

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

-----X

August 17, 2012
Start: 10:15 a.m.
Recess: 11:08 a.m.

HELD AT: 250 Broadway
Committee Room, 16th Floor

B E F O R E:
MARIA DEL CARMEN ARROYO
Chairperson

COUNCIL MEMBERS:
Mathieu Eugene
Joel Rivera
Helen D. Foster
James G. Van Bramer
Albert Vann
Rosie Mendez

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

Brian Shapiro
New York State Director
Humane Society of the United States

Anne-Marie Karesh
Humane Society New York

Elizabeth Stein
Attorney
SaveKitty Foundation

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

Michelle Villagomez
New York City Legislative Director
ASPCA

Jesse Oldham
Senior Administrative Director, Community Outreach
ASPCA

Shelby Davis
Director of Spay/Neuter Operations
ASPCA

Bryan Kortis
Co-founder
Neighborhood Cats, Inc.

Elena Bass
Director
Staten Island Feral Initiative

Bernadette Ferrara

1
2 CHAIRPERSON ARROYO: Good morning
3 everyone, welcome on this great and beautiful
4 Friday morning for this hearing on the Committee
5 on Health. My name is Maria del Carmen Arroyo,
6 and I have the privilege to chair this Committee.

7 Today we will hear testimony on
8 Preconsidered Introduction sponsored by Council
9 Member Jessica Lappin that would require the
10 Department of Health to post on their website
11 links to groups performing trap, neuter, return,
12 TNR, activities and would repeal the requirement
13 that the department promulgate rules related to
14 TNR activities.

15 TNR is a strategy to humanely and
16 effectively manage feral cat populations and
17 colonies. The TNR process begins by trapping the
18 cats in a colony, then neutering the cats,
19 identifying them through eartipping, vaccinating
20 them for rabies, and finally releasing them back
21 into their own territory. While the New York City
22 does not directly provide TNR services, many
23 animal advocacy organizations provide these
24 services throughout the five boroughs. And
25 without the efforts of these organizations, I'm

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

not sure what we would experience in the city.

In September of 2011, the Council passed Local Law 59, which included a provision requiring the Department of Health to promulgate rules to register individuals and groups performing TNR activities. However, based on discussions with animal advocates involved in the service it became clear that the animal advocacy community generally supports the way TNR activities are currently performed in the city and that there was no need for the department to create a registration system, but rather the department should simply post links to TNR groups on its website. Thus, this Preconsidered bill would ensure that TNR will continue to be done by private entities with no involvement from the Department of Health.

The Department of Health will not be joining us here today--I'm really heartbroken about that--but they have submitted testimony for the record. As a reminder, if you would like to testify, as the sergeant previously indicated, we must have one of these little forms, otherwise, we don't know you're here and we certainly do want to

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

hear from you.

And as another issue that I think we're all very interested in, we are planning a hearing in the early fall on the status of Local Law 59. So for those of you who are interested, know that I've made that commitment and we will have that conversation. Today's discussion will be focused on TNR and your opinion about whether or not this is a good thing or not. And if you have some other concerns we can talk about them offline.

So with that, I will bring up the first panel of four individuals we have Anne-Marie Korash, Humane Society, did I say that right?

ANNE-MARIE KARESH: Karesh.

[Crosstalk]

CHAIRPERSON ARROYO: Karesh. Brian Shapiro of the Humane Society of the United States, and Anne-Marie is from the Humane Society of New York, Jane Hoffman, Mayor's Alliance for New York City's Animals, and Elizabeth Stein, SaveKitty Foundation, I love that name. You guys can pick and choose who will go first as I introduce my colleagues who are here who will be

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

moving about.

First, we have Council Member Eugene from Brooklyn; my colleague from the Bronx, Council Member Rivera; also from the Bronx, Council Member Foster; Council Member Van Bramer from Queens, the great borough of Queens, right?

I also want to thank my committee staff, Lacey Clarke--

[background noise]

CHAIRPERSON ARROYO: God bless you, we didn't plan that, counsel to the Committee, and Joseph Mancino, for those of you who had missed him, he's back with us, he was studying for the bar, and Pamela Corbett, I know I saw her walk through here, she's in the back, our fiscal analyst.

So good morning, thank you for being here, begin when you're ready.

[Pause]

BRIAN SHAPIRO: Good morning, Chairperson Arroyo, and thank you to all Members of the Health Committee for this opportunity to address you. My name is Brian Shapiro, I'm the New York State Director for the Humane Society of

1
2 the United States, the country's largest animal
3 protection organization. We have 11 million
4 supporters nationwide, 800,000 supporters in New
5 York State, and over 217,000 supporters in New
6 York City alone.

7 The HSUS has committed great
8 resources to aid and implement effective, humane
9 management of the estimated 50 million feral and
10 stray cats, known as community cats, in the United
11 States. Our organization's online certification
12 course through Humane Society University, which
13 has trained more than 4,000 individuals on
14 effective trap, neuter, return methods and
15 techniques, is used nationwide as a standard
16 program.

17 Understanding this complex and
18 emotional issue is essential if we're to focus on
19 addressing the cat overpopulation problem and if
20 we are to help make a better life for the tens of
21 thousands of community cats living throughout the
22 city boroughs. We applaud city government for
23 recognizing the value of TNR and for accepting
24 input from such a knowledgeable group of
25 stakeholders in an effort to create increase the

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

effectiveness of Local Law 59.

New York City is quite fortunate to have a veritable army of dedicated volunteers maintaining independent programs designed to control the feral cat population. And, of course, the New York City Feral Cat Initiative is recognized nationally as a successful collaborative model for raising awareness, offering solutions, and managing existing colonies. The HSUS believes that the Department of Health and Mental Hygiene can also play a vital role to promote these practices by sharing essential information on its website. Providing the public with more information and better resources will benefit the entire community. The Humane Society of the United States supports the proposed amendment to Local Law 59, leading the Department of Health and Mental Hygiene to share information on its website and highlighting New York City organizations that provide vital TNR services to the community.

