

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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April 30, 2014
Start: 1:12 p.m.
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HELD AT: Committee Room
City Hall

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

COUNCIL MEMBERS:

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

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

Daniel Kass
Deputy Commissioner for Environmental Health at
Department of Health and Mental Hygiene

Risa Weinstock
Executive Director at Animal Care and Control of
New York City

Coryn Shift
Director of Special Projects at DOHMH

Linda Rosenthal
Assembly Member

Jeff Campagna
Committee Legal Counsel

Brian Shapiro
Humane Society of United States

Elinor Molbegott
Human Society of New York

Elizabeth Stein
New York City Bar Association

Steven Gruber
Mayor's Alliance of New York City's Animals

Steven Lane
Pet Industry Joint Advisory Council

Ann Lettis
American Kennel Club

David Dietz
Puppy Paradise

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

Leandro Jacoby
Citipups NYC

Michael Glass
America's Pet Registry

Cori Menkin
ASPCA Puppy Mills Campaign

Bill Ketzner
ASPCA State Legislative Director Northeastern
Region

Michelle Villagomez
New York City Legislative Director for ASPCA

John Maher
Counsel at Companion Animal Protection Society

Patricia Rose
Pet Land Discounts

Edward Wallace
Greenberg Traurig representing PetSmart

Natalie Reeves
Big Apple Bunnies

Vivian Barna
All about Rabbits Rescue

Zelda Penzel
League of Humane Voters

Emily McCoy
People for Ethical Treatment of Animals

Chelsie Schadt
NYCLASS

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

Adita Bernkrant
Friends of Animals

Jennifer Panton
United Action for Animals

Jeffery Drogan

Esther Koslow
Shelter Reform Action Committee

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2 CHAIRPERSON JOHNSON: Good afternoon
3 everyone. This is the Committee on Health here
4 at the New York City Council. Thank you for
5 joining us today on today's hearing on pet
6 store regulation. My name is Corey Johnson. I
7 am Chair of the Committee on Health. Today the
8 committee will consider four bills that would
9 regulate the sale of animals in pet shops, all
10 with the common purpose of improving the
11 welfare, health and safety of both people and
12 pet animals in the city of New York. We are
13 joined today by Council Member Elizabeth
14 Crowley with whom I have co-sponsored all four
15 of these bills that we will hear today and to
16 whom I extend my thanks for her leadership on
17 Intro 55 and on Intro 136. In just a moment she
18 will discuss those bills, but first let me
19 begin by setting the context for today's
20 hearing. Since the year 2000 and then until
21 very recently, New York State Law prevented
22 municipalities from regulating and licensing
23 pet stores that sell cats and/or dogs
24 exclusively. Such stores have been licensed and
25 regulated exclusively by the state.

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2 Accordingly, New York City's regulations
3 governing--if folks could just keep it quiet in
4 here. Accordingly, New York City's regulations
5 governing pet shops have applied only to those
6 shops that sell cats and dogs in addition to
7 other animals such as fish, reptiles, birds and
8 rodents. Consequently, this city has had little
9 power to define what role pet stores should
10 have in controlling pet overpopulation,
11 reducing supply of animals with serious
12 behavioral problems and costly medical
13 conditions, ensuring that the city is able to
14 return lost and stray pets to their owners,
15 keeping animals out of the hands of animal
16 abusers, promoting animal welfare, collecting
17 funds requiring to maintain the city's shelter
18 system and educating and protect the consumers,
19 all of which are issues of public importance.
20 In this vacuum, serious and devastating
21 problems have proliferated. Large scale
22 commercial breeders have contributed to
23 significant pet overpopulation and have been a
24 persistent source of animals with serious
25 behavioral problems and costly medical

1 conditions. These animals are often sold to
2 unwitting customers who are deceived by false
3 claims that a pet store does not deal with
4 puppy mill animals or who receive no
5 information about the animal's source. Not only
6 do these animals end up in shelters, burdening
7 an already overcrowded system, but the excess
8 supply of animals reduces the demand for pets
9 from shelters and from rescues, and while
10 shelters spay and neuter animals they receive,
11 pet shops release unaltered animals to the
12 public and these animals breed litters that too
13 often end up in the shelter or rescue system.
14 As a city, we should be putting our resources
15 towards helping unwanted animals find a home.
16 Pet stores can and should play a critical role
17 in making that happen. After hearing in this
18 committee last June, in which witnesses
19 testified about the restoration of municipal
20 control over pet sales was necessary to address
21 these problems, the City Council passed
22 resolution 1798 of 2013, again co-sponsored by
23 my colleague Council Member Crowley, calling
24 upon New York State, the New York State
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1
2 Legislature to pass and the Governor to sign,
3 Assembly Bill 740 and Senate Bill 3753 to allow
4 municipalities to regulate pet dealers. On
5 January 9th of this year, Governor Cuomo signed
6 that bill into law as Chapter 553 of the laws
7 of 2013. Known as the Puppy Mill Bill, Chapter
8 553 repealed provisions of the state law that
9 pre-empted municipal regulation and the
10 licensing of pet dealers. Chapter 553 also
11 expressly authorizes municipalities to enact
12 any local law regulating these pet dealers so
13 long as the local law is at least as stringent
14 than state law and does not result in the
15 banning of the sale of all dogs or cats raised
16 in a safe and healthy manner. Pursuant to this
17 authorization and for the reasons I've
18 articulated, this committee is considering the
19 bills before us today. I would like to thank
20 Assembly Member Linda Rosenthal for her
21 leadership on this issue and for helping make
22 it possible for the council to consider the
23 legislation before us today. Without her
24 leadership we would not be having this hearing
25 today. We're hearing a number of bills today.

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2 I'd like to provide a brief summary of these
3 bills. Intro number 55 will prohibit the sale
4 of puppies and kittens bred in puppy and kitten
5 mills. It would establish minimum standards of
6 care for animals on pet shop premises, require
7 pet shops to provide to purchasers written
8 certifications about the source and conditions
9 of animals sold and require the maintenance and
10 retention of certain documents and records in
11 connect with the purchase and sale of dogs and
12 cats. This is a seminal bill in the city's
13 effort to improve animal welfare and cut off a
14 cascade of problems that flows from selling
15 animals who come from irresponsible dealers.
16 Introduction Number 73 would amend the
17 definition of a pet shop within the animal
18 abuse registration act to require all pet
19 shops, including those that sell only cats and
20 dogs to consult the registry before releasing
21 an animal to the purchaser. When the council
22 first passed this law in December of last year,
23 state regulated pet dealers were exempt from
24 compliance. This committee and the Council
25 over-rode the previous Administration's veto of

1 this bill in January. It was on the first acts
2 that the new council and this Committee took.
3 The bill today would close that loophole.
4 Introduction number 136 would require pet shops
5 to spay or neuter any cat, dog, rabbit or
6 guinea pig before releasing it to a purchaser
7 and would further require pet shops to obtain
8 from the purchaser of any dog a completed
9 license application and any license fees
10 required by law. This bill would help reduce a
11 pet overpopulation problem that is both bad for
12 animals and a drain on the city's resources.
13 Introduction 146 would prohibit a pet shop from
14 releasing a dog or cat to a purchaser unless
15 such animal is implanted with a microchip for
16 identification, and such microchip is
17 registered with the identification information
18 of the purchaser. This bill would be a boon to
19 the effort to rescue animals that are abandoned
20 or lost. Taken together, these bills will
21 enable the city to strengthen its shelter
22 system, empower consumers, decrease the number
23 of unwanted litters, increase the number of
24 lost animals returned to their owners and join
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COMMITTEE ON HEALTH

the nationwide effort to keep bad actors out of the pet supply chain. Before we turn to Council Member Crowley, I would like to note that I am requiring everyone who testifies today to be sworn in. Given the large number of people who want to testify, every person will be given three minutes to present testimony. If you have written testimony that will take more than three minutes to present, please summarize it. Members will then ask questions of each panel of witnesses. I also want to thank all the advocates who have worked so long and worked so hard to get us to this point, and I assure everyone that this is a deliberative [sic] of process and that all voices are welcome. For the purpose of today's hearing, for this committee to further investigate the need for this legislation and to hear recommendations about how it should be amended so that it will both effectively fulfill the objectives we've discussed. All this testimony presented today or submitted for the record will be factored in to deliberations on how we proceed on these bills. Finally, I want to acknowledge my

1
2 colleagues on the health committee who have
3 joined us Council Member Eugene, Council Member
4 Koo and Council Member Crowley who is not on
5 the committee, but who I mentioned before. I
6 also want to thank my legislative director who
7 has spent a significant amount of time on this,
8 Lewis Sheldon Brown [sp?], Council Member
9 Crowley's legislative director Jeff Mailman
10 [sp?], Health Committee Counsel Dan Hayfits
11 [sp?], Policy Analyst for the Health Committee
12 Crystal Pond [sp?], Finance Analyst for the
13 Health Committee Crillian Francisco [sp?], and
14 I would especially like to thank Jeff Campanga
15 [sp?] who is the legislative counsel handling
16 this package of legislation and has spent an
17 enormous amount of time on this. I also want to
18 personally say that I am very proud that the
19 Council is taking this up in the first six
20 months of constituting a new council. When I
21 was growing up I never said I wanted to be an
22 elected official. I actually wanted to be a
23 veterinarian or work with animals in some way,
24 so this legislation is, you know, very
25 meaningful to me and has a place within my

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heart. So I look forward to really making sure that these bills are as substantive and meaningful as we can accord them throughout this process. Now I'd like to recognize my colleague and the co-sponsor of today's bill, Council Member Elizabeth Crowley.

COUNCIL MEMBER CROWLEY: Good afternoon. Thank you, Chairman Corey Johnson. I'd like to thank you for your leadership on these bills and for convening this hearing today. The end of last year Governor Cuomo signed a bill that was introduced and passed by the Assembly, introduced by Assembly Member Linda Rosenthal. It gave municipalities the authority to regulate pet shops. Prior to this enactment of tis law, it was the state that regulated pet shops that sold only dogs and cats. The City Council needed this new regulatory authority to address significant humanitarian and consumer issues regarding the sale of cats, dogs and other pet animals. In the last legislative session the council adopted a resolution that I introduced which expressed the city's desire to regulate these

1 pet shops. I introduced this introduction we're
2 hearing today, Introduction 55, I introduced
3 with Council Member Corey Johnson, which I'm
4 going to refer to as the Puppy Mill Bill to
5 prevent pet shops from selling dogs and cats
6 that were sourced from puppy and kitten mills.
7 Puppy and kitten mills are high volume, large
8 scale breeding facilities in which dogs and
9 cats are raised in deplorable conditions. Often
10 the cages are inadequate in size. The animals
11 are often forced to breed. They are neglected.
12 They are not properly groomed, and they most
13 often have congenital defects and illnesses.
14 The vast majority of pet shops procure animals
15 from these mills. Consumers are generally
16 unaware of this and only learn about the origin
17 of their pets when they incur veterinarian
18 bills totaling hundreds, if not thousands of
19 dollars. This legislation is needed to end this
20 practice. The puppy mill bill prohibits pet
21 shops from selling animals obtained from high
22 volume breeders, requires pet shops to give
23 consumers disclosure information about the
24 source of the animal and the animal's medical
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2 history and sets forth greater standards of
3 animal care for animals in pet shops. Since
4 these animals are most difficult to handle or
5 more difficult to handle than well-bred pets,
6 often sadly owners resort to placing them in
7 animal shelters. These shelters become over
8 burdened and sadly, thousands of dogs and cats
9 are euthanized each year. The Puppy Mill Bill
10 along with spay/neuter dog licensing bill and
11 the micro chipping bill are all intended to
12 reduce the shelter population and thereby
13 reduce the number of animals that are
14 euthanized each year. I'm interested in hearing
15 comments from the Department of Health and all
16 interested parties so that we can achieve our
17 common goal of ensuring that animals sold in
18 New York City are bred in good environments
19 that consumers receive animals that will make
20 good pets and that our shelters will not be
21 overburdened with dogs and cats that end up
22 having to be euthanized. Thank you.

23 CHAIRPERSON JOHNSON: Thank you,
24 Council Member Crowley. We are going to start
25 with our first panel. I really appreciate them

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2 all being here today. I'd like to swear you in
3 if you would all please raise your right hand.
4 Do you swear and affirm to tell the truth, the
5 whole truth and nothing but the truth in your
6 testimony for this committee and to respond
7 honestly to all Council Member questions?

8 Thank you very much. So, the first panel is
9 Risa Weinstock from Animal Care and Control,
10 the Executive Director, Daniel Kass, who is the
11 Deputy Commissioner for Environmental Health at
12 the Department of Health and Mental Hygiene,
13 and Mario Merlino, an Assistance Commissioner
14 at the Department of Health and Mental Hygiene.
15 Is Coryn Shift [sp?] here as well?

16 UNKNOWN: I believe that Animal Care
17 and Control will testify after us.

18 CHAIRPERSON JOHNSON: Is after?
19 Okay, great. So you were sworn in. I apologize.
20 Coryn Shift is a special projects director in
21 the division of Environmental Health at the
22 Department of Health and Mental Hygiene. Thank
23 you all for being here today and you may
24 proceed in whatever order you'd like. With your
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2 testimony, please identify yourself for the
3 record before you speak.

4 DANIEL KASS: I'm Dan Kass. I'm the
5 Deputy Commissioner for Environmental Health at
6 the City Department of Health. So good
7 afternoon, Chairman Johnson and the members of
8 the Health Committee, Council Member Crowley,
9 Koo, Eugene. Glad to have you here. My name's
10 Dan Kass, as I said, and I'm joined here today
11 by two colleagues who will be available to help
12 answer questions, Mario Merlino to my left is
13 the Department's Assistant Commissioner
14 overseeing veterinary health and Coryn Shift
15 [sp?] to my right is, as you said, the Director
16 of Special Projects in the Division, and on
17 behalf of Commissioner Bassett, I want to thank
18 you for the opportunity to testify. So this is
19 the first time that I've had a chance to
20 testify directly before this committee in the
21 new year, and I wanted to just take a moment to
22 describe for you the roles played by the
23 Department with respect to animals. The
24 Department oversees the animal sheltering
25 system which retrieves and accepts, cares for

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2 and temporarily shelters abandoned or unwanted
3 animals. The Department also administers the
4 animal population fund, spay/neuter programs
5 which funds spay and neuter services for dogs
6 and cats owned by low income New Yorkers. Our
7 regulatory work includes issuing dog licenses
8 and--

9 UNKNOWN: [off mic]

10 DANIEL KASS: Okay. So as I was
11 saying, our regulatory work includes the
12 issuing of dog licensing, the regulating of
13 horse carriage and commercial riding
14 industries. We also receive and respond to
15 reports of animal bites. We coordinate rabies
16 testing and rabies prophylaxis when needed and
17 we investigate animal nuisance complaints. We
18 monitor both wildlife and domestic animals for
19 diseases such as rabies that can impact human
20 health and domestic animals, I'm sorry, and
21 issue permits for the exhibition of wild and
22 exotic animals. Our regulatory work also
23 includes permitting and inspecting animal
24 handling establishments. This includes
25 boarding, grooming, training facilities and pet

1 shops that sell animals other than cats and
2 dogs. Four bills are under consideration today
3 and these bills are collectively intended to
4 help reduce the population of stray, abandoned
5 and homeless animals and to establish a
6 standard of care for all pet shop animals. We
7 recognize that the council cannot legislate
8 directly over puppy and kitten breeders who are
9 outside the city and we appreciate your effort
10 to promote safe and humane conditions for dogs
11 and cats. The Administration supports these
12 goals and we're here today to offer brief
13 comments for the council's consideration,
14 answer any questions and extend our offer to
15 continue working with the council on these
16 important issues. First, I'll speak to Intro 55
17 seeks to prohibit the sale of animals bred in
18 puppy or kitten mills by prohibiting pet shops
19 from selling dogs and cats acquired from
20 certain sources and applies the standard of
21 care pet stores must provide for their dogs and
22 cats to all the animals in their possession. In
23 2013, the Governor signed amendments to New
24 York State Agriculture and Markets Law, article
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2 26A that removed the state's blanket
3 restriction on local regulation of the care and
4 condition of dogs and cats in pet shops. The
5 Administration supports Intro 55's efforts to
6 influence the acquisition, care and sale of
7 animals notably by discouraging the
8 overbreeding of dogs and cats. If the
9 Department is to expand its responsibility over
10 pet stores to inspect establishments selling
11 dogs and cats, conduct extensive paperwork
12 review and evaluate pet shop's day to day care
13 of all animals, we will require additional
14 staff. This will include new staff of
15 veterinary expertise, additional inspectors and
16 funding to modify our inspectional software. We
17 welcome the opportunity to work with the
18 Council to strengthen some of the provisions in
19 this bill. We can enhance the Department's
20 enforcement authority, such as by requiring pet
21 shops to maintain and produce records
22 electronically and explicitly enabling the
23 Department to issue notices of violations
24 subject to fines following a hearing. We do not
25 yet know how many dogs and cats are purchased

1 through pet shops. We also do not know how many
2 fewer dogs and cats would be sold if it became
3 more difficult to acquire them through pet
4 shops or more expensive to acquire puppies and
5 kittens from breeders. We hope that overall the
6 expanded regulation of pet shops will encourage
7 New Yorkers to adopt from shelters run by
8 Animal Care and Control. Intro 136 would
9 broaden the types of animals required to be
10 sterilized prior to being released from an
11 animal shelter or pet shop to include rabbits
12 and guinea pigs, require pet shops to sell dog
13 licenses and mandate that pet shops report
14 monthly information to the, excuse me, to the
15 Department about all dogs sold. The Department
16 supports efforts to increase animal
17 sterilization where medically appropriate and
18 to expand dog licensure. State law requires
19 that owners of dogs in New York City license
20 them. Lost dogs are more likely to be reunited
21 with their owners if they're licensed. A
22 license is required to use one of the city's
23 dog parks and license fees help support the
24 city's animal care efforts. Including by
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2 funding low cost spay and neuter services for
3 the city's cats and dogs. We fully endorse the
4 laws mandate to license dogs. We believe that
5 pet shops can easily comply with the
6 requirement to license dogs sold, and indeed
7 they do currently when we look at them, and
8 note that the Department is redesigning its
9 licensing system to enable third parties to
10 main inventories of licenses to provide at the
11 point of sale. We are concerned, however, about
12 requiring the sterilization of guinea pigs and
13 small rabbits. The mortality rate from such
14 surgeries may be quite high and we do not
15 believe that there's a significant risk of
16 overpopulation to justify the expense and
17 potential harm to these animals. We suggest
18 eliminating guinea pigs from the bill and
19 provide a means by which rabbits would be
20 sterilized only at an appropriate size. Intro
21 146 would require pet shops to microchip and
22 register a dog or cat before releasing the
23 animal. This mandate would be consistent with
24 the practice at Animal Care and Control which
25 microchips dogs and cats before they are

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2 adopted or returned to their owners. The
3 Department supports this legislation and
4 believes it will help owners find their lost
5 animals, reducing the population of lost
6 animals in the shelter system. Intro 73 would
7 amend the definition of pet shop in the Animal
8 Abuse Registry Act. The Department supports
9 this amendment and suggests that each bill
10 under consideration today adopt a single
11 definition of pet shops to avoid confusion.
12 Thank you for the opportunity to testify. We'll
13 be happy to answer your questions.

14 CHAIRPERSON JOHNSON: Right amount
15 of time. Thank you. I want to give an
16 opportunity to Council Member Crowley to ask
17 questions first, given that she has other
18 committees she has to be at today if she wants
19 to ask any right away.

20 COUNCIL MEMBER CROWLEY: Thank you,
21 Chair Johnson.

22 CHAIRPERSON JOHNSON: Oh, and excuse
23 me. I want to just recognize that we've been
24 joined by Council Member Majority Leader Jimmy
25 Van Bramer.

COUNCIL MEMBER CROWLEY:

Commissioner, can you tell us what the size of our shelter system is today? Like, how many puppies or dogs, cats and rabbits are in our shelter system? In addition to the Animal Care and Control, do you have a--does the city have a handle on how many are in these smaller nonprofit shelters as well?

DANIEL KASS: We, do but I want to apologize. I didn't bring those numbers with me. I know that I'm being followed by Risa Weinstock from the shelter system who probably has those numbers with her. I will say that the number has been on a kind of tendency to decline. That's true nationally as well. Although because of the increased hours of operation of the shelter system over the last several years, the days open at the receiving centers, the number has climbed in the last year. Dogs and cats obviously represent the vast majority of animals that entered the shelter system. Rabbits are the third most common, but the numbers are dramatically smaller, and guinea pigs follow that.

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2 COUNCIL MEMBER CROWLEY: Do you know
3 what the monetary cost is to the city, pet
4 overpopulation of the pets in the shelters?

5 DANIEL KASS: Well it's difficult to
6 determine exactly how to monetize that cost. I
7 mean, we know what the city spends in its
8 contract on the animal, on the shelter system
9 that exceeds 12 million dollars a year. There's
10 the expense of actually operating the
11 facilities themselves and deferred rent, the
12 staff of the Health Department also associated
13 with responding to animal nuisance complaints
14 or to investigating dangerous dog bites, which
15 also are--or rather dog bites which are, you
16 know, part in parcel of the problem of
17 overpopulation, bad behavior, backyard
18 breeding, that sort of stuff. You know,
19 together those costs are millions of dollars
20 more each year. That doesn't--that in of itself
21 doesn't account for the cost associated with
22 veterinary care in the private sector for
23 people who are seeking care for animals that
24 may be poorly tended, badly bred, the care of
25 animals that leave the shelter to rescue

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2 organizations, the cost of operating those, the
3 grants to them, the fees that they retrieve. So
4 it's quite a lot of money.

5 COUNCIL MEMBER CROWLEY: Does the
6 city keep track of how many dogs have to be
7 euthanized in the shelter system?

8 DANIEL KASS: We do.

9 COUNCIL MEMBER CROWLEY: Do you have
10 an idea of how many are euthanized each year?

11 DANIEL KASS: We'll get you the exact
12 number, but the number last year was about
13 5,000.

14 COUNCIL MEMBER CROWLEY: Five
15 thousand? Now--

16 DANIEL KASS: [interposing] Sorry,
17 that's dogs and cats together.

18 COUNCIL MEMBER CROWLEY: Sorry, say
19 that again?

20 DANIEL KASS: That's the number of
21 dogs and cats together.

22 COUNCIL MEMBER CROWLEY: Together.

23 DANIEL KASS: That are--that's the
24 total number of animals euthanized.

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2 COUNCIL MEMBER CROWLEY: And do you
3 keep track of how many of those were euthanized
4 because of sickness? Are they all, you know,
5 illness brought on by conditions that may have
6 existed either in a shelter system or they--you
7 know, do you have an idea of the origin of the
8 pet, whether they may have been victims or born
9 into a puppy mill environment that maybe had
10 brought on illness later?

11 DANIEL KASS: We don't, to my
12 knowledge, we don't have good knowledge at this
13 point about many of the origins of the animals.
14 By origin I mean, whether they originated in
15 puppy mills. One of the advantages of the bill,
16 of the microchipping bill will be to allow some
17 greater degree of tracking of animals if more
18 of them come into the shelter with chips and
19 we'll know the original registrant of that chip
20 in either the pet shop or potentially even the
21 breeder itself, and we can trace it back.

22 COUNCIL MEMBER CROWLEY: But on any
23 given day, nearly 100-200 dogs and cats are
24 euthanized?

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2 DANIEL KASS: No, that's--I'm sorry,
3 that's not correct.

4 COUNCIL MEMBER CROWLEY: Well, the
5 number was 5,000. Is it--

6 DANIEL KASS: [interposing] It's
7 5,000 on an annual basis, so the number would
8 be closer to 15.

9 COUNCIL MEMBER CROWLEY: Okay, closer
10 to 15. And we don't know how many of those
11 dogs will, you know, be a young dog versus and
12 older dog? Do we have an actual age on those
13 dogs?

14 DANIEL KASS: We do have an estimated
15 age. I don't have that data and I certainly get
16 back to you with it.

17 COUNCIL MEMBER CROWLEY: And--

18 CHAIRPERSON JOHNSON: [interposing]
19 Excuse--I'm sorry, Council Member Crowley. I
20 just--a mistake on my part. I should have
21 called Risa Weinstock up. I know that AC and C
22 is an entirely separate thing from the
23 Department of Health and Mental Hygiene, but
24 since so many of these questions are focused on
25 this issue where they may have some expertise

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2 or answers that DOHMH may not have at its
3 fingertips, I'd like to call Risa Weinstock up.
4 Is she here? Yes. So maybe you can answer some
5 of these questions, then when we're done with
6 the DOHMH then you can present your testimony.
7 Okay? Thank you very much.

8 COUNCIL MEMBER CROWLEY: Thank you.

9 CHAIRPERSON JOHNSON: And let me just
10 quickly swear you in. Do you swear and affirm
11 to tell the truth, the whole truth and nothing
12 but the truth in your testimony before this
13 committee and to respond honestly to all
14 Council Member questions? Thank you. Go ahead,
15 Council Member Crowley. I apologize.

16 COUNCIL MEMBER CROWLEY: The first
17 question I asked that DOH was not able to
18 answer was the actual number of pets currently
19 in the shelter system.

20 RISA WEINSTOCK: Okay, you'll see in
21 my testimony, I include that on the first page,
22 but in 2013, the number of animals that were
23 taken in by AC&C was 30,264, and--

24 COUNCIL MEMBER CROWLEY: Now, there's
25 a network of smaller nonprofit animal shelter

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2 throughout the city. Are they reporting numbers
3 to AC&C?

4 RISA WEINSTOCK: They do not report
5 numbers to us. These are the animals that came
6 through AC&C's doors.

7 COUNCIL MEMBER CROWLEY: So, hundreds
8 if not thousands of more are being dropped off
9 at smaller shelters throughout the city?

10 RISA WEINSTOCK: I don't think that's
11 correct. AC&C is unique. We're the only not for
12 profit animal welfare organization in New York
13 City that has an open admissions policy, which
14 means that we take any single animal that comes
15 to us. We do not turn any single animal away.
16 We often do get animals from adoptions or from
17 pet shops and they bring them to AC&C because
18 we will not turn them away.

19 COUNCIL MEMBER CROWLEY: I'm going to
20 ask a question to DOH, and then I'm going to
21 give it back to the Chair. I think maybe we
22 should hear from Risa before we ask more
23 questions. But just how many--what's the
24 population of dog and cat owners in the city
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that actually have license? Is it--do we have an idea of that in DOH?

DANIEL KASS: Yeah, we do know. I mean, we know from a variety of survey efforts, others that have relied on projecting census data on New York City and direct surveys by us in our Community Health Survey, that there are just about 500,000 dogs in New York City. We have at the moment just over about 100,000 of them are licensed. I'm sorry. And so the--I'm sorry, 83,000 are currently licensed. So the vast majority are not licensed. I mean, I will say that we have worked pretty diligently on trying to increase those numbers for many reasons, not the least of which is that its important that people license their dogs to be able to retrieve them, to fund the shelter system, to be responsible citizens, to be able to use public amenities as they're supposed to. There have been advertising campaigns that have been launched several times. We're making modifications. We've made some. We're making additional modifications to our licensing system to try to streamline it. We'll be

1
2 offering multiyear licenses to try to help
3 people not have to renew quite so frequently.
4 So we have improvement efforts under way, but
5 the percentage of dogs that are licensed is
6 low.

7 COUNCIL MEMBER CROWLEY: And that's
8 just the statistic for dogs?

9 DANIEL KASS: They're the only animal
10 that's required to be licensed.

11 COUNCIL MEMBER CROWLEY: And so
12 approximately less than one in five dogs from--

13 DANIEL KASS: [interposing] That's
14 right.

15 COUNCIL MEMBER CROWLEY: That's a
16 problem. That's a big problem. What can we do
17 as a city to help get you closer to 100
18 percent?

