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TESTIMONY ON BEHALF OF THE COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS **REGARDING INTRODUCTION NOS. 35 AND 86**

NEW YORK CITY COUNCIL CONSUMER AFFAIRS COMMITTEE March 12, 2010

Good morning. I am here on behalf of the New York City Bar Association Committee on Legal Issues Pertaining to Animals. I appreciate this opportunity to address Introduction Nos. 35 and 86.

In previous years, the New York City Bar has urged the City Council to enact legislation to ban horse drawn carriages in New York City. We believe that an outright ban of carriage horse rides is necessary due to the dangerous and harsh conditions inherent in driving carriage horses in congested New York City streets and keeping horses in a crowded urban environment. Therefore, we approve Introduction No. 86, which will phase out licenses for carriage horse by May 31, 2012.

In addition to addressing our concerns about the welfare of animals, Introduction No. 86 benefits the public in other ways. It establishes a new licensing program for antique-replica show cars. This program will offer an alternative source of employment for persons currently working in the carriage-horse industry as well as a new tourist attraction. The Department of Health and Mental Hygiene and the ASPCA will no longer be required to devote scarce resources to monitoring the welfare of carriage horses. Taxpayers will be relieved of the burden of funding the water provided to the horses by the Department of Environmental Protection. And health and quality of life concerns relating to horse manure² will be eliminated. We note that Introduction No. 92-2010 includes specific provisions for the humane disposition of horses and we recommend considering incorporating provisions such as those into Introduction No. 86-2010 to provide that the horses are humanely cared for after they cease working as carriage horses in New York City.

The New York City Bar opposes Introduction No. 35. Although some reforms have been proposed, the legislation fails to adequately address the most critical animal welfare concerns relating to carriage horses. Horses are worked on severely congested streets and there have been numerous accidents involving people and horses in recent years. After nine-hour workdays in a stressful environment, horses spend the rest of their days in cramped stables. Although the proposed legislation would increase the minimum stall size, the proposed size, 64 square feet, is significantly smaller than the 144 square feet stalls required by the voluntary certification program of the New York State Department of Agriculture and Markets. Finally, the proposal for

¹ See New York City Administrative Code § 24-330(a)(1).

² See Kelly Crow, Parents Say Stable's New Site Means Dust and Distraction for Children, NY TIMES (Oct. 22, 2000); Marianne Garvey, Making a Stink; School Hits Horse Barn Next Door, NY POST (Jan. 9, 2005).

a five-week furlough does not meet a horse's regular need for turnout in a pasture or paddock and the bill does not ensure that horses are retired after they are 20 years old.

For these reasons, we urge you to pass Introduction No. 86 and reject Introduction No. 35. Thank you.