Once again, thank you kindly for affording me the opportunity to address this committee.

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

[Pause]

ANNE-MARIE KARESH: I'm so loud, I really don't need this, but thank you very much for the opportunity to speak today. The Humane Society of New York is pleased to support the amendment of section 17 804 of the Administrative Code of the City of New York. We applaud the Department of Health for posting and maintaining on its website a regularly updated list of organizations in New York City that offer trap, neuter, return information and conduct trap, neuter, return activities. This will help to educate the public by directing them to available resources as it reinforces TNR as a viable option.

The society has been actively involved with TNR for over 30 years and we continue to spay, neuter, and treat feral cats in our clinic seven days a week. Spaying and neutering is the first line of defense in helping to control the overpopulation of animals and TNR is a highly important component in bringing the number of homeless cats down to a manageable number.

Again, we are grateful for the

1
2 opportunity to speak to you today regarding this
3 very important issue. Thank you.

4 [Pause]

5 ELIZABETH STEIN: Good morning,
6 Chairperson Arroyo and Members of the City--

7 CHAIRPERSON ARROYO: [Interposing]
8 Bring the mic closer--

9 ELIZABETH STEIN: Oh.

10 CHAIRPERSON ARROYO: --we're being
11 taped and--

12 ELIZABETH STEIN: Okay. Because--

13 CHAIRPERSON ARROYO: --we want to
14 make sure we get it on record.

15 ELIZABETH STEIN: --I don't have
16 such a loud voice. Good morning, Chairperson
17 Arroyo and Members of the City Council Health
18 Committee, my name is Elizabeth Stein and I am an
19 attorney who deals exclusively with issues
20 regarding animal protection, animal welfare, and
21 animal rights. I am the former co-chair of the
22 Nassau County Bar Association Animal Law committee
23 and I'm an active member of the Animal Law
24 committee of the New York City Bar Association.

25 My clients include many rescue

1 organizations that regularly engage in TNR
2 activities, both in New York City and Nassau and
3 Suffolk counties. One such client is SaveKitty
4 Foundation, a 501(c)3 not-for-profit organization
5 dedicated to helping New York City's homeless
6 animals through rescue, adoption, and TNR.
7 SaveKitty Foundation is a member of the Mayor's
8 Alliance for New York City's Animals and the Feral
9 Cat Initiative, and has seen firsthand the
10 positive effects that a robust TNR program has on
11 both the community and the plight of the city's
12 homeless cats.
13

14 On behalf of SaveKitty Foundation
15 and myself, I would like to thank the Committee
16 for the opportunity to testify today in support of
17 the proposed amendment to Local Law 59, which
18 would relieve the Department of Health and Mental
19 Hygiene of its obligation to promulgate rules
20 providing for the registration of individuals or
21 groups conducting trap, neuter, return activities
22 and the establishment of criteria for such
23 registration.

24 At the present time, TNR is
25 successfully being conducted in New York City and

1
2 across the country in an effort to humanely and
3 effectively reduce and control the overpopulation
4 of feral cats. Both scientific and anecdotal
5 evidence have established the efficacy of such TNR
6 activities and there are many municipalities that
7 publicly sanction TNR as their official policy for
8 the management of feral cats.

9 The benefits of performing TNR
10 activities not only include the humane and
11 effective reduction in the number of feral cats in
12 the community, but also results in a reduction in
13 the number of cats entering the New York City
14 animal shelter system and, consequentially, a
15 decline in the number of cats euthanized therein.

16 TNR also improves the health of
17 these community cats and has been shown to cause a
18 reduction in, or elimination of, the unwelcome
19 behavior oftentimes associated with unaltered
20 cats. There is no question that TNR is necessary
21 to humanely and effectively reduce and manage the
22 serious overpopulation of feral cats in New York
23 City. The issue then is how the City may
24 encourage and foster the growth of TNR activities
25 and programs so as to remediate this crisis.

1
2 We affirmatively believe that the
3 means to this end is not through the issuance of
4 regulations, but rather through education. The
5 enactment of the amendment to Local Law 59 will do
6 just that by relieving the Department of Health
7 and Mental Hygiene of its obligation to issue
8 registration, regulations, and in lieu thereof,
9 require that the department disseminate
10 information on its website regarding organizations
11 offering information about TNR and conducting TNR
12 activities. We, therefore, strongly urge the
13 Health Committee and the Council to support the
14 amendment to Local Law 59 before you today. Thank
15 you.

16 JANE HOFFMAN: Good morning,
17 Chairperson Arroyo and Members of the City Council
18 Health Committee, my name is Jane Hoffman, I'm the
19 president of the Mayor's Alliance, which is a not-
20 for-profit organization whose goal is to make New
21 York City no-kill by the year 2015. We're a
22 coalition of over 150 animal rescue groups and
23 shelters.

24 I'd like to thank the Department of
25 Health and Mental Hygiene and the Council for

1
2 working collaboratively with us over the last
3 several months to revisit and reevaluate Local Law
4 59 in relation to trap, neuter, return activities
5 in New York City. I'd also like to thank Council
6 Member Lappin for sponsoring this amendment.

7 The conclusion we all reached after
8 attempting to draft regulations that would
9 actually work in New York City and after listening
10 to the concerns from the community was that we
11 need education, not regulation, at this time. The
12 Alliance has long recognized the serious feral cat
13 overpopulation crisis in New York City and has
14 consistently stated that the implementation of
15 citywide trap, neuter, return programs is really
16 the answer.