19 DANIEL KASS: Well, as I said, I
20 think there are a variety of efforts underway.
21 We have conducted focus groups. We have done
22 survey work and we've been meeting on a regular
23 basis with several animal welfare organizations
24 on a dog licensing strategy discussion. I think
25 it depends on awareness on one hand, on the

1
2 part of the public. It depends on an ease of
3 licensing, which we acknowledge is our
4 responsibly to work on, which we are. It, I
5 think it also is important that the public
6 understand that licensing is intended as a
7 means of raising funding for the protection of
8 animals, their housing and their welfare, and
9 it's the responsible thing to do to follow
10 through on those requirements. So I think it's
11 a--it's going to require quite a bit of work.
12 It's--there's where possible we do enforce. We
13 do check records at the pet shops currently
14 that we regulate that do sell dogs and cats.
15 They're largely--they're very compliant with
16 those things. We license all of the dogs that
17 leave the shelter system directly for adoption.
18 We hope that the rescue organizations are also
19 licensing dogs. We talk to them and we meet
20 with them, but currently there is no formal
21 mandate that they issue the license as well.

22 COUNCIL MEMBER CROWLEY: Okay, thank
23 you.

24 CHAIRPERSON JOHNSON: Thank you,
25 Council Member Crowley. I apologize for it

1
2 being slightly haphazard. There was a
3 misunderstanding at the beginning, but I would
4 love to hear from Risa Weinstock from AC&C and
5 let her provide her testimony today.

6 RISA WEINSTOCK: Thank you, Chairman
7 Johnson and members of the Health Committee. My
8 name is Risa Weinstock and I'm the executive
9 director and general counsel of Animal Care and
10 Control of New York City. Thanks for the
11 opportunity to testify this afternoon
12 concerning the proposed local laws to amend the
13 administrative code of the City of New York
14 with regard to pet shops. I'd like to address
15 several provisions of three of these bills, in
16 particular, the provisions requiring pet shops
17 to spay, neuter, license and/or microchip the
18 dogs, pets and other animals they offer for
19 sale which could impact the many challenges
20 posed by the over population of stray, homeless
21 and abandoned pets in New York City, challenges
22 that AC&C faces every single day. Before I
23 address the particulars of these bills, allow
24 me to give you a brief overview of AC&C. We are
25 one of the largest animal welfare organizations

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2 in the northeast and unique in the animal
3 welfare community of New York City because we
4 are the only organization that takes in and
5 cares for more than 30,000 animals each year in
6 the five boroughs. AC&C was established in 1995
7 as 501C3 not for profit organization dedicated
8 to rescuing, caring for and finding loving
9 homes for homeless and abandoned animals in New
10 York City. Through a contract with the city of
11 New York and DOHMH, AC&C operates five
12 facilities, one in each borough that are open
13 admission, meaning that each center accepts any
14 animal that comes through its doors regardless
15 of the behavior they're exhibiting, the
16 condition they are in or their medical status.
17 We are the only not for profit animal welfare
18 organization in New York City that is open
19 admissions. We receive animals of all kinds at
20 each of these locations, dogs, cats, rabbits,
21 snakes, birds, reptiles, and on occasion,
22 various farm animals. The number of animals at
23 AC&C takes in is staggering, and the amendments
24 that City Council is proposing are a positive
25 step toward reducing the number of stray, lost

1
2 and abandoned animals in New York City. Of the
3 30,264 animals AC&C took in last year, 11,726
4 were dogs, 18,538 were cats, 382 were rabbits
5 and 126 were guinea pigs. These numbers include
6 owner surrenders, owner requests for
7 euthanasia, strays, returns, and animals
8 brought in by the police. Of this number, only
9 1,528 dogs and cats were returned to their
10 owner or to an existing pet colony. My
11 testimony will focus on aspects of the
12 amendments that AC&C believes can impact the
13 overpopulation of stray and abandoned animals
14 in New York City and help us more effectively
15 find homes for these animals. As stated in
16 Intro 55, the requirement that a pet shop
17 provide an information statement to every
18 purchaser of a cat or dog at the time of sale
19 is quite helpful. These information sheets can
20 be an excellent source of information for AC&C
21 as well in the event that the purchaser of the
22 dog or cat surrenders their pet to one of our
23 shelters or receiving centers. With this
24 additional information, AC&C will be able to
25 understand the dog or pet's history and make a

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2 more informed decision about that animal's care
3 and placement. We recommend that the same
4 information required for dogs be provided for
5 cats and suggest that section 2C describing
6 breed, sex, color and identifying marks for
7 dogs also be included in section one for cats,
8 provided such information is available.

9 Additionally, since so many of the animals at
10 AC&C are strays, it would be helpful if the pet
11 shop were required to keep this information for
12 at least three years. This would be useful in
13 the event that a dog or cat's microchip
14 information is not current, but we are able to
15 trace the microchip back to the pet store.

16 Having more information about a stray animal
17 will help inform how we care for and seek
18 placement for an animal. Regarding Intro 136
19 provision on sterilization as I explained
20 before, New York City has an enormous
21 population of stray and abandoned animals. On
22 average we take in over 600 animals weekly.

23 That's more than 85 every day. Many of these
24 animals are unclaimed and there's never a
25 shortage of dogs, cats and rabbit available for

1 adoption at AC&C and throughout New York City.
2 Every animal adopted from AC&C is required to
3 be spayed or neutered barring any special
4 circumstances. By requiring the same of pet
5 shops, mandatory sterilization as proposed by
6 City Council has the potential to change those
7 intake numbers in a very positive way. AC&C
8 offers one recommendation to section 2F of this
9 amendment which contains a proviso that a dog
10 or cat must be at least eight weeks of age to
11 be spayed or neutered. We strongly recommend
12 that in addition to the age requirement, the
13 council include a proviso that the dog or cat
14 also be a minimum of two pounds, since some
15 animals may be under two pounds even at eight
16 weeks of age. Regarding section five, the
17 licensing requirement, we strongly support the
18 requirement for pet shops to ensure that a
19 purchaser or adopter of a dog or cat complete
20 an application for license. A license is one of
21 the most effective sources of information that
22 our customer care officers rely on to help us
23 reunite a lost pet with their family.
24 Additionally, if our field officers are able to
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1
2 identify a dog's owner through a current dog
3 license attached to that dog's collar, the dog
4 may be able to get what we call "a free ride
5 home" rather than being brought to the shelter
6 as a stray. Section B of this amendment exempts
7 a pet shop from the license obligations if a
8 purchaser submits a written statement that the
9 dog is to be harbored outside of the city. AC&C
10 suggests that the purchaser be required to
11 submit more substantial evidence than a written
12 statement such as a copy of a utility bill and
13 some other form of identification that
14 establishes more clearly that the purchaser
15 resides outside of New York City and is
16 therefore exempt. Regarding Intro 146 and
17 microchips, similar to the requirement to
18 licensed dogs sold in pet shops, AC&C supports
19 this amendment to require a microchip for dogs
20 and cats, just like the license and microchip
21 is a very effective means for a staff to
22 identify a pet. In calendar year 2013 we took
23 in 6,436 stray dogs, 12,714 stray cats. In just
24 the past four months AC&C has taken in 1,977
25 stray dogs and close to 3,000 stray cats. We

1 support the council's effort to help ensure
2 that these animals have a chance at being
3 reunited with their families through a
4 microchip. A microchip may also help us obtain
5 information such as the information sheet
6 proposed in Intro 55 about these animals from
7 either the pet store or the contact information
8 for the individuals who purchased the cat or
9 dog originally. AC&C welcomes the efforts of
10 the City Council to help reduce the
11 overwhelming number of abandoned and stray
12 animals in New York City through these
13 amendments. The magnitude of this issue not
14 only impacts AC&C, it impacts the health and
15 welfare of the entire city.

17 CHAIRPERSON JOHNSON: You may
18 continue.

19 RISA WEINSTOCK: The proposed
20 amendments help promote responsible ownership
21 and community involvement including the
22 cooperation and participation of pet shops.
23 AC&C has been licensing, microchipping and
24 sterilizing our adopted animals for nearly two
25 decades. We welcome the support of the City

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2 Council to require pet shops to do the same.
3 Thank you for the opportunity to testify and
4 I'm happy to take any questions.

5 CHAIRPERSON JOHNSON: Thank you very
6 much for your testimony today. I do have a few
7 questions for you and then I'm happy to go back
8 to Council Member Crowley or we've been joined
9 by Council Member Arroyo as well. And I
10 should--I know that she has been a leader on
11 these issues in the Council. So I wanted to
12 understand a bit more what the impact does the
13 supply of animals from commercial breeders have
14 on the demand for shelter and rescue adoptions
15 in New York City.

16 RISA WEINSTOCK: We take in all kinds
17 of animals. When people come to adopt, we get a
18 lot of request, "Oh, I would like a certain
19 type of animal." Pure bred dogs and breeders
20 just are adding animals to the--it's sort of
21 our competition for adoptions. There are people
22 who go to breeders instead of adopting animals,
23 and as I said, the statistics show that there's
24 never a shortage of animals available for
25 adoption.

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2 CHAIRPERSON JOHNSON: Thank you. If
3 hypothetically there were a complete ban on the
4 sale of cats or dogs in pet shops, what would
5 the impact be do you believe for the shelter
6 and rescue adoptions in the city?

7 RISA WEINSTOCK: Hypothetically
8 speaking I would hope that more people who are
9 looking for pets would think about adoption as
10 a first alternative, but I really, I wouldn't
11 know for certain.

12 CHAIRPERSON JOHNSON: And would you
13 support more stringent legislation requiring a
14 certain percentage of animals sold in pet
15 stores come from shelters or rescue?

16 RISA WEINSTOCK: It would certainly
17 help us improve adoptions and get more animals
18 placed.

19 CHAIRPERSON JOHNSON: So would you
20 support that?

21 RISA WEINSTOCK: Yes.

22 CHAIRPERSON JOHNSON: Yes. I have a
23 few questions for you. Jeff, where are they?
24 Regarding the microchipping and the spay and
25 neuter, so what percentage of animals that come

1
2 into AC&C shelters in New York City currently
3 have microchips?

4 RISA WEINSTOCK: We don't have a lot
5 of animals with microchips, and I think I had
6 said that only of the--we had about 28-29,000
7 dogs and cats come in last year in 2013 and of
8 that number there were 1,528 that were returned
9 to their owners or returned to a colony. And so
10 if we had identifying information they would
11 probably fall within that 1,500 number. So it's
12 very small.

13 CHAIRPERSON JOHNSON: Very small.

14 RISA WEINSTOCK: And cats, obviously
15 are not required to be licensed, so there's a
16 better opportunity for us to find information
17 about a dog than it is a cat.

18 CHAIRPERSON JOHNSON: If you do find
19 an animal that comes into AC&C that is
20 microchipped, is the microchip typically always
21 registered to the owner of the pet?

22 RISA WEINSTOCK: It is not.

23 CHAIRPERSON JOHNSON: It is not?

24 RISA WEINSTOCK: No. It will be--but
25 we can trace it back, and we'll trace it back

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to the microchip company to find out where the chip was implanted, and so if the pet owner didn't register the microchip properly, we would at least know where the chip was implanted and start from there to build the information that we need to find the owner.

CHAIRPERSON JOHNSON: And when an animal is implanted with a microchip that is registered to the owner, what is the return rate typically to the owner?

RISA WEINSTOCK: If the information is current, the return rate is generally successful. Sometimes a microchip, the information hasn't been updated. So someone may adopt a pet or purchase a pet, have it microchip implanted and then for some reason they give their pet away and that person never updates the information, but at least it's a connection, and we'll contact the former owner. Hopefully, that information is still workable, and then we'll pursue it from there. But it's a much better chance of finding an owner.

CHAIRPERSON JOHNSON: And when there is a microchip in an animal that is brought

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into AC&C and the microchip is not correlating to the owner, who is typically on the microchip? Is it a pet store? Is it a breeder? Who is on that microchip?

RISA WEINSTOCK: It can be any number of individuals. It could be a prior owner. It could be the pet shop and we haven't seen that it, the microchip has gone to a breeder. We don't really get involved with the breeders on any regular basis.

CHAIRPERSON JOHNSON: And when it isn't tagged or tied to the owner, what is the return rate then? Much smaller I would imagine.

RISA WEINSTOCK: No, if the microchip, if we find the owner through the microchip--

CHAIRPERSON JOHNSON: [interposing] No, no, if the--if the owner is not tagged in that microchip, but it doesn't match up, what is the return rate then of the animal back to the person who is the owner even though the owner isn't on the microchip? Very low I'd imagine.

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2 RISA WEINSTOCK: It is very low. And
3 what happens at that point is we will try to
4 contact anybody and everybody who we can find
5 through that microchip and we give that person
6 the opportunity to come in and claim the
7 animal, but after a certain amount of time
8 we'll deem that owner, that animal to be up for
9 placement through the shelter.

10 CHAIRPERSON JOHNSON: Great. I have a
11 couple questions on spay and neuter license and
12 then I'm going to go back to Council Member
13 Crowley. How much would mandatory spay and
14 neuter licensing and microchipping impact
15 AC&C's intake, return to owner and euthanasia
16 rates?

17 RISA WEINSTOCK: I think it can have
18 a significant impact. The more animals that are
19 altered, the less are reproducing and what
20 we've seen in the last couple of years was a
21 slight decline in intakes, although our
22 receiving centers have longer hours of
23 operation, so it started to spike up again and
24 we're at 30,000. But there's been tremendous
25 effort in the community to do proactive

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2 spay/neuter, to get out to different locations
3 and offer free or low cost spay/neuter to owned
4 animals, and I think that would make a
5 significant change. Licensing also, and
6 microchips, the sooner we can match up an owner
7 the better. I think the spay/neuter requirement
8 will help us with respect to the number of
9 stray animals and the licensing and microchip
10 requirement will help us with respect to
11 reuniting stray animals with their owners.

12 CHAIRPERSON JOHNSON: And some people
13 have said that spaying or neutering too early
14 can cause animals to develop behavioral
15 problems. Is it your opinion that that is true?
16 Do you have information on that?

17 RISA WEINSTOCK: I'm not qualified
18 to testify on that, but in our organization we
19 follow the same model that you have with
20 respect to sterilization that the animal should
21 be at least eight weeks of age and also we
22 suggest including the requirement that they be
23 at least two pounds.

24 CHAIRPERSON JOHNSON: And then on
25 rabbits, if you could just describe currently

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2 what are--what's the marketplace for rabbits in
3 New York City? What are the overpopulation
4 issues currently and when it comes to mandatory
5 spaying and neutering of rabbits, why do you
6 think such a measure is necessary?

7 RISA WEINSTOCK: So with respect to
8 the population of rabbits, if you look at my
9 testimony, it's only 382 rabbits that came into
10 the shelter either as stray or owner surrender.
11 That's a significantly small number in
12 comparison to the number of cats and then dogs.
13 However, we do adopt out rabbits. We alter our
14 rabbits before they're adopted. There isn't as
15 high a demand for rabbit adoptions as there are
16 for cats and dogs. And with respect to
17 spay/neuter, it's--we recommend it highly.
18 Rabbits can populate very quickly and we just
19 think that that again will also curtail the
20 number of rabbits.

21 CHAIRPERSON JOHNSON: Great. Thank
22 you. I want to go back to Council Member
23 Crowley.

24 COUNCIL MEMBER CROWLEY: Thank you,
25 Council Member Johnson. Now, I'd like to get an

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idea about the extent of the behavioral problems and illnesses of the pets that are dropped off at the shelter. How often, what percentage of the pets have behavioral problems, illnesses and you know, and how does that effect their chance of being adopted?

RISA WEINSTOCK: So that covers a lot of territory. To bring it back to pet shops and puppy mills, we don't know if the medical problems are because of a puppy mill or because an animal that's been overbred. We do see many animals that come in that have either health problems or behavior issues, and also while at the shelter issues do develop. It's like I said, 85 animals coming in every day. Our population right now is swelling. This is what we call cat season. We have a lot of animals that we're housing, trying to find owners, holding them for their mandatory legal hold period and trying to find placement for them. So we have a population of animals that may have behavior issues when we bring them in or may develop behavior issues that we will only adopt out to our rescue partners and not really

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2 available for the general public, and we also
3 have animals that either come in with a health
4 problem or may develop a health problem while
5 they're with us, again, that we will--we do not
6 adopt animals with those challenges to the
7 general public.

8 COUNCIL MEMBER CROWLEY: So if a
9 animal has a behavioral problem or an illness,
10 they're not adoptable or you let the public
11 know?

12 RISA WEINSTOCK: We try to place them
13 with our rescue partners. We have a very robust
14 group of partners we call "New Hope Partners."
15 They take many of the animals that we put on
16 our at risk of euthanasia list. These are
17 animals that are at risk of being euthanized
18 because of their behavioral challenges or
19 health challenges or both and have not been
20 adopted or taken from the shelter either by
21 their owners or someone interested in these
22 animals.

23 COUNCIL MEMBER CROWLEY: Now, your
24 population, I didn't hear any statistic on the
25

1 percentage of behavioral problems or illnesses.

2 Do you have a handle on that number?

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4 RISA WEINSTOCK: I can get you a
5 number. We look at animals that are just at
6 risk of euthanasia for both of those reasons.
7 You had asked Dan Kass about euthanasia and the
8 number of euthanasia and last year for dogs and
9 cats it was 4,843 of the 29,000 dogs and cats
10 that came into the shelter. That equates to an
11 82 percent live release rate. That's something
12 that we're working on improving every day. It's
13 not something that exists because there's no
14 other reason these animals were trying to find
15 placement for with a population of 30,000
16 animals it becomes very difficult. So that's
17 why we are really in favor of a lot of the
18 provisions in these amendments just to try and
19 get our population down and also to get pets
20 and their owners reunited.

21 COUNCIL MEMBER CROWLEY: I agree. New
22 Yorkers, I believe, and that's why we're here
23 today hearing these bills, need to do more to
24 stop so many puppies and dogs or cats from
25 euthanized. That's nearly 5,000 that could have

1
2 been avoided had circumstances been different.
3 Maybe those--may it's not just puppy mills that
4 are causing the problem. I'd like to know from
5 your experience what other types of breeders
6 are, you know, causing the over population and
7 what we could do to prevent to try to track
8 those breeders.

9 RISA WEINSTOCK: We think a lot of
10 the overpopulation comes from irresponsible pet
11 ownership. Spay and neuter is really an
12 important thing. There are many backyard
13 breeders. We do see dogs come in with litters
14 of puppies that were found stray. We find--
15 we'll find the female that has been bred and
16 bred and then just left on the street as a
17 stray. We know from people who challenge the
18 requirement to have their animals spayed or
19 neutered once they're upon return. They
20 challenge that because they say, "Well, I breed
21 my dog. I need her back unaltered." And that's
22 not an exception to the sterilization
23 requirement as it exists now. And so we are
24 told people are breeding them. They're breeding
25 them for money and for other reasons, but we

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2 know that individuals can get between 50 and
3 over 1,000 dollars for a puppy, and in
4 particular a pit bull puppy.

5 COUNCIL MEMBER CROWLEY: And
6 unfortunately it's the pit bulls that appear to
7 be the largest breed of do that is in the
8 shelter system.

9 RISA WEINSTOCK: The majority of the
10 dogs that we take in and the majority of our
11 population are pit bulls and pit bull mixes,
12 yes.

13 COUNCIL MEMBER CROWLEY: No other
14 questions.

15 CHAIRPERSON JOHNSON: Thank you,
16 Council Member Crowley. I want to recognize
17 we've been joined by Council Member Espinal as
18 well and I'm happy if he has any questions he
19 can weigh in. I just wanted to ask the
20 Department of Health and Mental Hygiene on some
21 of those questions if there were anything that
22 you wanted to weigh in on, or are you
23 comfortable with what was said today.

24 DANIEL KASS: I don't think there's
25 much more that we want to say at this point. I

1
2 mean, I again, I think this bill especially the
3 bill that restricts the acquisition of dogs and
4 cats from the large breeders will go some of
5 the way to helping stem some of the supply of
6 animals that end up unwanted or stray or
7 inappropriately bred. You know, it's going to
8 take much more than that, but it's certainly a
9 start.

10 CHAIRPERSON JOHNSON: And in your
11 testimony earlier you mentioned the fact that
12 supportive of these measures, but that for the
13 agency to be able to enforce these and have the
14 staff capacity to make sure that they are
15 enforced in the correct way. As we know most
16 things in the city come down to enforcement if
17 they're going to have any real teeth. What do
18 you think the impact would be on the Department
19 when it comes to needing additional funds for
20 staff or resources?

21 DANIEL KASS: Well, you know, we've
22 begun to estimate this. For us there will be--
23 the impact will happen in a couple of ways. One
24 is that there will be additional pet shops that
25 will come under our purview that currently are

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2 state regulated only. Second, there will be a
3 group of pet shops that we--that are currently
4 jointly permitted by the state and the city and
5 then we will assume responsibility for the dog
6 and cat component of the inspection as well as
7 for sort of additional requirements for
8 standard of care, and then the third sort of
9 chunk of activity at the pet shop level would
10 be a much more robust inspection than we
11 currently conduct. You know, our inspections
12 typically last a couple of hours per pet shop
13 per inspection unless there's a very
14 significant problem discovered. We expect that
15 the duration of the inspection given the
16 responsibility to review paperwork to evaluate
17 the standard of care to look at the records per
18 pet on a pet by pet basis will substantially
19 increase the amount of time at each inspection.
20 So we've estimated that we will require a
21 veterinarian, three inspectors, and a couple of
22 clerical people to also support the backend and
23 the data entry and what we expect to be, you
24 know, a request for information from the public
25 about our activity. The--in the first year we

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2 would have to build out changes to our
3 information technology system. Currently we do
4 have a handheld system for pet shops, but it'll
5 obviously have to be changed fairly
6 dramatically and then we'll also have to modify
7 the permitting system for the city. So there
8 are a whole bunch of sort of balls that have to
9 be juggled to make modifications. We estimate
10 the cost in the first year, north of 800,000
11 dollars and in subsequent years about 650,000
12 dollars a year.

13 CHAIRPERSON JOHNSON: Thank you. On
14 that point with regard to the current licensing
15 of pet shops, some that are regulated or
16 overseen by the city, some that are jointly,
17 some that are just by the state. State law
18 prohibits pet shops permitted pursuant to the
19 health code from releasing any dog to a
20 purchaser unless the pet shop has obtained a
21 complete license application and fee from the
22 purchaser. What difficulties does DOHMH have
23 enforcing this law and making pet stores in New
24 York accountable for the licensing of every
25 dog?

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2 DANIEL KASS: We don't expect any
3 difficulty at all. Pet shops are already doing
4 it. They're selling dogs and cats that we
5 already--that were in because they sell small
6 animals or small numbers of dogs and cats. And
7 as I mentioned in testimony, we are making
8 modifications to our licensing system to ease
9 the issuance of licenses. Right now, third
10 parties typically either complete paperwork on
11 behalf of someone or they accept paperwork and
12 then transmit it to us after which we fulfill
13 the license request by mail. We will have a
14 system in place that allows the pet shop
15 themselves to maintain an inventory of the
16 licenses and just communicate to us who they
17 issued it to. So it'll be better for customers.
18 It'll be better for the pet shops.

19 CHAIRPERSON JOHNSON: Thank you.

20 Council Member Crowley, do you have any further
21 questions on these today? Okay. Council Member
22 Espinal, do you have any questions? So I think
23 we're going to leave it at this. I would just
24 ask that the committee and the committee staff
25 may have additional questions for you all and

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we may want to submit those to you and get a timely and appropriate response, and it would be helpful if someone from the Department stayed for the entirety of the meeting, and it would be helpful if AC&C stayed as well or had someone stay to listen to the advocates and the rest of the testimony today.

DANIEL KASS: We'll have someone here and we will be happy to work with you going forward.

CHAIRPERSON JOHNSON: Thank you, Deputy Commissioner. Thank you all for testifying. We're going to call next an elected official who is here and then we're going to get to the advocates and other folks from the public who have signed up to testify today. I want to call forward Assembly Member Linda Rosenthal, who she wasn't here during my introductory remarks, my opening statement, but Assembly Member Rosenthal, I just wanted to let you know that in the opening statement and subsequently we said that we wouldn't be here today having this hearing if it wasn't for your advocacy and hard work in passing the bill that

1
2 you were able to get signed into law in
3 January. I know you were a tireless advocate on
4 this and one of the biggest champions in Albany
5 on humane animal welfare legislation. So I
6 wanted to thank you for your advocacy and hard
7 work and ask you to testify today on these four
8 measures, which include, which I'm sure you
9 know, Introduction Number 55 prohibiting the
10 sale of puppies and kittens bred in puppy and
11 kitten mills, your bill allowed that
12 introduction to come here today. Introduction
13 73, updating the definition of pet store within
14 the animal abuse registry which the city
15 adopted. Introduction Number 136, spay and
16 neuter of licensing of animals sold in pet
17 shops, and introduction 146, the microchipping
18 of animals sold in pet shops, and with that I
19 would like to turn it over to you to testify
20 today. Oh, and I have to swear you in. So if
21 you please raise your right hand. Do you swear
22 and/or affirm to tell the truth, the whole
23 truth and nothing but the truth in your
24 testimony before this committee and to respond
25 honestly to all Council Member questions?

1
2 ASSEMBLY MEMBER ROSENTHAL: Yes, I
3 will.

