 for three years and I conducted investigations
3 in over a dozen foie gras farms. So, I've seen
4 firsthand whats happening in there and we were
5 invited and what we saw when we were invited was
6 quite different then when we were not invited. And
7 we've talked about the cruelty that's happening with
8 the force feeding, the 2 pounds of corn mash that
9 they are throwing down their throat in five seconds
10 with the help of a pump. We've talked about the
11 holes in their throats and about them gasping for air
12 because of the size of the liver pushing on their
13 lungs.

14 But there are things we have not talked about.
15 For instance, their beaks and those we don't talk
16 about. Those are the way they fight with each other
17 or so you do not say that the females are killed
18 because their livers have to many veins and do not
19 produce foie gras. So, maybe that's something that
20 should be talked about.

21 The first thing you notice when you go into those
22 farms is the silence. The mallards are still old,
23 but they are also mute, so you only here the fans and
24 you also smell - there is a rancid smell in those
25 farms coming from the corn mash and you see those

1 ducks dying, the corn mash coming out of their
2 mouths. That is very common to see those. I have
3 seen so many of those ducks dying when we were
4 visiting those farms.

5
6 So, it's a French tradition but it's changing
7 very quickly and I will wrap up by saying that there
8 was a survey that was done in November 2017 in France
9 and 58 percent of French people were in favor of
10 banning the force feeding of ducks and geese and 37
11 percent of French people refuse to buy foie gras for
12 ethical reasons. And so, that's very recent and
13 also, I want to say that 23 out of the 28 European
14 Countries banned the production of foie gras. So,
15 friends know it has become an exception and I hope
16 that New York will follow the steps of those European
17 countries and also French people that in the vast
18 majority are opposed to foie gras even though it's
19 control and since the footage have come out, to L214
20 people really see whats happening.

21 CHAIRPERSON LEVINE: Thank you very much.

22 Please.

23 HOLLY CHEEVER: I am Doctor Holly Cheever and I
24 have been to Hudson Valley Foie Gras on three
25 occasions. First, in 1991 as part of an uncover

1
2 investigation from PETA. Secondly, in 1997, at the
3 request of Whole Foods who were sought by Hudson
4 Valley Foie Gras to come to the plant to see how
5 humane their product was as an offering as a food
6 choice and of course, they hope that Whole Foods
7 would pick them up and distribute them nationwide and
8 what's important about that particular visit in 1997
9 was that was the last time the public ever got a
10 chance to see foie gras as it is done at Hudson
11 Valley Foie Gras nowadays as well.

12 The third time I went as a guest invited by Dr.
13 Larry Bartholf whom you heard speak in the previous
14 panel and then as we began to see these very
15 sanitized choreographed and altered forms of public
16 display once Hudson Valley Foie Gras realized that
17 the public could not see the real activity because
18 Whole Food were a stinging rebuke to them saying that
19 they were lied to. That clearly this was a torturous
20 process and that they would never carry any kind of
21 Foie Gras Hudson Valley products ever in their
22 national distribution of food types.

23 So, in all the animals that I have seen, both
24 living and dead, I have seen pneumonia, I've seen
25 gross liver failure, I've seen liver rupture. I have

1
2 seen esophageal trauma and an esophageal rupture, and
3 I have also seen hepatic encephalopathy, which is
4 Greek for if my liver dies then my brain is going to
5 die as well. And I have also seen on two occasions
6 workers actually forcing the feeding tubes down the
7 necks of seizing birds because again, if he liver
8 is in failure, it cannot process the blood to keep
9 toxins away from the brain and the brain then goes
10 into it's own form of illness.

11 One thing we haven't mentioned about these birds
12 is they are not a natural species, they are a hybrid
13 species usually a hybrid cross of Pekin and Muscovy
14 ducks, neither of whom have any migrating DNA in
15 them. So, to say that this is going to be mimicking
16 natural migratory behavior is nonsense and the reason
17 they are chosen is that they live longer than other
18 species do as a hybrid and therefore they can make it
19 past the four weeks which is typically when the death
20 rate begins to become so overwhelming that it eats up
21 the profits and this was stated by Guillermo Gonzalez
22 who is the owner of Sonoma Valley Foie Gras in
23 California at the time when that business was shut
24 down by California passing a law.

25

1
2 I know I'm at the end of my speaking time but if
3 anyone from the Council would like to know the
4 difference between the sanitized versions, the
5 choreographed tours that started happening after
6 California's passage of the law. On the east coast
7 Hudson Valley Foie Gras, so that the writing was on
8 the wall and Gourmet Magazines, Chefs, Editors,
9 Cooks, Veterinarians, who are all coming, they want
10 to visit. And so, if anyone has any curiosity about
11 that, I'd be happy to answer question.

12 CHAIRPERSON LEVINE: Thank you, thank you very
13 much. Please.

14 CHRIS DEROSE: Hi my name is Chris DeRose,
15 President and founder of Last Chance for Animals. We
16 are based out of Los Angeles, I am from Brooklyn
17 originally, but I came out here for this from Los
18 Angeles. I love New York. I love what it could be,
19 I love what it is. I wrote a great talk, but I am
20 not going to do it, so I am going to spare you that
21 because my colleagues have said it better than I
22 would be able to say it.

23 You know, New York has proudly withstood the 911
24 terrorist attacks. We have cleaned up the city from
25 crime and gangs, made the streets safe again here.

1
2 But I have one question I would like to answer, why
3 can we also have the city be known as the most
4 compassionate city in the world? Why do we have to
5 let the ugliness of small profit driven businesses
6 like the foie gras and the horse carriages; why do we
7 have to let them terminate the ugliness of New York
8 City and tarnish the name of New York City?

9 The strength of a nation is judged by the way its
10 animals are treated. But I think that also has to do
11 with the City of New York. We are a big city; we
12 could set the pace for the rest of the world. We
13 could be the first major city in the world to become
14 a carrying compassionate city, not only for its
15 humane population but also for all its living beings.

16 If you were to do to a human being what they do
17 to these ducks and geese, you would be considered the
18 sickest, the sadist of human beings but because it's
19 an animal, we are able to justify it as food or they
20 are just animals and they don't care, and they don't
21 feel. They do feel and I put a ban on the foie gras
22 obviously and also for the carriage horses. Thank
23 you.

24 CHAIRPERSON LEVINE: Thank you. I never would
25 have guessed you are from Brooklyn.

1
2 GENE BAUR: Thank you so much to the Council and
3 to the kindhearted people of New York who have come
4 out today to speak for compassion for animals. How
5 we treat other animals says a lot about who we are
6 and what is acceptable. And on farms across the
7 U.S., bad has become normal and there has been talk
8 about factory farming and that's important. I co-
9 founded Farm Sanctuary in 1986 and have been visiting
10 Factory Farms since that time. We care for animals
11 who have been rescued from these abuses including
12 ducks who have come from foie gras farms and they are
13 some of the most sick animals we've ever had.

14 The one thing that is so important to remember is
15 that these animals would die if they were not
16 slaughtered at a young age. Their livers are ten
17 times the normal size, that is really the take home
18 message. And the folks in the foie gras industry who
19 are defending this are not necessarily bad people.
20 They have come to accept things and normalize them
21 and use actually the word factory farming as a bad
22 thing. Which is good, but what is humane, and they
23 also use the word humane and in fact, if you look at
24 page six of the document that was provided, it talks
25 about how Hudson Valley Foie Gras tried to use the

1
2 word humane and it was disallowed, because it was not
3 a humane product.

4 And they talk about how it's not a factory farm
5 but if you look at page five, of this handout, that's
6 a factory farm. Having 100,000 animals is a factory
7 farm. So, what is okay becomes the question and this
8 is a product that we do not need. This is a product
9 that is the result of torture. And it is outside the
10 bounds of acceptable conduct in our society and our
11 societal views are shifting and this is one of those
12 things that at a certain point, we will look back on
13 and say, how could we have done that.

14 So, thank you.

15 CHAIRPERSON LEVINE: Thank you very much. Were
16 there additional speakers on this panel that we need
17 to swap, oh, forgive me, yes.

18 BLAIR MARSHALL: Real quick. My name is Blair
19 Marshall and I live in Flushing New York. I am Peter
20 Koo's constituent. I respectfully ask that Intro.
21 1378 be passed by your Committee.

22 As someone who was born and raised in New York, I
23 am worried and concerned that foie gras is legally
24 served in New York City restaurants. Foie gras is an
25 extravagant dish that is the result of cruel, force

1
2 feeding of ducks and I've heard a lot about you know,
3 and I sympathize with the person on the other side
4 who shared his hardship about coming in and being an
5 immigrant.

6 I grew up on 5th Avenue, I am a debutant. I had a
7 privileged life until I had some mental health
8 problems and my family was no where to be found. If
9 it weren't for the laws in this city, I would have
10 been homeless and I want to give voice to the animals
11 who do not have a voice and these birds are being
12 tortured and 81 percent of New York City Voter
13 support is ban on force fed foie gras, I stand with
14 them. I ask that the Committee pass this bill as
15 soon as possible. Thank you.

16 CHAIRPERSON LEVINE: Thank you very much and are
17 there others who need to swap in here. Okay, if I
18 could ask just the two of you just to rotate your
19 seats please. Thank you. Oh, three, forgive me,
20 yeah.

21 DAULIA BENAROYA: I am Daulia Benaroya, I live in
22 District 19 in Queens. As an animal lover and a
23 President of a Website Design Company, I created a
24 website platform to share information about the
25 abuses of animals for the public because many people

1
2 are not aware of what goes on in the animal welfare
3 area.

4 Being in the computer field, I also want to make
5 a note that millions of people will lose their jobs
6 due to artificial intelligence and society is not
7 stopping this progress due to that. So, why should
8 they stop for the animals? A lot of abuse was
9 mentioned about the ducks that go through these
10 processes. These are male ducks; nobody mentioned
11 the fact that female ducklings are not useful.

12 So, what do they do, multiple millions of female
13 ducks are just tossed into grinders while alive.

14 In France, 40 million are killed that way. So,
15 that's also animal abuse. Over 3 billion animals are
16 killed daily for food. Before they are killed, most
17 if not all are abused and tortured. I don't expect
18 the world to save 3 billion animals but if we want to
19 be humane, we need to chip away where we can. This
20 is one place where we can do that with Intro. 1378.
21 I really thank all of you for being so pro-animal
22 welfare. I am really thrilled, thank you.