17 My colleagues have described, what-
18 -and Chairperson Arroyo actually gave a very good
19 description of what TNR is, so I'm not going to
20 waste that part of my testimony. But basically
21 the Feral Cat Initiative, which my colleague Brian
22 from HSUS mentioned, has provided an
23 infrastructure in New York City to help the good
24 folks who are doing TNR on a volunteer basis by
25 having trap banks, having transport to and from

1
2 the spay/neuter clinics at the Toby Project, the
3 Humane Society of New York, and the ASPCA, loaning
4 traps, providing expertise, et cetera. We very
5 much support, obviously, trap, neuter, return, and
6 thank you for looking at this practice as the most
7 humane and effective way of controlling our
8 community cat population.

9 Basically, we receive hundreds of
10 calls and e-mails with people who have feral cat
11 issues and they all want to do the right thing,
12 they don't want the cat killed, they don't want
13 anything bad to happen to the cats, they just want
14 the problem controlled, and trap, neuter, return
15 does that. It eliminates problem behavior, it
16 reduces the population over time, and the silent M
17 in TNR is really monitoring or managing, it's not
18 just wildly going through the city throwing cats
19 out, it basically are managed colonies that these
20 folks do on a volunteer basis.

21 So basically, for all these
22 reasons, we believe that the dissemination of
23 educational materials, by putting links on the New
24 York City Department of Health website is really
25 the way to go, not regulation after we've

1
2 revisited and re-looked at this, and for this
3 reason we vigorously support this amendment. So
4 thank you very much.

5 CHAIRPERSON ARROYO: Thank you all
6 for your testimony. I have a couple of questions,
7 but first I want to acknowledge we've been joined
8 by Council Member Vann from Brooklyn and Council
9 Member Mendez from Manhattan.

10 And I guess the question the rest
11 of you who come up to provide testimony can tell
12 us one of the things that we do as Council Members
13 is provide information through our new regular
14 newsletters to our constituents. Is there a
15 snippet of information that we can get for the
16 Committee to disseminate to the members that they
17 can hopefully use as information in their regular
18 newsletters?

19 JANE HOFFMAN: Yes, actually
20 that's--thank you very much for asking that
21 question. The Feral Cat Initiative of the
22 Alliance is in the process of putting together
23 some educational or informational material for the
24 Council Members which will include something that
25 can go into their newsletter, but we'd also be

1

2 very pleased to come and do a very brief
3 presentation for any Council Member that is
4 interested in finding out, especially those who
5 have some of their constituents coming and asking
6 them questions about this.

7

CHAIRPERSON ARROYO: And I don't
8 know how many, I don't believe any of your direct
9 service providers, I would imagine those guys are
10 coming up next, the alliance's, do you have a
11 sense of where--from what areas of the city you're
12 receiving the bulk of your calls or service
13 requests and what areas we should be targeting
14 with information so that we can make New Yorkers
15 aware that just, you know, the kitties in the
16 street, there is a mechanism for us to help
17 minimize the population.

18

JANE HOFFMAN: I mean, the cats are
19 really everywhere and I also just wanted to point
20 out that the Humane Society of New York is also a
21 service provider, along with the ASPCA, and the
22 enormous amount of feral spay/neuter services and
23 medical services that they provide but--

24

[Crosstalk]

25

ELIZABETH STEIN: --SaveKitty

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

Foundation.

JANE HOFFMAN: --and SaveKitty Foundation does a--yeah, they are one of the largest, they do a lot of trapping. And, you know, especially we've been trying to work with certain city agencies that have requested our assistance. Actually, we got two cats out of City Hall Park for them. SaveKitty did, one of our crack trappers. So the cats are really all over the city, people just don't always see them, they don't know where to look. Cats are very good at hiding. We actually don't want them that visible, unfortunately, there are people in the city that would hurt them, but they're all over the place. So I think every Council Member, probably this is information that they should have about, you know, what they can do to assist in this. And one of the things would be there's an organization called Neighborhood Cats that's going to testify that gives the training sessions that allow people to be trained and certified to do trap, neuter, return, and then eligible for all of the free services the Alliance and the ASPCA and the Humane Society provide.

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

ANNE-MARIE KARESH: Also--

CHAIRPERSON ARROYO: Yes.

ANNE-MARIE KARESH: --I just want to get and to reiterate what Jane said, at the Humane Society of New York, I take calls personally like every day from people, what do I do, I'm so upset, there's all these cats, they keep multiplying, I can't take them in, I have kids, dah, dah, dah, and they just really don't know what to do. In the old days, you know, can't you just come round them up and take them away? And it's just not viable to do, I mean, there's thousands. Like Jane said, they're not out in the daytime with a little bowl of milk and all--you know, these poor things, they're hiding from the people in the daytime, that's why they're feral. They come out at night, do their thing, and try to keep in the shadows.

So if the more information out there, especially, you know, from the Health Department, but from any of your help as well, I can direct them to resources that they know are legitimate, because, as you know, there's a lot of websites out there that might give false

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

information, it--

CHAIRPERSON ARROYO: Okay.

ANNE-MARIE KARESH: --would just validate it for these people and really give them some concrete information.

JANE HOFFMAN: There's the other issue a lot of people have in neighborhoods which is interesting is that they do not want these cats removed, they want them there because they're one of the most effective vermin control we can have. There was a reason the Egyptians had them in the grain silos is they're very good at this and, you know, a lot of people, once they hear we're going to trap them, take them away, spay and neuter them, vaccinate them, identify them, eartip them for identification, and bring them back, they're very happy about it because they know they keep out the vermin, and also it stops the continual inflow of new cats 'cause the cats tend to be territorial, they will hold the space, and that's how it--

CHAIRPERSON ARROYO: Yeah.

JANE HOFFMAN: --reduces over time by also removing no new kittens and also friendly

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

cats are removed by the caretakers whenever possible for adoption.

CHAIRPERSON ARROYO: Okay.

ELIZABETH STEIN: And if I could also add one thing--

CHAIRPERSON ARROYO: Yes.