4 CHAIRPERSON JOHNSON: Thank you very
5 much.

6 ASSEMBLY MEMBER ROSENTHAL: Okay.
7 Well, thank you so much for having me. Thank
8 you, Chair Johnson. I'm delighted to be here in
9 front of your committee. Member Crowley and my
10 former colleague and member Espinal, thank you
11 for having me here today. I'm joined by my
12 Chief of Staff Lauren Schuster and my
13 Legislative Director Funsho Owolabi. We all
14 worked on this legislation. Good afternoon. I'm
15 Assembly Member Linda B. Rosenthal and I
16 represent the 67th Assembly district, which
17 includes the upper west side and parts of the
18 Clinton Hell's Kitchen neighborhood in
19 Manhattan. As a long time champion for animal
20 welfare and the prime sponsor of the state law,
21 Chapter Five of the laws of 2014 that gives New
22 York City and municipalities across the state
23 the ability to regulate local sales of animals
24 by pet dealers, I am pleased that the council
25 is holding this hearing today. Today's hearing

1
2 represents and important phase in an ongoing
3 dialogue on animal welfare in New York City.
4 Chapter five was a product of more than a
5 year's worth of work by advocates, experts and
6 animal lovers who banded together in the face
7 of unprecedented industry opposition to pass
8 legislation that would allow New York to crack
9 down on puppy mills, a pernicious problem whose
10 solutions are elusive. The goal of this law is
11 to provide municipalities with tools to ensure
12 that pet shops are selling healthy animals
13 which were sourced from healthy and safe
14 environments. The final language was arrived at
15 after months of negotiation and this law
16 presents a real opportunity for municipalities
17 to address the problem of puppy mills in New
18 York. Before the passage of chapter five, the
19 state of New York had sole responsibility for
20 regulating pet dealers and by extension, the
21 sale of live animals from disparate
22 jurisdictions, for example, Thurman, New York,
23 a small rural town in Upstate New York and New
24 York City. After more than a decade of
25 preemption, it became abundantly clear that a

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2 one size fits all approach to pet dealer
3 regulation was inadequate to ensure the safety
4 of animals sold or offered for sale or to
5 protect consumers and municipalities. State
6 regulators were ill-equipped to enforce lax
7 standards and state law proved inadequate to
8 address pet dealer regulation in a localized
9 way. In addition, municipalities were often
10 left to assume the financial burden of care for
11 sick puppy mill dogs. I introduced an assembly
12 bill in 2009 to lift the state preemption and
13 restore to municipalities the authority to
14 regulate the sale of live animals by pet
15 dealers in order to allow them to pass laws,
16 rules, regulations or ordinances to protect
17 animals and consumers against unscrupulous
18 breeders, commonly referred to as puppy mills.
19 In this way, municipalities can ensure that all
20 animals sold in pet shops are healthy and safe
21 throughout all stages of the breeding and sales
22 process. Puppy mills are large scale commercial
23 breeders who place profit above general
24 accepted veterinary practice and the humane
25 treatment of animals. The vast majority of

1 puppy mill dogs are kept in filthy, tiny
2 enclosures for the entirety of their short
3 lives, are given little if any medical care or
4 exercise, are not socialized with humans or
5 other dogs, and the breeding females are forced
6 to give birth to countless litters. Puppy mill
7 dogs live short and tortured lives, but the
8 abuse does not end there. It is greed that
9 propels the inhumane practices of puppy mills,
10 and our aim is to put an end to an industry
11 whose profit is derived from other's pain and
12 suffering. Pet stores unwittingly or not are an
13 integral part of the chain that encourages
14 breeders to continue these abusive practices.
15 The people who purchase the adorable "doggy in
16 the window" which they expect to be happy and
17 healthy additions to their families, often find
18 themselves with a sick animal that requires
19 medical treatment to alleviate painful maladies
20 or to save its life. Our power to end this
21 cycle of greed which causes heartbreak on so
22 many levels lies in our ability to pass strong
23 common sense regulations pursuant to chapter
24 five. Unfortunately, the vast majority of dogs
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2 offered for sale in pet stores across the
3 country are in fact the product of puppy mills
4 and they are afflicted with serious congenital
5 defects caused by the poor breeding practices
6 employed by the mills which are exasperated by
7 the poor conditions in which the animals are
8 forced to live. In a situation that occurs with
9 unfortunate frequency after someone purchases
10 an animal for a premium and takes that animal
11 home, they discover that it suffers from
12 serious often life threatening medical
13 conditions, the treatment of which is
14 prohibitively expensive. Many owners spend
15 thousands of dollars on medical treatments
16 before deciding to euthanize the animal. Others
17 choose to drop off the unwanted animals at
18 local shelters or with rescue organizations
19 whose resources are already stretched far too
20 thin. We must end the puppy mill to pet store
21 pipeline, and New York City has a tremendous
22 opportunity to do just that with the proposed
23 bills before the Council. Chapter five gives
24 municipalities the authority to issue
25 regulations governing the source of animals

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2 sold or offered for sale regarding whether
3 spaying or neutering is required prior to sale,
4 and to ensure that all animals sold or offered
5 for sale are healthy and have been safely
6 maintained throughout all stages of the
7 breeding process among other regulations so
8 long as the regulations do not result in
9 essentially banning all sales of animals that
10 are raised or maintained in a healthy and safe
11 environment. Additionally, municipalities also
12 have the ability to issue regulations on
13 grounds that are not enumerated in this section
14 of law. This language provides New York City
15 and all municipalities in the state with wide
16 latitude to protect animals and consumers by
17 cracking down on bad breeders. It is with this
18 specific intent in mind that I provide
19 testimony on the four bills that are subject of
20 today's hearing, Intro number 55, 73, 136 and
21 146. The bulk of my testimony, however, will
22 focus on intro number 55 which most
23 specifically relates to responsibilities of New
24 York City pet dealers. I'd like to provide an
25 explanation of the intent behind each of the

1
2 specific provisions of chapter five. I must
3 begin with the proposed definition of high
4 volume breeder. A facility with 20 breeding
5 females, each birthing a litter every several
6 months as is common in most puppy mills will
7 result in hundreds of offspring annually. A
8 sound approach would be to limit the allowable
9 number of breeding females to five and to
10 additionally place a limit on the total number
11 of litters permitted in a lifetime. This likely
12 would result in more responsible breeding
13 practices and gets to the core of the
14 pernicious puppy mill problem. It also
15 guarantees that breeding females will not spend
16 their entire lives pregnant or nursing. One of
17 the most powerful provisions of chapter five
18 lies in the ability of municipalities to
19 regulate the source of animals offered for sale
20 in New York City. The legislature specifically
21 intended for New York City and other
22 municipalities to be authorized to require that
23 animals are sourced from breeders that conform
24 to standards prescribed by municipal law. To
25 that end, the City Council may require pet

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2 shops operating in New York City to prove that
3 they are sourcing animals that will be sold or
4 offered for sale from breeders that adhere to
5 high health and welfare standards. In passing
6 this law, the legislature intended for
7 municipalities to have the ability to define
8 the standard of care based on local facts and
9 circumstance. I resisted efforts to define the
10 meeting of the health or safety of animals
11 acquired or maintained by pet dealers so that
12 municipalities could do so themselves. Pet
13 shops operating in New York City or elsewhere
14 may be required to require from source breeders
15 via a sworn statement or the written instrument
16 that the animals in their care were humanely
17 treated and raised and maintained in a healthy
18 and safe manner. Source language also provides
19 New York City with the opportunity to
20 precipitously reduce the number of animals in
21 the city shelter system and other independent
22 animal rescues by requiring that a certain
23 percentage of animals sold or offered for sale
24 here are sourced from animal shelters or rescue
25 organizations. Municipal--excuse me.

1
2 Municipalities can require that any percentage
3 of animals that amount to less than 100 percent
4 of all animals sold or offered for sale are
5 sourced from shelters or rescues. Language
6 specifying that municipalities may regulate so
7 long as the regulation does not "result in
8 essentially banning all sales of dogs or cats
9 raised and maintained in a healthy and safe
10 environment" provides municipalities with wide
11 regulatory authority. The language was written
12 to allow municipalities to ban the sale of
13 animals that are not raised and maintained in a
14 healthy and safe environment. For animals that
15 are raised and maintained in a healthy and safe
16 environment, municipalities are specifically
17 empowered through this law to regulate pet
18 dealer up until the point that the regulation
19 would essentially represent a total ban on all
20 sales of healthy and safely maintained animals
21 from a particular source. I am pleased that
22 Intro 55 includes shelter and veterinary
23 standards that track with current state law and
24 that it also requires that a comprehensive
25 certificate of health be provided to the

1 consumer, but it should go further to
2 promulgate stronger shelter standards that will
3 ensure the health and safety of animals sold in
4 pet shops. Because chapter five presents
5 municipalities with the authority to regulate
6 to guarantee the health and safety of animals
7 maintained by pet dealers, the council may
8 spell out in great detail shelter standards and
9 exercise requirement in addition to required
10 socialization and minimum standards for
11 veterinary care among other things that must be
12 provided to animals in pet shops. Additionally,
13 the council should require that animals in pet
14 shops not be euthanized unless they are
15 incurably ill and treatment or rehabilitation
16 would be dangerous or impossible. Any animal
17 that is too ill to be sold or offered for sale
18 but not ill enough to warrant euthanasia should
19 be transferred to a shelter or rescue
20 organization. I am pleased that intro 136 will
21 require that dogs, cats and other animals be
22 spayed or neutered prior to sale as I fought
23 hard to maintain that language in chapter five.
24 Requiring presale spaying and neutering will
25

1
2 help to reduce the number of unplanned litters
3 that end up in the municipal shelter system, at
4 rescue groups or on the street. Because animals
5 could attain weeks of age without reaching the
6 weight of which veterinarians would consider
7 spay and neuter safe, I would urge the sponsors
8 to consider including language relating to the
9 safe age and weight of animals to be altered.

10 The sponsors should work with appropriate
11 experts to determine the proper age and weight
12 for altering rabbits, which I have been told
13 differ dramatically from dogs and cats with
14 respect to spay and neuter requirements. Also
15 included in chapter five is the ability for
16 municipalities to create their own pet dealer
17 licensing or permitting scheme. It is critical
18 to the success of municipalities' pet dealer
19 legislation that localities have the ability to
20 set up a permitting scheme by which they can
21 monitor and investigate compliance with the new
22 regulations and also generate revenue to help
23 fund the new enforcement responsibilities. It
24 is important to convey that I resisted attempts
25 to include language in chapter five that would

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2 expressly prohibit municipalities from creating
3 and maintaining a permitting system and require
4 them instead to rely upon the state's
5 permitting system in section 403 of article 26A
6 of the Agriculture and Markets Law. Intro 73
7 will ensure that City Council can require all
8 pet shops regardless of the kinds of animals
9 they sell to obtain a permit to operate under
10 section 161.09 of the New York City Health
11 Code. An amendment to section 161.09 of the
12 Health Code requiring pet shops to obtain
13 permits exempted pet shops exclusively selling
14 dogs or cats from that requirement. I was
15 conscious of this loophole when drafting
16 chapter five and wanted to ensure that New York
17 City and other municipalities have the ability
18 to require pet shops to acquire permits. I
19 support Intro 146 which requires that all dogs
20 and cats be microchipped prior to sale in New
21 York City. Microchips are a good way to help
22 reunite lost animals with their owners, thereby
23 reducing the number of stray or homeless
24 animals. I am the sponsor of legislation in the
25 New York State Assembly that would require any

1 organization that accepts lost, stray or
2 homeless animals to examine them for
3 identifying information including microchips. I
4 recommend that the City Council pursue similar
5 legislation on the city level. Finally,
6 enforcement of these new laws is key to their
7 ultimate success. The bill should specify what
8 the penalties are if any for violating their
9 requirements. By their very nature, puppy mill
10 operators flout the law with impunity. It is
11 critical that New York City make clear via the
12 imposition of heavy fines that takes violation
13 of these new sections very seriously. In
14 addition, it is vital that the city specify
15 clearly which agency will be responsible for
16 enforcement and lay out and explicit plan by
17 which that agency will conduct regular
18 inspections to monitor and guarantee
19 compliance. Despite a massive and well funded
20 opposition, advocates and individuals from
21 across the state fought long and hard for
22 months to ensure that bill A740A became law,
23 because they believe as I do that
24 municipalities are in the best position to
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1
2 regulate local pet dealers and crack down on
3 puppy mills. These animal lovers donated their
4 time and resources and spent months working
5 with my office and national and local animal
6 groups to ensure the bill became law. They now
7 look to New York City to exercise its authority
8 under this new law to help put an end to puppy
9 mills. New York City has a unique opportunity
10 to be a model for every municipality in New
11 York State considering its options under this
12 new state law. I urge the council to build upon
13 this framework and work closely with animal
14 advocates and experts to include my
15 recommendations into the final bills. I applaud
16 the sponsors for approaching this important
17 issue with courage and tenacity and I look
18 forward to collaborating on this and future
19 legislation. Thank you.

20 CHAIRPERSON JOHNSON: Thank you,
21 Assembly Member, and I just want to state for
22 the record when you mentioned at the beginning
23 that you also cover a portion of Hell's Kitchen
24 and Clinton, I am very glad we get to work on
25 many issues together in the community, but I'm

1
2 especially proud of the timing that you are
3 able to get this done in January so Council
4 Member Crowley, after passing resolutions in
5 the past could work on this and I could work on
6 this with her given the importance of it. I
7 also just want to say I think that your
8 recommendations that you've given to us to
9 improve the bill are very helpful, and I look
10 forward to working with your office and Council
11 Member Crowley and the advocates in improving
12 this bill before it gets voted upon throughout
13 the legislative process. We do have some
14 questions for you, and I want to recognize
15 we've been joined by Council Member Cornegy and
16 also Council Member Barron. Does anyone have
17 any questions? No? Yeah, we're going to go to
18 Council Member Crowley and then we'll go to
19 Council Member Espinal.

20 COUNCIL MEMBER CROWLEY: Thank you,
21 Council Member Johnson. I want to add to the
22 praise. Thank you, Linda Rosenthal for all that
23 you've done. Assembly woman, you've been a
24 strong advocate. We wouldn't be here today
25 hearing real legislative opportunities that the

1
2 city can enforce if you had not had the
3 foresight and the commitment to animal rights
4 and so I am very appreciative. I know that
5 we'll continue to work together to make sure
6 that we put an end to euthanasia of sick
7 animals that come from puppy mills that we
8 could better regulate the industry and we have
9 our work cut out, because thousands of dogs and
10 cats are killed every single year because of
11 conditions that are happening in pet shops and
12 puppy mills and so this is a unique
13 opportunity, and I thank you for your extensive
14 review of the bills and your encouragement to
15 put forth new legislation. Thank you.

16 ASSEMBLY MEMBER ROSENTHAL: Thank
17 you.

18 CHAIRPERSON JOHNSON: Thank you very
19 much Council Member Crowley. Council Member
20 Espinal?

21 COUNCIL MEMBER ESPINAL: I just
22 wanted to say hello and it's a pleasure seeing
23 you here today.

24 ASSEMBLY MEMBER ROSENTHAL: Hello.
25

1
2 COUNCIL MEMBER ESPINAL: I was
3 actually a proud sponsor of your bill up in
4 Albany, I think it was the last bill. Then the
5 Governor signed it with my name on it, and so
6 I'm also a proud sponsor of intro number 55 and
7 look forward to helping the committee pass this
8 as well. Thank you.

9 ASSEMBLY MEMBER ROSENTHAL: Thank
10 you. Good to see you.

11 CHAIRPERSON JOHNSON: Thank you,
12 Council Member. I just want to check and see
13 here. In your testimony, Council Member
14 Rosenthal--I mean, sorry, Assembly Member
15 Rosenthal, you marked the number that you
16 believed is the safest and most adequate number
17 for breeding dogs to be five females. I know
18 that this is an important and incredibly
19 important part of the language in this bill,
20 and I just wanted to understand a little more
21 from your perspective why you believe that's
22 the appropriate number.

23 ASSEMBLY MEMBER ROSENTHAL: In
24 conversations with advocates and people who've
25 spent years in the trenches. Okay. Sorry. In

1
2 conversations with advocates who have spent
3 years in the trenches, this is the number that
4 they think is the optimum number that prevents
5 a breeding facility from crossing over into a
6 puppy mill. It's a responsible number. It would
7 provide enough healthy animals for the breeder
8 to make a living, but it would not cause the
9 operation to descend into puppy mill status.
10 It's more than 20 is just too many, and you
11 know, there may be other opinions on how many
12 is the optimal number, but I think the smaller
13 the number the more responsible the operation
14 will be and the fewer animals will be brought
15 into a world that is teeming with unwanted
16 puppies and cats.

17 CHAIRPERSON JOHNSON: Thank you. Our
18 legislative counsel, Jeff Campagna, who spent
19 an inordinate amount of hours working on this
20 legislation has a very specific question for
21 you that we think it's important to have in our
22 record in this hearing.

23 ASSEMBLY MEMBER ROSENTHAL: Okay.

24 CHAIRPERSON JOHNSON: So I'm going to
25 let him--I'm not a lawyer. I'm going to let him

1
2 as the attorney that's been working on this ask
3 you that question.

4 ASSEMBLY MEMBER ROSENTHAL: Okay.

5 JEFF CAMPAGNA: Thank you, Assembly
6 Member. I really appreciate you coming here and
7 explaining the legislative intent which is very
8 important to us as we establish the legislative
9 record. You said two things in your testimony
10 that I really want to drill down on to make
11 sure we're getting precisely what the intent
12 was. I spoke with your office last night and
13 we've discussed the issue of the word "all
14 animals bred in a safe and healthy manner." In
15 your testimony you specifically said that
16 municipalities can require that any percentage
17 of animals that amounts to less than 100
18 percent of all animals sold or offered for sale
19 are sourced from shelters or rescues, which I
20 would assume means that if we said 95 percent
21 of animals had to be from shelters or rescues,
22 it was your intent that we could do that.

23 ASSEMBLY MEMBER ROSENTHAL: That
24 would be permissible, yes.

1
2 JEFF CAMPAGNA: Okay. And then the
3 next paragraph you said for animals that are
4 raised in a safe and healthy environment,
5 municipalities are specifically empowered
6 through this law to regulate pet dealers up
7 until the point that the regulation would
8 essentially represent a total ban on all sales
9 of healthy and safely maintained animals from a
10 particular source. So in that instance, my
11 question is, could we say that--could we ban
12 all animals from a source where animals are
13 raised in a safe and healthy manner, say if
14 they--I'll get to that in one second. This is
15 Jeff Campagna, Committee Counsel. They wanted
16 me to say that for the record. Could we ban the
17 sale of all animals if they were raised in a
18 safe and healthy manner, if they came from a
19 commercial breeders, large numbers of breeding
20 dogs if we also allowed animals that came from
21 breeders that only had say five breeding dogs
22 or less? In essence we would be allowing some
23 dogs that were raised in what we call a safe
24 and healthy manner, but not allowing others
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that might, some might argue were raised in a safe and healthy manner.

ASSEMBLY MEMBER ROSENTHAL: Okay, can you repeat that? Or rephrase it, because its--

JEFF CAMPAGNA: [interposing] When you said all--

ASSEMBLY MEMBER ROSENTHAL: It's a complicated instruction.

JEFF CAMPAGNA: When you used all, did the word all mean any, or did it mean all?

ASSEMBLY MEMBER ROSENTHAL: It meant all.

JEFF CAMPAGNA: So, we could ban--we could ban from any source as long as we didn't ban all healthy and safely raised animals.

ASSEMBLY MEMBER ROSENTHAL: Yes, yes.

JEFF CAMPAGNA: Thank you.

CHAIRPERSON JOHNSON: Thank you for clarifying that. I mean, we're drilling down on this because I think this is an incredibly important part of trying to close the puppy mill loophole that currently exists and making this as stringent as possible as was intended--

ASSEMBLY MEMBER ROSENTHAL:

[interposing] Yes.

CHAIRPERSON JOHNSON: by the State Legislature and you in passing this piece of legislation and granting this right to municipalities given that I think this legislation may, and I hope it doesn't come under attack from the folks that want to continue to allow this practice to take place in New York City and around the country. Are there any other questions? Council Member Barron, do you have any questions? Okay. Sure, absolutely. Council Member Barron.

COUNCIL MEMBER BARRON: I just want to welcome my former colleague from the Assembly. Good to see you and to encourage you as you continue to do the work that you've been doing all the years that I've been knowing you. Keep it up.

ASSEMBLY MEMBER ROSENTHAL: Thank you so much.

CHAIRPERSON JOHNSON: And if folks could please turn off their cell phones that would be very helpful to us. Put them on

1
2 vibrate. So I believe that's it. I wanted to
3 thank you for coming down to City Hall to
4 testify today. I want to thank you again for
5 allowing us to actually take this step in the
6 first few months of the Council. It's
7 incredibly important for the future of our
8 city, and I hope as you said, that New York
9 City becomes a model not just for the rest of
10 the State of New York and allowing the
11 municipalities to engage in this effort as
12 well, but hopefully a national model where
13 other people can learn from what we've done
14 here and make sure that animals and pets are
15 treated humanely and safely and that this
16 continued practice of puppy mills isn't allowed
17 to continue in a reasonable and humane society.
18 So thank you.

19 ASSEMBLY MEMBER ROSENTHAL: Well,
20 thank you very much. And I know that you and
21 other members of your committee are incredibly
22 serious about getting this right, because just
23 as I and my colleagues in Albany were prevailed
24 upon by outside influences to not be as
25 stringent as we were, I'm sure you will suffer

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those same onslaughts, but I know that you understand the problem and I am confident that you will do your best to protect the animals and the consumers. So thanks so much.

CHAIRPERSON JOHNSON: We are going to make this bill as strong as possible that is able to hold up to scrutiny if it comes to that, but we want this to be the strongest bill possible and in the strongest way that you're allowing us under state law. So thank you.

ASSEMBLY MEMBER ROSENTHAL: Thank you so much.

CHAIRPERSON JOHNSON: We are now going to go to a panel to testify. I just want to remind folks that we are going to keep people strictly at three minutes on the clock. I know that everyone has a lot of really helpful hopefully things to say today, and I really want to tell you, and this is the honest to God truth as I said from the very beginning, this is going to be very a deliberative process, and that all of the testimony here today is going to be taken under advisement as we move forward. So if you're not able to

1
2 finish your testimony or if someone has
3 testified in the same way, you can summarize
4 your remarks and I would hope that everyone
5 brought written testimony so that we can look
6 at that testimony as we move forward to improve
7 these bills. So the first panel is going to be-
8 -the first panel is going to be Brian Shapiro
9 from the Humane Society of the United States,
10 if he could come up. The second person is going
11 to be, and I apologize if I do not get your
12 name correctly, is Elinor Molbegott from the
13 Humane Society of New York. The third person is
14 going to be Elizabeth Stein from the New York
15 City Bar Association Animal Law, and the fourth
16 person on this panel is going to be Steven
17 Gruber from the Mayor's Alliance for New York
18 City's Animals. Is she here? Thank you all
19 for coming today. If you could all please raise
20 your right hand. Do you swear and affirm to
21 tell the truth, the whole truth and nothing but
22 the truth in your testimony before this
23 committee and to respond honestly to all
24 Council Member questions? Thank you very much.
25 You can go in whatever order you'd like, but

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2 before you speak, please identify yourself for
3 the record and please speak as closely to the
4 microphone as possible and make sure that the
5 mic is lit up which means that you're on the
6 microphone. Thanks a lot.

7 ELINOR MOLBEGOTT: My name is Elinor
8 Molbegott. I'm Counsel for the Humane Society
9 of New York and I just want to quickly thank
10 the council for conducting this hearing on
11 important humane legislation and also most to
12 Assembly Woman Rosenthal for her passion and
13 persistence in getting the legislation through
14 the State Legislature. I'm going to summarize
15 the comments that I've given you, but in
16 essence for the spay, neuter and dog licensing
17 provisions to take effect so that pet stores
18 can once again sell dog licenses, even those
19 that exclusively sell dogs and cats and that
20 pet stores again be required to spay and neuter
21 dogs and cats before they sell them, which was
22 really a wonderful piece of legislation that
23 the City Council was before its time on many
24 years ago but it never took effect or it never
25 was enforced because of the pre-emption law

1
2 that passed just at the same time. Either the
3 City Council can pass legislation to require
4 that these pet shops be permitted and sell
5 these licenses and spay/neuter, or the Healthy
6 Department can just change 161.09 to again
7 require pet stores to have this permit and once
8 that happens it triggers the law that already
9 has been passed by the City Council to require
10 spay/neuter, that's already on the books, but
11 it just pertains to those pet shops that have a
12 permit under 161.09 and some of them do not.
13 The same goes for dog licensing, which for
14 years pet stores were selling dog licenses and
15 when the pre-emption law came into being, that
16 also was no longer allowed to be regulated. So
17 it could either be done through you or the
18 Health Department and we applaud either way
19 that it can get done most quickly. On the
20 spay/neuter language, we would just suggest
21 that the language currently in the law is a
22 little confusing in that it requires
23 spay/neuter, but it also gives the consumer the
24 right to have their veterinarian 10 days before
25 the animal is released to say that the animal

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may be too sick to go through the procedure,
and it doesn't make a whole lot of sense
because the purchaser would have had the animal
to do that. So we're suggesting some changes
to the spay/neuter language as well. By
changing the permitting requirement under
161.09, that also takes care of the animal
abuse registry loophole, which can be done
through your legislation or through a change in
the permit. We support the microchip
requirement as well. It's really an animal's
best chance at being reunited and we think
that's so important. On 55, there's so much
that needs to be done for puppy mill's dogs and
the source is the key. Am I done?

CHAIRPERSON JOHNSON: You can wrap up
very quickly.

ELINOR MOLBEGOTT: I'm going to wrap
up by saying that the disposition of animals
from puppy mills should be--there needs to be a
standard so that pet stores have to go to the
actual puppy mill that they are going to
purchase some animals from and adhere to a list
of standards and have some accountability that

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if they're going to say that they're getting animals that are healthy and safely and humanely raised, that they ought to go there and see it for themselves. In addition to that--

CHAIRPERSON JOHNSON: [interposing]

Thank you.

ELINOR MOLBEGOTT: and I'm just

going to wrap up.

CHAIRPERSON JOHNSON: No, no, we

have--I'm sorry. We have so many people that have to testify today.

ELINOR MOLBEGOTT: Can I just say

one more thing? And I'm--

CHAIRPERSON JOHNSON: [interposing]

Have your written testimony.

ELINOR MOLBEGOTT: Alright. That

the animals, 99 percent or a large percentage should also have to come from shelters--

CHAIRPERSON JOHNSON: [interposing]

Thank you very much.

ELINOR MOLBEGOTT: for adoption.

Thank you.

CHAIRPERSON JOHNSON: Thank you.

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2 ELIZABETH STEIN: Good afternoon. My
3 name is Elizabeth Stein and I'm testifying on
4 behalf of the New York City Bar Association
5 Committee on Animal Law and we applaud the
6 council for moving so quickly with the intros.
7 I'll be discussing 55, 136 and 146, which we do
8 recommend. We support, but we do have certain
9 comments and suggestions. With respect to Intro
10 55, we believe very strongly that the
11 definition of high volume breeder as Assembly
12 Member Rosenthal was stating needs to be
13 amended such that the numbers be lowered. We
14 would also suggest that there be also as
15 Assembly Member Rosenthal suggested that there
16 be a limit as to the number of litters that a
17 breeding female may have in a lifetime. We
18 think that these are all methods of basically
19 separating the high volume puppy mill breeders
20 from responsible respectable breeders. We also
21 agree that you can, although it can be--you
22 can't completely ban the source of well raised
23 animals. You can have a certain number, not 100
24 percent that do come from animal shelters. We
25 strongly encourage that. We also as the Humane

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Society of New York was suggesting that there be standards that--

CHAIRPERSON JOHNSON: [interposing]
Could you just speak a little more closely into the mic. I just want to make sure all your testimony shows up in our transcript and it all comes from these microphones.

ELIZABETH STEIN: Yes, absolutely.
I'm so sorry. That the standards that are applicable to pet--to the pet stores be applicable to pet dealers, to the breeders as well. We would suggest that the standards be enhanced because as the bill is presently drafted, it is the same standards that are in the agriculture and markets law. So it's really just a codification what is already there and the council now has the ability to enhance them, by enhancing them and making them applicable to breeders as well. We would suggest that a pet store be required to get a certification from the breeder, that the breeder is adhering to all of these enhanced standards. With respect to Intro 136, the spaying and neutering, we strongly encourage

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2 that pet stores be required to have the animals
3 spayed and neutered prior to release, prior to
4 them being purchased. We believe that they
5 should be, that this mandatory sterilization
6 should be applicable to rabbits, but we have
7 been advised by many people that guinea pigs,
8 it is dangerous to their healthy to be
9 sterilized. They do not pose a significant
10 burden on the city in terms of the animal
11 sheltering, so we would recommend that they be
12 taken out.

13 CHAIRPERSON JOHNSON: Thank you very
14 much, and I have your testimony on the
15 microchipping.

16 ELIZABETH STEIN: Very good, and also
17 there are other parts of the spay/neuter if you
18 could look at as well.

19 CHAIRPERSON JOHNSON: Absolutely. No,
20 we're going to look at everyone's. We really
21 are. We're going to look at everyone's
22 testimony. We want to make this bill very
23 strong.

24 ELIZABETH STEIN: Thank you.
25

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2 CHAIRPERSON JOHNSON: So thank you
3 for your testimony.

4 STEVEN GRUBER: Hi, I'm Steve.

5 CHAIRPERSON JOHNSON: You have to put
6 it as close as possible. We have to hear you.
7 Is the mic on? No, the light has to be on.