23 CHAIRPERSON LEVINE: Thank you. Please.

24 VIOLA AGOSTINI: Hello, my name is Viola
25 Agostini. I reside in District 36 and my Councilman

1
2 is Robert Cornegy. I am here to support the Intro.
3 1378, the ban of sale of foie gras. New York City
4 became my home almost ten years ago. I moved here
5 from Italy to pursue my dreams in the hospitality
6 business and learn more about different cuisines from
7 around the world.

8 Italian food is good, but I knew there was more
9 to explore in the gastronomy world especially in a
10 city like New York. I quickly became a big fan of
11 French restaurant and therefore, I discovered foie
12 gras, which honestly, I loved. I remember telling my
13 American friends what foie gras was. At the time, I
14 knew it was just duck liver and they used to look at
15 me with a face of disgust. While I always had a
16 better feedback from my European friends in this
17 regard of it.

18 Until one day on social media, I came across an
19 article on how foie gras is made. Foie gras that
20 literally means fatty liver which technically, is a
21 diseased liver and is obtained by force feeding ducks
22 and geese with a metal or plastic pole jammed down
23 their throat in order to feed them up to four pounds
24 of food per day.

1
2 The investigation found that a single worker was
3 expected to force feed the 500 birds three times each
4 day.

5 Therefore, causing lots of suffering and injuries
6 to the birds. Can you just try to be in their
7 feathers for just one minute. Well, I did, and I
8 couldn't stand that the thought of being involved as
9 a consumer in such a cruel and abusive industry.

10 My taste was no more important than a living
11 being life. I also would like to add that as a
12 former tourist and someone that brings lots of
13 visitors to New York City, the one thing that they
14 all agreed as the most ugly attraction they had seen,
15 are those carriages in Central Park. Especially
16 during the hot summer days, panting and suffering for
17 a job they never asked to do.

18 So, I fully support the Intro. 1425. The
19 Carriage Horse Heat Relief Bill. Thank you.

20 CHAIRPERSON LEVINE: Thank you very much.

21 NICOLE FERNANDEZ: Good afternoon members of the
22 Committee on Health. My name is Nicole Fernandez,
23 and I reside in District 36. My Council Member is
24 Robert Cornegy. And before I begin what I prepared;
25 I would just like to comment on regard to what was

1
2 said regarding AAVMA. The AAVMA is actually on
3 record supporting the ban on foie gras and they
4 condemn the artificial force feeding of ducks and
5 geese to produce foie gras.

6 Today, I am here to express my support for Intro.
7 1378 which would put an end to the sale of foie gras
8 in New York City.

9 For six year, I worked in a gastroenterology
10 office where we performed endoscopies on a weekly
11 basis and if you are unfamiliar, endoscopies are a
12 medical procedure that involve having a long,
13 flexible tube inserted down the esophagus of the
14 patient for the purpose of diagnosing various medical
15 issues. I can distinctly recall the apprehension the
16 patients would experience the day of their test. I
17 would put them at ease by holding their hands as they
18 would receive anesthesia. I can also remember my
19 trepidation once I had to undergo this procedure
20 myself.

21 This procedure is far less severe then what many
22 ducks and geese endure for foie gras. The tube that
23 is forced down their throats is a rigid metal or
24 plastic tube. These duck and geese are not afforded
25 the same comfort and care that I was given. There is

1
2 no anesthesia and they are stuffed to ten times their
3 natural size. Can you imagine having to experience
4 this yourself? My cats at home will squirm in
5 discomfort when I need to hold them still just to
6 administer oral medications. Animals feel fear and
7 they suffer. To think that these animals, the same
8 animals that can be seen peacefully sailing through
9 the waters in Central Park, would have this forced
10 upon them all for one high priced delicacy item on a
11 menu is quite appalling. Especially when 81 percent
12 of New Yorkers are against foie gras.

13 New York City needs to join California and over a
14 dozen European countries that have already banned the
15 despicable practice. Lastly, I would like to add my
16 support for Intro. 1425, the Carriage Horse Heat
17 Relief Bill. This bill will greatly reduce the heat
18 exhaustion that horses suffer year after year in New
19 York City. Thank you.

20 CHAIRPERSON LEVINE: Thank you very much and
21 thank you to this panel. Okay, due to the fact that
22 we need this room to be set up for the Stated
23 Meeting, we are going to transition to the Committee
24 Room. It's going to be a little tight. Bear with
25 us, we will continue.

1
2 Okay, welcome back, we're going to continue our
3 hearing. The next panel will include Flora Mattis;
4 Joyce Friedman of Voters for Animal Rights; Natasha
5 Reznik; Judith Lustgarten of Humanity and Ethics for
6 Shelter Animals; Marilyn Galfin Voices for Shelter
7 Animals; Craig Seeman Voters for Shelter Animals;
8 Brian Shapiro Humane Society of the U.S.; Chris
9 Allieri Wild Bird Fund.

10 Okay, once again, we have two few chairs, but we
11 promise we will hear from all of you as we swap out.
12 Would you like to start us off please.

13 JOYCE FRIEDMAN: Thank you Council Member Levine.
14 My name is Joyce Friedman, I am a New York City
15 resident and I am the Board of Directors of Voters
16 for Animal Rights. I am testifying today in strong
17 support of the bill to ban the sale of foie gras and
18 Intro. 1202, the bill to prohibit the trafficking of
19 wild birds in New York City. Regarding foie gras, I
20 will just say plant based delicious foie gras exists
21 and it called faux gras. Try it sometime.

22 I will focus on Intro. 1202, a much-needed bill
23 that will protect New York City's wild birds from the
24 illegal yet common practice of being violently stolen
25 from our parks and streets to be used as live targets

1
2 in Pennsylvania pigeon shooting contests. I have
3 worked on this issue for many years. Individuals are
4 paid to lure large flux of pigeons with bird seed and
5 then violently snap up hundreds of pigeons at once in
6 a large mechanical net often resulting in painful
7 broken legs or wings to these terrified fragile
8 birds.

9 Sparrow starlings and robins often get caught in
10 these wings to, then the netter races to their
11 vehicle and throws in the struggling netted birds and
12 speeds away. This has been witnessed many times by
13 horrified New Yorkers as my friend has said. My
14 friends quote, I have first-hand experience in
15 dealing with the unscrupulous pigeon netters who with
16 impunity have been working as an organized unit in
17 and around the five boroughs of New York City. For
18 decades I got them red-handed netting a flock on 42nd
19 street and single handedly got them to release the
20 birds though it wasn't easy. I have heard of
21 devastated flocks of pigeons who were completely
22 wiped out when the frail women who care for them
23 cannot stand up to these criminals who kept coming
24 back to net them. Decades of research has shown by
25 the HSUS and other groups that these birds are

1
2 transported to the last remaining brutal pigeon
3 shooting contest in Pennsylvania.

4 Prior to being shot, the pigeon are kept in dark
5 tiny boxes without food and water, so is to disorient
6 them so when their released at the shoot they cannot
7 quickly fly away. Often, they are maned and left to
8 suffer until they die and believe it or not, children
9 will twist their heads off.

10 It sounds like a horror movie; it is actually
11 reality. HSUS research has shown that multiple
12 nettings have occurred in our city in the one to two
13 weeks prior to scheduled Pennsylvania pigeon shoots.

14 And HSUS undercover investigators have followed
15 netters at they transported the birds out of New York
16 for these shoots. Why does this continue even though
17 it's illegal. Our current laws are not sufficient.
18 The current week penalty is just the cost of doing
19 business. When arrests are made by the NYPD, the
20 criminals are quickly back on the streets. This bill
21 will simply, and I will wrap up. Increase the
22 penalty to a misdemeanor and make the law clearer and
23 easier for law enforcement to protect our urban
24 wildlife.

1
2 Thank you Council Member Carlina Rivera for
3 recognizing the need to protect New York City birds
4 from this cruel practice and we look forward to the
5 bills swift passage. Thank you vey much.

6 CHAIRPERSON LEVINE: Thank you very much.

7 BRIAN SHAPIRO: Thank you Chairman and honorable
8 Council Members. My name is Brian Shapiro New York
9 State Director for the Humane Society of the United
10 States. Regrading the foie gras bill 1378, I'd like
11 to applaud the Council for recognizing the difference
12 between ethical veterinarians and scientists who are
13 here to speak form the heart and as earlier was
14 mentioned from the industry, unbiased. As opposed to
15 those who much like the tobacco industry or the auto
16 industry were paid purposefully to present a
17 particular point of view to prop up an industry.

18 Speaking of the industry, I do want to mention we
19 heard a lot about a field trip Hudson Valley Foie
20 Gras. A long-time lawsuit by the Humane Society of
21 the United States ended less then 10 years ago with
22 Hudson Valley Foie Gras having been shown to have
23 violations of the clean water act. And needing to
24 pay \$50,000 in remediation for that pollution.

1
2 So, that is something that has effected the
3 community there as well, which is actually where I
4 live in the upstate area.

5 Additionally, we support 1425, this is sensible
6 legislation regarding the carriage horses following
7 up on what Joyce Friedman just mentioned. We support
8 Intro. 1202 in relation to the prohibiting the
9 trafficking of wild birds. We have found HSUS a
10 coalition between incidents of netting large groups
11 of pigeons on the streets in New York City and
12 they're transportation to Pennsylvania for something
13 sickening known as pigeon shoots.

14 We have through investigations followed
15 automobiles there. There is a timing issue where
16 when these nettings happen, they do end up in
17 Pennsylvania. We also, this is quite gruesome, in
18 order to remove bans from homing pigeons that have
19 been captured in New York City, we know for a fact
20 that the legs have been removed from these birds
21 while they are alive prior to them being shot in
22 Pennsylvania. Wildlife is a resource for all New
23 York City residents and these nettings are selfish
24 and they are illegal, and we urge the City Council to
25 move forward on this legislation.

1
2 Regarding the shelter bills, the shelter is
3 presented very well. We urge the City Council to
4 bring them in as stakeholders and thank you very much
5 for your service to New York City and for the time to
6 present our opinion today.

7 CHAIRPERSON LEVINE: Thank you Mr. Shapiro.

8 BRIAN SHAPIRO: Yes, sir.

9 CHAIRPERSON LEVINE: Thank you.

10 NATASHA REZNIK: First, I would like to thank the
11 Committee for recognizing points of these issues. My
12 name is Natasha Reznik, I am from Brooklyn, I support
13 Intro. 1378 to ban foie gras in New York City.