ELIZABETH STEIN: --that from my own personal experience dealing with communities, not everybody is necessarily in favor initially of the cats being there, and through the education process, what I have found is that, once people are aware of how TNR works and how it does work and how it has been proven successful in so many communities and what it does do in terms of keeping the vermin away, keeping things clean, keeping other animals and rodents out, it's very interesting how quickly they change their attitudes and they say, okay, you can keep the number of cats down, let's keep the cats here.

CHAIRPERSON ARROYO: All right, thank you all for your testimony and for your insight, and we'll circle back. One of the things that we do in the Council is provide brochures on a whole host of issues and topics and maybe we can

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

think about designing one around this issue that can help put that information out--

[Crosstalk]

JANE HOFFMAN: [Interposing] If I could add one thing, we're developing a door hanger, I realize we don't all live in houses, I certainly don't, but we're putting door hangers that people, if they have issues in their community, they can put them on their neighbors community, because it's really like if you're feeding them, you should be fixing them kind of thing--

CHAIRPERSON ARROYO: Okay.

JANE HOFFMAN: --so it's an educational, so that will be available to the Council as well.

CHAIRPERSON ARROYO: Good. Thank you all. The next panel, Jesse Oldham, ASPCA; Shelby Davis also from the ASPCA; and Michelle Villagomez, also ASPCA. [Long pause] Whenever you're ready.

MICHELLE VILLAGOMEZ: Oh, good morning, I'm Michelle Villagomez, I'm the New York City Legislative Director for the ASPCA. I want

1
2 to thank Chairwoman Arroyo and the Health
3 Committee for revisiting this topic and for always
4 being so interested in campaign and animal issues
5 here in the City of New York.

6 I just wanted to sort of give you a
7 teaser for some of the information my colleagues
8 are going to give you. You talked about
9 organizations that provide direct care services
10 for TNR in spay/neuter New York City, and as the
11 ASPCA we're very proud to sort of participate on
12 both ends of things. We're a clearinghouse for
13 information and we also provide on the ground
14 spay/neuter services. And my colleague Shelby
15 Davis is going to talk about two projects that
16 we're working on in New York City in two
17 communities where we're doing focus spay/neuter
18 with a focus on feral cat communities and TNR and
19 working with the rescue groups.

20 Local Law 59 established good
21 definitions of the terms feral cats; full service
22 shelter; sterilization; trap, neuter, return,
23 which are vital to understanding the full scope of
24 issues affecting the pets and the people of New
25 York. Education and access to information on TNR

1
2 serve as valuable tools in creating the community
3 partnerships necessary for TNR programs to thrive.

4 In order to achieve this goal, we
5 support the creation of a regularly updated list
6 of organizations in New York City that offer TNR
7 information and conduct TNR activities. There are
8 very valuable resources available on the Web and
9 via feral cat organizations that can help guide
10 people through the process.

11 This is very important and it was
12 alluded to, TNR is very important to communities
13 in New York. We live in urban areas, there are
14 many empty lots or community gardens or shared
15 alleys and shared areas, and there are always
16 kindhearted individuals that are doing the feeding
17 and, without naming any names, I've worked with
18 Members of the City Council that feel this way and
19 have called and, you know, there's cats in their
20 yard, what can they do to help. So we know that
21 people empathize and this is a way to educate
22 people to take that empathy to the next step and,
23 instead of just sort of providing sustenance, get
24 them to a point where they can stabilize the
25 community of cats that live in their area, and

1
2 they can educate their neighbors. Because, as
3 Jane alluded to, you know, for as many people
4 there are feeding, there are people that might
5 want to do these animals harm. So just spreading
6 education and information about this is very
7 important for us.

8 A TNR infrastructure already exists
9 through the ASPCA, the Mayor's Alliance, the Feral
10 Cat Initiative, the Humane Society of New York,
11 Neighborhood Cats, and the Toby Project, amongst
12 other groups. Currently, we partner with the
13 Feral Cat Initiative and we provide a four-hour
14 training workshop on TNR best practices, included,
15 but not limited to, community involvement, how and
16 why TNR works to control feline populations,
17 responsible feeding practices, outlining
18 subsidized spay/neuter options, rabies vaccines,
19 and how to safely and properly use TNR equipment.

20 We find that if an individual is
21 following proper protocol, they won't actually
22 ever have direct contact with the cat. You know,
23 they take the workshop, they'll get a
24 certification, and this allows them to then rent
25 traps to then do this program on their own.

1
2 We feel that providing New Yorkers
3 with essential resource of information on groups
4 that offer these services would go a very long way
5 in supporting the TNR community in New York City.
6 Making people aware that TNR helps the community
7 by stabilizing the population of the feral colony
8 and over time reducing it.

9 And then TNR also helps the animal-
10 -pardon me, the community's animal welfare
11 resources by reducing the number of kittens that
12 would end up in a shelter otherwise.

13 We thank you for this opportunity
14 to be here today, and I'm going to introduce Jesse
15 Oldham.

16 JESSE OLDHAM: Good morning, my
17 name is Jesse Oldham and I am senior
18 administrative director in the Community Outreach
19 Department at the ASPCA, and also liaison to New
20 York City Feral Cat Initiative as part of my role
21 with the ASPCA. I also have a decade of
22 experience participating in trap, neuter, return
23 in many areas of southern Brooklyn and actually
24 throughout the boroughs as well.

25 TNR is a humane method of feline

1
2 population control that entails humanely trapping
3 cats, having them spayed or neutered, rabies
4 vaccinated, and returning them to their original
5 location. While returning cats to their original
6 location is not an intuitive step in a program
7 that addresses population control, the process
8 exists because the sterile cats act as
9 placeholders, preventing a new set of reproducing
10 cats from moving into the area. With this
11 process, the overall feline population numbers
12 decline over time. When cats are removed and not
13 returned, a vacuum effect occurs and new
14 reproducing cats move into the area that is no
15 longer occupied by the resident cats. The
16 reproducing cats not only then contribute to the
17 overpopulation issue, but still display a number
18 of community nuisance behaviors that spayed and
19 neutered cats do not display.