8 STEVEN GRUBER: No it's on. It's a
9 miracle.

10 CHAIRPERSON JOHNSON: Say your name
11 again.

12 STEVEN GRUBER: Steve Gruber and I
13 represent the Mayor's Alliance for New York
14 City's Animals. I wanted to thank you, Chairman
15 Johnson and Council Member Crowley and members
16 of the health committee for this opportunity to
17 testify. Excuse me. And we also appreciate the
18 council acting so quickly after the Governor
19 signing the law. Very quickly, the Mayor's
20 Alliance for New York City's Animals, we are a
21 501C3 nonprofit organization. We work with the
22 city, but we're not a city agency, and our
23 goals is to see the day when no healthy or
24 treatable animals in New York City are killed.
25 I'm here today to support with recommendations

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2 Intros 136 and 146 because we believe that the
3 pet stores should be required to ensure that
4 the dogs and cats who they sell to the general
5 public did not contribute to the city's
6 existing overpopulation problem. The Alliance
7 supports the enactment of Intro 136 regarding
8 spaying and neutering and licensing of animals
9 sold in pet shops with the following
10 recommendations. We support the amendment to
11 expand pet shop sterilization requirement to
12 include rabbits, but suggest that the reference
13 to guinea pigs and other small animals be
14 eliminated, and so far as they do not present a
15 serious overpopulation issue and generally are
16 not sterilized for safety reasons. We applaud
17 the inclusion of rabbits in this bill. We
18 recommend an exception that the exception in
19 the bill which permits pet store to release
20 unsterilized animals with a letter from the
21 consumer's veterinarian stating that the animal
22 be sterilized at a later date be eliminated
23 just as a practical matter. It's unlikely that
24 the logistics would make that possible. We
25 recommend that the bill be amended to require

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2 that all puppies and kittens who are at least
3 eight weeks of age and at least two pounds in
4 weight must be sterilized, and in the case of
5 rabbits, we suggest that the bill be amended to
6 include a mandatory sterilization age of at
7 least four months as recommended by rabbit
8 experts. The Alliance supports the enactment of
9 Intro 146 regarding microchipping, and with
10 just a couple of recommendations to amend the
11 bill to clarify that mandatory microchip
12 registration by the pet store must be with a
13 bonafide microchip company. Very quickly, and
14 that the usage instructions from the company
15 provided to the consumer and amend the bill to
16 increase the period of time which the pet store
17 must maintain the records--

18 CHAIRPERSON JOHNSON: [interposing]
19 Thank you.

20 STEVEN GRUBER: for more than five
21 years. Thank you.

22 CHAIRPERSON JOHNSON: Thank you very
23 much.

24 BRIAN SHAPIRO: Thank you, Chairman.
25 My name is Brian Shapiro. I am the New York

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2 State Director for the Humane Society of the
3 United States and I'd like to thank both you
4 and the committee for inviting us to
5 participate here today and to provide
6 testimony. On behalf of the HSUS and our
7 members and supporters in New York City, I
8 respectfully submit this testimony to support
9 New York City's proposal to limit the sale of
10 puppy mill dogs in pet stores. The HSUS opposes
11 the sale of puppies bred in inhumane conditions
12 everywhere that they are sold, including in New
13 York City pet shops. We feel that it is not
14 only within the purview of the counsel and the
15 committee to enact legislation and to move
16 forward, not just to increase the standards of
17 care for animals, looking at it from an animal
18 welfare perspective, but also for consumers as
19 well. The conditions that were referred to as
20 staggering earlier by the Director of AC&C
21 don't happen in a vacuum and there's a direct
22 correlation to conditions in puppy mills and
23 the animals that are sold here in New York City
24 that come from such conditions. Federal laws
25 regulations--Federal laws and regulations are

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2 not sufficient to provide, to prevent the
3 proliferation of dogs sourced from inhumane
4 origins. The Federal Animal Welfare Act
5 provides survival standards for dogs, the
6 barest conditions for survival and does not
7 uphold humane standards. We have provided very
8 thorough documentation on this and we do hope
9 that the committee will take a look at that and
10 a hard look particularly at direct and indirect
11 violations that tie into these standards of
12 care. The USDA fails to adequately enforce the
13 Animal Welfare Act. That's no secret that there
14 are challenges, and that's why this legislation
15 was introduced not only at the state level, but
16 we also have to be concerned about conditions
17 at the federal level and the lack of
18 inspection, lack of proper inspection and
19 enforcement. There have been reports from the
20 USDA itself that have noted its own
21 shortcomings in this area and we hope that hard
22 look will be taken at that as well. In
23 conclusion, the morals and values of New York
24 City cannot be represented by allowing the
25 continued sale of puppy mill dogs, an industry

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2 that is intrinsically linked to unnecessary
3 animal suffering. It is incumbent upon the
4 council and the committee once again to
5 recognize that the challenges faced by AC&C do
6 not happen in a vacuum and are directly linked
7 to these larger issues that are happening with
8 puppy mills that are from out of state and to
9 keep in mind the source as an issue to be
10 looked at and applied in this process. Thank
11 you.

12 CHAIRPERSON JOHNSON: Thank you very
13 much. I have a lot of questions for this panel.
14 So I want to get them underway. Brian, I want
15 to stay with you and just ask you how many dogs
16 and cats are sold in the United States each
17 year?

18 BRIAN SHAPIRO: I don't have that
19 information on hand. I want to get you accurate
20 facts and figures, and I will get that to the
21 council.

22 CHAIRPERSON JOHNSON: Okay, thank
23 you. And when you get that number, it'd be
24 helpful to know how many of those animals come
25 from commercial breeders and brokers.

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2 BRAIN SHAPIRO: I will get those
3 figures for you, but again to look at it in
4 terms of New York City as was as in testimony
5 that we heard before from city officials, you
6 can't separate the animals that are for
7 adoption and the impact that has directly upon
8 New York City tax payers and animals that are
9 for sale in pet stores. Inevitably, animals
10 that are for sale in pet stores do impact the
11 animals that we see in the shelter.

12 CHAIRPERSON JOHNSON: I totally agree
13 with you on that point. I'm trying to--we want
14 to create as substantial a record as possible
15 in support of this legislation so that we have
16 all the facts surrounding it. And so some of
17 these questions are just important for us to
18 have answered for the record for this committee
19 and for the Council. So another question that I
20 have that you may not be able to answer is how
21 many cats and dogs are sold in pet stores each
22 year? So how many are sold in the United
23 States, how many sold in pet stores, and how
24 many of these come from commercial breeders and
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2 brokers? It would be helpful to get those
3 numbers.

4 BRIAN SHAPIRO: We'll supply.

5 CHAIRPERSON JOHNSON: Okay, great.

6 BRIAN SHAPIRO: Absolutely.

7 CHAIRPERSON JOHNSON: Maybe and
8 someone else has this number, how many pet
9 stores in New York City sell cats and dogs and
10 upon what data is that number being based on?
11 Does any of you on this panel have that
12 information? No. So, maybe other folks who
13 are going to testify have that. When we speak
14 about puppy and kitten mills, what distinctions
15 should be drawn between brokers and breeders?

16 BRIAN SHAPIRO: That's--there's a
17 lot of leeway with that question. I think the--
18 as you get closer to a breeder and away from
19 what is termed as a puppy mill where you're
20 really putting profit ahead of just animal
21 welfare standards. Once you get to the point of
22 a broker, you're moving more and more away from
23 someone who practices shall we say animal
24 husbandry, who knows about the litter, who
25 cares about the litter and who can provide

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2 proper care that benefits not only the animal
3 or consumers. So you have to look at that
4 distinction. Once you get to a broker, you are
5 moving further and further away from direct
6 oversight of that care to those animals. That
7 again affects animal welfare and consumers as
8 well.

9 CHAIRPERSON JOHNSON: And could you
10 detail or give your opinion on what is actually
11 wrong with large commercial breeders and large
12 brokers? Does the size of a breeder have any
13 correlation with the treatment of the animals
14 or its compliance with the animal welfare act
15 and the USDA regulations?

16 BRIAN SHAPIRO: Compliance with the
17 Animal Welfare Act, as I mentioned earlier,
18 there are a lot of problems in that area, and
19 we can't rely solely upon the Animal Welfare
20 Act to provide care for these animals. We've
21 seen many times that the Animal Welfare Act
22 leaves foreign inspectors, federal inspectors a
23 lot of latitude to make judgment calls.
24 Sometimes we will see direct violations that
25 will pertain to health conditions for the

1 animals that directly affect the health,
2 welfare and safety of animals fall into a
3 category of indirect. So we think of indirect
4 as being perhaps paperwork is not in order,
5 someone puts something in the wrong place. We
6 are seeing actual violations where animals are
7 left outside in subfreezing temperature or
8 animals are covered in feces and the hair is
9 matted. So that's what we're seeing through the
10 Animal Welfare Act and we have to again take a
11 hard look at that.
12

13 CHAIRPERSON JOHNSON: Are those
14 treated as direct or indirect violations?

15 BRIAN SHAPIRO: We've seen those
16 conditions actually be filed as indirect
17 violations which comes as a surprise to many
18 individuals because of a latitude that is given
19 to inspectors. I think that's important for the
20 council to as you go through this process to
21 take a hard look at that.

22 CHAIRPERSON JOHNSON: So the first
23 part of my question, is there a correlation
24 between the size of the breeder or broker with
25 regard to compliance of the Animal Welfare Act?

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2 BRIAN SHAPIRO: I would say that the
3 larger an entity, the more difficult it is
4 keeping in mind that these are living creatures
5 to ensure that all these animals are provided
6 with the proper conditions, not only to benefit
7 them but consumers as well.

8 CHAIRPERSON JOHNSON: Is there a
9 certain size of breeding dogs that you believe
10 is safe? I know that someone else testified
11 that they support what the Assembly Member said
12 which was five breeding dogs. Do you agree with
13 that number?

14 BRIAN SHAPIRO: We'll provide the
15 committee with information. At this point I
16 think that there's some discussions that can
17 be had on that. We would like to see it as
18 regulated as possible.

19 CHAIRPERSON JOHNSON: So you have no
20 recommendation on the number of breeding dogs?

21 BRIAN SHAPIRO: At this time, no sir.

22 CHAIRPERSON JOHNSON: Okay. If anyone
23 on this panel has information on how many
24 puppies and kittens are sold in New York City
25 where they're--or they originate in puppy or

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2 kitten mills, do we have any information on
3 that? No?

4 STEVEN GRUBER: Not in terms of
5 numbers, no sir.

6 CHAIRPERSON JOHNSON: Okay. And do we
7 have information on how many arrive in New York
8 City pet stores via a broker like the Hunt
9 Corporation?

10 STEVEN GRUBER: No sir, I think that
11 perhaps that's a good question for some of the
12 city based organizations.

13 CHAIRPERSON JOHNSON: Okay. We will
14 ask it. How common are latent behavioral and
15 health problems in animals from these sources,
16 from puppy mills?

17 BRIAN SHAPIRO: I think that it--I
18 can't give a specific figure, but it is
19 generally recognized that we do see in addition
20 to behavioral problems, we do see health issues
21 from inbreeding. Again, I'm going to go back to
22 the further away you get from responsible
23 breeders connected to, again to use the term
24 animal husbandry not to use an agricultural
25 term, but knowing the animal and having direct

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2 care over the animal, how could you possibly
3 provide proper adequate care and address
4 behavioral issues when you are dealing with at
5 a puppy mill, again a factory that cranks out
6 so many animals it doesn't seem possible, and
7 it logically leads to such a question, and yes,
8 you are going to see behavioral issues.

9 CHAIRPERSON JOHNSON: And do we have
10 any information on how common it is currently
11 for pet stores to misrepresent the source of
12 their animals or to fail to disclose the source
13 of their animals to customers?

14 BRIAN SHAPIRO: We've provided
15 actually to the committee various invest--
16 information that details various investigations
17 that we've done including in New York City
18 where we have seen misrepresentation of the
19 sources of animals and that is in the record.
20 That's been supplied to the committee.

21 CHAIRPERSON JOHNSON: And is it
22 common that a pet store will claim that they
23 are selling, that they're a puppy mill free pet
24 store when in fact they are buying animals from
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2 puppy mills like the Hunt Corporation? Is that
3 prevalent?

4 BRIAN SHAPIRO: Common is a
5 subjective term. It certainly happen, and when
6 it happens, it happens too often.

7 CHAIRPERSON JOHNSON: You could just
8 state, state your name again.

9 ELINOR MOLBEGOTT: I was just going
10 to say--Elinor Molbegott, Humane Society of New
11 York. What we have found from the many calls
12 that we receive from people who purchase sick
13 animals and are very upset, is they have
14 expressed to us and we have a large veterinary
15 facility and treat 800 patients a week. They
16 have said, "Well, they told me it was not from-
17 -the dog was not from a puppy mill." And it's
18 because that term is a negative description of
19 certain breeders. So of course, when a customer
20 whose heard about puppy mills asks the pet
21 store, "Is this from a puppy mill?" The pet
22 store is not going to say, "Oh, sure. We get
23 them from dirty facilities where animals live
24 in squalor." So it's a question of semantics to
25 a certain degree, but in fact the pet stores do

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2 often get their animal from large breeding
3 facilities, however one wants to call them. But
4 if the Inspector General's report that the
5 USDA's own report on enforcement shows that
6 these large breeders violate the regulations
7 that the enforcement officers are lax and
8 animals suffer as a result, and those are the--
9 those animals go to pet stores. That's the
10 business of puppy mills.

11 CHAIRPERSON JOHNSON: Now, I would
12 imagine, I mean I wouldn't think that someone
13 who is selling animals acquired or bought from
14 a puppy mills is going to tell people, "Yeah, I
15 bought these from a puppy mill." And it depends
16 on how these pet stores even define what a
17 puppy mill is. In their mind it may not be a
18 puppy mill if it's 30 breeding dogs or 20
19 breeding dogs. So it's actually getting a real
20 definition and that definition may vary
21 depending on who you're asking.

22 ELINOR MOLBEGOTT: Absolutely, and
23 that's why in our testimony we're suggesting
24 that instead of pet stores representing to the
25 consumer all is well, that the pet stores

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2 actually go and see the places where they're
3 purchasing the animals from and certify that
4 things are in order. I don't think they'll be
5 able to do that, and that's for the small
6 percentage of animals that they would sell from
7 breeders. Hopefully, that wouldn't be the
8 majority.

9 CHAIRPERSON JOHNSON: I mean, I'm not
10 opposed to that. I just want to say it may be
11 hard for the city to verify that someone
12 actually went and looked at something. I mean,
13 possibly they could sign an affidavit or
14 something along those lines, but it's not easy
15 to enforce whether or not someone has gone and
16 actually looked at where they're getting their
17 animals from.

18 ELIZABETH STEIN: Right, and if I
19 could just add one other thing. Elizabeth
20 Stein, and this is what I have experienced in
21 my own private practice of calls that I get
22 from people who have purchased not kittens but
23 puppies from pet stores. They'll say to me,
24 "But I don't understand. On my papers it said
25 that my puppy came from Sunny Valley Farms in

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2 Ohio. How can Sunny Valley Farms be a puppy
3 mill?" And what's happening is, you know,
4 people are putting these beautiful labels--

5 CHAIRPERSON JOHNSON: [interposing]

6 It's a misnomer.

7 ELIZABETH STEIN: Exactly, and then
8 the pet store's telling the consumer, "Don't
9 worry about it. Here's the person's name. Give
10 them a call. They'll tell you everything is
11 great."

12 CHAIRPERSON JOHNSON: And what is the
13 recourse when that happens? Does--what
14 recourse does a consumer have when they believe
15 they are buying a pet that is not from a puppy
16 or kitten mill but in fact they are, does a
17 consumer have any recourse?

18 ELIZABETH STEIN: Well, they have--
19 they have certain recourse if the animal is
20 unwell under the law. They might have recourse
21 for fraud, but again, it depends because since
22 there is no definition of what a puppy mill is,
23 and since if the pet store is not actually
24 saying, "No, this is not a puppy mill, but you
25 know, this is x, y and z breeder." Who's to say

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2 that it's not x, y, z breeder without an actual
3 definition, and just anecdotally what I have
4 heard in terms of the question of what
5 separates a broker from a breeder, what I have
6 always been told is that no responsible breeder
7 would ever sell one of his or her puppies to
8 somebody that he or she does not know. So a
9 responsible breeder would not be placing
10 puppies from their litter in a pet store where
11 that--where there are no standards--

12 CHAIRPERSON JOHNSON: [interposing] I
13 understand.

14 ELIZABETH STEIN: in terms of sale
15 to the consumer.

16 CHAIRPERSON JOHNSON: Thank you. Is
17 there any official documentation that is
18 supposed to follow an animal from breeder to
19 pet store that could serve as proof of source
20 to a potential purchaser and to a potential
21 inspector that comes into a pet store?

22 BRIAN SHAPIRO: There is
23 documentation. I would like to get more
24 specifics. There is documentation that can
25 follow but it's really incumbent upon whether

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2 it's the city or municipalities to detail that
3 information to make it available so it could be
4 made available. I know that it could be made
5 available upon request but there is information
6 that follows, but again, consumers have to be
7 able to understand the source and be
8 knowledgeable of the law in order to make those
9 decisions as a consumer.

10 CHAIRPERSON JOHNSON: When you speak
11 of that requirement, you mean a requirement
12 from the USDA?

13 BRIAN SHAPIRO: It's munic--with
14 passage of the preemption law, municipalities
15 can put into effect rules and regulations that
16 can detail and require specifics. So it's
17 really up to this body to decide what kind of
18 information would be made available to the
19 consumers. It is possible to track that if
20 that's your question. Yes, it is absolutely
21 possible to track that information.

22 CHAIRPERSON JOHNSON: And how common
23 is it for pet stores to sell pets to customers
24 without providing documentation to a purchaser?
25 Very common?

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2 BRIAN SHAPIRO: I would say yes, it
3 is common. I don't want to say very, but it
4 happens often in the course of business.

5 CHAIRPERSON JOHNSON: Great.

6 ELIZABETH STEIN: I would just add
7 that the state law does require that pet stores
8 provide the purchaser with the name of the
9 breeder for dogs and for cats. The problem is
10 that's meaningless to a consumer because what
11 the consumer doesn't really know this breeder
12 in Missouri or wherever.

13 CHAIRPERSON JOHNSON: So on that
14 point, is there information available on what
15 the five largest puppy and kitten mills are,
16 who they are that sell to pet shops in New York
17 City? Has there been investigations and
18 information on that?

19 BRIAN SHAPIRO: Yes, and that
20 information I believe has been forwarded and if
21 not, we can provide that. I know the ASPCA as
22 well has that information available.

23 CHAIRPERSON JOHNSON: Is there any
24 way you could get that information to us right
25

1
2 now, or is there anyone else that has that
3 information?

4 BRIAN SHAPIRO: If--I can get that
5 to you within what is right now. I can get that
6 to you as soon as possible.

7 CHAIRPERSON JOHNSON: Okay. Well, I
8 have more questions, so if you want to try to
9 work on it right now that would be helpful. We
10 do want--

11 BRIAN SHAPIRO: [interposing] Would
12 it be disrespectful if I start--

13 CHAIRPERSON JOHNSON: [interposing]
14 We want this information for the record.

15 BRIAN SHAPIRO: typing? Okay.

16 CHAIRPERSON JOHNSON: Yeah, it's
17 relevant to questions that we're going to ask
18 further in this committee hearing. What is the
19 role that brokers like the Hunt Corporation
20 have in the larger pet industry? Does anyone
21 have an answer to that? No?

22 BRIAN SHAPIRO: I'm sorry?

23 CHAIRPERSON JOHNSON: What is--I know
24 I'm sorry, you're trying to do things
25 simultaneous.

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BRIAN SHAPIRO: Multitasking.

CHAIRPERSON JOHNSON: Yeah. What is the role that a company like the pet--like the Hunt Corporation has in the larger pet industry, what type of role do they have?

BRIAN SHAPIRO: Well, they are a major player that cannot be discounted. I think when people go to puppy store, or excuse me, to a pet shop, they don't think of this. They don't think of, again, the term of a puppy mill a factory. So yeah, there is a direct role and again, that specifically comes down to how it is effecting New York City and why it's incumbent upon this council to take action.

CHAIRPERSON JOHNSON: What is their business model? What is a company like the Hunt Corporation, what is their business model on how they make profit?

BRIAN SHAPIRO: I would reserve giving details on that without getting specific information. I will refer back to, as I said before, I think many consumers believe that they are getting puppies that are raised by responsible breeders.

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2 CHAIRPERSON JOHNSON: What do they
3 do? What does the Hunt Corporation do?

4 BRIAN SHAPIRO: The Hunt Corporation
5 basically does not directly raise these
6 animals. It's--they're sourcing animals. They
7 are--

8 CHAIRPERSON JOHNSON: [interposing]
9 It's an intermediary?

10 BRIAN SHAPIRO: Yes, absolutely. It's
11 removed. It's where the animal then becomes the
12 product.

13 CHAIRPERSON JOHNSON: Is Hunt
14 considered a particularly bad actor in the
15 industry?

16 BRIAN SHAPIRO: There are concerns
17 that our organization has about those practices
18 and others as well that--

19 CHAIRPERSON JOHNSON: [interposing]
20 And why?

21 BRIAN SHAPIRO: [interposing] stray--

22 CHAIRPERSON JOHNSON: [interposing]
23 Why is that?

24 BRIAN SHAPIRO: They don't practice
25 again and tie into the type of standards that

1
2 consumers expect care for animals. As I said
3 earlier, the concept of putting profit above
4 the welfare of an animal, which is the standard
5 model, the business model that you were
6 referring to earlier.

7 CHAIRPERSON JOHNSON: And where do
8 they obtain their animals from?

9 BRIAN SHAPIRO: I will defer to other
10 speakers on that.

11 CHAIRPERSON JOHNSON: Okay. We have
12 other folks that are going to testify and I'm
13 sure speak to some of these questions. Why do
14 you believe, this panel believe that we should
15 limit the sale of animals obtained from a
16 broker like Hunt, there are others, if their
17 animals originate with small breeders? Do you
18 want me to repeat it? The question is, if in
19 fact Hunt is actually buying animals and is the
20 intermediary for animals that are actually
21 coming from smaller breeders, would you object
22 to that?

23 BRIAN SHAPIRO: I will refer--I will
24 reserve comment on that, and I do think again
25 that there are other organizations here who are

1
2 active in this, particularly the ASPCA who
3 could provide very accurate information that
4 will be helpful to the council today.

5 CHAIRPERSON JOHNSON: Okay. I
6 appreciate that. So, the pet industry joint
7 advisory council posted the following comment
8 on their website in advance of today's hearing.
9 They said, "The number of animals a breeder has
10 in their possession has nothing to do with the
11 quality of care the breeder provides. Breeders
12 used by responsible pet stores in the city are
13 thoroughly inspected by the USDA, and since
14 local pet stores rely on repeat business, no
15 responsible pet store in the city would knowingly
16 risk their reputation by providing unhealthy
17 pets from questionable sources to the public."
18 As the Humane Society who have worked on these
19 issues and--

20 BRIAN SHAPIRO: A 2010 report issued
21 by the USDA office of Inspector General, as
22 Elizabeth mentioned earlier, I found that the
23 agency's "enforcement process" was ineffective
24 in achieving dealer compliance with AWA and
25 regulations which are intended to ensure the

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humane care and treatment of animals. So that comes from the USDA itself and clearly points to the shortcomings of relying upon their standards.

CHAIRPERSON JOHNSON: And based up on the Humane Society's investigations and your own experience in working on these issues, could you comment on the accuracy of the statement I just read with respect to the relationship between the number of animals as we discussed earlier and the quality of care? Are those things tied together?

BRIAN SHAPIRO: Again, I would reserve comment on that and I do think there's other organizations here today which would like to add their views.

CHAIRPERSON JOHNSON: Thank you very much. I think we're going to call up another panel that may be able to answer some of these questions. I just wanted to get as many people as possible to weigh in on this for the record.

BRIAN SHAPIRO: Thank you, sir.

CHAIRPERSON JOHNSON: Thank you all for your testimony today, and we really

1
2 appreciate your time here and the work that you
3 do on a day to day basis. We are going to call
4 five people up. So maybe we can take one of
5 those smaller chairs right there that is
6 unoccupied and pull it up next to the witness
7 table. This panel is going to be Steven Lane
8 from the Pet Industry Joint Advisory Council,
9 Ann Lettis from the American Kennel Club,
10 Leandro Jacoby from Citipups NYC Corporation,
11 and David Dietz from Puppy Paradise, and
12 lastly, Michael Glass from America's Pet
13 Registry Inc. So again, you can start in
14 whatever order you'd like. If you could please
15 state your name for the record and I will swear
16 you all in if you all, if all five of you could
17 please raise your right hand. If you could
18 raise your right hand. Do you swear and affirm
19 to tell the truth, the whole truth and nothing
20 but the truth in your testimony before this
21 committee and to respond honestly to all
22 Council Member questions?

23 UNKNOWN: I do. [off mic]

24 CHAIRPERSON JOHNSON: Thank you very
25 much. So you may begin in whatever order you'd

1
2 like. Again, please state your name for the
3 record.

4 STEVE LANE: Good afternoon. My name
5 is Steve Lane and I own Steve's Wonderful World
6 of Pets in Buffalo, New York. I'm here today on
7 behalf of the Pet Industry Joint Advisory
8 Committee, PIJAC. PIJAC represents interest of
9 all segments of the pet industry throughout the
10 United States including organizations,
11 corporations and individuals involved in the
12 commercial pet trade. More specifically, PIJAC
13 represents the interest of pet industry
14 distributors, manufacturers, breeders,
15 retailers and pet owners throughout the state
16 of New York. Even as PIJAC has worked to raise
17 standards of care among breeders, they have
18 battled misconceptions about the quality of pet
19 store animals and the sourcing of such animals.
20 The unsubstantiated assertion that pet store
21 puppies generally come from substandard
22 breeding facilities is commonly used as a smoke
23 screen to obscure the fact that the
24 overwhelming majority of pet owners who choose
25 pet stores bring home a happy, healthy pet and

1
2 that they remain highly satisfied with their
3 pet store experience. The reality is that
4 almost all pet store puppies that originate
5 from USDA licensed sources come from breeders
6 who are regularly inspected and found to comply
7 with appropriate care standards. By contrast
8 many of the dogs and cats from other sources
9 including rogue internet operators, private
10 breeders, shelters and rescues do not come from
11 licensed breeders. By titling this law as you
12 have and by then going on to use the term puppy
13 mill in the text of the law even though you
14 didn't officially define it, you are
15 demonstrating a bias against USDA licensees.
16 PIJAC has actively supported cooperative
17 efforts among representatives of the
18 veterinarian and animal welfare communities who
19 adopt state of the art breeding welfare
20 standards including an agreement last year on
21 what constitutes a puppy mill. However, the
22 industry decries the casual use of this term
23 because it is often used in an overly broad and
24 incorrect manner to describe all breeders
25 responsible and irresponsible. So from quoting

1
2 from the HSUS, they have identified as a puppy
3 mill an operation that sells dogs for money and
4 fails to breed them appropriately or provide
5 adequate housing, shelter, staffing, nutrition,
6 socialization, sanitation, exercise and
7 veterinary care. The definition was agreed to
8 last year by the HSUS, the ASPCA, the American
9 Pet Products Association, the Pet Industry
10 Distributor's Association and PIJAC as well as
11 Pet Co and Pet Land. Note that this agreed upon
12 definition does not include the number of
13 breeding females or the puppies sold in a year.
14 The reason--

15 CHAIRPERSON JOHNSON: You may
16 continue.

17 STEVE LANE: Thank you. The reason
18 for this is that there is no inherent
19 correlation between either figure and the
20 standards of care that a facility can provide.
21 A professional breeder with the state of the
22 art equipment, well-trained staff and
23 sufficient space may be able to care for dozens
24 of animals in a much more responsible manner
25 than a hobby breeder who operates out of their

1
2 home can care for a single litter. By choosing
3 the arbitrary figures to define high volume
4 breeder and then prohibiting pet stores from
5 sourcing directly from such breeders, you are
6 denying New York City pet stores and potential
7 pet owners from utilizing professionally run,
8 well-regulated breeders based solely on the
9 number of animals for whom they care.