14 Foie gras is fatty liver. By definition, it is
15 the inflammation of the liver. If you or I get
16 diagnosis from the doctor, we would be immediately
17 put on a diet. So, how do ducks and geese get fatty
18 liver? By being forced pipes down their throats
19 which forces large amounts of food into their
20 stomachs and then repeat it several times a day.
21 Their throats and stomachs can be damaged by forcing
22 a pipe down. And to ensure that they fatten up as
23 quickly as possible, they are kept in cages to
24 restrict their movements.

1
2 Well you and I can go on a healthy plant-based
3 diet and exercise to save our liver and our lives;
4 the geese and ducks do not have such an option. They
5 endure the torture every day throughout their short
6 lives until slaughter. There is nothing natural
7 about this and it should not be continued based on
8 the past and therefore it's okay. That was then, we
9 can do better now.

10 Also, support Intro. 1425 to get horses out of
11 the heat. Intro. 1202 to protect wild birds and more
12 plant-based options for healthier New York.

13 Thank you once again.

14 CHAIRPERSON LEVINE: Thank you.

15 MARGARET LEE: Flora had to leave ill, so I will
16 be reading for her. My name is Margaret Lee, I live
17 in Manhattan. I am an animal advocate and a lover of
18 our city's pigeon's. I am reading the testimony of
19 an investigator with SARK showing animals respect and
20 kindness.

21 Thank you, Council Members, my name is Steward
22 Chevets, investigator with showing animals respect
23 and kindness or SARK. We urge you to pass Intro.
24 1202. SARK has investigated and exposed pigeon
25 shoots in numerous states throughout the country for

1
2 the past 30 years. We have video documenting
3 hundreds of these violent and horrifically cruel
4 spectacles. The vast majority of this abuses occurs
5 in Pennsylvania.

6 It is well known that many of the pigeons used in
7 these shoots come from New York City. In a pigeon
8 shoot, live birds are mechanically ejected from
9 boxes, called traps. They are tossed two or three
10 feet into the air and shot at close range. The floor
11 of the trap is electrified to force even the most
12 dorsal birds to spread their wings and attempt to
13 escape. This is killing for the sake of killing. It
14 is deeply disturbing that there are twisted people
15 who take pleasure in spilling this innocent blood.

16 Few of the victims die quickly. Birds shot
17 somewhere on the contest fields are grabbed, jumped
18 on or tackled by the workers who are often young
19 preteen boys and girls. These children are allowed
20 to torture the animals by tearing off the birds
21 feathers, wings, or heads or by stomping them.

22 The criminal behavior of pigeon shoots goes
23 beyond the animals and that children are taught that
24 this kind of apetalous abuse is acceptable. We have
25 seen still living birds thrown into garbage cans by

1 these child workers. Live birds are smothered under
2 the bodies of more victims. We have seen birds who
3 have somehow survived all these horrors only to be
4 burned or buried alive. Pigeons who are shot but can
5 still fly far enough to avoid retrieval may die
6 minutes or hours later. Some birds suffer for days
7 before finally succumbing to their wounds or
8 predation, hunger dehydration, infection or exposure.

9 Even those we have rescued have suffered a
10 morality rate of more than 50 percent because they
11 are already on the brink of starvation. The birds
12 are given little water and even less food in the days
13 before the shoot, which saves money for the pigeon
14 dealers and makes them easier to shoot.

15 As someone who has personally rescued hundreds of
16 these wounded and dying pigeons, I can tell you that
17 each and every one of them is an individual and any
18 bird expert can tell you how intelligent these
19 members of the dove family are.

20 We have included links to videos with graphic
21 documentation of these events; however, I must
22 caution, this is not for the faint of heart. If
23 there is a pigeon population problem, there are
24 humane options available.
25

1
2 CHAIRPERSON LEVINE: Okay, thank you.

3 CRAIG SEEMAN: I am Craig Seeman, Voices for
4 Shelter Animals. I Support Intro. 1478 and 1502.
5 1478 for creating badly needed Department of Animal
6 Welfare. The Department of Health has no
7 infrastructure or mission to care about animal
8 welfare. Handling animals through the borough and
9 veterinary and pest control speaks loudly to that.

10 In 2002, Comptroller Bill Thompson ordered ACC in
11 noted of the uselessness of the DOH inspection
12 report. They were simply a list of yes/no check
13 boxes all about the facility and nothing to do with
14 the animals. Thompson said there was absolutely no
15 known criteria even for the simple yes/no questions.

16 Seventeen years later, the DOE is still using the
17 exact same form. They have nothing to do with real
18 world animal welfare. The debatable live release
19 rate mask underlined serious problems. Scott
20 Stringer's 2013 report led astray reported that most
21 animals transferred to rescues are sick. 60 years
22 later, that hasn't changed. As of 2016, only 7
23 percent of the animals transferred to rescues were
24 classified as health. Reporting stopped for two
25 years. DOH did not address the absence of that

1
2 reporting or the ramp in illness amongst transfers
3 exemplifies a department that has no concern for
4 animal health.

5 While the DOH responded to the Avian Flu outbreak
6 amongst cats in early 2017 by removing them cleaning
7 the facility. It was only due to the potential
8 transmission to humans. That's their mission. They
9 continue to do nothing to address the pneumonia and
10 **[inaudible 16:40]** is reported to us by the rescues
11 who are far to afraid to speak out to the ACC and the
12 DOH.

13 The isolation facilities for the treatment of
14 sick animals and the AC are inadequate based on this
15 Committee's April 2018 hearing and I will conclude
16 with we need a department that focuses on animal
17 welfare, understanding how to help our homeless
18 nonhuman family and the need for transparency and a
19 task force in 1502 for Euthanasia, so the community
20 can respond and resolve these issues. Thank you.

21 CHAIRPERSON LEVINE: Thank you sir.

22 MARILYN GALFIN: Hi, Marilyn Galfin, Voices for
23 Shelter Animals. We support 1478, the Department of
24 Animal Welfare replacing a DOH and the bureaus of
25 veterinarian pest control services to oversee the

1
2 animal care centers. Companion animals continue to
3 be treated as such, as pests. With DOH's antiquated
4 status quo model of sheltering. The convenience
5 killing of adoptable treatable dogs and cats for
6 population control.

7 DOH continues use of behavior assessments,
8 labeling animals with simple behavior issues and
9 fear-based behavior as positive threats and some are
10 being killed for it. When the journal of Veterinary
11 Medical deems assessments invalid and call for
12 moratorium on them.

13 The Executive Director of ACC 2003 to 2006 when
14 asked, does the DOH have the best interest of ACC or
15 the animals in its care at heart? The answer is
16 clearly no, they do not. Nothing has changed. In my
17 numerous calls and emails to DOH about my concerns
18 about the kennel cough in the shelter, which an
19 Anonymous Rescue claims that every dog is coming out
20 of the shelter with it and my concerns about
21 calicivirus in cats potentially fatal, I got no
22 response.

23 2010 to 2013 ACC didn't even have a medical
24 director. 20 plus years, DOH has no immediate
25 solution for lack of ICU facilities and controlling

1
2 disease. The endless cycle of vulnerable homeless
3 animals coming in healthy, getting sick from the
4 shelter and potentially killed for these easily
5 treatable dog and cat calls will continue.

6 We need a Department of Animal Welfare to better
7 address this issue. We hope that this department
8 would consist of people who support the progressive
9 model of sheltering. Who have animal experience.
10 Who know who are emotionally invested and understand
11 that every homeless animal is a sensitive being and
12 deserves to be treated as such. It's not a number,
13 it's not a live release rate and to ensure that every
14 animal that enters the shelter will be treated
15 humanely, get proper medical emergency care and the
16 resources to ensure that animals come out alive.
17 Healthy and are given a second chance of life and new
18 home to get the love they deserve. We support 1502
19 and the task force with a community involvement so
20 that rescuers and volunteers can freely speak without
21 the fear of retribution and to allow a health
22 environment and not the toxic environment on social
23 media, so we can work together to find the policies
24 and best practices for animals to save lives.

1
2 And in our vision, we hope that the Animal
3 Welfare Department will extend into protecting all
4 animals that the city companion and non-companion to
5 end exploitation, inhumane treatment and cruelty and
6 put an end to this commerce of cruelty, the fur
7 industry, puppy pet stores, foie gras, carriage horse
8 and slaughterhouses and more.

9 CHAIRPERSON LEVINE: Ms. Galfin, if you can wrap
10 up please.

11 MARILYN GALFIN: Okay, this is it. My wrap up,
12 here we go. Lets make the city humane. Let's show
13 we have compassion and moral correctness and let's
14 start with 1478 and 1502 and let's help our homeless
15 animals. Thank you.

16 CHAIRPERSON LEVINE: Okay, was there another
17 speaker for this panel? Could you maybe grab a seat,
18 so you have access to one of the mics?

19 JUDITH LUSTGARTEN: My name is Judith Lustgarten.
20 People of wisdom know there is two sides to every
21 story versus all the sugar and spice rah-rah. We
22 desperately need replace DOH oversight of ACC with an
23 animal welfare department and an animal advisory
24 board with the best interest of these shelter animals
25 at heart. We need Intro. 1478. The city has waited

1
2 20 years for proper humane oversight. The animal law
3 we work under was created in 1894, a hundred and
4 twenty-five years ago, it's archaic. Yet here we are
5 in New York city, supposedly, the most progressive
6 city in the world still working under an obsolete
7 animal law from over a century ago. The law states
8 that in any city of two million or more, Mayor has
9 full control. Mayor's don't have the time nor
10 qualifications for this today, which is why in
11 progressive states there is an animal care service
12 advisory boards providing recommendations to Mayor's
13 and City Council's.

14 Intro. 1502, we need honest accountability and
15 transparency on shelter euthanasia, behavior
16 evaluations, assessors and their qualifications, it's
17 critical. As these evaluations are used for labeling
18 animals for euthanasia decisions and new hope rescue
19 only. It's not fair to these living souls, not to
20 have qualified, ethical professionals handling this.

21 Most every animals assessments have been proven
22 incorrect once out of ACC especially once they
23 decompress. Animals terrified in a shelter
24 environment. Puppies biting on leashes, dogs
25 lunging, pulling towards another dog or human. It's

1
2 dogs being dogs. We all see this every day on the
3 street, but at ACC it's a death sentence. This
4 business can now be done successfully, when proper
5 people are put in place implementing plans correctly
6 versus retrofitted. There are now proven success
7 records. It's growing one by one across our country.
8 Kennel pounds large and small are being converted by
9 various modern shelter reform by no kennel equation
10 by companion animal protection act.