20 During the TNR process, cats who
21 are good candidates for adoption, such as friendly
22 cats or young kittens, are often pulled from the
23 streets and are found homes, while the cats who
24 are feral are returned to their original location
25 with an eartip marking, indicating that cat is

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

sterile.

Despite its connotation, feral cats are not typically aggressive and make every effort to avoid human contact. Fixing free roaming cats decreases their chance for illness as it reduces fighting and mating which entail the transmission of body fluids. Fixing these cats also provides a community service for the surrounding neighbors, as there is less smell, less noise, less cats. And anecdotally, many residents have commented on the efficacy of free roaming cats keeping rodents away, as has been discussed prior.

The cats also receive a rabies vaccination administered at the time of sterilization to help protect the cats and, thus, the community against rabies.

Trapping and euthanizing cats has not worked to control population numbers in the past, nor is trapping and moving them elsewhere so we do not recommend either of these methods. They're not effective, carry a heavy price tag, and do not have majority community support.

From my personal experience as someone who began TNR nearly a decade ago in South

1
2 Brooklyn, I have seen blocks littered with over 20
3 cats be reduced to a maintained population of
4 seven over just a couple of years. Another couple
5 of years later, I'm left with two adults at my
6 feeding station. I have heard countless stories
7 from TNR caretakers in New York City reflecting
8 similar success stories. I have had neighbors
9 thank me for the reduction in noise outside their
10 bedroom windows and the cessation of male cat
11 spray on their car tires. I have also had people
12 thank me covertly since taking care of these cats
13 publicly became such a point of shame with people
14 who had been barraged by complaints from their
15 ill-informed neighbors--neighbors who thought that
16 they wanted to enable the procreation of cats
17 outdoors because they didn't know what TNR was.

18 In the years I've done public
19 outreach for TNR as a humane population control
20 method, I have seen public awareness go from just
21 about everyone being confused as to what a feral
22 cat is to knowing the difference between a feral
23 cat and a friendly cat and having some awareness
24 about TNR. In these one-on-one discussions about
25 community cats, the number of people who know

1
2 about TNR and know they can speak to their
3 neighborhood cats feeders about TNR is growing.

4 As everyone knows, New York City's
5 feline overpopulation is an issue partly because
6 most members of the public expect and understand
7 outdoor cats as they are intact and outside in a
8 way that free roaming dogs would never be
9 accepted. I truly believe that in order for TNR
10 to reach a critical tipping point for population
11 control in New York City, we need to create the
12 public expectation that all free roaming cats,
13 friendly and feral, need to be fixed. It is not
14 intuitive for a member of the public to know that
15 a cat who normally cannot be handled can be fixed.
16 However, that's a teachable lesson, and for that
17 reason, I believe our focus has to be on the
18 education of New York City residents.

19 Ideally, if a member of the public
20 sees a cat outdoors, they know to look for that
21 telltale sign that a cat has been fixed--an
22 eartip. If the cat is not fixed, they know that
23 TNR assistance and subsidize spay/neuter are a
24 viable option in New York City. Our
25 recommendation is to put the focus on the

1
2 educational materials that teach people why and
3 how TNR works and introduce them to the generous
4 and subsidized TNR resources available in New York
5 City.

6 The ASPCA website includes a
7 general FAQ regarding feral cats and instructions
8 for getting involved in New York City TNR,
9 including the neighborhood cat certification
10 workshop, and our ASPCA Pro site includes best
11 practice models and general information about TNR
12 programs.

13 Thank you for the opportunity to
14 appear before you.

15 SHELBY DAVIS: Good morning, I'm
16 Shelby Davis, Director of Spay/Neuter Operations
17 at the ASPCA. I have been overseeing many of the
18 ASPCA spay/neuter initiatives, both nationally and
19 in New York City since early 2011.

20 About 35% of the 40,000 spay/neuter
21 surgeries our department currently performs every
22 year in New York City are for rescued animals,
23 thousands of which are feral cats brought to us
24 for a spay or neuter as part of a TNR trap,
25 neuter, return project. As such, I work closely

1
2 with AC & C, the Mayor's Alliance for New York
3 City's Animals, rescue groups, foster networks,
4 and more individual TNRs than I can account. We
5 all share the common goal of wanting to end pet
6 homelessness and the euthanasia of healthy
7 adoptable animals.

8 In late 2011 we launched our New
9 York City focus project. This effort is designed
10 to measure the impact of spay and neuter on dogs
11 and cats at risk of entering the sheltering system
12 or becoming part of the feral population in New
13 York City. When developing this research project,
14 our shelter research and development team studied
15 Animal Care and Control shelter intake data to
16 identify areas of high free roaming cats beyond
17 what was expected based on human population alone.
18 In addition, we selected areas where we identified
19 contacts that currently feed and care for cat
20 colonies. We have been providing information on
21 TNR to community-based groups and have been doing
22 one-on-one grassroots outreach in the East Harlem
23 and Ocean Hill communities. To date, we have
24 spayed or neutered approximately 110, 120 cats in
25 these areas.

1
2 In our focus communities, we are
3 testing to see if highly accessible spay/neuter
4 services, combined with TNR for neighborhood cats,
5 does lead to a reduction in euthanasia at the
6 shelters. We've been going out into the community
7 speaking with individual caretakers, concerned
8 neighbors, even with the local community boards.
9 It's crucial for members of the community to have
10 access to information on TNR so that they can
11 understand the process.

12 We host community-based events
13 promoting spay and neuter and TNR and have done
14 outreach to school groups. At our events, we do
15 offer free and low cost spay and neuter services,
16 free vaccines, and nail trims, and free foods. As
17 part of our outreach and education efforts, we
18 encourage people to contact us if they know people
19 feeding cats and caring for cat colonies. We will
20 continue to be a resource for information on TNR,
21 as well as a support for those practicing TNR
22 through our spay and neuter services.