10 CHAIRPERSON JOHNSON: Thank you.

11 STEVE LANE: Thank you.

12 CHAIRPERSON JOHNSON: I appreciate
13 your testimony.

14 ANN LETTIS: I'm Ann Lettis, the
15 Director of Responsible Dog Owners Association
16 of New York, and I'm also representing the
17 American Kennel Club. I've been involved in K9
18 legislation for 30 years, and the recent intros
19 of 136, 146, 73 and 53, 55, I'm sorry, raise a
20 great deal of concern for responsible dog
21 owners within the five boroughs. None of these
22 proposed laws provide any definition for
23 responsible hobby breeder. 136 calls for the
24 early sterilization of animals and I've
25 attached information about that, the pros and

1
2 the cons, and you're going to see that the cons
3 really greatly out rule the pros of early
4 sterilization. 136, within number 136 there's a
5 stipulation that any animal released from a pet
6 shop have this procedure. However, a consumer
7 can present the pet shop with the a letter from
8 his veterinarian as to why this should be not
9 done until a specific date. So what I'm asking
10 is, the dates--it's four months. Who is going
11 to check? First of all, how can the
12 veterinarian make that decision if the pet shop
13 can't release the puppy? And after four
14 months, even if it is release, after four
15 months, who's going to check to see if this dog
16 has been sterilized or not? Within the same
17 proposal is about the application for a dog
18 license. One says that the pet shop is
19 responsible for the dog license, but Intro 55
20 says it's different and it's not. One thing
21 that is really that I find is the definition of
22 a high volume breeder even includes a person
23 who has an interest or a cust--or is in custody
24 of one or more breeding females or cats, dogs
25 or cats, and who sells these for sale. What is

1
2 the definition of a breeding female? You know,
3 like is it--can you have a bitch, and I just
4 put my old bitch to sleep. She was 16 years old
5 and she was not spayed. Would she be
6 considered a breeding female? There's
7 absolutely no definition about this. Just
8 because a bitch is not spayed does not mean
9 that she's for breeding, okay? I venture to say
10 that many responsible breeders, like myself, do
11 have a co-ownership specifically because of
12 their interest which is to protect the female
13 dogs which they have bred. Hobby breeders have
14 good quality dogs, healthy and good temperament
15 will have a co-ownership of all female dogs so
16 that they can enable a responsible breeder to
17 carefully select and decide who and from--who
18 their line should be bred to, when they should
19 be bred, if they should be bred to continue the
20 soundness and good temperament of their dogs.
21 While breeders are subjected to inspections by
22 the American Kennel Club and pet shops are
23 inspected by the USDA, who inspects the
24 shelters? I have attached two articles. I have
25 attached two articles relating to the

1
2 increasing problem that's caused in shelters by
3 importing dogs from other countries and other
4 states.

5 CHAIRPERSON JOHNSON: You may finish.

6 ANN LETTIS: Not only is the shelter
7 population then blamed on breeders and puppy
8 mills, but worse, problems occur because
9 there's no health inspection of what is brought
10 into shelters. When the media mentions the
11 wonderful stories about how dogs are brought
12 into our New York State shelters, while some
13 individuals may get a warm and fuzzy feeling,
14 I'm personally appalled.

15 CHAIRPERSON JOHNSON: I--

16 ANN LETTIS: [interposing] A few
17 years ago, 30--

18 CHAIRPERSON JOHNSON: [interposing] I
19 have the rest of your testimony. I understand
20 and we're going to have questions. So you'll be
21 able to weigh in when we have questions, but I
22 appreciate that you provided this. Everyone's
23 not going to be able to get through all of
24 their testimony. A lot of people brought more
25 information than would fit in three minutes,

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2 but again we are taking every testimony, a
3 piece of testimony today and really considering
4 it as part of our legislative process. So I
5 appreciate your testimony.

6 ANN LETTIS: You're welcome.

7 CHAIRPERSON JOHNSON: Thank you very
8 much.

9 MICHAEL GLASS: Thank you. First,
10 please forgive the informal, for a lack of
11 better word, scribble on the submitted
12 testimony. There were some last minute
13 thoughts, but it's--hopefully that it's self-
14 explanatory. I am Michael Glass. I work for
15 America's Pet Registry and please for the
16 interest--in the interest of credibility, we
17 are accepted as a pure bred registry by the New
18 York State Department of Ag and Markets. You
19 know, I've sat throughout the country listening
20 to a lot of testimony and I've had the
21 privilege of sharing a lot of information and
22 learning a lot of information from a lot of
23 bills, and typically you sit in a committee
24 meeting like this and you have one side that
25 says, "Not strong enough. We need more." And

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2 then you've got the other side that says, "Oh,
3 my goodness. Leave us alone. We're fine." I
4 don't think you're going to find anybody on
5 this panel that says, "Oh, please let us go
6 breed those puppy mills." You're not going to
7 find anybody on this panel that's going to say,
8 "Oh, we agree with indiscriminate breeding."
9 It's just not going to happen. My concern is
10 with the foundation, the foundation of this
11 bill. And here's where I'm kind of scratching
12 my head, and I'm not really sure where the
13 panel's coming from. Verbally I'm hearing an
14 appeal for we want to make this a fair strong
15 bill; puppy mill. Puppy mill. Puppy mill. Is
16 that a noun? Is that a place? Is that a hard
17 place where puppies are kept in such horrible
18 conditions, or is it an adjective that's used
19 to be inflammatory, an inflammatory adjective
20 to say, "Hey, listen to me. Our bill has to
21 pass because we've got to get rid of these
22 puppy mills because they're horrible." We know
23 they're horrible. I just came from Suffolk
24 County, to conclude my thoughts here, and I
25 would encourage you to, excuse me, to review

1 the agreements that they just came from. They
2 did the impossible. They got pet stores and dog
3 breeders to sit in one room along with the
4 rescues and the Humane Society, and might I add
5 another thought here if I can digress, there's
6 a need for rescues. We need the rescues. They
7 do a wonderful thing. They take the sick dogs,
8 the hurt dogs, the unwanted dogs, the lame
9 dogs, the dogs that need special attention, but
10 everybody's not right. Everybody's not fit to
11 give that dog a home and the rescues are not
12 going to go away and the unwanted dogs are not
13 going away, and putting a close on a pet store
14 ban with an arbitrary number is like putting a
15 bucket in the middle of that room to fix the
16 leaky roof. So we would encourage passage of a
17 bill that would be amicable by everybody, and I
18 think it can happen, because for the first time
19 in history I just witnessed that in Suffolk
20 County. With regards to spay and neuter, I
21 would encourage you to please include the
22 thoughts on veterinary practices. There's a lot
23 of study now that's showing early spay and
24 neuter on large dogs, large breeds or giant
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2 breeds can present health concerns. Thank you
3 for your time.

4 CHAIRPERSON JOHNSON: Thank you very
5 much for your testimony and for being here
6 today.

7 DAVID DIETZ: Great. Hi, my name is
8 David. I'm from Puppy Paradise. I'm the pet
9 store that everybody's trying to shut down and
10 close because of selling sick puppies or doing
11 unscrupulous practices that are resulting from
12 the breeders. So let me tell you my perspective
13 is we've been in business for maybe 35 years.
14 I've been in the business for almost 50 years.
15 I care very much about what we're doing in the
16 business and every dog that comes in we inspect
17 the breeders. We purposely go out and figure
18 out who's giving bad problems, who's causing
19 problems for us and for the consumers that are
20 getting the dogs. Why don't you try maybe
21 allowing the pet stores to help govern and help
22 you solve your problems over there rather than
23 doing it all yourself. We are very good at what
24 we do. We love what we do. We make a living at
25 what we do. We support our families, other

1
2 people, workers in the store, our children are
3 coming into the business. My family's been in
4 the business and we can do a job, if you allow
5 us. There are many different ways to solve this
6 problem. You know, I don't--no offense to the
7 city, but the city has a way of doing things
8 that make more work. We like to cut to the
9 chase and really solve the problems if you let
10 us. I mean, what are you really trying to do
11 here? You're trying to control puppy mills
12 through pet stores, by shutting down pet stores
13 is from what I am seeing. Am I wrong? Is that
14 what's going on? So, this is what you're trying
15 to shut down 100's of stores, 100's of business
16 that are--do care about what's going on with
17 the animals. So why don't you allow the smart
18 people who are running businesses help create a
19 model store, and a model store in my opinion is
20 someone who can take the puppies in, check the
21 breeders, see the dogs that have problems on a
22 regular basis, have veterinarians that are
23 behind them follow through with the care, have
24 dog trainers that train the puppies to be
25 better animals and more self-sufficient and

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2 then have these stores bring more business back
3 to themselves and to the community through
4 grooming, through supplies, through hotel
5 services. Now I know personally for me when I
6 started in 1980, in 1991 I went to the ASPCA
7 because I didn't want to sell puppies from
8 puppy breeders. I got them from the ASPCA and
9 rehomed them. Thought it was a great idea. The
10 SPCA after trying to do this over and over
11 again turned me down. They said, "No, you're a
12 pet store. We will not sell to you." Why? It
13 was mind boggling, and as I walking out, there
14 was a man named George who manage the ASPCA in
15 Brooklyn, and as I was walking out, the dog
16 that I was looking to adopt, he said, "Okay,
17 that's the dog you're going to put down right
18 now." I could not believe it. And this is over
19 20 years later and I'm still upset that they
20 won't allow a pet facility who does a great job
21 at rehoming dogs. I mean, they are
22 professional. It's a livelihood. You don't
23 allow us to do that. I am complete. Thank you.

24 CHAIRPERSON JOHNSON: Thank you very
25 much sir, and I would just say that we are here

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2 today having this very substantial meeting
3 because we care about animals, we care about
4 humane treatment of animals, and it's my
5 opinion that these measures are necessary,
6 though they could be improved and that's why
7 we're having the legislative process to hear
8 from everyone and that's why we're taking
9 testimony to ensure that animals are treated
10 well, and I don't know your pet store, so I
11 can't comment on your practices, but I can just
12 say that if in fact what you said is true, and
13 you swore to tell the truth so I assume that it
14 is true, that not every pet store is behaving
15 that way, that there are plenty of pet stores
16 that are not abiding in the same way that you
17 say that you are. So today is about making sure
18 that our animals that are coming into New York
19 City are treated properly, are coming from a
20 humane source, and if there are suggestions
21 that anyone has on what the proper numbers are
22 or along those lines, we are happy to take
23 that. We are not wedded to a certain number. We
24 want to make this as safe as possible. I'm
25 going to let this gentleman testify and then

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we're going to have questions and you can weigh in again. I'm not cutting you off. Thank you very much. Yes, sir, if you could just state your name for the record and speak closely to the microphone.

LEANDRO JACOBY: My name is Leandro Jacoby. I represent Citipups. I'm sorry I don't have any statement here today, but I have just to mention a few things. I, myself, have been in business for 13 years. The store has been there for 20 years. It's pretty much a family owned business.

CHAIRPERSON JOHNSON: Where's your store?

LEANDRO JACOBY: In Chelsea in the West Village.

CHAIRPERSON JOHNSON: How many locations?

LEANDRO JACOBY: We have only two locations. And I just want to make a correction to a statement given previously. Myself and my co-workers, my partners in the business, we have visited, we visited our breeders. We know where they come from. Their information's

1 available upon request by the perspective
2 purchase of the dog. We are, you know,
3 inspected regularly by the Health Department,
4 so we comply with every dot, every comma on
5 their book. Same thing with the USDA. They come
6 in. They inspect all our paperwork. It's very
7 difficult pass a bill like this because it's
8 just a gray line. We have requested, we have
9 tried to find several times rescue kittens to
10 put for adoption at our facility, but
11 unfortunately we cannot find, and whenever we
12 do fine, they're just so unfit for rescue we
13 just can't deal with it. And also we support
14 Earth Angel. She comes in every week to our
15 stores who brings rescue dogs. Some people are
16 already familiar with the rescue Earth Angel
17 with Emma-Linda [sp?]. Very popular in the
18 City. She brings her own dogs in. She rescued
19 them. She fostered them to different people.
20 And we do our best in order to make sure the
21 dogs are healthy, our well care, and
22 unfortunately there are things that are
23 happened to people that purchase a dog that
24 it's pretty much impossible to correct, to know
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2 for sure. What I'm trying to say is sometimes a
3 person buys a small puppy because it don't have
4 immune system, they will get a runny nose. They
5 will get a cough, and that's I believe is the
6 most common problem people have it, complains
7 that people have online. Just because a dog had
8 a small cough, a runny nose, they'll just blast
9 anyone online and make any reviews look very
10 bad. We do have bad reviews, but also we do
11 have very good reviews and unfortunately there
12 are just things that unfortunately other pet
13 store or just the government, whoever any
14 responsible government agency cannot correct is
15 just unfortunately things just happen with the
16 dogs. It doesn't matter if from a shelter or a
17 pet store or puppy mill, things just happen.
18 That's just my statement.

19 CHAIRPERSON JOHNSON: Thank you very
20 much for your testimony. I live down the block,
21 I believe, from one of your stores. I live at
22 15th Street and 8th Avenue. You're at 17th and
23 8th Avenue?

24 LEANDRO DIETZ: 17th and 8th Avenue,
25 right there.

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2 CHAIRPERSON JOHNSON: Thank you very
3 much. So we are going to go to some questions.
4 I want to go to PIJAC first and ask a few
5 questions, and again, I want to thank you for
6 being here today and being part of this
7 conversation. Is PIJAC the largest or one of
8 the largest pet industry lobbying groups in the
9 United States?

10 STEVE LANE: First, thank you very
11 much for being willing to listen to us, and
12 yes, I believe that PIJAC is the largest
13 activist voice in the industry.

14 CHAIRPERSON JOHNSON: And if you
15 could please describe the makeup of your
16 organization, the umbrella organization's
17 members. Does it include large scale commercial
18 breeders and brokers?

19 STEVE LANE: Yes, breeders, brokers,
20 manufacturers, distributors, pet stores,
21 national chains, locally owned independent
22 stores, anybody in the industry.

23 CHAIRPERSON JOHNSON: Thank you. And
24 is the Hunt Corporation or any business that is
25 characterized as a puppy mill or a kitten mill

1
2 by a previous panel member of your
3 organization?

4 STEVE LANE: First, I need to say
5 I've never heard the term kitten mill used
6 before. I'm not aware of any commercial
7 breeders of cats in the industry. And in terms
8 of puppy mill, I sort of see that pejorative,
9 but Andrew [sic] Hunt is not a breeder, and
10 Hunt is a member of PIJAC.

11 CHAIRPERSON JOHNSON: Hunt's a member
12 of PIJAC?

13 STEVE LANE: Yes, sir.

14 CHAIRPERSON JOHNSON: What percentage
15 of your breeder and broker members received a
16 direct or indirect violation by the USDA in the
17 last five years?

18 STEVE LANE: I have no information--

19 CHAIRPERSON JOHNSON: [interposing]
20 Could you get that information to us?

21 STEVE LANE: I believe so. I'm not
22 sure how many breeders are actually members of
23 PIJAC.

24

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2 CHAIRPERSON JOHNSON: But I'm sure
3 those numbers are available. You know who your
4 members are and so you'd be able to tell us.

5 STEVE LANE: What percentage of the
6 members of PIJAC that are breeders that have
7 direct violations, certainly.

8 CHAIRPERSON JOHNSON: Yeah, direct or
9 indirect violations from the USDA in the past
10 five years.

11 STEVE LANE: Certainly.

12 CHAIRPERSON JOHNSON: That would be
13 helpful. Thank you. What types of violations or
14 conduct should disqualify a breeder or broker
15 from the New York City market? Any of you can
16 answer that type of question.

17 DAVID DIETZ: Yes, my name is David.
18 So, I've been doing this for 35 years and
19 generally it's people who don't care about the
20 dogs that go out. They have problems on a
21 regular basis with upper respiratory, hip
22 problems, they're dealing with their own
23 breeders who are regularly just pushing it
24 through for the sum of profit and--

CHAIRPERSON JOHNSON: [interposing]

So you think that is going on currently in the city?

[cross-talk]

CHAIRPERSON JOHNSON: With some pet stores are buying from breeders or brokers where that is the case.

DAVID DIETZ: I can't answer for other people. I can only answer for myself, and even though we buy from only USDA registered and certified because we get inspected regularly and we can prove every record. In the past it has happened where private breeders that don't control their health situation comes in, but we control it because it comes into the store and state law mandates pet facilities to be totally responsible within a 14 day period to pay vet bills, reimburse the money, and they get to keep the dog. So we are on top of our game to make sure that that animal comes in. First off all, we're not getting sick animals where we have to pass it on and we don't. We're getting animals that are healthy. We make sure they stay healthy and we follow through with

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the customers, because if we're in business for more than 10 years, obviously we're doing something that we try to stay right on and we care about what's going on. So we follow through even after it's sold. Personally for me, six week program.

CHAIRPERSON JOHNSON: So you testified that you have actually gone and visited the place that you--you have not. You have not visited?

DAVID DIETZ: I have not personally visited.

CHAIRPERSON JOHNSON: Why not?

DAVID DIETZ: I'm a business man. I stay in the store. My manager runs it and we talk directly with the people on a regular basis. We're in relationship with any of our breeders that we get from.

CHAIRPERSON JOHNSON: But you've never seen the facilities ever that your pets are coming from?

DAVID DIETZ: No, we don't need to see them. We see the dogs--

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CHAIRPERSON JOHNSON: [interposing]

Hold on, I have a--

DAVID DIETZ: [interposing] that come in.

CHAIRPERSON JOHNSON: As someone who cares about animals, and you know there is a problem out there amongst some breeders and brokers that are raising animals and breeding animals in unhealthy inhumane unsafe conditions, wouldn't it be important for you to actually go and physically see where your pets are coming from?

DAVID DIETZ: Well, is that a mandatory thing that you're recommending? Because we have a way of scrupulizing [sic] which dogs are problems and which breeders are problems without going to see the facilities.

CHAIRPERSON JOHNSON: How?

DAVID DIETZ: You go online. You visit their sites. You see what other complaints are going on.

CHAIRPERSON JOHNSON: Anyone could put anything on a website.

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2 DAVID DIETZ: You can--so are you
3 saying that I should go see the facilities? Is
4 that you request? Is that standard?

5 CHAIRPERSON JOHNSON: I'm not making
6 any request of you. I'm asking you questions.
7 I'm not telling you how to run your business.
8 I'm asking you what I believe to be legitimate
9 questions on this issue.

10 DAVID DIETZ: We have not. We don't
11 need to unless we want to be in relationship.
12 We've been invited out to several facilities.

13 CHAIRPERSON JOHNSON: You have been
14 invited?

15 DAVID DIETZ: Yeah, oh absolutely.
16 So--

17 CHAIRPERSON JOHNSON: [interposing]
18 You work seven days a week?

19 DAVID DIETZ: Personally, I have.
20 That's correct. I really love what I'm doing.

21 CHAIRPERSON JOHNSON: But you have no
22 time to visit the facilities that you purchase
23 pets from?

24 DAVID DIETZ: You know what? Anybody
25 who cares about animals, it's seven days a

1
2 week. It's 24 hours a day. My phone is on call
3 better than a veterinarians because I really
4 care about when a customer has a problem, can
5 it be solved and it has to be micromanaged.
6 It's not like I'll put it off 'til tomorrow.

7 CHAIRPERSON JOHNSON: Do you believe
8 that the 14 day period is enough time? What if
9 one of the animals that are bought from your
10 facility get sick 15 days later? You wouldn't
11 have to cover the cost. Do you cover the cost
12 if someone comes in 17 days later with a sick
13 animal?

14 DAVID DIETZ: Okay. So we are
15 responsible. I talk to the customer. We manage
16 the cost. Will I cover it to the full state of
17 the law [sic]? Give back all the money. Give
18 back any vet bills. And by the way, you must be
19 aware that the veterinarians love New York
20 State law for the simple reason is that when a
21 puppy is sold and dog goes into them with a
22 minor upper respiratory, I mean not even done,
23 a slight cough, possible limp, anything else,
24 that's a equivalent for them to charge 500,
25 1,000, 2,000, 3,000--

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CHAIRPERSON JOHNSON: [interposing]

I--

DAVID DIETZ: and then bring it back
to the store.

CHAIRPERSON JOHNSON: Sir, I don't
want to--

DAVID DIETZ: Have you?

CHAIRPERSON JOHNSON: I don't want to
use broad strokes describing veterinarians. I
think that--

DAVID DIETZ: [interposing] Well,
it's a fact in the pet facilities that we have
to deal with.

CHAIRPERSON JOHNSON: But let me
speak. I would hope that most veterinarians
never want to see a pet unless they must see a
pet. So that would be my hope for veterinarians
that they wouldn't like the law because they
get to see more sick animals. My hope would be
they would only want to help animals if they
must have to help them, and if there are
preventative measures that could take place
beforehand where they wouldn't end up in their
office, they'd prefer that. I have a question

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for you. Who are your biggest vendors of animals? Where do you get your animals?

DAVID DIETZ: Where what?

CHAIRPERSON JOHNSON: Where do you buy--who are your vendors?

DAVID DIETZ: Okay, that's my manager knows that. I'm the back office. I make sure that all things are done.

CHAIRPERSON JOHNSON: You're the owner of the store.

DAVID DIETZ: I am the owner of the store.

CHAIRPERSON JOHNSON: You do not know where you purchase your animals from?

DAVID DIETZ: I cannot give you accurate information at this time. You can speak to me later and I'd be happy to provide the information to you.

CHAIRPERSON JOHNSON: That's really hard for me to believe that you wouldn't have that information.

DAVID DIETZ: I don't have it on me, but I can provide it for you, no problem.

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2 CHAIRPERSON JOHNSON: How long have
3 you had your store for?

4 DAVID DIETZ: More than 35 years.

5 CHAIRPERSON JOHNSON: You don't have
6 any remembrance of 35 years of where you buy
7 your pets?

8 DAVID DIETZ: So I--in the back
9 office. My manager has been running and
10 basically took over the store for the past 18
11 years. So basically I handle all business and
12 management of that. So if you want that
13 information you're more than welcome to it.

14 CHAIRPERSON JOHNSON: I would love
15 that information if you could please provide
16 that to the council.

17 DAVID DIETZ: Absolutely. You give
18 me the email wherever you need it provided I'd
19 be happy to take care of that for you. And just
20 to comment on the veterinarians on there. I
21 would also love if they had a scrupulous
22 attitude towards their practice and wanted to
23 do the just and right thing, but as human
24 nature goes, veterinarians have a tendency to
25 be greedy and they take res--they take the New

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2 York State law and they carry it a little bit
3 further than what they should on there, because
4 there's a big difference when we go into an
5 office--

6 CHAIRPERSON JOHNSON: [interposing]
7 We're not here to talk about that today, but I
8 appreciate--

9 DAVID DIETZ: [interposing] But you
10 brought it up. So, and you're asking--

11 CHAIRPERSON JOHNSON: [interposing]
12 No, no you brought it up. I didn't bring it up.
13 You brought up veterinarians, I didn't. I said
14 I wanted to be a veterinarian when I grew up.

15 DAVID DIETZ: Okay, thank you.

16 CHAIRPERSON JOHNSON: Thank you. For
17 the right purposes. So I have a question for
18 PIJAC. On your website you posted the following
19 comment about Intro 55, which we're here
20 discussing today, "The number of animals a
21 breeder has in their possession has nothing to
22 do with the quality of care the breeder
23 provides. Breeders used by responsible pet
24 stores in the city are thoroughly inspected by
25 the USDA and since local pet stores rely on

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2 repeat business, no responsible pet--no, no
3 responsible pet store in the city would
4 knowingly risk their reputation by providing
5 unhealthy pets from questionable sources to the
6 public." In that context, what is your response
7 to the statement that according to the USDA,
8 small breeders are more likely to comply with
9 federal animal welfare regulations?

10 STEVE LANE: Well they certainly
11 might be more liable to, but the size of
12 facility does not determine whether or not. You
13 can't say a small one is going to comply and
14 the larger one's not. Responsibility is about
15 how much they care for the animal, and in a lot
16 of cases they get a larger economy of scale and
17 they can do more. If they have more puppies
18 they can maybe have a veterinarian on staff.
19 They're more able to meet the requirements to
20 breed properly.

21 CHAIRPERSON JOHNSON: I'm sure that
22 you know that the Inspector General of the USDA
23 issued a report that the USDA has not been
24 adequately enforcing the Animal Welfare Act. So
25 if that is the case, then that's admission from

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the IG as the USDA, how can you conclusively state that breeders use by responsible pet stores are thoroughly inspected by the USDA?

STEVE LANE: Breeders that are--they are inspected by the USDA as opposed to many of the other sources. As many pet stores have started doing shelter dogs, they're not inspected by anybody, and so some inspection is better than no inspection and the quality of inspection has gotten considerably stronger of late.

CHAIRPERSON JOHNSON: Why did the USDA exempt breeders with four or less females? Why do you think that is?

STEVE LANE: It's about--I don't know.

UNKNOWN: May I?

CHAIRPERSON JOHNSON: Well, this is what they say. The USDA says, this was in September of last year, "However, we recognize that if we were to remove a certain section from the regulations, we would expose to licensing a subcategory of individuals. Those with four or fewer breeding female dogs, cats

1 and/or small exotic or wild mammals who sell at
2 least some of their offspring of these animals
3 sight unseen. Offspring that we consider to
4 present a low risk of noncompliance with the
5 Animal Welfare Act. It has been our experience
6 that such individuals maintain few enough
7 breeding females in their premises to offer
8 adequate care and treatment to each animal, to
9 continue to exempt these individuals from
10 licensing we included breeding females." That
11 was their reason. And then they go on to state,
12 "Finally, it is not possible under the Animal
13 Welfare Act to exempt a pure bred dog or cat
14 fancier from licensing solely because he or she
15 is a pure bred dog or a cat fancier. However,
16 dog and cat fanciers who meet the criteria in
17 the subsection will be exempt from licensing
18 because we consider them to be retail pet
19 stores for the purposes of Animal Welfare
20 regulations." So, I mean, I--the Inspector
21 General and the USDA, I mean, I've spoken on
22 this in some ways and I would think based on
23 findings and investigations. I just--I'd like
24 to, you know--
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MICHAEL GLASS: May I add in on--

CHAIRPERSON JOHNSON: [interposing]

Of course.

MICHAEL GLASS: a question that you had asked before.

CHAIRPERSON JOHNSON: Yes.

MICHAEL GLASS: I forget exactly how you phrased it, but for lack of better words how to discern the difference or what barometer would be put on a good breeder or a bad breeder. What happened with the USDA was embarrassing from their point of view, and because of that embarrassment they've stepped up inspections. I work with dog breeders across the United States, dog breeders with two dogs, 20 dogs, and 200 dogs and more. Now you may come up with the old cliché, well you know, a dollar short and a minute late, whatever the case may be, but there is a campaign across the United States to improve the conditions and the care. Right now USDA is what we got. State is what we got. So let's use that. Let's use that to our benefit. Let's look at a dog breeder. Let's look at the minimum situation and say if

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2 somebody's got a direct violation, I don't care
3 whether you have one dog or 500 dogs, if you've
4 got a minimum--I'm sorry. If you've got a
5 direct violation, that means something was
6 wrong with your dog serious enough. I mean
7 that's something to look at if you're going to
8 make a barometer. The only number that really
9 fits in my opinion when you're looking for--
10 actually, let me digress here for a second.
11 There's also studies of veterinarians going to
12 seminars throughout the country defining the
13 optimal age to begin breeding dogs to stop, at
14 what age to stop and this is with commercial
15 breeders at trade shows and educational
16 seminars, and then the quantity of litters, but
17 in any event, to go back--I apologize. If
18 you're looking for the number, by what I'm
19 hearing today, no disrespect, but the only
20 number that works today is zero. If there truly
21 is a desire by the panel to find out what could
22 be done--it was very well put. Forgive me for
23 referring to Suffolk County. People are going
24 to want to buy puppies from pet stores and pet
25 stores are going to want to sell puppies.

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There's business, there's tax, there's revenue. Everybody's got all their reasons. If there truly is desire, I think it can be met. I might--I'm going to be daring to say this. It's a pretty good bill. There's just a couple things in here that need a little tweak. I don't think you have anybody up here saying, "Oh, this is horrible. Throw it out." But there are a couple things when you're talking about that number and who we're going to say what that pet store who he can buy puppies from because they have a lot of dogs. What's the magic number? The magic number from what I'm hearing from the panel is zero, because then-- now, I understand--

CHAIRPERSON JOHNSON: [interposing]

No one said that.

MICHAEL GLASS: No, no, I apologize.

Okay. I apologize. I'm speaking for myself. The magic--the number would be none and then the rescues would dry up. The pet stores would go away and all these bad actors would go away figuratively speaking. You know, I don't know what the--I don't think anyone knows what that

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magic number is, but to pick an arbitrary low number I think is not sound business practice. I think it's built on a motion, and that's what I was saying before about puppy mill. Let's talk about legal and illegal, not puppy mill and not puppy mill. Thank you.

CHAIRPERSON JOHNSON: Thank you. I have some more questions for PIJAC. When you say that no responsible pet store is willing to risk its reputation by providing pets from so-called questionable sources, what is your definition of a questionable source?

STEVE LANE: A pet store wants to know if they're coming from a quality breeder that cares about the parents and the animals that they're providing.

CHAIRPERSON JOHNSON: How is that defined?

STEVE LANE: Not very well. I mean, honestly, not very well. As I also own a pet store and it does matter where the animals come from, you know, from the hamsters to the fish. It matters.