11 As the momentum of shelter reform continues to
12 build, it will apex and then it will snowball.
13 Already, everywhere you turn you hear of another
14 shelter converting, yet in New York City, we still
15 have these archaic kill shelters. A task force of
16 advocates is needed to develop proper ethical shelter
17 practices, recommend changes in policies and law. We
18 must know the criteria for animals not made
19 available. Silent kills, January 23rd board meeting
20 they said, that the small animals wont ever be on a
21 kill list. As they can place all of them "even if
22 they are Cujo in a small body." Clearly, that was
23 untruthful shatter as they are killing them now right
24 and left. We need a fair and honest evaluation
25 matrix.

1
2 Watching these wonderful family animals who live
3 peacefully and lovingly with children and other
4 animals being killed unfairly and unnecessarily with
5 plenty of empty cages weighs heavily. I sent ACC
6 wonderful programs happening elsewhere to look at all
7 the time. They are everywhere. If other cities can
8 build programs for our most vulnerable, so can we.
9 It's our duty as decent, civil, humane people. - You
10 are going to stop me?

11 CHAIRPERSON LEVINE: Yes, I am afraid so. Only
12 because we have this many people waiting to speak and
13 we are going to lose the room, but we appreciate your
14 statement and we have one more person here from the
15 panel, I believe, is that right? Okay, please.

16 RITA MCMAHON: Rita McMahon Director of the Wild
17 Bird Fund. The Wild Bird Fund is New York City's
18 only wildlife rehabilitation facility and we support
19 Intro. 202, which will provide protection to all of
20 New York City's wildlife. The Department of
21 Environmental Conservation and the United States Fish
22 and Wildlife Service protect native and migratory
23 species respectively.

24 The federal and state agencies prohibit the
25 trafficking of wild birds, there are no protections

1
2 for nonmigratory and nonnative birds which include
3 pigeons, starlings, sparrows, cormorants, mute swans
4 and other bird species. Our present wild birds are
5 captured in New York City to provide easy targets for
6 can shoots in other states particularly Pennsylvania.

7 Feral Pigeons are regularly netted on New York
8 City streets then transported out of state. They are
9 not fed or given water for days. The day of the
10 shoot, the birds are tucked into spring loaded boxes,
11 the shooter armed with a shotgun, takes aim as one by
12 one the birds are quickly released to fly up and be
13 shot.

14 It is a contest to see how many birds can be
15 killed in the shortest time. These shoots can last
16 up to twelve hours of nonstop shooting. Thousands of
17 birds remain, but often not killed. That is left for
18 the boys, the hired hands who stomp them, tear off
19 the heads of live birds. Throw living birds in
20 garbage bins or burn and bury them alive. The
21 trauma of these animals experience is horrific.
22 Cases are brought to the Wild Bird Fund and we see
23 the suffering. Most die from their injuries and the
24 stress of the ordeal. Even those who are rescued and
25

1
2 are given food and water, almost never regain
3 interest in living.

4 The greatest sorrow of a rehabilitator is to see
5 the fear in the eyes of an animal in your hands that
6 you are trying to help, that has been terribly abused
7 by your fellow man.

8 The Humane Society in the United States, SARK and
9 many others have tried to stop the carnage, but it
10 still goes on. Putting a fine or a penal time on
11 trafficking wild birds at the source, which is New
12 York City, is the best solution possible.

13 The one edition we request is for d. exempt
14 persons to have exempt persons include any person who
15 is rescuing a bird who is injured, orphaned, or
16 otherwise in danger of imminent harm. Thank you very
17 much.

18 CHAIRPERSON LEVINE: Thank you and I think we
19 have one more speaker on this panel. We are all set,
20 okay, thank you all very, very much.

21 Next up we have V. Grassi on behalf of Horse
22 Carriages; Amitar Krasiev[SP?] – sorry if I am
23 mispronouncing that name. Ian McKeever; Alison
24 Clarke from the Harry Werner Vet; Patricia Saffran;

1
2 Colm McKeever; Johnny Smith; Ann Fox; Amitz
3 Velessy[SP?]; Tony Dunofrio.

4 Okay, ma'am on the left end, would you like to
5 start us? Ma'am would you like to start. Okay.

6 Could you make sure your microphone is on and
7 that you are speaking into the mic?

8 GENIE GRASSI: Hi, my name Genie Grassi and I
9 have been a carriage driver for years and I ride and
10 drive horses. I've owned horses, I've rescued
11 horses. I am speaking because there is a lack of
12 facts here and I want this on the record.

13 I just spoke to my vet on the phone in the marble
14 halls. He is a major New York Vet, riding horses,
15 carriage horse, official horses and I said to him,
16 how many heat deaths have there been in the past
17 five, ten years? He said, zero, zero in the past
18 five years, my records go back seven. Not even in
19 ten years do I remember one. Let me repeat that,
20 Zero.

21 We've had horses that do have some heat issues
22 and we prefer to send them away for summer vacations.
23 Those are usually the heavier horses; we bring in
24 lighter horses. We have had cases where horses trip
25 on the road; however, that's usually due to the

1 failure of the city to fix the roads uneven surfaces.
2 Those photos that the Animal Rights have made of
3 horses who have tripped and gone down have been
4 portrayed as heat cases. This is vital distortion
5 and it's profiteering, and you can thank PETA, New
6 York Class, who ever you want for this but in
7 particular, a horse named Newman, a few years ago, a
8 paint horse, who tripped and went down. Newman by
9 the way is fine. He is a riding horse today, but he
10 was used as a poster child to collect donations. And
11 used at our expense because it was betrayed as a heat
12 case.
13

14 In point of fact, it was 72 degrees when he went
15 down on that summer night. It actually was
16 September, so this is the degree of distortion that
17 your committee is dealing with. I don't expect the
18 fairest hearing here because the Mayor has taken a
19 political approach to the carriage industry. He has
20 become almost a demagogue on the subject and has
21 received much money and seven investigations.

22 But I want to say one thing. Former Commissioner
23 of the Park, Henry Stern, seen that this legal lynch
24 mob was developing against the carriages said, I do
25 not think they should be sentenced to death by

1
2 starvation. And that's what I think Intro. 1425 is
3 really about because we drop the current 90 degree
4 level, which has been holding just fine to maybe 80
5 with humidity and cut out our summer season and
6 deliver to the Mayor and his donors exactly what he
7 wants which is to shut down the carriages before the
8 emails come out, which he whited out on how much
9 money he took. This is white out.

10 CHAIRPERSON LEVINE: Thank you Ms. Grassi. You
11 are over time, actually you are getting a fair
12 hearing here, as is everybody and just to explain to
13 you, City Hall Civics 101, you are on the City
14 Council side of the building. We draft, introduce,
15 hear, and vote on legislation ourselves which the
16 Mayor may then sign or chose not to sign, but don't
17 confuse the two sides of the building. I think what
18 you have seen here over the last five hours is a
19 thoughtful measured discussion in which all sides
20 have been able to speak.

21 GENIE GRASSI: I hope so.

22 CHAIRPERSON LEVINE: And you have been afforded
23 that same time and now we need to move on because we
24 still have a lot of other people who also want to be
25 heard, including members of this panel.

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GENIE GRASSI: Sir, are you not a sponsor of this bill?

CHAIRPERSON LEVINE: We are going to move onto the next -

GENIE GRASSI: Yes, and so you are in favor of this.

CHAIRPERSON LEVINE: Thank you Ms. Grassi. We appreciate your input.

GENIE GRASSI: I am not feeling I get a fair hearing. I would like a fair recording.

CHAIRPERSON LEVINE: Alright and you can run for the city council if you want to ask questions in hearings. Please sir.

IMMITAR KRASIEV: Hi, how are you doing? I am from New York; I grew up around Brooklyn and in and out of Pennsylvania and sometimes in Italy. I always kept my live around horses and around the equine life. I have learned from the best of the best including my father and my aunt, my grandfather on my mother's side and my father's side. And I went around the United States and I have learned more about the way different parts of the United States and also different parts of the world treat horses.

1
2 And so, I may not be that old, but I have learned
3 from people who you want to take advice from, and I
4 have seen parts of the world and parts of the United
5 States that don't really treat their horses as good
6 as we do in New York.

7 I am not always here to see it but my father did
8 make a living off of it and there was many nights
9 where he wouldn't come home because he had to take
10 care of the horse and that just shows me that he
11 loves that horse that we grew up with, a white horse
12 named Julieta, just as much as he loves me. And
13 there was many nights that he would stay home taking
14 care of me and not go to see the horses and tell his
15 workers to go.

16 So, basically, what I am saying is with all the
17 experience that I have seen around, even if I haven't
18 been around too long, I take advice from the right
19 people and I see that there is a lot worse things
20 going on around the world and around the United
21 States then there is going on around here.

22 There is a lot of things that we can fix, I am
23 not saying that we are perfect, but I am saying that
24 we are doing a lot better than a lot of other places
25 are and I am proud of that and I am proud to be an

1
2 origin of that. And I am proud to be my father's son
3 to learn from one of the best there is in the
4 business. I just think that this shouldn't pass
5 because I think everything is going well and the
6 people who put it into place were thinking the right
7 thing when they did put it into place.

8 Thank you for your time.

9 CHAIRPERSON LEVINE: Thank you very much. Thank
10 you. Please, please, no disruptions. Ma'am, please,
11 would you like to speak?

12 PATRICIA SAFFRAN: Greetings, I am honored to
13 have the opportunity to speak before the Council. My
14 name is Patricia Saffran. I was a contributing Editor
15 for Horse Directory Magazine since 1999 and I have
16 also written for the major website Equine Information
17 Exchange. I have been a horse enthusiast and
18 friendly observer of the Central Park Horse industry
19 for over 30 years.

20 As to Intro. 1425, no equine veterinarian
21 publicly endorsed or crafted the bill. This is
22 because it is unscientific to add a human humidity
23 index to the existing 90-degree Fahrenheit heat index
24 already successfully used and preferred by park
25 professionals for the carriage horses. I urge the

1 Council to withdraw the bill or vote against it. The
2 90-degree Fahrenheit extreme has kept the horses safe
3 without illnesses and adding a human humidity index
4 will adversely affect the horses by keeping them
5 inactive in their stables for unnecessary days.