23 Thank you.

24 CHAIRPERSON ARROYO: Thank you for
25 your testimony. Questions, my colleagues? No?

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

Okay. This was easy.

MICHELLE VILLAGOMEZ: We can provide you, since we have some resources, if you are thinking of putting together a pamphlet or any informational material, you know, we work with local Council Members and even provide the material for like their newsletter that they send out to their constituents. You know, we can prepare a little blurb for you guys and send you like links to things--

CHAIRPERSON ARROYO: [Interposing]
That's precisely what I'm asking for.

MICHELLE VILLAGOMEZ: --as well as a calendar for our mobile spay/neuter clinics that do free or low cost spay/neuter across the city. And in the communities of Ocean Hill and East Harlem, we have specialized calendars for TNR and rescue animals.

CHAIRPERSON ARROYO: Okay. So what I'll do is we'll have the Committee staff follow up with you on this information and we'll prepare--we'll organize something internally here that we can share with our colleagues. I also have a bimonthly advisory committee that I bring all of

1
2 the members that I recommend for appointments to
3 the local community boards in my district and
4 bring in organizations providing services in the
5 city, and I want to be able to do that as well.
6 So I will have Erica from my office reach out to
7 you guys to see which of you will come on a Monday
8 evening at Lincoln Hospital to get that
9 information to my folks. Thank you.

10 MICHELLE VILLAGOMEZ: Thank you.

11 CHAIRPERSON ARROYO: And Council
12 Member Rivera was just commenting that we should
13 start this kind of program for flies in the city.

14 [Laughter]

15 CHAIRPERSON ARROYO: Given the
16 problems that we're having. Okay.

17 [Off mic]

18 COUNCIL MEMBER RIVERA: --going
19 back and forth.

20 CHAIRPERSON ARROYO: The next and
21 last panel, and certainly not the least, Bryan
22 Kortis, Kortis--

23 BRYAN KORTIS: Kortis.

24 CHAIRPERSON ARROYO: Kortis?
25 Neighborhood Cats, Inc.; Elena Bass, I want to say

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

Staten Island, is that S-I--

ELENA BASS: Yes.

CHAIRPERSON ARROYO: --Staten
Island Feral Initiative; and Bernadette Ferrara
[phonetic].

BERNADETTE FERRARA: Ferrara.

CHAIRPERSON ARROYO: Ferrara, TNR
Group volunteer.

[Off mic]

CHAIRPERSON ARROYO: I'm guessing
you guys have done this before, right? And if
not, you've watched the groups before you, pick
who's going to go first and begin when you're
ready.

[Pause]

BRYAN KORTIS: Okay. We're on now?
I'm Bryan Kortis, co-founder of Neighborhood Cats.
My testimony today is on behalf of Neighborhood
Cats and does not necessarily represent the views
of my current employer, Pet Smart Charities.

Neighborhood Cats, more than any
other organization, is responsible for the growth
of trap, neuter, return in New York City. We were
the first to introduce TNR on an organized basis

1
2 back in 2000 when we saw the tremendous need.
3 Since then, we have trained over 4,000 New York
4 City residents to perform TNR safely and in
5 compliance with local laws resulting in the
6 spay/neuter of tens of thousands of feral cats.

7 And I would just like to correct
8 the record, I believe the ASPCA legislative
9 analyst misspoke, the four-hour workshops she was
10 referring to, those are taught by Neighborhood
11 Cats. The ASPCA is kind enough to occasionally
12 host them, however, we're the ones that do the
13 instruction.

14 We lead the original TNR project on
15 Riker's Island and have performed similar projects
16 with numerous city agencies, including the
17 Departments of Sanitation, Transportation, and
18 police, as well as the Medical Examiner's Office
19 and the New York City Housing Authority. We
20 operate free trap banks, provide hands-on
21 assistance for TNR, and maintain a database
22 tracking over 1,300 cat colonies and 13,000 cats.
23 Working with Animal Care and Control, we have an
24 85% save rate for TNR cats turned into their
25 facilities.

1
2 We are a national leader in the
3 animal welfare field, having produced many of the
4 primary educational materials on trap, neuter,
5 return. We host one of the most popular websites
6 on TNR, present at conferences throughout the
7 U.S., offer grants and mentoring to other
8 communities, and served as a consultant to the
9 Humane Society of the United States when they
10 decided upon their current pro-TNR policy. I'd
11 also like to add the course--the online course
12 that Mr. Shapiro referred to, that 4,000 people
13 around the country have taken was authored by us.

14 Despite our preeminent position,
15 the authors of Local Law 59 did not consult us
16 when drafting the provisions at issue today. Had
17 they asked our opinion, we would have said what we
18 respectfully advise the Committee: the law
19 mandating regulation by the Department of Health
20 is completely unnecessary and potentially harmful.
21 Unnecessary because the development of TNR New
22 York City has been a model of responsible,
23 effective work by the private sector in
24 cooperation with municipal authorities.
25 Neighborhood Cats has always maintained a good

1
2 relationship with the Department of Health and
3 been able to resolve all issues that have arisen.
4 After 12 years, there has not been a single case
5 of serious injury or litigation resulting from our
6 work. There is simply no need for government
7 oversight in this area. Local Law 59 in its
8 present state could inadvertently disrupt the
9 system that is functioning and developing well.
10 Therefore, we fully support the proposal to make
11 DOH regulation permissive rather than mandatory
12 and to post available TNR resources on the DOH
13 website. We would even recommend going one step
14 further and repeal the provisions in question
15 entirely.

16 We thank you for the opportunity to
17 express our views.

18 [Pause]

19 ELENA BASS: Good morning, my name
20 is Elena Bass, I'm the director of the Staten
21 Island Feral Initiative. We are a 501(c)3 TNR
22 advocacy and education organization. We do not
23 provide trapping services, we instead take the
24 community education approach. We, in partnership
25 with Neighborhood Cats, instruct on Staten Island

1
2 the certification workshops, therefore, enabling
3 community residents to perform trap, neuter,
4 return activities themselves.