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2 CHAIRPERSON JOHNSON: Who are your
3 vendors for your cats and dogs?

4 STEVE LANE: Cats come from local
5 people that surrender kittens, and puppies I
6 buy all of my puppies from Hunt--

7 CHAIRPERSON JOHNSON: [interposing]
8 From Hunt?

9 STEVE LANE: through--from Andrew
10 Hunt, and I will not buy from any other source.

11 CHAIRPERSON JOHNSON: Why did you
12 choose Hunt?

13 STEVE LANE: Because Andrew Hunt is
14 part of my screening process for puppies
15 because he's very careful about who he buys
16 puppies from.

17 CHAIRPERSON JOHNSON: Is a pet store
18 that sells from a "questionable source" by
19 definition irresponsible?

20 STEVE LANE: Yeah, I would say part
21 of responsibility is knowing where your animals
22 are coming from.

23 CHAIRPERSON JOHNSON: But I guess
24 it's important for us to figure out, since you
25 didn't give us a definition of what a

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2 questionable source is. I mean, there's no real
3 standard or measure, right?

4 STEVE LANE: That's correct.

5 CHAIRPERSON JOHNSON: It's subjective
6 not objective.

7 STEVE LANE: That is correct. It is--
8 I mean, there is no objective measure and that
9 is certainly one of the issues at hand.

10 CHAIRPERSON JOHNSON: Does your
11 organization believe the city has an interest
12 in addressing the issue of pet overpopulation
13 and reducing the likelihood of the sale of
14 mistreated animals?

15 STEVE LANE: I don't believe that
16 this bill does anything to--has anything to do
17 with pet overpopulation. It's not at all
18 related. Pet stores account for maybe five to
19 10 percent of the animals in--

20 CHAIRPERSON JOHNSON: [interposing]
21 But that wasn't the question. Does your
22 organization believe the city has an interest
23 in addressing pet overpopulation and reducing
24 the likelihood of the sale of mistreated
25 animals?

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2 STEVE LANE: I have--I don't know. I
3 don't have any evidence of that.

4 CHAIRPERSON JOHNSON: To the extent
5 you oppose Introduction 55, what regulations
6 would you recommend to prevent pet shops from
7 selling animals from bad actors? What
8 recommendations do you have for New York City
9 to put in place some type of regulation to stop
10 certain pet stores from buying from bad actors?
11 We know it happens, so what would you suggest?

12 STEVE LANE: I'm not, frankly, I'm
13 not qualified to answer that question.

14 CHAIRPERSON JOHNSON: Is it possible
15 to operate a successful business in the pet
16 industry while offering dogs and cats sourced
17 from pet shelters or rescues for adoption
18 instead of selling animals from commercial
19 breeders and brokers? Can you still have a
20 successful practice by doing that?

21 STEVE LANE: It depends how you
22 define successful. What's--

23 CHAIRPERSON JOHNSON: [interposing]
24 Profitable.

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COMMITTEE ON HEALTH

STEVE LANE: Profitable, yes, it's possible.

CHAIRPERSON JOHNSON: It's possible. You may answer, yeah.

DAVID DIETZ: Sure, David again from Puppy Paradise. Absolutely successful and absolutely profit--and it's actually a win/win situation for the dog, the people, the community, the taxes, the workers. It works if you can readopt. If you allow the pet facilities to gear away from buying puppies and have more friendly usage to get to the adoption agencies, the SPCA's, the ACS--

CHAIRPERSON JOHNSON: So do you do that at your store? You sell from rescue and from shelter?

DAVID DIETZ: Every opportunity I get, I love to do that.

CHAIRPERSON JOHNSON: But do you do that?

DAVID DIETZ: I have, yes.

CHAIRPERSON JOHNSON: Do you currently do that?

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2 DAVID DIETZ: I currently get dogs
3 from people, my customers, my customer base who
4 don't want their pets anymore. They ask us to
5 rehome their dogs for them, not from the
6 shelters.

7 CHAIRPERSON JOHNSON: But do you work
8 specifically--do you work specifically with any
9 shelter or--

10 DAVID DIETZ: [interposing] No.

11 CHAIRPERSON JOHNSON: rescue?

12 DAVID DIETZ: They are not
13 interested in a pet facility, pet store to take
14 in an animal and rehome it for them. They want
15 us to recommend over to them for so they
16 generate the income for themselves, which is
17 understandable, but we also have a tremendous
18 customer base in need and want for these
19 rehomed animals. So it can be successful,
20 absolutely.

21 CHAIRPERSON JOHNSON: Thank you.

22 DAVID DIETZ: And I know how to do
23 that.

24 CHAIRPERSON JOHNSON: Thank you.
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2 ANN LETTIS: I'd just like to ask a
3 question. I could be wrong, but I think that
4 the root of all this is basically people caring
5 about dogs and making sure that they're
6 healthy, that people get, correct? So my
7 question is, and I don't mean to deviate from
8 the issue of puppy mills and pet shops. How
9 about the dogs that are brought into shelters
10 from other states that we're responsible for. A
11 few years ago 33 dogs were brought here to New
12 York shelters from Tennessee. In the whole
13 state of Tennessee they couldn't find room for
14 33 dogs? This happens all the time. We get
15 dogs from other countries. Not every single dog
16 in the shelters in New York State come from
17 puppy mills or bad breeders.

18 CHAIRPERSON JOHNSON: I don't think
19 anyone has said that here today.

20 ANN LETTIS: No, but why isn't there
21 a law to do something--

22 CHAIRPERSON JOHNSON: [interposing]
23 We're happy to look at that as well. We're
24 happy to look at that as well.

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COMMITTEE ON HEALTH

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ANN LETTIS: Okay, so that any--that dogs can't come in. There's no health regulations. You know, in other words anything can be imported to our shelters from another state. There's no health checks.

CHAIRPERSON JOHNSON: Thank you for raising that point. I have some more questions for PIJAC. How many of your members are USDA licensed breeders and how many dogs and cats did they sell in the last 12 months?

STEVE LANE: I do not know.

CHAIRPERSON JOHNSON: Can you provide us that information?

STEVE LANE: Certainly.

CHAIRPERSON JOHNSON: How many cats or dogs do your clients sell in New York City pet stores each year?

STEVE LANE: I do not know.

CHAIRPERSON JOHNSON: Can you get us information? Is there any reason pet shops should not spay, neuter, microchip and process license applications other than costs?

STEVE LANE: No.

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2 CHAIRPERSON JOHNSON: No. So if you
3 take cost out, okay, thank you.

4 STEVE LANE: Well, I mean the health
5 of the animal is a real concern. We--so that's
6 a--but that wasn't related to the question you
7 asked me, I don't believe.

8 MICHAEL GLASS: Excuse me, may I add
9 to that? And I'm not a veterinarian, so I want
10 to just give you as much as I know. There is
11 recent on the large breeds that's saying
12 neutering an animal at too young of an age is
13 inhibiting the natural physiological process
14 that can lead to early hip dysplasia. That's
15 the extent of my knowledge on that, but I would
16 ask the panel to look into that.

17 CHAIRPERSON JOHNSON: Absolutely.

18 MICHAEL GLASS: We're absolutely for
19 a spay and neuter program. I have added in my
20 testimony--

21 CHAIRPERSON JOHNSON: [interposing]
22 You want to make sure it's done in a safe way
23 for the animal.

24 MICHAEL GLASS: I have added in my
25 testimony that the ASPCA as well as, oh my

1
2 goodness forgive me. There are two entities in
3 there that have found mandatory spay and neuter
4 does not work, although there's a high level of
5 need for education and encouragement. Thank
6 you.

7 CHAIRPERSON JOHNSON: I want to thank
8 you all for coming today, for being patient and
9 for answering our questions. I appreciate you
10 taking the time out of your schedules to come
11 and for submitting testimony and I would ask
12 that if there are questions that you were not
13 able to answer given that you just didn't have
14 the information here today and you want to be
15 accurate and precise, I would really appreciate
16 the fact that if you could try to get us
17 accurate answers to those questions.

18 STEVE LANE: Thank you for being
19 willing to listen to us.

20 CHAIRPERSON JOHNSON: Thank you very
21 much. The next panel is going to be five people
22 again, Cori Menkin from the ASPCA, Stacey Wolfe
23 from the ASPCA, Michelle Villagomez from the
24 ASPCA, Bill Ketzner from the ASPCA, and John
25 Maher from Companion Animal Protection Society.

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2 May I--I just say to the panel and the folks
3 here. We are of course going to hear from
4 everyone today and we're going to make sure
5 everyone who's signed up has a chance to speak.
6 I must go to the restroom. I've been sitting
7 here for three hours. So I will be right back.
8 We are going to continue. It's not going to be
9 a long break. We are going to resume if folks
10 could please take a seat. We still have to hear
11 from a lot of people today, so we are going to
12 keep moving along because we want to hear from
13 everyone and want everyone to have the ability
14 to answer questions that are relevant. So in
15 any order you would like to go. Is the ASPCA,
16 are each one of you testifying or is--each one
17 of you are testifying? If you could turn your
18 mic on.

19 : Three ASPCA representatives
20 testifying. We also have our counsel available
21 to answer questions.

22 CHAIRPERSON JOHNSON: Great. So if
23 you could all please raise your right hand? Do
24 you swear and affirm to tell the truth, the
25 whole truth and nothing but the truth in your

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2 testimony before this Committee and to respond
3 honestly to all Council Member questions?

4 [off mic]

5 CHAIRPERSON JOHNSON: Thank you very
6 much. What did you say?

7 UNKNOWN: Unsworn declaration please.
8 That's traditionally what the form that
9 attorneys use in Federal Court. Hit the
10 microphone.

11 CHAIRPERSON JOHNSON: The light has
12 to be on. The light has to be on.

13 UNKNOWN: How about an unsworn
14 declaration?

15 CHAIRPERSON JOHNSON: No.

16 UNKNOWN: Okay, fine. I'll affirm. I
17 swear then.

18 CHAIRPERSON JOHNSON: Thank you very
19 much. You may go in whatever order you'd like.

20 CORI MENKIN: I think I'm going to
21 begin.

22 CHAIRPERSON JOHNSON: If you could
23 please announce yourself.

24 CORI MENKIN: Sure. My name is Cori
25 Menkin, I'm the Senior Director of the Puppy

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2 Mills Campaign at the ASPCA. Thank you for the
3 opportunity to speak here today. I'm going to
4 sort of skip over a lot of the stuff I was
5 going to cover in leaving more time to answer
6 some of the questions that you asked that I
7 know that we can address, but I do want to
8 touch upon a couple of things. There's been a
9 lot of talk about the USDA standards and what
10 that means, and I want to make sure that we're
11 all aware of exactly what it means. Under the
12 Federal Animal Welfare was administered by the
13 USDA, dogs in commercial breeding facilities
14 can legally be kept in wire bottom cages, six
15 inches longer than the dog in each direction,
16 stacked on top of one another for their entire
17 lives. It's completely legal to breed female
18 dogs at every single opportunity. So as you
19 can see the standards leave a lot of room for
20 mistreatment even with full compliance. And
21 then, you know, not even to touch upon the
22 enforcement issues. I know the OIG audit has
23 already been discussed at length. A couple of
24 things that they found that were particularly
25 troublesome to me. At one facility they found

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2 dogs that were so badly starved that they had
3 resorted to cannibalism, yet that facility was
4 allowed to continue to operate. Another was
5 described as having a deep pool and urine and
6 feces under the animal enclosures. The dogs
7 were seen with gaping wounds left untreated and
8 flea and tick infestations that you could
9 barely see the dog's faces. The USDA did not
10 shut these facilities down. They were allowed
11 to continue to operate and sell puppies. To
12 illustrate just how pervasive the issue is, the
13 ASPCA posted over 10,000 photos online on
14 nopetstorepuppies.com, and those are photos
15 taken by the USDA during routine inspections of
16 these facilities. The binder that you have in
17 front of you provides just a few examples of
18 the systemic mistreatment of dogs that is
19 occurring daily at USDA licensed facilities,
20 and as I said it's important to note that all
21 of the facilities you see pictures of are still
22 in business and still selling puppies across
23 the United States and in New York City. While
24 it seems apparent that USDA licensure does not
25 equate with humane treatment, unfortunately

1 public perception is that it does. In a recent
2 poll that we conducted, we found that people
3 think USDA licensed means humane.
4

5 Unfortunately, they don't really know what USDA
6 license means. And allowing pet stores to sell
7 puppies from these facilities unchecked would
8 be akin to allowing them to mislead consumers.
9 State regulation has not been any better.

10 Historically, they've failed to live up to the
11 purpose for which the law was enacted. The

12 State Department of Ag and Markets has never
13 been provided with the necessary resources to
14 maintain a viable pet dealer inspection

15 program. The administrative costs to operate
16 the program have consistently exceeded

17 licensing revenues derived from enforcement,

18 and over the last five years 800 failed pet

19 dealer inspections resulted in monetary

20 penalties only 49 times and in only one

21 facility being shut down. Moreover the

22 standards of care applied to breeders under New

23 York State law go no further in protecting dogs

24 than the federal standards do. They're

25 essentially equivalent. So in short, neither

1
2 state nor federal law provides New Yorkers with
3 any assurance that the puppies they purchase
4 from pet stores come from sources where dogs
5 are raised and maintained in a safe and healthy
6 manner. The City of New York is uniquely poised
7 here to ensure that puppies purchased in pet
8 stores by consumers in New York are raised and
9 maintained in a healthy and safe manner and
10 therefore we urge you to adopt strong, clear
11 and enforceable standards that will result in
12 ultimately keeping puppy mill puppies out of
13 New York City's pet stores.

14 CHAIRPERSON JOHNSON: Thank you very
15 much, Ms. Menkin. Next?

16 BILL KETZER: Good afternoon, Mr.
17 Chairman, members of the Health Committee. My
18 name is Bill Ketzer, I'm the ASPCA's State
19 Legislative Director for the Northeastern
20 Region. I'm glad to be here today and the
21 opportunity to offer comments and
22 recommendations on Intro 55. You have my
23 testimony, and you've clearly done your
24 homework and I'm very grateful for you and
25 Council Member Crowley for bringing this bill

1 forward. I'll get right to the chase on Intro
2 55. The state law passed by Assembly Member
3 Rosenthal provides two key requirements that
4 local laws must meet. They can't be less
5 stringent than the existing state standards of
6 care and they can't essentially ban all sales
7 of dogs and cats raised in healthy and safe
8 manner. Intro 55 correctly seeks to meet the
9 first requirement by incorporating many of the
10 pertinent provisions of the aforementioned
11 state law into the bill, and we'd simply
12 recommend that great care be taken moving
13 forward to make sure that these existing
14 standards are incorporated in their entirety to
15 ensure that the city's indeed fully meeting
16 this not less than stringent and standard.
17 However, there's also a tremendous opportunity
18 to go above and beyond that foundation. The
19 ASPCA's draft proposal for New York City which
20 has been provided to you, Council Member
21 Crowley, and central staff folds in more
22 stringent standards that address some long time
23 flaws in state law to be met by pet sellers in
24 New York City. Again, you have my testimony and
25

1
2 you can look at those later on. But just as
3 important as creating a good local program for
4 pet stores is the establishment of sound and
5 enforceable source breeder standards to inform
6 the purchasing practices of retail sellers.
7 This is where we've done the largest amount of
8 research and analysis and appreciate your
9 consideration and the approach laid out in our
10 testimony and draft proposal. Rather than
11 relying on the volume of animals produced and
12 whether breeders have had any violations to the
13 Federal Animal Welfare Act in the past year, we
14 recommend limiting sale of puppies in New York
15 City pet stores that come from breeders who do
16 not meet strong or local requirements that
17 exceed USDA standards and are already being
18 enforced in the United States. In our draft
19 proposal we standards currently enforced in
20 Pennsylvania. Pet stores doing business in New
21 York City would then annually require the
22 store's breeders regardless of where they're
23 located to then annually require their store's
24 breeders regardless of--sorry--regardless of
25 whether located to certify store owners that

1 these standards are being met. The pet store in
2 turn acknowledges the DOHMH that they've
3 obtained this certification from each of their
4 sources. We've done extensive research in the
5 viability of this approach, and in a very real
6 sense while the standards are high, it provides
7 an even playing field for all breeders looking
8 to source animals to pet shops in the five
9 boroughs. That said, we do understand Intro
10 55's current approach because it's tangible,
11 but unfortunately will only ever be effective
12 as the entity enforcing the federal law, USDA
13 as Cori explained, and the federal law itself.
14 A violations based mechanism could and perhaps
15 should be incorporated into a strong care
16 standard. Taken together, New York City can
17 then confidently claim its defectively
18 comprehensively striving toward what the state
19 legislature's intent was as Assembly Member
20 Rosenthal discussed in removing the prohibition
21 on local laws on both the retail and wholesale
22 ends of the industry in New York. And with
23 that, once again, it's with great appreciation
24 and respect that I submit these recommendations
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1
2 to you today. We share your enthusiasm and
3 desire to make New York City's local law the
4 first and strongest in the State. Thanks.

5 CHAIRPERSON JOHNSON: Thank you very
6 much for your testimony.

7 MICHELLE VILLAGOMEZ: Good
8 afternoon. I'm Michelle Villagomez, New York
9 City Legislative Director for the ASPCA. I'd
10 like to thank Chairman Johnson, Council Member
11 Crowley and the Health Committee for seizing
12 the opportunity afforded by the recent passage
13 of state law allowing municipalities the
14 authority to regulate pet dealers by
15 introducing Intros 55, 136 and 146. As my
16 colleagues have pointed out and other people
17 that have testified, state law has restricted
18 the city from adequately protecting animals and
19 consumers. This has resulted in a bewildering
20 regulatory scheme in which the city could only
21 regulate certain types of pet stores. This
22 broken system can carry a substantial price.
23 Consumers, tax payers, the shelter system as
24 well as other not for profit partners typically
25 absorb the cost associated with unregulated

1 breeders and unwanted pet store dogs. Consumers
2 suffer the most when they unknowingly open
3 their homes and their hearts to puppies who
4 suffer from serious illness and congenital
5 malformations that often require costly medical
6 intervention and are left to deal with their
7 puppy's behavioral issues. Puppies may display
8 behavioral problems like extreme shyness,
9 aggression, fear and anxiety. Consumers dealing
10 with these problems may end up surrendering
11 their animals into the shelter system. I'd like
12 to highlight one of our experiences. The ASPCA,
13 our website is a quarter for people to share
14 their stories with us. In February of 2014,
15 Luca [sp?] the Pug was dropped off at the
16 ASPCA. His owners had purchased him from a pet
17 store and then when he was no longer wanted he
18 was left at our shelter. As a result of his
19 puppy mill past he was struggling with
20 behavioral issues. Our behavior and adoptions
21 team had to work very hard with him in order to
22 rehabilitate him and make him available for
23 adoption. He's has a happy ending to his story.
24 He is just one example of many stories that
25

1 we've heard and many that we will continue to
2 see of puppy mill dogs having a profound impact
3 on consumers and the shelter system. With
4 regards to Intro 36, as many of these things
5 have been mentioned by others that have
6 testified, we support the spaying and neutering
7 of dogs, cats and rabbits. Those are the three
8 largest populations entering the shelter system
9 in New York City, and we encourage the
10 requirement of dog licensing. We have some
11 recommendations. We would like to remove the
12 sterilization requirement for guinea pigs and
13 other small animals for reasons mentioned
14 before. We would also like to remove the
15 exception allowing a veterinarian to issue a
16 letter recommending sterilization at a later
17 date. It's unclear when a consumer's
18 veterinarian would be able to actually see the
19 pet prior to purchase to make that
20 recommendation. We would also like to include
21 language that would require puppies and kittens
22 sterilized when they're at least eight weeks
23 old and weigh at least two pounds. And then
24 we'd also include language requiring that
25

1 rabbits be sterilized when they're at least
2 four months old. We found that surgery is
3 riskier on younger rabbits. We support Intro
4 146 that requires microchipping in animals sold
5 in pet shops. We offer microchipping clinics
6 around the city. All animals adopted from our
7 shelter are adopted out with microchips, and
8 we've done studies that find that when combined
9 with visible identification tags on a pet's
10 collar, it's the most reliable system for
11 recovering a lost or a stray companion animal.
12 We think that this is a way to avoid animals
13 entering the shelter system, and with regards
14 to log licensing we've been working with the
15 city for years to try to encourage compliance
16 and we think that point of sale is a great
17 resource to get animals into the dog licensing
18 system.

19
20 CHAIRPERSON JOHNSON: Thank you for
21 your testimony today.

22 JOHN MAHER: Good afternoon. I'm
23 John Maher, General Counsel for the Companion
24 Animal Protection Society, CAPS. I've been an
25 animal lawyer for 25 years and serve as an

1 adjunct professor of animal law at Touro [sp?]
2 Law Center. I will speak really fast. Okay. As
3 the premier national authority on pet shop and
4 puppy mill industry, CAPS has conducted under
5 cover investigations of more than 1,000
6 commercial breeding facilities or puppy mills,
7 most of them USDA licensed in 16 states and
8 we've documented numerous animal welfare act
9 violations. CAPS has also investigated hundreds
10 of pet shops around the country and many in New
11 York State and New York City. In addition to
12 providing evidence to law enforcement, we also
13 work with USDA FIS [sic], the Office of the
14 Inspector General. Their recent report in 2011
15 was based on CAPS investigative data and
16 includes much text that we submitted directly
17 to the USDA FIS and OIG. We have also drafted
18 and/or supported retail pet store ordinances in
19 Los Angeles, San Diego, West Hollywood and
20 Glendale. I'm going to rip through the text so
21 not to cover material others have covered. CAPS
22 investigations of New York City pet shops have
23 been covered that these stores often market and
24 sell puppies and kittens based upon
25

1
2 misrepresentations. They're in violation of New
3 York State laws and they use almost universal
4 false representations that puppies and kittens
5 do not originate in puppy mills. This
6 allegation is a violation of general business
7 law article 22, section 350A which prohibits
8 false and misleading statements and deceptive
9 practices. Some stores have restrictions that
10 will legally limit the application of GBL 35D
11 which is the 751 B and C section, the so called
12 lemon law by insisting, for example, that
13 consumers take a sick puppy to only the store's
14 vet for warranty to be valid or refusing to
15 reimburse for vet inspections. Many stores
16 insist they don't have to reveal breeder and
17 broker information prior to sale. This violates
18 lemon law 753 C and so forth. Proof of puppy
19 mill sales, as exhibit A to our submission we
20 attached a spreadsheet. This is the most
21 damning evidence before the commission today.
22 This is a list of all the breeders that supply
23 to New York City pet stores and all the
24 violations that they have. This is a
25 comprehensive spreadsheet. It's been submitted

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2 to the committee in PDF form. We didn't print
3 it out for everyone with regrets, but can do
4 that. It shows that substantially all the
5 retail pets in New York City pet store buy from
6 puppy mill with serious animal welfare act
7 violations. Exhibit B is three example of our
8 cases which show three breeders who sell to New
9 York City pet stores. This is a classic
10 demonstration of the social hieroglyph, the
11 phenomenon where a consumer who buys on impulse
12 sees the cuteness and the wagging tail but not
13 the widespread institutional abuse and cruelty
14 inherent in the production of a puppy. Exhibit
15 B shows that these puppies are sourced from
16 breeders, puppy mills with AWA violations.
17 Okay. CAPS supports 73. We support 136 with
18 comment, should apply to cats and rabbits. We
19 support 146 and say add rabbits. We support 55
20 with a few reservations, which can basically be
21 summarized by certify all links in the puppy
22 mill supply chain for stores that do end up
23 selling in New York City. Use ASDA--I'm sorry.
24 Use USDA AFIS [sic] standards, responsible
25 public policy requires confirmation to these

1
2 standards and that would provide meaningful
3 data and record keeping, particularly in the
4 form of a cage card listing breeder, broker,
5 town, etcetera and USDA numbers with photos.
6 And there should be strict record keeping
7 requirements for these and so called interstate
8 health certificates or CVI's, and that would
9 allow tracking back and tracing. Often these
10 records are omitted or not kept properly or in
11 some cases we've observed forged. Clear
12 enforcement mechanism, we recommend that they
13 shift--that New York City shift the cost of
14 enforcement to violators through cumulative
15 fines. Animal rescue groups should also
16 encompass organizations that take in rabbits.
17 Convicted should mean any violation. Industry
18 criticism, we have a separate sheet responding
19 to the many misleading statements on PIJAC's
20 website. I've passed that around to the
21 Committee.

22 CHAIRPERSON JOHNSON: Thank you sir.

23 JOHN MAHER: And I'm out of time, so
24 I'll just thank everybody.

25

1
2 CHAIRPERSON JOHNSON: Thank you.
3 Thank you for your testimony. Thank you for
4 what you have provided to the committee and to
5 the council. I appreciate it. I have some
6 questions and I'm happy to turn it over to
7 Council Member Crowley who has joined us again
8 who may have some questions. Not at this time.
9 So I have some questions. Yep. So a few
10 questions. Do you know what are the five
11 largest puppy or kitten mills that sell to pet
12 shops in New York City? Does the ASPCA have
13 that information?

14 CORI MENKIN: We don't, but part of
15 the reason we don't is because so many of the
16 pet stores use the Hunt Corporation, and
17 unfortunately, what that results in is the
18 records coming in indicate that the puppies
19 came from the Hunt Corporation. So it's very
20 difficult to trace them back to their original
21 source.

22 CHAIRPERSON JOHNSON: Because Hunt is
23 an intermediary?

24 CORI MENKIN: Exactly. It's a
25 broker.

1
2 CHAIRPERSON JOHNSON: It's a middle
3 man, yeah. What is the role of brokers like
4 the Hunt Corporation in the larger pet
5 industry, within that context?

6 CORI MENKIN: Sure. So the brokers
7 generally buy puppies from the breeders
8 throughout the country, primarily in the
9 Midwest. They bring them to their facility. The
10 Hunt Corporation is in Goodman, Missouri.
11 They're held there usually for about five days.
12 They're vetted and shipped out on 18 wheelers
13 across the country and distributed to pet
14 stores for consumers to purchase.

15 CHAIRPERSON JOHNSON: And do we know
16 where--where does Hunt get its animals from?

17 CORI MENKIN: We do. We actually
18 have a pretty comprehensive list of breeders
19 that we know have imported puppies to the Hunt
20 Corporation in Missouri. We were able to foyer
21 [sic] that information from the Missouri
22 Department of Agriculture. So I can provide
23 that type of information to you if you want it.
24 I don't, obviously, don't have the list of
25 breeders with me today, but its extensive and

1
2 it is quite a number of breeders that have
3 excessive violations of the Animal Welfare Act.

4 CHAIRPERSON JOHNSON: Are they all
5 USDA breeders?

6 CORI MENKIN: Almost all of them.
7 There were a couple of times that we were able
8 to catch the Hunt Corporation purchasing
9 puppies from unlicensed breeders, but that's
10 the anomaly.

11 CHAIRPERSON JOHNSON: And how larger
12 were these breeders? How many breeding females
13 did they have?

14 CORI MENKIN: It depends on the
15 breeder itself. The largest we were able to see
16 had over 1,000 dogs on their property.

17 CHAIRPERSON JOHNSON: Thousand dogs?

18 CORI MENKIN: And I also, I know you
19 had asked earlier about the number of puppies
20 coming into New York City from the Hunt
21 Corporation. We were able to glean that
22 information through FOYA [sic] request as well.
23 We studied a specific three month time period
24 and FOYA'd [sic] all the puppies that were
25 imported into the city of New York by the Hunt

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Corporation, and it rounds out to roughly about 1,200 animals annually that the Hunt Corporation is bringing into pet stores in New York City.

CHAIRPERSON JOHNSON: And Hunt claims to be buying pets, animals from small breeders.

CORI MENKIN: No, they don't. They never claim small breeders, I don't think. They just say they only use USDA licensed or hobby breeders, or AKC registered breeders, I think they say as well.

CHAIRPERSON JOHNSON: So it's a hobby breeder?

CORI MENKIN: A hobby breeder would presumably be a smaller breeder. I think all they're saying is that they're either using licensed breeders or breeders who don't have to be licensed because they don't have enough dogs.