6 I spoke to Council Member Keith Powers for ten
7 minutes in person about this proposed bill and later
8 met with his office. I had mentioned to Keith that
9 there is an equine index covered by the FEI report,
10 which I sent to him but it's too complex to use in
11 the park. The 90-degree Fahrenheit index is working
12 well and doesn't need modification.

13 City officials and the Mayor are causing the
14 horses great harm by forcing them into the park in
15 the new poorly located overcrowded hack stands, which
16 in some areas are without shade, water and with new
17 routes that do not have adequate rest or water. It's
18 time to call in Equine Veterinarians to fix all the
19 problems that have been created. The City Council,
20 Parks Department, DOT and the Mayor need to stop
21 playing God with the innocent Central Park carriage
22 horses.

23 Now, there is some confusion about the human
24 humidity index and the equine index, and your bill
25

1
2 does not differentiate in favor of the horses, which
3 should be an equine index. Thank you.

4 CHAIRPERSON LEVINE: Understood and Ma'am, are
5 you speaking as well or was this a joint
6 presentation?

7 UNIDENTIFIED: The horses shouldn't be in the
8 Park. There was more shade on 59th street because of
9 the buildings and they are not mistreating the
10 horses. I go there every day. When it is hot out,
11 very hot and humid, the horses are not out. They
12 don't come out in the heat and they treat them good.
13 Mayor Bloomberg never said anything against the
14 horses. They don't abuse, they should go back in the
15 59th Street and there it was more shade and they don't
16 suffer. I see them every day, they don't suffer.
17 They are not overheated. They take them in when it's
18 hot and humid. I don't know what this Mayor wants.
19 That's not good how he is. The horses are well
20 treated, and I go there every day, and, on the
21 weekend, they are well treated, and they should go
22 back in the street where there was more shade.

23 In the street, when they go from 5th avenue all
24 the way up to 6th avenue and they go in there in the
25 street anyway, so whats the point? They should be

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2 back on 59th street and they don't abuse the happy
3 horses. And they are not suffering in the heat
4 because they take them in when it's very hot and
5 humid. They are not abusing at all, not at all and
6 they should remain for the next 250 years. Thank
7 you.

8 CHAIRPERSON LEVINE: Okay, thank you very much
9 and we had one more gentleman on this panel, is that
10 right?

11 AMITZ VELESSY: Hi, this Amitz Velessy. I have
12 been driving horse carriage the last 15 years. I am
13 from Turkey; I grew up from farm. When I was growing
14 up, we had all kinds of animals. We have horses, I
15 drive horse like five, six years old when I was a
16 kid. And then also, I had education from **[INAUDIBLE**
17 **47:04]**. When I came here, I was an immigrant, so I
18 couldn't get my license. So, I drive the horse
19 carriage, I love the animals. This issue and it's
20 problems over here as people are always talking about
21 our business and people don't know about it. People
22 don't know in the business; people don't know the
23 horses over there, and they just decide that it's
24 about us and the problem is they don't ask us.

25

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2 They decide it without us and then they say, we
3 changed the law. We have to throw out this one and
4 then get a problem. And we have the regulation, we
5 have winter, summer, time, all the regulation of the
6 horse carriage. I mean, I saw the many horses at
7 other different countries and other state, other
8 place and I saw the horses in New York State also at
9 Central Park. So, these horses believe me, are taken
10 good care of over there. They are very well taken
11 care of and I have two kids, one is seven years old
12 and two days marked Father's Day, so we was waiting
13 for me all day for me to spend time with him, but I
14 couldn't get him because I was at work in Central
15 Park.

16 I spend my time more than my kids with the horse.
17 I can't spend all days with him and then he is mad.
18 So, we are with the horses all the time. We take
19 good care of them. We love them. Whatever is good
20 for horses, we try to do them but people that try to
21 change this law like this does not help. It's going
22 to affect us; it's going to affect the horses. So,
23 everything is circulation. It's like a wheel, if it
24 broke some pieces in the bits and chains, it's going
25 to affect everything. If this law changes, we are

1
2 going to lose a lot of days and how are we going to
3 pay the horse bill, horse rent, shoes? Everything is
4 going to affect us and our family, our kids, it will
5 affect us. But it already has regulations, 90
6 degrees is very good and working. In the last 30
7 years it doesn't have anything about the horses. No
8 dying horses, nothing happened. So, that's work for
9 the horses, there is nothing wrong with them. We
10 don't need to change this one.

11 CHAIRPERSON LEVINE: Okay, thank you for your
12 testimony. I am sorry we are out of time and I -

13 UNIDENTIFIED: I have one more statement. I
14 handed it in to the Sergeant. It's from Elizabeth
15 Smith in Kentucky.

16 CHAIRPERSON LEVINE: And she is welcome to submit
17 that. Okay, wonderful, thank you and we thank this
18 panel. We are now going to move onto our next panel
19 consisting of Jessica Zafonte; Stewart Mitchell;
20 Maria Depaulis -

21 UNIDENTIFIED: De Blasio should leave us alone.

22 CHAIRPERSON LEVINE: Roxanne Delgado.

23 SERGEANT AT ARMS: Quite down please quite down.

24 CHAIRPERSON LEVINE: Shimon Shuchat I think;
25 Caetana Laprebendere; Carole Hughes; and Joan Sample.

1
2 Okay, we will start here on the far left of the
3 table if you are ready. Do you have access to the
4 mic okay there?

5 SHIMON SHUCHAT: Oh yeah, sure. My name is
6 Shimon Shuchat and I am speaking on behalf of in
7 defensive animals, which is I'm a national animal
8 protection group with over 15,000 members who reside
9 in New York City. We urge the New York City Council
10 to pass Intro. 1378 and make selling foie gras
11 illegal in New York City.

12 Our society inflicts many horrors on farm animals
13 but foie gras production is arguably the worst. Foie
14 gras is produced by forced feeding ducks and geese
15 enormous quantities of grain. The birds have pipes
16 stuck down their throats and food is pumped directly
17 into their stomachs. This process causes them
18 physical pain as well as tissue damage and bone
19 lesions. The birds livers expand to ten times their
20 natural size which impedes blood flow and makes it
21 difficult for them to breath.

22 They are also confined to tiny cages where they
23 don't have enough room to spread out their wings and
24 are unable to perform natural behaviors such as
25 swimming and bathing. Solitary housing also prevents

1
2 the birds from interacting with each other. This is
3 a serious problem since ducks and geese are highly
4 social animals who form close friendships and
5 sometimes mate for life.

6 Regardless of our ethnicity, race, religion or
7 political affiliation, we should all be unanimous in
8 opposing and condemning cruelty directed at animals
9 who are among our societies most vulnerable members.
10 Foie gras is the epidemy of such cruelty and has no
11 place in civilized society. Ducks, geese and other
12 animals may not be able to talk but there are screams
13 of pain and sorrow when faced with abuse. Go
14 straight up to heaven and shake the earth. We urge
15 you to pass Intro. 1378 and make New York City a more
16 compassionate place for all it's residence whether
17 they be human or nonhuman. Thank you.

18 CHAIRPERSON LEVINE: Thank you Shimon. Okay,
19 sir.

20 STEWART MITCHELL: Thank you for allowing me to
21 speak. My name is Stewart Mitchell, I am from the
22 36th District in Brooklyn and I stand in support of
23 Intro. 1378, the ban on Foie Gras.

24 A short life spent on farms in cramped cages,
25 force fed two to three times a day is outrageous.

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2 Mishandled by farmers to feed the ducks rapidly,
3 their disproportioned organs is one of many
4 casualties. Fed through a funnel that causes bruises
5 and lesions, stress and unable to stand for obvious
6 reasons. The act of gavage to fatten the ducks liver
7 is the cruel back story to an overpriced dinner. The
8 unnatural and cruel treatment of these creatures
9 should be replaced with admiration and beauty of
10 their features, but this majestic birds grace and
11 presence is overlooked by the privilege who pay to
12 have enlarged organs cooked. There is people that
13 will argue the process is humane, but they only speak
14 that language because of monetary gain.

15 They say people should be able to eat what they
16 choose but they are not the ones who stand the most
17 to lose, to take the freedom of a life so pure and
18 replace it with an existence of misery to endure to
19 be made into a luxury French cuisine for the
20 selfishness of taste is a decadent indeed. The time
21 has come to say au revoir to the cruel and inhumane
22 practice of making foie gras.

23 I also stand in support of Intro. 1475, the horse
24 carriage heat bill. Horses are not vehicles and
25 bicycles are much more fun. Thank you.

1
2 CHAIRPERSON LEVINE: Among other things I am
3 impressed by your ability to find a word that rhymes
4 with foie gras.

5 The first time I have heard testimony delivered
6 in rhyme. We appreciate your contribution and
7 speaking out.

8 STEWART MITCHELL: Thank you for letting me
9 speak.

10 CHAIRPERSON LEVINE: Of course.

11 MARIA DEPAULIS: Good afternoon, I'd like to
12 thank you for your time and your patience. My name
13 is Maria Depaulis from Westchester County. I am an
14 animal lover, a mother, and a grandmother.

15 I am here again speaking for the animals. I like
16 to speak and make record to say that I am here to
17 speak for them. I like my grandkids to know that I
18 trust you. I hope you have the compassion to hear
19 all of us speaking for the horses, for the ducks, for
20 the squirrels, for the pigeons.

21 The horses in the heat make me sad. When we come
22 to New York City, my grandkids like the horses. They
23 don't know whats behind this horrible business. This
24 is a disgusting business for money, they have gone on
25 for too long. We have to stop this. The ducks being

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2 forcefully fed for an overpriced dinner like he was
3 saying, I remember in my country in Columbia, we
4 would eat that. We found at parties we could not
5 afford it and I think in here it is the same and I
6 also would like to speak for the squirrels and the
7 pigeons. There is a tournament somewhere in New York
8 where the fireman sponsor an event to shoot
9 squirrels. I find that horrible. And pigeons,
10 pigeon racing, pigeon shooting, I think it's
11 horrible. Pigeons are part of New York. Eight years
12 when I came here, the end of my mothers life was
13 easier and sweeter because pigeons would come to her
14 window. They have a very special place in my heart
15 and I just want to let you know that we have to have
16 more compassion. Our society needs your intelligence
17 and your compassion today. Thank you.