5 Just for the record, and thank you
6 for inviting this testimony, SIFI, as we're
7 affectionately known by our volunteers and myself,
8 do fully support the proposed amendment in
9 question today. I'm here, not only as the founder
10 of an animal welfare organization, but also as a
11 member of the community, so I bring you that
12 perspective. Like most involved in TNR, I didn't
13 set out to work with feral cats, I became involved
14 in TNR in direct response to the situation that I
15 found literally in my own backyard. In November
16 of '07 my husband and I purchased a house on
17 Staten Island that conveniently came with a
18 neighborhood full of unfixed cats. So we got the
19 usual nightly rounds of howling and yowling and
20 then there were mating calls as spring drew near.
21 We knew that the situation needed to be addressed,
22 and soon, not only for our sleep and sanity, but
23 to avoid the inevitable conclusion, which is
24 obviously kittens.

25 At the time we had never heard the

1
2 term TNR, didn't know it existed as an accepted
3 practice, but we still we did the only thing that
4 made sense to us, we stepped up, we did some
5 research, we discovered that Neighborhood Cats
6 existed, and we attended a TNR training course,
7 which Jesse actually taught at the time. One
8 month later, we had actually fixed 19 cats and
9 placed eight that were considered adoptable. We
10 did this all on our own, with facilitation by
11 Neighborhood Cats and a couple other TNR certified
12 members of the community.

13 We now live on a street that has
14 seen absolutely no kittens in over four years.
15 And I want to say that again, no kittens in four
16 years, because I think that's a big deal. And our
17 neighbors love us, as an aside.

18 Through attrition, the outside cat
19 count has dwindled from 19 to 8, and that includes
20 four newcomers. So we only have 4 left of our
21 original colony of 19.

22 Keep in mind too that our success
23 should not be measured by contrasting the number 8
24 to 19, but by contrasting eight to what the count
25 would have been had those 19 cats, and obviously

1
2 their kids and their grandkids and their third
3 cousins by marriage twice removed, had been
4 reproducing for the past four years. I don't even
5 have a number big enough to give you but you can
6 imagine.

7 We are definitely living proof that
8 TNR does work, and there's nothing special about
9 our street or our neighborhood, this can be done
10 anywhere. Our efforts, in fact, were so clearly
11 and immediately successful that we were inspired
12 to create a community service nonprofit with the
13 specific mission of facilitating that very same
14 success in every neighborhood on Staten Island.
15 Today, Staten Island is home to 550 TNR certified
16 citizens. A couple years ago in partnership with
17 Neighborhood Cats, my husband and I began
18 instructing the workshops that are held on Staten
19 Island. We also manage the Staten Island trap
20 bank, which, again, with the help of Neighborhood
21 Cats that we established, we connect caretakers
22 with other TNR certified people in their
23 community, and we also maintain a website of our
24 own, not only available to the public for
25 education, but we also have a special area of the

1
2 website available only to TNR certified citizens,
3 and if they want to see something on that page, we
4 will add it overnight for them. We are very much
5 about accessible resources.

6 We do advocate above all else
7 responsible compassion in the community. A lot of
8 people want to feed but, as others have pointed
9 out, if you're feeding, you need to be fixing;
10 feeding is breeding, essentially, if you're not
11 sterilizing.

12 I just want to say that TNR is
13 indeed a public health issue, it improves it. TNR
14 has direct and immediate positive impact on the
15 quality of life, both for the cats and for the
16 community that they live in. The aim of TNR is a
17 smaller, healthier, managed population. This
18 means fewer cats on the street and in the shelter,
19 lower costs for animal control agencies, and
20 ultimately fewer complaints from the public,
21 largely because TNR also eliminates the source of
22 most of those complaints, which we're very well
23 aware, is basically raging hormones.

24 TNR makes sense. We know this as
25 animal advocates and as pragmatists, which we are

1
2 both. We really think accessibility is key, as
3 others have stated. I do think it's time for our
4 city officially to stand behind a firm plan to
5 improve the situation today, not five years down
6 the road. We've already made so much progress.
7 We do believe that oversight without
8 infrastructure, again, as others have said, will
9 really get us nowhere, that regulating the
10 practice of TNR in NYC would essentially serve
11 only as one more obstacle for TNR citizens--TNR
12 certified citizens trying to affect the same
13 positive change in their own neighborhoods. We
14 believe TNR does not need to be regulated, it does
15 need to be mandated as NYC's approach to managing
16 the feral population across the board, and then
17 definitely facilitated to the fullest possible
18 extent by the city whose best interest that it
19 serves.

20 Thank you very much.

21 [Pause]

22 BERNADETTE FERRARA: Good morning,
23 thank you all, the Members of the City Council
24 Committee on Health, for this opportunity today to
25 testify. My name is Bernadette Ferrara, a

1
2 certified TNR rescuer in the Bronx, Manhattan, and
3 lower Westchester since 2003, founder of the Bronx
4 animal rescue Animals Saved by God's grace on
5 Petfinder since 2005, presently serving our
6 Community Board 11 in the Bronx, vice president of
7 the Van Nuys Neighborhood Alliance in the Bronx,
8 and a freelance computer graphic designer by
9 profession.

10 Today's hearing on this proposed
11 amendment to Local Law 59 will hopefully be the
12 first of many. There's an old saying, do not
13 judge me until you walk a mile in my shoes. So be
14 it with the rescuer practicing trap, neuter,
15 return, TNR, as we all call it. Many who have
16 taken the workshops are certified individuals
17 volunteering, and in the Bronx we do not have
18 enough to even make a dent.