CHAIRPERSON JOHNSON: What is Hunts business model?

CORI MENKIN: Meaning what do they do?

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2 CHAIRPERSON JOHNSON: yeah. So how do
3 they specifically--what are they in business to
4 do?

5 CORI MENKIN: Well, they're in
6 business to make a profit, obviously, but they
7 have a number of drivers that go out throughout
8 primarily like I said the Midwest, and they
9 pick up puppies from breeders, usually in
10 pockets in like the Ozarks, bring them back to
11 their facility and pay roughly 50 dollars, 50-
12 100 dollars per puppy and then those puppies
13 are distributed to pet stores and sold usually
14 for around 400 dollars per puppy.

15 CHAIRPERSON JOHNSON: And if you
16 could explain why the ASPCA believes we should
17 limit the sale of animals obtained from brokers
18 like the Hunt Corporation.

19 CORI MENKIN: They system is wrought
20 with problems. Through the research that we've
21 done, one of the things that became apparent is
22 that it seems that the Hunt Corporation is not
23 performing the proper veterinarian checks on
24 puppies prior to shipping in interstate
25 commerce. So by law, every puppy has to have a

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2 vet certificate with it when it travels in
3 interstate commerce, and there's an attestation
4 at the bottom of that saying that that puppy
5 has been examined by a licensed veterinarian
6 and found to not have any communicable
7 diseases. We FOYA'd [sic] thousands of
8 documents. Every single one of them was signed
9 by one of three veterinarians, every single
10 one. So there are three veterinarians at most
11 performing all of the vet checks for the Hunt
12 Corporation.

13 CHAIRPERSON JOHNSON: Thank you.

14 Council Member Crowley, do you have some
15 questions?

16 COUNCIL MEMBER CROWLEY: I have--the
17 Pet Industry Joint Advocacy Council posted the
18 following comment on their website in advance
19 of today's hearing. It said, "The number of
20 animals a breeder has in their possession has
21 nothing to do with the quality of care the
22 breeder provides. Breeders used by responsible
23 pet stores in the city are thoroughly
24 inspected by the USDA and since local pet
25 stores rely on repeat business no responsible

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pet store in the city would knowingly risk their reputation by providing unhealthy pets from questionable sources to the public." Could somebody please comment on the accuracy of this statement based on your experience and your investigations with respect to the--between the number of animals and the quality of care?

CORI MENKIN: Sure. I think as a theoretical statement, it's probably true. If you're treating your dogs humanely, it doesn't really matter how many dogs you have. That being said, it becomes exceedingly more difficult to treat your dogs humanely when you have more dogs than you can handle. Most of the operations that we've seen, most of the facilities that we've been involved in shutting down have gotten that way because they've spiraled out of control, because they're a family run operation. There's two adults and maybe a couple of kids taking care of a huge number of dogs on a property, you know, on a large property, and I think it just becomes much more difficult to do it humanely as your

1
2 numbers of dogs go up. Depending on the
3 facility, like I said.

4 COUNCIL MEMBER CROWLEY: The larger
5 the facility, the larger the number of
6 population of pets in a facility the likelihood
7 that they won't have much space grows. Right?
8 So it's that correlation. The larger the--is
9 there any?

10 CORI MENKIN: I think it depends.
11 I've seen some pretty small operations that
12 pack a lot of dogs in.

13 COUNCIL MEMBER CROWLEY: Right,
14 right, that's what I'm getting at. So like a
15 larger breeder would have less space. But
16 that's not--

17 CORI MENKIN: [interposing] It's a
18 hard generalization to make.

19 COUNCIL MEMBER CROWLEY: as
20 important as no--can they adequately say that
21 the USDA is responsibly investigating these
22 breeders that pet stores buy from?

23 CORI MENKIN: No, they can't, and I
24 mean, that's been proven on the record time and
25 time again today, that the USDA simply not

1
2 enforcing the animal welfare act. Even if the
3 standards were okay, which they're not, the
4 USDA is not adequately enforcing them. There
5 are quite a few breeders who are not inspected.
6 USDA uses a risk-based inspection program, so
7 not every breeder is inspected every year.
8 There are repeat violators who are inspected
9 over and over again, but continue not to comply
10 with the law, and USDA does nothing to shut
11 them down. They have a back log at USDA of I
12 believe, I'd have to check the number, but of
13 hundreds of cases of noncompliance that they
14 have not gotten to. So things are not being
15 processed quickly enough to actually have any
16 impact on the breeders themselves. There was
17 recently just some information put out that
18 it's taking USDA up to four years in some cases
19 to actually take enforcement action against a
20 breeder who is found to be in violation, four
21 years.

22 COUNCIL MEMBER CROWLEY: Do you think
23 that they, the pet stores care deeply about
24 their reputation? I mean--

25 CORI MENKIN: [interposing] I--

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2 COUNCIL MEMBER CROWLEY:

3 [interposing] as for their--

4 CORI MENKIN: I don't really want to
5 answer that question. I think it's an unfair
6 statement to make.

7 COUNCIL MEMBER CROWLEY: Now, the
8 question I asked earlier was about the quality
9 of care, but now when these breeders are
10 breeding so many pets, we have situations where
11 the--you know, whether they're healthy or not
12 healthy, there are just too many pets entering
13 into our shelter system. So are they causing an
14 overpopulation, an oversaturation of dogs and
15 cats in our city?

16 CORI MENKIN: I believe they are. I
17 don't have data about that, but I can tell you
18 that as the Senior Director of the Puppy Mills
19 Campaign I get calls from consumers pretty
20 frequently that are telling me, you know, their
21 puppy that they bought at a pet store is really
22 sick and they don't know if they're going to be
23 able to pay for the vet bills. Those are the
24 dogs like Luca in Michelle's testimony that end
25 up in the shelter system, and you know, I think

1
2 if you keep in mind that statistically one in
3 four shelter dogs is a pure bred, it's a safe
4 assumption to make that a good chunk of those
5 dogs are coming from the puppy mill industry.

6 COUNCIL MEMBER CROWLEY: Does CAPS
7 have any testimony as it relates to PIJAC's
8 statement?

9 JOHN MAHER: We've submitted our
10 sheet. To follow up on your last question,
11 Council Member, CAPS believes that most puppy
12 and kitten purchases are impulse purchases due
13 to a mimetic response in the humans who
14 essentially want to create a mini me, and that
15 at some point the concept of responsibility and
16 caring and loving for your new best friend for
17 15 years wears off its made on the basis of an
18 impulse purchase and not a considered
19 commitment to what it takes to care for and
20 love and raise an animal, and that's why we've
21 anecdotally encountered though do not have
22 statistics for pure bred animals and so called
23 hybrid animals like Maltipoos or Coccooops
24 [sic] or whatever being dumped in the city
25 shelter system, but we believe that essentially

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2 PIJAC wants to continue basically this
3 mechanism where it is able to sell animals.
4 It's able to--it' members are able to sell
5 animals at a high mark up because of a demand
6 elasticity for a luxury good, and then have the
7 city shelters operate as it were as a safety
8 valve to remove this--to bear the social cost
9 of this excess supply no longer wanted. In
10 other words, they're asking the city to
11 subsidize a social problem that they are
12 creating and choose to create through what is
13 in effect an entitlement and we're opposed to
14 that. I'd also like to add following up on a
15 question you also asked that we note that there
16 are only 125 USDA APHIS inspectors, animal
17 plant health inspection service for 4,000 puppy
18 mills and brokers, and they're also responsible
19 for inspecting all the circuses and Sea World
20 and they rarely get to everybody in the same
21 year, and that was pretty much the conclusion
22 of the USDA Office of the Inspector General OIG
23 report that APHIS division was in effect not
24 enforcing the Animal Welfare Act, and this has
25 been the subject of numerous discussions I've

1
2 personally been--I've personally met with the
3 USDA APHIS and OIG in Maryland and discussed
4 this with them over a several year period, and
5 that's--it's pretty clear that the Animal
6 Welfare Act provides little or no protection
7 and that the industry testimony relying upon
8 that is essentially a--some kind of gloss of
9 respectability to an otherwise unseemly and
10 corrupt business.

11 COUNCIL MEMBER CROWLEY: Would you
12 say that they have a minimum level of
13 standards?

14 JOHN MAHER: I'm sorry, a minimum?

15 COUNCIL MEMBER CROWLEY: In terms of
16 USDA or New York State standards for adequate
17 care to ensure that the animals are being
18 raised in a safe and healthy environment and
19 manner. Do you think that they could have
20 stricter standards that need to be met in
21 inspections? You know, like for example, the
22 pet industry says that when they've gotten
23 violations that they were not serious
24 violations. So you're saying that, you know,
25 maybe that they're saying that USDA goes a

1
2 little further and they're really not serious
3 violations but they get hit with violations. I
4 understand what you're saying, there are just
5 two few officers to adequately regulate the
6 industry, of course, but when they are doing
7 some level of regulation they're giving
8 violations and they are--and the response, the
9 pet stores or the industry is saying, "you
10 know, I got a violation, but it's not really
11 that serious." To give the public the idea that
12 they go so far with their regulations and that
13 they're really a good provider of care and so
14 my question is, how far do you think they go
15 when they have the opportunity to fully inspect
16 a level of care?

17 JOHN MAHER: How far does USDA APHIS
18 go?

19 COUNCIL MEMBER CROWLEY: Like how far
20 are their standards? Is it minimal? Is it, you
21 know--

22 CORI MENKIN: Can I--

23 JOHN MAHER: [interposing] They're
24 very below minimal. That was the conclusion of
25 the Inspector General in the case study of

1 Missouri. Missouri had this convoluted
2 legislative history of passing successive
3 legislative reforms, reforming their puppy mill
4 and retail pet store industry, and you know,
5 even their modest reforms were far more than
6 anything the APHIS division enforced under the
7 Animal Welfare Act. The Animal Welfare Act
8 basically--I don't know if the committee is
9 familiar with the history of it and I won't go
10 into it in detail, but it essentially puts
11 again a veneer of respectability upon
12 commercial animal instrumental use, and really
13 the whole idea of discussing animal welfare is
14 a matter of degree and the degree is wholly
15 inadequate. It's a terrible industry and it
16 should be regulated more strictly in order to
17 provide some relief for the misery that is
18 inherent in the supply chain starting at the
19 puppy mills and ending up with retail purchases
20 at pet stores in New York City, and I think our
21 exhibit B, which is three case studies of
22 exemplar breeders supplying to New York City
23 pet shops, gives you some idea of the kind of
24 violations that are being sold as part of the
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cost that consumers pay. When you buy a puppy you're paying not only for the cute puppy for all of the cost levels--

CHAIRPERSON JOHNSON: [interposing]
Thank you.

JOHN MAHER: in that.

CHAIRPERSON JOHNSON: I don't mean to--I want to let Cori answer and then we're going to go to the next panel because we still have a lot of people that want to testify.

CORI MENKIN: So, I just want to thank you, Chairman. I just want to jump in real quickly to address one of the direct questions you asked about indirect violations and what PIJAC has to say about them. They say on their website that they are generally administrative, and that is actually not accurate. If you look at USDA inspection reports, attending veterinarian and adequate veterinary care violations are labeled as indirect by the USDA. So what we see is inspection reports with limping animals, with dogs with masses on them, with things that are clearly veterinarian care issues, but that are

1 listed on the inspection reports as indirect
2 violations. They're seen as administrative if
3 they're not adequately keeping records on
4 veterinary care. So that is a really big flaw
5 in the USDA system, and I also just wanted to
6 answer one of your other questions, Chairman.
7 There are, to our knowledge, there are about 73
8 pet stores in the five boroughs that sell
9 puppies.
10

11 CHAIRPERSON JOHNSON: Thank you very
12 much. And I want to thank you for this as
13 devastating and horrifying and upsetting as it
14 is to look at. I think it's important for
15 people to know what the consequences of these
16 horrible puppy mills are on these animals. So I
17 appreciate your testimony and your patience. I
18 look forward to working with you all as we move
19 forward and thank you for being here today.

20 BILL KETZER: Thank you, Mr. Chair.

21 JOHN MAHER: Thank you.

22 CHAIRPERSON JOHNSON: Up next we are
23 going to have Patricia Rose and Tina Dolce from
24 Pet Land Discounts, and former Council Member
25 Edward Wallace from Greenberg Traurig

1
2 representing PetSmart. Council Member would you
3 like to begin.

4 EDWARD WALLACE: First let me thank
5 the Chair and members of the Committee and the-
6 -

7 CHAIRPERSON JOHNSON: [interposing]
8 Oh, I have to swear you in. I'm sorry. If you
9 could raise your right hand. Do you swear and
10 affirm to tell the truth, the whole truth and
11 nothing but the truth in your testimony before
12 this committee and to respond honestly to all
13 Council Member questions?

14 EDWARD WALLACE: I do.

15 CHAIRPERSON JOHNSON: Thank you very
16 much.

17 EDWARD WALLACE: So good afternoon
18 and thank you and you were kind enough to note
19 that I once had the privilege of serving in
20 this house, so I take it as a very special
21 honor to be here before you today. I'm the Co-
22 Chair of the New York Office of Greenberg
23 Traurig. I'm here with my colleague Will Mack.
24 Actually who recently joined us and has done
25 all of the work up on this and what we have to

1 say. And I just want to thank everybody for
2 giving PetSmart an opportunity to express its
3 support for the effort that you're making to be
4 sure that we in New York are doing all we can
5 to look after our pets and our animals. I just
6 want to note at the outset, PetSmart does not
7 sell dogs, cats or rabbits. So in large
8 measure, and I'll go very quickly because I
9 know there's a lot of people waiting. We're not
10 affected directly by much of what you're
11 regulating. They are the largest retailer,
12 however, of pet and pet supplies in the United
13 States and they try to be an industry leader in
14 issues regarding caring for pets and animals in
15 general. We do have a few technical concerns,
16 some of which are just a repeat of what people
17 said earlier. We have the concern that was
18 expressed about guinea pigs for example. But
19 PetSmarts in Brooklyn, Manhattan and Staten
20 Island, they employ about 210 people in New
21 York and many of them are what we call
22 associates and really passionate associates who
23 care about both the animals and the pet
24 parents. There is an analog not for profit
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1
2 called PetSmart charities, and they really have
3 focused on helping saving about five million
4 cats and dogs nationwide since 1994. While it's
5 an independent not for profit organization, it
6 works to save the lives of homeless pets and
7 reduce shelter intake through spay and neuter
8 efforts. PetSmart Charities also the leader in
9 granting money to help pets in need. More than
10 28 million given in 2012 throughout North
11 America. So I want to just focus the time that
12 we have on the pets that we do provide and just
13 note that we take measures, some certainly
14 within the FDA requirements, but beyond that to
15 ensure that the sourcing of those non-dog, cat
16 and rabbits meet the high standards that
17 PetSmart sets. And we can get you more
18 information on that. So let me just say that
19 one concern we have with your bills is that we
20 not--what we do is we partner with a lot of the
21 shelters and allow them at no fee, no money
22 changes hands to PetSmart, but to provide a
23 forum. It's probably enlightened self interest,
24 because if you get your pet at a PetSmart
25 through one of the shelter programs, maybe

1
2 you're likely to come back and buy food for it.
3 But we just want to be sure that nothing in the
4 bill would inhibit those shelters and the
5 partner shelters from continuing that. PetSmart
6 cannot take on the obligations with respect to
7 spaying and neutering and chipping and all of
8 that. So we just hope that the partners who do
9 that will be enabled to continue to do that.
10 The rest is in my testimony. Thank you very
11 much.

12 CHAIRPERSON JOHNSON: You may take
13 more time, Council Member.

14 EDWARD WALLACE: Well, you're very
15 kind. I don't want any privilege here today. I
16 have a client. It's not me. So the only other
17 thing that I think we would ask you to focus on
18 is that there is a--when we--we'll come back to
19 you with technical suggestions with regard to
20 the definition of a pet shop because we are
21 really a pet supply shop in large measure, and
22 then with the dogs, cats and so forth, as I
23 said, that's all a not for profit partnering. I
24 guess the most, single most important thing is
25 we believe in the City Council. We would like

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it if you would retain jurisdiction over the definition of which animals and which things come under the jurisdiction. No disrespect to the Department of Health and maybe it's my own personal prejudice, but you respond directly to the people and if you say something should be in the bill, we understand. But we've seen instances, not so much this client, where an agency decides on its own we're going to expand the definition and it doesn't have the accountability you do. So we would just point that out to you in the bill. And thank you again on behalf of PetSmart for taking this leadership role.

CHAIRPERSON JOHNSON: Thank you. And I think we like having that role as well. I appreciate that.

EDWARD WALLACE: Good.

CHAIRPERSON JOHNSON: Yes, please.

PATRICIA ROSE: Hi, my names Patricia Rose. I'm the Senior VP of Pet Land Discounts, and I'm here today with Tina Dolce whose the Vice President of our Livestock division. Together we have 54 years of experience working

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2 for Pet Land Discounts. We currently operate 65
3 locations in the city and boroughs of New York
4 and we have been doing business here for the
5 past 49 years. We do not sell dogs or cats, but
6 do sell small animals which include guinea pigs
7 and rabbits. While well-intended, we believe
8 this legislation has been founded on the
9 emotion of a few and is not hearing the voice
10 of many. I think I can safely say that as a pet
11 person if one animal is abandoned on the
12 streets of New York, it's one too many. We just
13 disagree with how to go about correcting the
14 problem. I've attached a website link that says
15 the AVMA does not support regulations mandating
16 the spay or neuter of privately owned non-
17 shelter dogs and cats. Although spaying and
18 neutering helps control dog and cat
19 populations, mandatory approaches may
20 contribute to pet owners avoiding licensing,
21 rabies vaccination and veterinary care for
22 their pets. Sometimes we feel we're fixing a
23 problem when all we're doing is trading it for
24 a bigger one. There are many options out there
25 including public education, higher licensing

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2 fees for pets not sterilized and more programs
3 like the Toby Project and ASPCA low cost spay
4 and neuter clinics. Low cost training programs
5 for dogs may prevent so many of them from
6 winding up in shelters, but spaying and
7 neutering is a personal decision for a pet
8 owner that is paying for a pet, not one that
9 should be decided by this board. Finally, the
10 inclusion of rabbits, guinea pigs and any other
11 animal that is designated by rule by the
12 Department is a bit of a broad description.
13 While a case can be made for spaying a rabbit,
14 by the time the animal can safely be
15 sterilized, it'll be a young adult. Guinea pigs
16 are a different story. Sterilizing a guinea pig
17 inherently carries more risk than dogs or cats.
18 They are more susceptible to stress, post op
19 infection and more likely to have a fatal
20 anesthesia reaction. And again, is this
21 something that should be decided by this board?
22 Pet Land Discounts is currently voluntarily
23 working with rabbit rescuers and various dog
24 and cat organizations to promote the adoption
25 of unwanted pets and will continue to do so.

1
2 We're willing to work to find solutions to the
3 overpopulation problems but strongly feel this
4 is not a legislative issue. Thank you for your
5 time.

6 CHAIRPERSON JOHNSON: Thank you. Are
7 you testifying? No.

8 PATRICIA ROSE: No. If you had any
9 questions.

10 CHAIRPERSON JOHNSON: Yes, I do have
11 some questions. So is it your belief that the
12 city should not be trying to in any way control
13 the overpopulation of pets in the city?

14 PATRICIA ROSE: No, we believe that
15 controlling the overpopulation is important,
16 but even in listening to the testimony we heard
17 here today, a large amount of the animals in
18 shelters are not pure breeds, maybe one percent.
19 So those are the animals that causing a pet
20 store to spay or neuter before its being sold,
21 it's not your real problem. It's the ones that
22 are out there roaming the streets. After all of
23 these years we've seen a lot of legislation. I
24 saw the turtle law, the four inch turtles, but
25 I can walk onto the streets of Flatbush and I

1
2 can show you the corners where they're just
3 illegally sold and nothing is done about it. So
4 I just believe that there are more positive
5 ways to do it through licensing or permits or
6 higher fees for someone who wants to have his
7 dog not spayed or neutered.

8 CHAIRPERSON JOHNSON: But in the end,
9 might that position shift the cost of this to
10 the ASPCA?

11 PATRICIA ROSE: Not necessarily. I
12 mean, this is--if you sell a dog, then why not
13 impose instead of being the one to force the
14 spay or neuter, impose that the dog be sold
15 with a voucher to be spayed or neutered where
16 it's actually prepaid at the point of purchase.
17 The person can choose to use it or not. That
18 would be up to the individual who purchases the
19 dog.

20 CHAIRPERSON JOHNSON: But that
21 doesn't control the pet population.

22 PATRICIA ROSE: There's really not
23 much more that, you know, I can say to that
24 other than, you know, it's not that we're
25 against it. We don't oppose it. I just believe

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2 that it's a decision that if you purchase a
3 pet, you have a right to make about that pet.

4 CHAIRPERSON JOHNSON: Thank you. I
5 appreciate your testimony here today. I
6 appreciate you coming and thank you for being
7 so patient. Thank you Council Member.

8 EDWARD WALLACE: Thank you.

9 CHAIRPERSON JOHNSON: Our next panel
10 is Natalie Reeves from Big Apple Bunnies,
11 Vivian Barna [sp?] from All About Rabbits
12 Rescue, Zelda Penzel from the League of Humane
13 Voters of New York, Emily McCoy from People for
14 the Ethical Treatment of Animals, and Chelsie
15 Schadt, I want to pronounce it correctly from
16 NYCLASS. Thank you all for being here today
17 and for being patient. Will you please all
18 raise your right hand? Do you swear and affirm
19 to tell the truth, the whole truth and nothing
20 but the truth in your testimony before this
21 committee and to respond honestly to all
22 Council Member questions? Thank you very much.
23 You may proceed in whatever order you'd like.
24 Please identify yourself for the record as you
25 testify.

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2 NATALIE REEVES: [off mic]

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CHAIRPERSON JOHNSON: Is the light

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on?

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NATALIE REEVES: No, sorry.

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CHAIRPERSON JOHNSON: It's okay.

7

NATALIE REEVES: I'm Natalie Reeves.

8

I'm with Big Apple Bunnies, which is a rabbit

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advocacy group that I founded. I've submitted

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written testimony and I'm not going to bore you

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by reading it to you. I'd rather just talk to

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you and tell you what's important to the people

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that I work with. We're rabbit people. We love

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dogs and cats, but rabbits are the most abused

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pets out there. They're the only animals that

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are sold in pet stores that are eaten. They're

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worn. They're hunted. They're used as key

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chains. They're really left out. Most big

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rescue groups don't think of rabbits.

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Consequently, smaller rescue groups that focus

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on rabbits spend thousands of dollars caring

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for them. There have been several articles

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which I have provided to you showing that the

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intake numbers are up at the New York City

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shelter on rabbits for the past few years.

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2 Admittedly they're much lower than dogs and
3 cats, but they're the third most relinquished
4 animal, but the shelter numbers are a fraction
5 of the numbers of animals being relinquished.
6 Rabbit rescue groups are taking in hundreds,
7 just in the New York City area I know of
8 hundreds who have been taken in that are not
9 going to the shelter first. Many of these
10 animals if not most of these animals are coming
11 from pet store. We also get some from, you
12 know, people who get them on PetSmart or other
13 situations. But there are also thousands of--
14 well I don't know if thousands the right
15 number. There are many rabbits, we don't know
16 how to quantify it, who are being abandoned in
17 the parks where they're literally being
18 eviscerated by dogs, cats, any, you know,
19 raccoons and then if we're able to rescue them
20 before they're killed they, you know, have
21 thousands of dollars of veterinary care. So I'm
22 speaking with respect to Intros 55 and 136 as
23 they pertain to rabbits. 130--excuse me. 55 as
24 drafted does not pertain to rabbits, but I'm
25 respectfully requesting that the bill be

1
2 amended to pertain to rabbits in several ways.
3 Number one, the protections. Rabbits should
4 have every protection that dogs and cats do.
5 They use liter boxes like cats. They're social
6 like dogs. None of my rabbits are caged. They
7 follow me around. They're affectionate. They're
8 social. One jumps in my bed to wake me up each
9 morning. They're really amazing animals. There
10 is no prohibition on your banning sales of
11 rabbits outright in pet stores, absolutely
12 none. The state law only pertains to dogs and
13 cats, prohibiting the outright prohibition. It
14 does not pertain to rabbits. So you can pur--
15 you--and there are many cities that do. Los
16 Angeles, Chicago, San Francisco all ban
17 rabbits. San Francisco, they haven't yet passed
18 a law banning the sale of dogs and cats, but
19 they have for more than 30 years had a ban on
20 the sale of rabbits because rabbits unlike dogs
21 and cats are tied to a holiday, mainly Easter,
22 where they are impulse buys and abandoned
23 afterwards.

24 CHAIRPERSON JOHNSON: And then
25 abandoned afterwards.

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2 NATALIE REEVES: And I would say also
3 just very quickly on Intro 136 as drafted right
4 now it's too dangerous for rabbits to be
5 spayed. We would request that it be at least
6 six months, although in practicality that's not
7 going to work because pet stores like to sell
8 underage bunnies. So we prefer that obviously
9 the outright ban.

10 CHAIRPERSON JOHNSON: Thank you very
11 much.

12 VIVIAN BARNA: Hi, I'm Vivian Barna,
13 and thank you. I'm very grateful to be here to
14 be able to speak my piece. It's been quite a
15 long time. The number of--number mentioned 382
16 about the number of rabbits that come into ACC,
17 that's such a segregated number. It's my
18 understanding that a rescue group, a larger one
19 than my own, dealt with 300 rabbits in the last
20 year. I personally prevented about 50 rabbits
21 from coming into ACC. It's also my information
22 which I think is pretty reliable that ACC
23 cannot handle all the rabbits that are coming
24 in and Rabbits are getting doled out not just
25 to rescues in other areas, but to non-rabbit

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2 rescues, dog and cat rescues. That's my
3 information. I deem it to be correct. I would
4 not bring rabbits that I find to ACC. I just--
5 because I know that I will take care of them
6 and it's okay. Just so you know, I've given up
7 half of my income basically to--with my own
8 rescue and in dealing with all these rabbits.
9 So the number 382 is a very limited number.
10 Then I also get calls from 311, Pet Finders,
11 and I try to help people from surrendering
12 their rabbits. I deflect people from bringing
13 their rabbits to ACC as best as I can, as
14 someone for low cost spay and neuter, etcetera.
15 So I just--if we counted up the number of
16 rabbits that we probably dealt with that I just
17 mentioned, it would be close to 1,000 rabbits
18 that could come to ACC, and if ACC was as well
19 known as Northshore Animal League, you would
20 have 1,000 rabbits there right now. I mean, and
21 that's not including as she said all the
22 rabbits that are out there in the parks. I do
23 not go to the parks anymore. I cannot. I know
24 that there are tons of rabbits out there dying
25 of dehydration, predation, fly strike,

1 etcetera. Okay, moving onto the next thing.
2 Rabbits are very easy to abuse, and here's one
3 case. I'm going to show you a picture where the
4 person just kept it as a cage only animal. A
5 lot of times pet shop concerns try to make it
6 seem very easy. There was a pet shop concern
7 here that focused on talking about dogs, yet
8 they are selling rabbits at all these
9 locations, 65 locations, and many of their
10 rabbits do come to the shelter by virtue of the
11 number of rabbits that they sell. That's where
12 they're coming from. And their kind enough and
13 gracious enough to have started an adoption
14 program, but sadly it's just not enough. We
15 can't keep up with it. Rabbits are not really
16 good pets to sell. They're--if they're not
17 spayed and neutered, they'll spray on you.
18 They'll bit you if you don't submit to them,
19 all different reasons. They chew. They poop and
20 pee all over the place. If you love them
21 you'll, you know, it's okay. You'll handle it.
22 I don't think that rabbits should be sold
23 period, and if you can work in spaying and
24 neutering rabbits and that kind of, you know,
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prevents pet shops from selling them, all the better, because they are not easy animals. They're very high maintenance. One last question. And then the other thing is, who's to say that these rabbits don't come from rabbit mills like dogs and cats? Who knows what kind of abuse they're also subjected to in these rabbit mills? What else did I--one more thing. Yes, and rabbits, females cannot be spayed really before six months.