18 CHAIRPERSON LEVINE: Thank you very much. Thank
19 you, please.

20 ROXANNE DELGADO: Hello, how are you? My name
21 is Roxanne Delgado on behalf of Bronx Animal Rights
22 Electors in CD13, I am CD 14 SD3480808034. I am very
23 involved in the political spears in the Bronx. I am
24 asking City Council directly; do you really care
25 about geese and ducks? Because you really don't seem

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2 to care about those that reside in your own backyard.
3 I'm talking about the geese and ducks in the parks
4 that will be starved to death during the winter
5 because a proposed agency park route that will ban
6 feeding them in the parks. Not only is this cruel
7 for animals because it is basically a starvation
8 campaign towards the squirrels and birds that have
9 been exempt from the rule, banning feeding wild
10 animals. And I am not here to advocate feeding wild
11 animals, we're not here to feed birds, bears and
12 racoons and possum. It's always been birds and
13 squirrels; they are like urban animals. They are not
14 really considered wild; they have been interacting
15 with humans for centuries now. For you to just cut
16 the stings and eliminate the human support is quite
17 cruel.

18 Not to mention you are targeting the seniors and
19 disabled people who are not only are the ones that
20 were the first people on the poll to vote for you,
21 but also are the ones that feed the birds and
22 squirrels. And now they have actually called me,
23 many from Riverside Park, Madison Square Park, my own
24 park in tears telling me that now they even have pass
25 by's yelling at them not to feed the birds and

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2 squirrels because the **[INAUDIBLE 1:02:43]** had
3 basically scapegoated for all the issues that occur
4 in the parks is not related to them. For example,
5 the rats, if you really don't want rats in the park,
6 you just don't eat in the park.

7 There are a few seniors in the parks that throw a
8 few crumbs and nuts to squirrel, regarding the safety
9 for the animals. Well, if the parks really cares
10 about the safety, why do they not plant trees that
11 bare the fruits and nuts to feed them because I
12 actually am a park advocate as well and thank you for
13 the Play Fair Campaign for the additional \$43 million
14 for parks. But nonetheless, I speak to the ground
15 people, they tell me they cannot plant the trees that
16 bare those fruits and nuts because they require more
17 pruning and they only prune once every seven years
18 and mostly because they don't have to pick up.

19 To make this short, City Council has oversight of
20 all city agencies. Do you really care about geese
21 and ducks? Take care of those in your own backyard
22 because they will be starving this winter if this ban
23 does go ahead and also, you will be targeting seniors
24 for act of compassion. Thank you. It's New York
25 City Park City Agency, we had a public hearing on

1
2 March 1st, we had a rally in City Hall with 65
3 people, many pigeon feeders and it's an agency rule
4 that could have City Council review. To ban feeding
5 birds and squirrels in New York City Parks and I hope
6 if you really care about geese and ducks, please
7 think about those in your own parks. Thank you
8 again.

9 CHAIRPERSON LEVINE: Thank you Ms. Delgado.

10 JESSICA ZAFONTE: My name is Jessica Zafonte. I
11 live in Council Member Bill Perkins District. I am
12 an attorney and longtime animal rescuer and I focus
13 on the rescue and rehab of waterfowl and other birds
14 including pigeons and as of last year, I have also
15 been working with the New York City Parks Department
16 to rescue and rehome domestic ducks that are actually
17 frequently dumped in city parks.

18 So, first, I ask that the health committee and my
19 Council Member Perkins pass Intro. 1378 to ban foie
20 gras. As you have heard, the method to produce it is
21 cruel and no way the industry can portray it will
22 change what is standard practice.

23 Secondly, we have to think about when we hear
24 these descriptions of what these facilities are like.
25 Is this even an appropriate place for humans to work.

1
2 I mean these workers deserve better to. As a
3 rescuer, well, second, I ask you to pass Intro. 1202
4 concerning the trafficking of birds. As a rescuer, I
5 have fostered and spent a lot of time with pigeons
6 and ducks and people sometimes don't extend their
7 empathy to birds because they look so different from
8 us and specifically, because they express their fear
9 and pain very differently from mammals. But that
10 doesn't mean they don't feel the fear and pain as
11 well as many other emotions and they have very
12 complex lives.

13 As you heard, the restaurant industry is
14 complaining that we are taking away their rights and
15 the production industry is saying we are taking away
16 their jobs. But throughout history, progressive laws
17 have always been met with strong opposition. Always
18 arguing it's a violation of someone's rights or
19 choices or jobs, even when those rights and choices
20 and jobs are at the detriment of others. Every such
21 law has been vehemently opposed, from the law
22 abolishing slavery to those requiring that children
23 be vaccinated. But at some point, our government
24 decides that the suffering of the victims out ways
25 someone else's wishes or choices. Especially when

1
2 the victims are the most helpless and most vulnerable
3 members of our society. So, because the animals
4 can't testify today, I am testifying on their behalf.
5 Please pass Intro's 1378 and 1202.

6 CHAIRPERSON LEVINE: Okay, thank you. Sir.

7 SHINA VAN: Hello, thank you all for your time.

8 I want to first quickly note the fact that just like
9 when we here to discuss the proposed fur ban, we
10 always see who stays behind late and has nothing
11 personal to gain out of this but yet we are still
12 here to speak for the animals today. My name is
13 Shina Van[SP?], I am a resident of District 40 in
14 Brooklyn. I am a constituent of Council Member Dr.
15 Mathieu Eugene and I also represent Total Liberation
16 New York. We are a grassroots activist group,
17 dedicated to animal welfare and to fighting animal
18 abuse as well as animal abusers.

19 I am here to express our strong support of Intro.
20 1378. The bill to ban the sale of deceased and
21 horrifically tortured animal corpses as food, also
22 known as the sale of foie gras in New York City. I
23 apologize in advance if any thing I am going to say
24 is going to gross you out, but it should. Foie gras
25 is the diseased and enlarged liver of a duck or a

1
2 goose produced through force feeding. The standard
3 practice use for producing foie gras involves
4 violently shoving a metal or plastic foot long pipe
5 down a birds throat, then pumping him with so much
6 feed that after three times a day for several weeks
7 of this, his liver swells up to ten times its natural
8 size and becomes diseased.

9 There is a reason why foie gras, this disgusting
10 industry is being banned throughout the world. It's
11 2019 and I feel like it's time that New York City
12 evolves and does the right thing to ban these
13 horrific practices. That if any of us acted upon in
14 broad day light in any busy New York City street, we
15 would definitely be looked at as deranged, be quickly
16 locked up, arrested and charged with horrific animal
17 abuse. Which is exactly what foie gras is. Thank
18 you very much.

19 CHAIRPERSON LEVINE: Thank you Mr. Van and thank
20 you to this panel. We are racing against the clock;
21 we have two more panels. The Stated Meeting starts
22 at four and so, we're going to try and move quickly
23 here. Next, I will call - forgive me. You can come
24 on up and you can start or have a seat. I am going
25

1
2 to call the next panel, but you will be next to
3 speak.

4 Did I call you? Are you also in the previous
5 panel. Great, have a seat. Okay, I will tell you
6 what, why don't you two speak and then we will call
7 the next panel please.

8 CAETNA LAPREBENDERE: Thank you. Good afternoon
9 members of the Council, my name is Caetana
10 Laprebendere and I am a New Yorker of French decent.
11 I live in Bushwick in Council Member Rafael Espinal's
12 District 37. I would like to thank him for
13 supporting Intro. 1378 to ban foie gras. I had to
14 call in sick from work today to be here because I am
15 indeed sick. Sick of the fact that it is the year
16 2019 and my city still ignores the barbaric force
17 feeding and horrific conditions these innocent
18 animals are put through. Just so that a tiny amount
19 of people can profit from or purchase this cruel
20 excuse for food.

21 If we had a duck or goose in this room and saw
22 someone treating them in the way they are treated in
23 these farms, the last thing we would think of is
24 luxury or wanting to eat their livers and the first
25

1
2 thing we collectively think is, stop this right now,
3 please.

4 The peaceful world we all dream of living in and
5 are working towards has no place for foie gras. I
6 hope we get this over with and ban foie gras once and
7 for all and since I have a whole minute left, I would
8 like to mention that I work as a freelance walking
9 tour guide of New York City constantly interacting
10 with tourists. Especially I do tours at Central Park
11 often enough and I constantly, I am ashamed of the
12 fact that we still have carriage horses in the city.
13 And sometimes I walk around with a group who is on
14 vacation consensually walking around the park in the
15 heat and the rain, etc., and the cold and they are
16 constantly commenting about the fact that horses are
17 forced to endure these situations.

18 So, I think it's completely reasonable to support
19 Intro. 1425 and actually every other bill mentioned
20 or discussed today. Thank you.

21 CHAIRPERSON LEVINE: Thank you very much. Okay,
22 ma'am.

23 Thank you. A lot has been said already, so my
24 testimony is just like this or even like that. But I
25 am here in support of 1425 and I am just asking you

1
2 all to pass the bill. These carriage horses have
3 been through a lot and I can't believe we are still
4 fighting for them.

5 These things we demand for ourselves, but they
6 can't. So, I am asking you to end the suffering of
7 them and ban it. If it exceeds or reaches 90 degrees
8 to pass that bill. It's humane, it's the right thing
9 to do and there is so much more to say but I am going
10 to let it go because I also am asking for your guys
11 to humbly pass 1378. I have just become aware of it
12 and it's horrible. And they said it all for me, so I
13 am just asking you to - I am sorry for the people who
14 have suffered or will suffer. I hope something can
15 be worked out for them. Losing your job is not
16 something that we wish, so my heart goes out to them
17 and I am hoping something can happen, so that that
18 won't happen for them, but these birds should no
19 longer be tortured in this manner.

20 Alright, lastly, which has not been talked about
21 too much. Intro. 1478 and Intro. 1502, 1478 creates
22 a Department of Animal Welfare and Advisory Board to
23 replace the Department of Health and control over New
24 York City's Animal Care and Control. And 1502
25 requires New York City ACC to report conditions

1
2 surrounding euthanasia and actions that they took to
3 avoid it.

4 I am asking for your support in those bills and
5 because it is the New York City Department of Health,
6 whatever role they have played in the past is no
7 longer viable and does not serve the best interests
8 of our abandoned and broken shelter animals.