19 And to add insult to injury, we
20 have no animal shelter, no resources for our
21 animal owners or for good Samaritans finding a
22 lost animal or injured animal. The only people
23 called are the rescuers, and we get called daily,
24 all hours of the night with emergencies, what do I
25 do, where do I go. And we do it because we care.

1
2 Actions speak volumes and it's obvious that the
3 Mayor and City Council do not care, do not
4 understand, and simply don't want to understand.

5 Almost one year later, the only
6 resource that the Bronx has is its pets receiving
7 center--a holding pen for transport to Manhattan.
8 This receiving center still has no public phone
9 for the public, number for the public, it's still
10 only open three days from eight to four, closed on
11 holidays. What happened to seven days a week, 24
12 hours a day? Queens has the ASPCA spay/neuter
13 Glendale clinic, the Bronx has nothing. It truly
14 is disgraceful.

15 If dogs were running loose, action
16 would be taken because of lawsuits, but feral cats
17 are not a issue until they become one. This
18 amendment addresses only the issue of relieving
19 the DOH of its obligations to issue regulations
20 governing TNR. Why it got originally asked in the
21 first place, remains a mystery. After all, the
22 DOH is not interested in either the care of
23 shelter animals or feral cats.

24 As Manhattan Borough President
25 Scott Stringer stated so clear, the city has

1
2 instead resorted to obstruction of legal maneuvers
3 rather than fulfill its obligation. All of this
4 time and money wasted when building animal
5 shelters in the Bronx and Queens would have
6 rescued a multitude of animals and been the hub of
7 information for animal owners.

8 Even today many low-income
9 communities in the Bronx cannot afford a computer,
10 but everyone has a phone and a TV. We need public
11 service announcements to educate the public on
12 what TNR is. Three one one is not making the
13 grade. Many of the cats trapped are house pets
14 dumped into existing colonies, and I personally
15 have trapped many of them.

16 The current LL 59 section on TNR
17 was hailed as an official recognition by the City
18 of the importance of TNR groups. What protections
19 and aid--financial spay/neuter services--will be
20 made available to TNR groups and by whom? This
21 amendment to Local Law 59 is silent on that issue.
22 If TNR is a key component of overcoming pet
23 overpopulation, how can TNR groups do it alone?
24 They really can't.

25 And for the record, I have done a

1
2 lot of PNR with a lot of groups with convents,
3 with many different situations, and I'm very good
4 at talking with people and explaining in a very
5 simple way the importance and I have gotten almost
6 assaulted and I have gotten a lot of negativity,
7 some good. But when you are doing a good thing on
8 a volunteer basis and the community is not
9 educated, there is just so much that you can do.
10 It needs to be broad, it needs to get into every
11 home. And I'm very nervous about certain areas of
12 the Bronx that TNR has not even been introduced
13 to, areas that I have not even gotten into and my
14 other TNR rescue people in the Bronx. It is an
15 issue. So for the record that needs to be said.

16 While this amendment is important,
17 I strongly urge the City Council and the Mayor to
18 revisit Local Law 59 in its entirety. The animal
19 shelters in the Bronx and Queens desperately need
20 to need to be built, AC & C has to be
21 restructured, and Intro 655, which is now Local
22 Law 59, should never have been passed, in my
23 opinion.

24 Mahatma Gandhi once said the
25 greatness of a nation and its moral progress can

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

be judged by the way its animals are treated.

Thank you very much.

CHAIRPERSON ARROYO: Thank you for your testimony. The only thing I'm going to take exception to, Bernadette, is your statement that the Council does not care. So as I always say publicly with in our hearings in this Committee, and I think every other Committee in the Council, is that these are the opportunities that we have to gain insight and understanding and provide for us an opportunity to engage in efforts that can address the concerns that we have across the city. So I'm compelled to make that statement.

One of the other commitments that I've made to groups that I've met with is that we will be doing site visits, not necessarily as a Committee, but certainly as Chair and the Committee staff of the dissenters in the boroughs that are supposed to provide additional access to individuals who would find an animal because there is no center in Queens or the Bronx. So we'll schedule the first visit to the Bronx Center, okay? And that's a promise.

Thank you for your commitment. I

1
2 get the sense that we're hearing that this is a
3 good idea and that we should indeed approve the
4 amendment to Local Law 59. The Committee will
5 recess and hold a vote, I think next week before
6 Stated, that date will be scheduled and we will be
7 notified. So thank you all for being--yes?

8 ELENA BASS: I just wanted to add
9 that I would be glad to have you all over for
10 lunch someday. I'll be glad to meet with any one
11 of you that is interested. I think Staten Island,
12 not to play special, but I think Staten Island,
13 because of its distance from a lot of the services
14 in New York City is often--I know people like to
15 save the forgotten borough, I've only lived there
16 for five years, but I've definitely experienced
17 that. We are currently the only TNR focused org
18 on the island and really we exist because there
19 wasn't anything when we moved there.

20 So kind of to touch on what you're
21 saying about caring, when I'm sitting here, I look
22 at all of you as individuals, and I know that just
23 the fact we're having this hearing means that
24 someone cares. So I am open to speaking with
25 anybody at any time. The more that we can get the

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

information out there, the faster that we'll be able to work together.

CHAIRPERSON ARROYO: And we will make sure that your contact information makes its way to Council Member Rose, who is--

ELENA BASS: [Interposing] Yes, please, it's all on every one of your--

[Crosstalk]

CHAIRPERSON ARROYO: --someone who is a member--

ELENA BASS: --copies.

CHAIRPERSON ARROYO: --of this Committee and very on top of the issues and concerns, and I think it's something she would personally want to get to know.

ELENA BASS: I would love to speak to her.

CHAIRPERSON ARROYO: Okay.

ELENA BASS: Thank you so much.

CHAIRPERSON ARROYO: Thank you all for being here and for sharing your thoughts with us. With that, this meeting is adjourned.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature *Tammy Wittman*

Date August 25, 2012