CHAIRPERSON JOHNSON: Thank you.

VIVIAN BARNA: And the males, four months.

CHAIRPERSON JOHNSON: Thank you very much for your testimony and for being patient and for coming today. I know that everyone that's here cares about animals and is very passionate and compassionate for their care and their futures. So thank you. You may go. Does New York CLASS have any written testimony?

CHELSIE SCHADT: I apologize, we don't, but I will get that to you as soon as possible.

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2 CHAIRPERSON JOHNSON: no, if you
3 could just email it to us, that would be great.

4 CHELSIE SCHADT: Absolutely.

5 CHAIRPERSON JOHNSON: You may
6 introduce yourself for the record.

7 CHELSIE SCHADT: Sure. My name is
8 Chelsie Schadt. I am Lead Organizer with
9 NYCLASS. We wanted to thank the Chairman and
10 the Health Committee for inviting us to speak
11 today on Intro Number 136, 146 and 55. As some
12 of you know, NYCLASS is an animal advocacy
13 organization that believes in the power of
14 organizing and mobilizing the animal protection
15 voting block to move humane legislation.
16 Although we are mostly known for our work to be
17 on the abuse of horse carriage industry, over
18 the past year we have expanded the organization
19 to advocate for cracking down on pet stores and
20 puppy mills and we were thrilled pass our first
21 state law regarding puppy mills this year.
22 NYCLASS supports intro 136, if it is amended to
23 include the following recommendations.
24 Eliminate section 17-804B which would exempt a
25 pet from being sterilized if the said animals

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2 are veterinarian states the sterilization
3 should take place at a later date. As was
4 stated before, it's not entirely clear if the
5 veterinarian would be required to examine the
6 animal beforehand. Amend the bill to mandate
7 that puppies and kitten be sterilized when
8 they're at least eight weeks old and weight at
9 least two pounds, and amend the bill to state
10 that the mandatory sterilization of rabbits is
11 at least four months old. As stated previously
12 there's an increased risk when rabbit is
13 sterilized at a younger age. NYCLASS also
14 supports Intro 146 if it is amended to include
15 the following recommendations, amend the bill
16 to clarify that the mandatory microchip
17 registrations by the pet store must be a
18 bonafide microchip registration company and
19 that uses--that the usage instructions would be
20 then passed along to the purchaser of the
21 animal. And also amend the bill to increase the
22 period of time in which the pet store must
23 maintain the records of the microchipping to be
24 more than five years presently in the bill.
25 Regarding Intro 55, we would support the bill

1 but not in its current form, only if it is
2 strengthened to do more to protect both
3 consumer and animals from the abusive
4 unscrupulous practices of puppy mills. We have
5 the unique opportunity to regulate pet sellers
6 in a meaningful way, but we need the City
7 Council to work closely with experts on the
8 puppy mills such as the ASPCA, Humane Society
9 and the Mayor's alliance who are all previously
10 here today. Last, please stand strong and don't
11 let PIJAC or the AKC influence you. They have
12 money on their minds and not the welfare of
13 these animals. They oppose even the most basic
14 standards of care. They are the reasons that
15 New York City is the final stop of puppy mills
16 pipeline. They are also the reason that our
17 city shelters are bursting at the seams. Please
18 don't be swayed by them. Your constituents will
19 thank you. After all, our community loves
20 animals and we vote. I want to thank you very
21 much for having us here today and for working
22 to make New York City a humane place for all of
23 your residents, two legged and four legged.
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2 CHAIRPERSON JOHNSON: Thank you very
3 much, Ms. Schadt.

4 ZELDA PENZEL: Good afternoon. I'm
5 Zelda Penzel, Director of Outreach for the
6 League of Humane Voters of New York and co-
7 founder of SOS, Save our Shelter Animals, and
8 I'm here today basically to oppose the passage
9 of Intro 55 in its present form, and I'll tell
10 you why. It's a terribly flawed bill which
11 endorses the continued sale of puppy mill dogs
12 and cats, except now they're called large--
13 they're large scale breeders who sell as many
14 as 50 animals a year and whose mass commercial
15 breeding operations of virtually
16 indistinguishable from the wretched hell holes
17 we call puppy mills. These are not hobby
18 breeders with animals sleeping on their beds at
19 night. They are by their very nature and
20 definition cruel and indistinguishable from
21 puppy mills. As you heard, USDA standards for
22 breeders and puppy mills are minimal and
23 enforcement is negligible, and surely it's not
24 just the number of animals sold, but rather the
25 conditions under which they are kept generally

1 ranging from unspeakable to inhumane. That's
2 unacceptable here. These dogs and cats are
3 considered nothing more than profitable, easily
4 replaceable breeding machines, cash cows and
5 that's how they're treated. The reason we all
6 fought for home rule was to enable the city to
7 legally cut off the pipeline of large scale
8 breeder and puppy mill cats and dogs. And while
9 any law passed by the Council may not
10 essentially ban all pet shops sales of dogs and
11 cats raised and maintained in a healthy and
12 safe manner, it's our position that none of the
13 animals coming from breeders as presently
14 defined in Intro 55 have in fact been raised
15 and maintained in a healthy and safe manner.
16 The very nature and purpose of all such mass
17 breeding facilities make it impractical,
18 uneconomical and impossible to raise animals in
19 a healthy and safe manner. And let's not forget
20 that, you know, cats and dogs really are
21 household pets. In breeding facilities they're
22 kept in cages with very little human contact.
23 They're not treated like pets. They are really
24 breeding machines. This bill unlike those
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2 passed in Chicago, Los Angeles and Toronto and
3 other cities which permit the sale in pet
4 stores only of animals from shelters and
5 rescues will do nothing to save the precious
6 lives of animals dying in our shelters, but
7 will instead ensure a steady supply of kittens
8 and puppies from mills to pet stores and
9 continue to add to the glut of animals already
10 out there. With the playing field that allows
11 the city for the first time ever to regulate--
12 pardon me--to regulate conditions and animals
13 that can be sold in pet stores, Intro 55 has
14 aimed incredibly low and set the bar far below
15 what's acceptable to New Yorkers. By setting
16 down its own definitions and requirements, the
17 City Council has the power to determine that
18 animals sold in pet stores come from shelters
19 and rescue groups rather than these large scale
20 facilities. My testimony which I've given to
21 you--

22 CHAIRPERSON JOHNSON: [interposing]

23 Yes.

24 ZELDA PENZEL: is a little longer,
25 but I've included what some of us consider to

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be the definition of pet--puppy stores. It's at the very end.

CHAIRPERSON JOHNSON: Thank you. And I appreciate the fact that you took head on what you believe to be the adequate number or inadequate numbers around breeding dogs with these breeders and what the result is, and I can tell you that, you know, this bill is going through a legislative process and that's why we're having this hearing, to understand from advocates and experts how the bill could be improved. And so we look forward to doing that and working with all of you to make this the strongest possible bill that passes legal muster. So thank you for coming and testifying today.

ZELDA PENZEL: Thank you for having this hearing.

EMILY MCCOY: Thank you committee members for considering four proposed amendments to the New York City Administrative code in relation to pet shops. My name is Emily McCoy and I represent PETA, the world's largest animal rights organization with more than three

1 million members and supporters, some 90,000 of
2 whom are proud New Yorkers. We strongly support
3 all four life saving measures that are being
4 heard today, Introduction numbers 55, 73, 136
5 and 146. Introduction number 73 proposed to
6 update the definition of pet shop within the
7 Animal Abuse Registration Act by better
8 defining the term and including consideration
9 of the lives of all animals. PETA frequently
10 fields disturbing complaints about pet shops
11 that keep and sell sick and injured animals of
12 all shapes and sizes and species to
13 unsuspecting customers, deprive many animals of
14 the basic necessities of life, veterinary care
15 and leave unsaleable animals confined in
16 isolated and back rooms hidden from public
17 view. The pet industry is notorious for taking
18 short cuts at the expense of animals whose
19 sales it depends on. In addition of the
20 substandard deplorable and factory farm like
21 conditions in which many dogs, cats, rabbits,
22 birds, guinea pigs, chinchillas, rats, mice and
23 so many other animals are bred, raised, shipped
24 and sold. Each animal purchased from a pet shop
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2 goes to a home that could have gone to an
3 animal in a shelter, which could mean a death
4 sentence for a shelter animal. Introduction
5 number 146 proposes requiring pet shops to
6 identify the animals they sell by having them
7 implanted with identification microchips by
8 license veterinarians. Microchips help reunite
9 beloved animal companions with their frantic
10 guardians, help track animals with congenital
11 defects back to a broker, breeder, puppy mill,
12 etcetera, encourage responsible guardianship
13 and eventually reduce the number of animals
14 taken into area shelters identify the owners of
15 animals maintained in violation of animal
16 protection laws and dangerous dog relations and
17 more. Introduction number 136 would require pet
18 shops to sterilize animals and require
19 purchasers to buy a valid animal license before
20 ownership is transferred. The overpopulation of
21 dogs and cats in the US results in six to eight
22 million of them euthanized in animal shelters
23 every year, often because no homes exist for
24 them. A 2013 report states that 25 percent of
25 dogs entering animals shelters were pure bred,

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2 produced by breeders and sold at pet stores.
3 Sterilizing dogs and cats before sale would
4 help save the lives of countless animals in New
5 York. Also including small animals such as
6 guinea pigs and rabbits in this measure is
7 forward thinking and crucial. Enumerable
8 rabbits and guinea pigs are sold, given away
9 and abandoned every year resulting in death
10 from neglect as well as euthanasia in homes and
11 overwhelmed animal shelters. These animals are
12 prolific breeders and have special needs that
13 are rarely met in inexperienced and uneducated
14 homes. Their sterilization before sale will
15 help save countless lives.

16 CHAIRPERSON JOHNSON: I have read
17 what you are testifying on in Introduction
18 Number 55. So you don't have to read. I
19 appreciate it and that you're here to support
20 these measures. I would ask given that PETA has
21 done incredible work with investigations,
22 undercover investigations and reports on some
23 of these practices, if in fact your
24 organization has any reports on puppy mills, we
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would love for you to send those to us for the record.

EMILY MCCOY: Yeah, unfortunately, there's no shortage of those kind of reports. There are plenty of them, and I know you--

CHAIRPERSON JOHNSON: [interposing] If you could please send what you have to us that would be helpful.

EMILY MCCOY: Yes, and I know you had asked earlier of another panel about the number of dogs and cats that come into the system from puppy mills and from breeders. Unfortunately because there is no central oversight agency, there is no way to gauge that number. So there is right now between 2,000 and 3,000 USDA licensed breeders, puppy mills, and could be as many as 10,000, so.

CHAIRPERSON JOHNSON: Thank you.

EMILY MCCOY: Thank you very much.

CHAIRPERSON JOHNSON: Thank you very much. Thank you all for being here today. And our final panel, and again I want to thank you all for being so patient, Esther Koslow from Shelter Reform Action Committee, Jeffery Drogan

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2 [sp?], Jennifer Panton from United Action for
3 Animals, and Adita Bernkraut from Friends of
4 Animals. Again, I want to thank you all for
5 being so patient and spending an afternoon here
6 at the City Council. If you would all please
7 raise your right hand. Do you swear and affirm
8 to tell the truth, the whole truth and nothing
9 but the truth in your testimony before this
10 Committee and to respond honestly to all
11 Council Member questions? Thank you very much,
12 and maybe we can start with Esther and then
13 move across. If you could please identify
14 yourself for the record when you testify.
15 Thank you.

16 ESTHER KOSLOW: My name is Esther
17 Koslow. I recently said in my statement good
18 afternoon but we're getting into the evening.
19 I'm President of Shelter Reform Action
20 Committee. You have my prepared statement. I'll
21 try to make it even shorter. I'm thrilled that
22 we're here today. I'm thrilled that we have
23 this new City Council. I'm thrilled that Linda
24 Rosenthal made it possible for us to be sitting
25 here today to enact real legislation with teeth

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2 to regulate pet shops. It's great. And I defer
3 to all the wonderful comments that have been
4 suggested to revise these bills, but my
5 particular focus was on Intro 55. So they've
6 discussed that, and the issue here is who's
7 going to enforce whatever bills are going to be
8 passed in whatever form they are, and right now
9 it's going to be the Department of Health, and
10 therein lies the problem. The Department of
11 Health has no mandate to ensure animal health
12 or wellbeing but rather to protect people from
13 animals and animal's diseases. So whenever the
14 Department of Health has to choose between
15 allotting resources for safeguarding people's
16 health versus that of animals, the people are
17 going to win, and that's right for the
18 Department of Health, but it's not good for
19 animals. That's why in 1997 Shelter Reform
20 Action Committee sued for the creation of a
21 Department of Animal Welfare. It was actually
22 animal affairs. The lawsuit was dismissed
23 because of state law, because it gives the
24 Mayor of New York unfettered power to decide
25 who's going to be in control of the animal

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2 shelter system. But we now know that this idea
3 of a new Department of Animal Affairs is being
4 floated again. But the pet shop animals can't
5 wait for that to happen. So what are we going
6 to do in the meantime because I know that Mr.
7 Kass was already asking for he would need more
8 resources for the Department of Health to do
9 more inspections of pet shops and more pet
10 shops? What are the penalties that the
11 Department of Health, what are they going to
12 come up with? Are there going to be fines?
13 Are they going to close pet shops like they do
14 restaurants? But the real issue more than the
15 penalties, will they every be enforced? Mr.
16 Kass talked about dog licensing. The DOH has
17 been in charge of dog licensing since 1995 and
18 has done a terrible job at it. In fact,
19 licensing compliance keeps going down. In 2010
20 he said it was a 20 percent compliance rate
21 which was lousy then and over flated. It's much
22 less now. So here's the issue. Whenever these
23 new bills get passed the Department of Health
24 is going to be enforcing them until a new
25 department is created. So I guess you're going

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2 to have regulate the regulator. I know you can
3 do it. I know we can figure out an answer, but
4 I'm telling you there's going to be a problem.

5 CHAIRPERSON JOHNSON: Thank you. I
6 understand the problem, and I would say that I
7 don't think that this is just exclusively the
8 Department of Health that has this issue on
9 enforcement. We see it amongst basically every
10 city agency. We come up with these great laws
11 and rules and regulations and they're
12 meaningless if they're not enforced in a
13 correct way, and many times that comes down to
14 appropriate staff and resources so that the job
15 can be done. I mean, I think Deputy
16 Commissioner Kass mentioned a certain number of
17 veterinarians that would have to be hired,
18 clerical workers to work on a new system to
19 track these things as well as additional
20 inspectors potentially, and I know that that
21 could be a good start, but it may not even be
22 adequate. So we have to fight for more, and
23 luckily the City Council has a charter mandate
24 of oversight over every department in the City
25 of New York. We've been doing that for a long

1
2 time, and I can tell you under my tenure as
3 Chair we'll continue to do that on not just
4 these issues, but any issue that affects public
5 environmental health in the city of New York.
6 So your point is well taken. I appreciate your
7 advocacy and you being here today and being so
8 patient and I look forward to working with you
9 to make this the strongest bill we can possibly
10 get, again legally. So thank you, Esther,
11 thank you. Yes, sir. If you could please speak
12 into the microphone and give your name for the
13 record.

14 JEFFERY DROGAN: My name is Jeffery
15 Drogan, I'm a professional engineer and I live
16 at 27 West 67th Street, and I'm here
17 representing myself. This law makes no
18 provision for the responsible breeder hobbyist
19 that lives in New York who define me as pet
20 shop, which I am not. I oppose Introductory
21 136, the mandatory spaying and neutering of my
22 litters. I've lived in this city with German
23 short-haired corners pointers for over 20
24 years. During that entire time my dogs have
25 been shown in AKC confirmation and participated

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2 in AKC performance and companion events. My
3 dogs also participated in American field
4 events. My dogs have won many championships,
5 titles in obedience, agility and field events.
6 My dogs participate in the Westminster Kennel
7 Club show at Madison Square Garden. None of
8 this could be done with a neutered dog. I
9 travel to dog events throughout the country but
10 especially in the metropolitan area. I spend an
11 excess of 30,000 dollars a year training,
12 showing and running my dogs in AKC and American
13 Field events. All of this makes substantial
14 economic impact in the areas where I
15 participate. None of this could be done--none
16 of this would be done with a neutered dog. I
17 have bred three litters. My stud dogs have
18 produced probably another seven or eight
19 litters in 20 years. All of my dogs go through
20 very elaborate health and genetic testing prior
21 to breeding. All of my litters have been
22 produced by surgical implanting. A litter costs
23 me approximately 3,000 dollars in veterinarianian
24 fees to produce. I have contract--I have
25 contacted everyone that has every acquired a

1 puppy from me. My litter have produced
2 champions in titles in almost every discipline
3 opened to German shorthaired pointers. None of
4 this could be done with a neutered dog. I co-
5 own every dog that I produce until that dog is
6 done in its confirmation or obedience or
7 whatever it is. At which time it is released to
8 the owner and generally they're spayed or
9 neutered once their careers are finished. I
10 have presently about seven dogs that live in
11 New York City that four of them are not
12 neutered. Three of them are because their
13 careers are finished. You have no provision in
14 this law for people like me. I am a
15 responsible--you refer to the responsible, but
16 we're under the same laws if I sell one dog in
17 the city of New York I'm a pet shop. I am not a
18 pet shop. Did I misunderstand that? Because I
19 hope I did.

21 CHAIRPERSON JOHNSON: You can finish
22 your testimony and I'll make a statement.

23 JEFFERY DROGAN: What was that?

24 CHAIRPERSON JOHNSON: Are you done
25 with your testimony?

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JEFFERY DROGAN: Yes.

CHAIRPERSON JOHNSON: Well, I want to say thank you for being so patient, waiting 'til the very end to testify. Again, we are here to listen and I'm glad you came today, because I do not--you sound like an incredibly responsible owner who is doing all you can to take care of the dogs and puppies in your possession and I wish we had more people like you that were as responsible as you are. You seem to be the model of what we would like to have, and so we want to take that into account, and we will look at that. It would be helpful if you--I don't know if you submitted written testimony.

JEFFERY DROGAN: I emailed to you on April 28th.

CHAIRPERSON JOHNSON: To me?

JEFFERY DROGAN: To you, the Honorable Corey Johnson via District Three at Council.--

CHAIRPERSON JOHNSON: [interposing]
Okay.

JEFFERY DROGAN: newyorkcity.gov.

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2 CHAIRPERSON JOHNSON: Well, I got it
3 then, and I will check and I'll forward it
4 along to the Health Committee and the
5 legislative counsel to ensure that we take that
6 into account, and I really do appreciate you
7 being here to explain your circumstances and to
8 understand more about folks who are in your
9 situation. Thank you sir. By the way, what
10 type of dogs do you have?

11 JEFFERY DROGAN: German shorthaired
12 pointers.

13 CHAIRPERSON JOHNSON: Oh, great.

14 JENNIFER PANTON: Hello. I'm
15 Jennifer Panton. I'm President of United Action
16 for Animals. I want to thank all of you who are
17 sponsoring this bill and being the voice for
18 the voiceless victims. I have been rescuing for
19 over 15 years. I worked at Animal Care and
20 Control of New York City as a Manhattan New
21 Hope Coordinator, and I have presided over
22 United Action for Animals since 2006. I have
23 saved dozens of our city's animals from Animal
24 Care and Control's euthanasia list, through New
25 Hope alerts and off our city streets. I have

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2 organized low cost and free spay/neuter clinics
3 throughout the boroughs and I'm now doing TNR,
4 which is trap, neuter and return for feral
5 cats. I have and continue to witness the harsh
6 realities of overbreeding, overbreeding animals
7 in New York City, things that have given me
8 nightmares and that had made me question
9 humanity.

10 CHAIRPERSON JOHNSON: Take your time.
11 I appreciate you being here.

12 JENNIFER PANTON: I can--sorry.
13 Animal Care and Control has to take over, has
14 to take in over 86 animals a day. You could
15 just grasp that 86 animals a day had to either
16 have been dumped, seized or abandoned. How is
17 that possible in this sophisticated city like
18 New York City? Any upstanding citizen who's
19 against regulated pet shops and puppy mills
20 needs to volunteer or work in our city's animal
21 shelters for just one week to educate
22 themselves. Due to my experience and what I
23 have seen done, I can't help but take a
24 stronger stance regarding pet shops in bill
25 number 55. Responsible breeding is an oxymoron.

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2 Responsible breeding is an oxymoron. At this
3 stage, with so much euthanasia and thousands of
4 homeless animals, just cutting off puppy mills
5 is not enough. The city of Chicago last month
6 passed a bill that stipulates retailer, aka pet
7 shop, and they offer for sale only those dogs,
8 cats and rabbits that have been obtained from
9 an animal control center, humane society
10 rescue, etcetera, basically, what Pet Co and
11 PetSmarts are currently doing in New York City
12 today. Those same animals are already spayed
13 and neutered as well microchipped. I would like
14 to suggest the council members review Chicago's
15 ordinance which I have attached to my letter,
16 and I hope that one day you can replicate that
17 bill. Thank you.

18 CHAIRPERSON JOHNSON: Thank you.
19 Thank you very much for your testimony and for
20 all of your compassionate work in saving and
21 helping animals in the city and I understand
22 how emotional you get. I can't even look at
23 Facebook page every night to see the number of
24 animals who are being put down. It makes me
25 sick to my stomach. So I totally get it. I want

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2 to say that we are simply not allowed by law to
3 do an outright ban. It's just not legal.

4 JENNIFER PANTON: Eventually, you
5 can.

6 CHAIRPERSON JOHNSON: Right now--

7 JENNIFER PANTON: [interposing]
8 That's what I want the goal to be.

9 CHAIRPERSON JOHNSON: Right now--

10 JENNIFER PANTON: [interposing] This
11 is a start.

12 CHAIRPERSON JOHNSON: Right now we
13 can't. Right now the City Council cant.

14 JENNIFER PANTON: I understand. I
15 understand. As of today, I understand.

16 CHAIRPERSON JOHNSON: Yeah, yeah,
17 yeah. So we're doing as I've said many times
18 today, we're going to do the best we can. We're
19 going to make it as strong as we can, and we
20 want it to stand up to a potential legal
21 challenge, because it may get challenged by
22 some people who may not like this. So we're
23 going to work hard, and I really again
24 appreciate you coming to testify today and
25 waiting until the very end. Thank you.

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2 ADITA BERNKRANT: Hi, there. My
3 name's Adita Bernkrant. I'm the New York
4 Director for Friends of Animals, an
5 international 501C3 nonprofit animal advocacy
6 organization founded in 1957 in New York, and
7 we have led the effort to curve the pet
8 overpopulation by running the nation's first
9 and longest running low cost spay/neuter
10 program, and it's one of our long--you know,
11 it's a continual program and we have as of
12 today facilitated over 2.6 million spay/neuter
13 surgeries for people who cannot afford, you
14 know, to do them through traditional vets that
15 will charge whatever they want. So, I'm very
16 happy that, you know, these bills have been
17 introduced and that these topics are now being
18 addressed by the City Council because they have
19 been severely neglected as we all know, and we
20 applaud you for that, but unfortunately as the
21 prior speaker has brought up, we feel that the
22 bar is being set too low in New York. You had a
23 speaker from the Companion Animal Protection
24 Society, CAPS, and we consult with them and
25 their westcoast director who really is the

1 expert on this issue. They have model
2 legislation that has been enacted in about 35
3 other cities. Chicago was mentioned, Los
4 Angeles, Albuquerque, New Mexico and I think
5 we're really doing a disservice. I know this is
6 related to the fact that the state legislation
7 is flawed, but I think that we cannot let other
8 cities be more progressive than New York now
9 that we have the opportunity to take these
10 issues head on, and we are doing a big
11 disservice. So I would recommend actually that
12 maybe we hold off on this bill until we can
13 modify the state legislation so that we can
14 outright ban the sale, the retail sale of dogs
15 and cats, and I do think rabbits need to be
16 included. You know, I have a copy of the model
17 legislation and I made copies for everyone, but
18 I want to note also that where, you know--
19 essentially that model legislation prohibits
20 commercially bred dogs or cats or rabbits
21 except for those that come from this municipal
22 shelters or rescue organizations, and I think
23 that that's what we need in New York City, and
24 I want to note that this law has not been
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2 unduly punitive to the pet shops in the cities
3 it has become law. Across the country,
4 thousands of independent pet stores as well
5 large chains operate profitably with a business
6 model focused on the sale of pet services and
7 supplies and not on the sale of cats and dogs.
8 Many of these local stores collaborate with
9 local animal sheltering and rescue or to offer
10 space and support, and I think when we look at
11 the numbers of dogs and cats that are being
12 euthanized every year and across the country
13 it's in the millions, it's unconscionable to
14 have breeders--to give breeders the opportunity
15 to fill pet stores with cat or dogs, with cats
16 and dogs, and I think that we have to end the
17 supply of dogs and cats from breeding
18 facilities regardless of the number of animals
19 they are selling and whether or not they are
20 classified as dog or cat mills, and there is no
21 city oversight committee qualified to enforce
22 the providence of the animals that come from
23 these commercial breeding facilities. Smaller
24 scale breeders are often indistinguishable from
25 puppy or kitten mills in regards to the

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2 inhumane conditions the animals endure and the
3 lifelong health issues they suffer from, and we
4 want to encourage leadership in New York to
5 have the political will to be as progressive as
6 Los Angeles and Chicago on this issue.

7 CHAIRPERSON JOHNSON: Thank you.

8 Thank you very much for your testimony. I want
9 to just say generally I think that this City
10 Council, I've only been here what has seemed
11 like a very long four months, is a progressive
12 council with a progressive Speaker, and I'm a
13 member of the Progressive Caucus, and but we
14 are, if you look at whether it's charter
15 schools or getting traffic cameras around
16 schools, on many, many issues our destiny is
17 controlled by Albany. It's just how the legal
18 framework of the city was set up in relation.

19 ADITA BERNKRANT: Then how did the
20 other 35 cities--

21 CHAIRPERSON JOHNSON: Let me finish.

22 ADITA BERNKRANT: manage to do--

23 CHAIRPERSON JOHNSON: [interposing]

24 Let me finish.

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2 ADITA BERNKRANT: to ban the retail
3 sale, and what can we do? What can my
4 organization do to help change that so that we
5 can be as progressive--

6 CHAIRPERSON JOHNSON: [interposing]
7 If you let me finish I would tell you.

8 ADITA BERNKRANT: as Chicago? Yes,
9 okay.

10 CHAIRPERSON JOHNSON: I didn't
11 interrupt you when you were speaking. So what
12 we're going to do is--this isn't a perfect
13 bill. So what we heard today were many
14 suggestions on how this bill could be made
15 better, and I have to say I disagree with you
16 on saying that we shouldn't take this up now. I
17 actually think taking this up now will save
18 lives of pets, not every life, but it will save
19 lives, and I think that is important. And also
20 we will be sending a message hopefully that we
21 can do things to improve animal and humane
22 welfare in New York City, the largest city in
23 the country. I think that's an important symbol
24 as well. So what needs to be done? You know, I
25 think Linda Rosenthal did the best she could,

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and to provide context, we could be here all night talking about it, but I'll end with this. Albany is considered a pretty dysfunctional place.

ADITA BERNKRANT: Yes.

CHAIRPERSON JOHNSON: And until we elect a progressive state senate, I think we're going to see a lot of things held up.

ADITA BERNKRANT: Yeah.

CHAIRPERSON JOHNSON: So we can't, the City Council can't control the what happens in Albany, but we can continue to do at the local level what we are legally allowed and mandated to do, and I believe that this bill go as far as it can to accomplish that. I wouldn't give up on your advocacy. I wouldn't give up on your efforts, and I would focus some more fire power on what happens in Albany. But I look forward to working with you all. I appreciate your passion and your compassion on this issue. We are going to do as best as we can to try to get this fixed up and voted on. It's going to take a little while to go through the process, but I look forward to working with you and

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2 hearing from you and listening to your
3 constructive concerns so that we can make this
4 a better bill. So thank you all for being here
5 today, and this committee meeting is adjourned.

6 [gavel]

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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 there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date 05/15/2014