9 The DOH was created for the health and welfare of
10 people, not animals. Our companion animals deserve
11 more than what's provided for them at New York City
12 ACC. They have loved us unconditionally and saved us
13 from harm. I remember reading a story of a young
14 woman saved by a stray Pitbull, someone's discarded
15 pet. The knife attacker stabbed the dog several
16 times and collapsing more than once. He got up and
17 continued to fight for a woman he didn't even know.
18 There are animals just like that today at New York
19 City ACC being dragged to their deaths by the very
20 people they have begun to trust. Their fellow
21 animals are going in horror barking and screaming
22 knowing they could be next. Animals coming in
23 healthy, contract shelter born respiratory
24 infections, and some become deathly ill. Please, I
25

1
2 urge you, please help change this by passing these
3 bills.

4 I have adopted from the shelter and I have been
5 there, and it reeks of misery and death and the
6 animals can sense it and they are terrified, and many
7 are killed because of their fear. It's time to change
8 and it's time for a change and you can bring that
9 about. And I thank you so much and I want to tell
10 you that I believe you guys to be, as been repeated
11 by others, the most humane board and I am pleased to
12 be in the same room and breath the same air. God
13 Bless you all. Thank you.

14 CHAIRPERSON LEVINE: This is why I am glad these
15 remarks are recorded. Okay, and now we are going to
16 call up our next panel which is Christopher Wallach;
17 sorry if I am mispronouncing the name, it's New York
18 City Bar Association Animal Law Committee. We have
19 Venessa Sol; Alexandra Lafata; David Karopkin;
20 Rebecca Milvich[SP?]; Elizabeth Argibay; how did I
21 do? John Dileonarldo; Sharon Discorfarro; Desiree
22 Mattos. That was a lot of people, we will see how
23 many are still here.

24 Okay, why don't you start since you are in front
25 of the mic and ready to go.

1
2 CHRISTOPHER WALLACK: I am happy to. Good
3 afternoon Council Members and thank you for your
4 time. My name is Christopher Wallack, I am the Chair
5 of the New York City Bar Associations Animal Law
6 Committee here in support of Intro. 1378, the bill
7 that would ban the sale of products from force fed
8 bird. The Council should pass this law because it
9 better aligns the city's laws with the city's values.
10 Like treating animals humanly.

11 A bit about the laws, currently federal and state
12 law don't protect these birds. At the federal level
13 you have two laws, The Animal Welfare Act contains an
14 exemption for any animals used for food while the
15 humane methods of slaughter act doesn't even mention
16 birds. At the state level, the states anti cruelty
17 statute arguably could be used to stop this practice,
18 but in practice, it hasn't been used. Moreover, if
19 you had a state ban on the act of force feeding, that
20 wouldn't necessarily prohibit the sale of products
21 from force fed animals. It would just mean the
22 change of suppliers.

23 If the Council passes Intro. 1378, they can make
24 a real step toward protecting these animals where
25 federal and state laws have fallen short. And doing

1
2 so, would put New York City in line with a number of
3 other jurisdictions, as someone mentioned in 2004
4 California passed a statewide ban on the sale and
5 production of foie gras. The ninth circuit upheld
6 that ban and then just this January, the Supreme
7 Court denied a petition. So, that's the law in
8 California.

9 Outside the U.S., well over a dozen countries
10 already prohibit this practice. The UK, India,
11 Germany, Israel. I want to call particular attention
12 to Israel because in 2004, when the Israeli Supreme
13 Court issued its decision that forbid foie gras as a
14 product in the county, Israel was the forth largest
15 producer of foie gras in the world and had over 45
16 foie gras farms. Nonetheless, the Supreme Court
17 declared this "torture" and for those same reasons,
18 the City Council should pass this legislation as
19 well. Thank you.

20 CHAIRPERSON LEVINE: Thank you very much and how
21 about we will continue this way and then we will come
22 around please.

23 ALEXANDREA LAFATA: Hi, my name is Alex Lafata
24 and I live in Staten Island in Council Member Joe
25 Borelli's district.

1
2 For the last few years, I spent on average 5 to
3 15 hours at slaughterhouses per week. I would say a
4 lot of times we also go to poultry houses on Sunday,
5 Venessa and I, we are actually at one.

6 A lot of times, the intelligence of birds
7 specifically is really downplayed to make it a lot
8 more palatable. When we go to the slaughterhouses in
9 particular, I was able to gain access two days ago.
10 And when I went in, there was actually a few cages of
11 ducks stacked up on one another and when I approached
12 them, their immediate response is to act in complete
13 and total fear. Their wings are often broken, their
14 beaks are often broken, and they are in absolutely
15 appalling conditions. If that's the way that they
16 act when somebody approaching them to give them water
17 response, can you imagine their reaction when people
18 coming up to them with those metal prods to jam down
19 their throats must be.

20 These animals are genuinely terrified and kept in
21 appalling conditions. The word humane is used very,
22 very best when used at farms and slaughterhouses.
23 There really are no strict guidelines, it basically
24 just means that you somewhat follow a very loose
25 strict of guidelines.

1
2 These animals are in relentless agony for a
3 product that 81 percent of New York City voters are
4 against. Thank you.

5 CHAIRPERSON LEVINE: Okay, thank you.

6 VENESSA SOL: Hi, my name is Venessa Sol. My
7 grandmother is a seamstress who migrated from Sicily
8 to Brooklyn when she was 17 years old and now, we
9 comfortably live as a family in Staten Island. No
10 thanks to depending on animal abuse as a source of
11 income.

12 I am a constituent of Deborah Rose, and I am here
13 to speak in support of Intro. 1378 because I believe
14 ducks and geese deserve better.

15 As a young girl living on Staten Island with all
16 of its park and nature, I felt a strong connection to
17 the animals around me. Being in the park was always
18 enjoyable because I would be surrounded by so many of
19 my animal friends. As many children do, I would
20 watch the ducks and geese in all of their beauty and
21 way of life. I would feed them and watch as they
22 swung to the food. Such and innocent and peaceful
23 activity. I learned about the bazaar process of foie
24 gras through transforming my lifestyle from non-
25 vegan, who didn't recognize all of the ways humans

1
2 abuse animals to vegan animal rights activist, who
3 does the most she can to help and protect animals.

4 When I saw the videos of ducks and geese with
5 long rods being shoved down their throats and read
6 that they are force fed to the point that there liver
7 grows ten times as large. I couldn't help but think
8 of my childhood memories with the ducks and geese and
9 the beautiful parks of New York. As a New York State
10 Certified ESL teacher, I refuse to stay silent while
11 other people indirectly teach children that treating
12 animals cruelly is acceptable and moral.

13 How can we teach children to be kind to animals
14 like dogs, cats and tortoises when we can accept that
15 the foie gras industry exists. Many people in the
16 city are already opposed to foie gras. For example,
17 over 60 restaurants in NYC and 81 percent of
18 residents do not support foie gras. And for the
19 record, I also support the other legislation
20 presented today, to protect other animals in any
21 future attempts to reverse the long history of New
22 Yorkers torturing other animals for our benefit.

23 Please support New Yorkers during this important
24 time I the world when humans are recognizing all of
25 the unnecessary immoral, inhumane, and unlawful

1
2 torment that our fellow earthlings endure because of
3 us. Thank you.

4 CHAIRPERSON LEVINE: Thank you.

5 REBECCA MIVICH: Hi, my name is Rebecca Milvich.
6 I live in east village and Carolina Rivera is my
7 Councilwoman. I am in support of all the animal
8 initiatives here today. I want to address one issue
9 a couple of people have brought up. The gentleman
10 who teared about his immigration story and how he
11 thanks the farm in which he works at for helping him
12 overcome his struggles.

13 I hope that you as a panel can see through these
14 types of distractions because it is a distraction
15 here to have that type of story in, I guess a
16 contrast to what we're trying to talk about the
17 animals and their story. I don't think that
18 gentleman would have the same thoughts to speak like
19 that if he had the animals suffering right in front
20 of him. It just wouldn't be that way. I just wanted
21 to bring that up.

22 A couple other statements that were brought up,
23 "without foie gras, the farmers would not be able to
24 get free healthcare." It's another distraction that
25 I hope that you guys can see through, that's not

1
2 true. Another one, if there is such a demand, the
3 farmers must be producing it well. They are not its;
4 they are sentient beings and that's why we are here
5 and if they really see them as its, there is no way
6 that any type of oversight could actually help the
7 sentient beings when they are considered its by the
8 farm producers.

9 I want to mention of course, another gentleman
10 that spoke about his addiction issues and how he
11 solved them through the support of the farms and it's
12 very touching and I feel for that gentleman, but I
13 also want to just mention that that's another
14 distraction from the point of why we're here.

15 It's not about these individual people, it's
16 about the sentient beings that have been forgotten
17 for too long and of course, I am in favor of the
18 carriage horse temperature ban and I hope that each
19 individual here on the panel have all been to the
20 carriage horse stables. And when you have it in the
21 back of your mind, when you say, I am an animal
22 lover, I am a horse lover, these are part of my
23 family. We all know that that is not where you would
24 chose to board your horse, you wouldn't. You just
25 wouldn't.

1
2 So, I am going to conclude my testimony today
3 just based on those, everything else has been stated
4 and thank you for your time.

5 CHAIRPERSON LEVINE: And we are going to go back
6 to -

7 ELIZABETH ARGIBAY: Hello, thank you for your
8 patience. Thank you respected members of the
9 Committee on Health for the opportunity to address
10 the importance of raising the bar for our city and
11 humanity in regards to animals. My name is Elizabeth
12 Argibay, a resident of Astoria Queens and I represent
13 Total Liberation New York, an activist group whose
14 mission is to give voice and meaning to a
15 marginalized demographic in our city, the animals.

16 As the daughter of immigrant parents, I feel
17 compelled to address this in a way that would do them
18 proud. [SPEAKING IN DIFFERENT LANGUAGE][01:31:32-
19 01:32:20].

20 When we fail to put the needs of the innocent
21 before our own, we fail society itself. New York
22 City must deliver one message and it's time to defend
23 animals with everything we have. I beg you to ban
24 foie gras in New York City and pass Intro. 1378, as
25 well as all the other legislation that was presented

1
2 today. And I want to repeat, those who are left
3 behind have nothing to gain but to speak up for the
4 innocent and for the damaged and for the ones that
5 are treated the worst and I appreciate your patience
6 hanging in there with us and letting us all have our
7 time. Thank you.

8 CHAIRPERSON LEVINE: [1:33:07-1:33:12] [SPEAKING
9 IN DIFFERENT LANGUAGE].

10 ELIZABETH ARGIBAY: Whew Mark Levine.

11 CHAIRPERSON LEVINE: [1:33:22-1:33:23] [SPEAKING
12 IN DIFFERENT LANGUAGE].

13 JOHN DILEONARDO: Hi, my name is John Dileonardo.
14 I am an Antrozologist, a Manager at PETA and the
15 Executive Director of Long Island orchestrating for
16 nature. The New York City area is leading domestic
17 fowl rescue.

18 I participated in the rescue of approximately 500
19 ducks and geese last year, many of them in all five
20 boroughs and some of them mallards. The birds most
21 often abused by the foie gras industry. Mallards are
22 sexually manipulated sterile birds who are created by
23 masturbating male Muscovy ducks and raping female
24 pekin ducks with that semen. The ducks are confined
25 to filthy sheds where they have no choice but to live

1
2 int their own excrement and are denied all that is
3 natural to them, such as water to swim in. Males are
4 force fed multiple times every day with pipes cruelly
5 ran down their throats to create an enlarged and
6 diseased liver. Neither Pekins nor Muscovy's are
7 migrating birds. So, talk about only force feeding
8 them before they would naturally migrate is
9 nonsensical, even if you are to ignore the fact that
10 no duck has a pipe shoved down his throat in nature.

11 Mallard's are actually very sweet animals. So
12 much so that when we found a mallard abandoned in the
13 Gowanus Canal last year, we named his Angel. Angel
14 was special but no more special then any other bird
15 force fed and slaughtered for foie gras. Ducks and
16 geese have complex social structures, long lasting
17 memories and display abstract reasoning from a very
18 young age.

19 Many mate for life and morn for lengthy periods
20 when their partners die. Admired by park goers
21 everywhere. Ducks and geese are some of New York
22 City's best known and most loved animals. New
23 Yorkers do not tolerate their abuse in our parks.
24 So, why should we tolerate their abuse for foie gras?

25

1
2 Please support Intro. 1378 and get this cruel
3 product out of our great city and while you are at
4 it, please support 1202 to protect the pigeons and
5 1425 to protect the horses. Thank you.

6 CHAIRPERSON LEVINE: Thank you very much and I
7 know we have one more bit of testimony on this panel
8 and I do want to somewhat belatedly respond to an
9 earlier testimony on this panel that referred to the
10 works as distractions and as somebody who thinks that
11 we need to be pushing ever further towards policies
12 that prioritize humane treatment of animals and that
13 we have a certainly have a right to expect businesses
14 to adapt as societies values evolved. I do certainly
15 think we should have empathy for workers, including
16 those who testified today and while we might not
17 agree with them on the policy, I think we want to
18 still validate their perspective. And I am
19 personally glad that we did hear a diversity of
20 voices today including the workers. Again, whose
21 perspective, I do think it's important to hear. And
22 with that, I am going to pass it on to you to close
23 out this panel.

24 SHARON DICORFARO: Good afternoon, my name is
25 Sharon Discorfarro. I am a member of the New York

1
2 City Bar, a New York City Bar Associations Animal Law
3 Committee and an advisory board member of the Wild
4 Bird Fund and I am also a member of your district,
5 Council Member Levine.

6 I am here today to testify on a personal capacity
7 as a resident of the upper west side to voice my
8 support of the numerous animal related legislation
9 proposed today. Particularly, Intro. 1378, we've
10 heard a lot about the delicacy known as foie gras,
11 which is in fact a diseased liver. This is a public
12 health concern as much as an animal welfare concern.
13 Beyond this, it is produced and can only be produced
14 by force feeding birds. It is simply violent human
15 behavior and as such, should be unlawful. A ban on
16 the sale as an effective legal approach to reject on
17 a societal level this cruel practice.

18 Intro. 1425, as long as carriage horses are still
19 working in our city, we must ensure conditions are
20 improved for their health and safety. We need to
21 address the fact that although temperature perimeters
22 are in place, they do not sufficiently account for
23 environmental factors that impact the experience of
24 temperature. We need to have perimeters for the
25 horses that rely on a heat index to establish the

1 ceiling for humane working temperature. And I want
2 to just mention T2018 1189 which hasn't been
3 mentioned, which is the city's voicing support for
4 state legislature to create a tax credit for the
5 adoption for shelter animals. I believe this could
6 work wonders in two respects, generating awareness
7 about shelter animals and the great work our shelters
8 are doing on behalf of animals and providing an
9 incentive for New Yorkers to adopt rather than shop
10 for companion animals. So many animals are already
11 in need of homes and any increase in adoptions can
12 also lessen the burden on overcrowded shelters.

14 So, less controversial but no less important.
15 Again, I support all the animal related legislation
16 we are discussing today. New York loves its animals
17 from the family dog to the wildlife of Central Park
18 and as the Mayor's office has reminded us most
19 recently with its Wildlife New York City Campaign
20 Animals are New Yorkers to. We must always be asking
21 ourselves how we can do better as our own
22 understanding evolves about animals needs and we more
23 fully appreciate their contributions to our own
24 quality of life and as our awareness expands, so to
25 should our laws evolve to reflect that. Thank you.

1
2 CHAIRPERSON LEVINE: Okay, thank you and thank
3 you for this panel. We are now moving to our final
4 panel of the hearing.

5 DESIREE MATTOS: Hello, excuse me.

6 CHAIRPERSON LEVINE: Oh, forgive me, I did it
7 again.

8 DESIREE MATTOS: I am sorry, thank you so much.

9 CHAIRPERSON LEVINE: No, not at all.

10 DESIREE MATTOS: Yes, my name is Desiree Mattos,
11 I am the President of Keeping Warm Dog Houses. It's
12 a nonprofit organization that provides shelter to
13 neglected backyard dogs not allowed to live indoors
14 with their families and I just want to thank the
15 committee for the opportunity to speak on behalf of
16 the animals and the many bills that are being passed
17 today, that are being introduced. I really
18 appreciate it, we all appreciate it, thank you so
19 much.

20 Into. 1378 banning the sale of foie gras is one
21 of the most important items on the agenda today. We
22 have heard about the horrific way foie gras is
23 created and we are not going to go into that again.
24 If you didn't know, now you know.

1
2 This is a barbaric and torturous practice that is
3 unnecessary. Why would anyone want to eat the
4 diseased liver of a goose or any animal for that
5 matter? This is a health hazard for the consumer.
6 We are not talking about banning of the sale of
7 chicken, fish, beef, etc., we are talking about foie
8 gras.

9 A small fraction of the population in New York
10 City are the consumers of the diseased liver of geese
11 and ducks. I am sure if they saw videos of the
12 actual process of the force feeding of the birds that
13 they would reconsider their food choices.

14 Geese can't advocate for themselves which is why
15 we are here to fight to end their suffering, pain and
16 slaughter. The fact that there are people present and
17 in opposition to the sales ban of foie gras, is
18 extremely disgraceful. I urge the Committee to vote
19 in favor of Intro. 1378. Intro. 1425, the Carriage
20 Horse Heat Relief Bill is another important bill that
21 needs to be addressed. It is important to protect
22 the horses from the heat and humidity to reduce heat
23 stress, maintain their health and their wellbeing.

24 These horse and carriage owners value their
25 business which pays their mortgages, their bills,

1 provides their children's education etc. If they
2 value their business, so to should they value those
3 who keep them in business, the horses. There should
4 be no opposition to the basic need of protection for
5 horses from working in the heat.
6

7 I urge the Committee to vote in favor of Intro.
8 1425, the horse and carriage heat relief bill and I
9 just want to thank the Committee and the Council for
10 putting these bills on the agenda and helping to
11 create a progressive and ethical and cruelty free
12 city. Thank you so much for your time.

13 CHAIRPERSON LEVINE: Thank you and now, our final
14 panel. We are going to call up Chris Cobb from the
15 Greenpoint Cat Club; Rita McMahon from the Wild Bird
16 Fund; Jenna Shipiro from the Animal Legal Defense
17 Fund; Hector Sudan and Jacelyn Stone and please, I
18 think you can sit right in the middle of the table.

19 There might be one more witness, okay, but you
20 can start us off.

21 JENNA SHIPIRO: Okay, sure. So, the Animal Legal
22 Defense Fund was founded in 1979 to protect the lives
23 and advance the interest of animals for the legal
24 system and on behalf of thousands of our supporters
25 here in New York City, I encourage you to support

1
2 Intro. 1425 to protect the carriage horses from
3 dangerous heat and humidity. A lot has been said on
4 this, I am just going to kind of reaffirm two small
5 points, which are in the handout that we've submitted
6 and that is, an equine expert from the Department of
7 Animal Science and University of Connecticut found
8 that because of the way horses regulate their
9 internal temperatures, heat stress is likely to
10 result if the humidity is greater than 75 percent,
11 regardless of ambient temperature. So, I just wanted
12 to reconfirm that point and the notations and
13 citations are on our document and the second one is,
14 it's definitely time to update the way temperature is
15 measured in New York City and the US Weather Bureau
16 sited temperatures readings can significantly be
17 lower than the actual temperature and a Cornell
18 University study found that the temperature our
19 street level in New York City can be as much as a 45
20 degree difference from a recorded temperature.

21 So, those two points, I just wanted to add to the
22 testimony. Thank you.

23 CHAIRPERSON LEVINE: Thank you very much and
24 would you be Ms. Stone. Okay, please.

25

1
2 JACELYN STONE: I want to thank you because I
3 know you have a lot to think about today. Thank you
4 for letting me speak on behalf of our 500 voting
5 members for the Citizens Committee for Animal Rights
6 and I speak for them also here today.

7 For the passage of all the animal rights Intros.
8 Especially the foie gras, I am sure you have all the
9 facts and I only ask that America, being a civilized
10 country, we must change these primitive barbaric,
11 brutal acts of cruelty and foie gras and to help hold
12 us, America, our honor, as a civilized country
13 worldwide.

14 Lastly, intelligent and good people know the
15 difference between good and evil and understand you
16 can not turn an animal into a machine. It's against
17 God and nature. There are thousands of choices to
18 force fed disease liver. Cruelty to living creatures
19 is the darkest crimes on the human conscience and I
20 thank you for all the good we can do from this today.

21 CHAIRPERSON LEVINE: Thank you very much, Ms.
22 Stone and thank you to everyone who spoke out today,
23 who stayed until the end. Thank you to everyone for
24 the respectful tone of the hearing and this will
25 conclude our hearing today, thank you. [GAVEL]

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 1, 2018