

**ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK
COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS**

REPORT ON LEGISLATION

A. 1280
S. 2517-A

M. of A. Nolan
Senator Maltese

An act to amend section 96-b of the Agriculture and Markets Law in relation to the revocation of licenses of operators of slaughterhouses upon the failure of three consecutive sanitary inspections.

THIS BILL IS APPROVED

This committee offers its strong approval concerning Assembly Bill 1280 and Senate Bill 2517 which would provide for the mandatory revocation of licenses of operators of slaughterhouses upon the failure of three consecutive inspections and provides that no licensee whose license is revoked pursuant to this provision shall be eligible to reapply for a slaughterhouse license prior to two years from the date of revocation. The bill further requires the slaughterhouse operator to post a copy of the results of its most recent sanitary inspection. This legislation would result in a reduction of animal cruelty by encouraging compliance with regulations that promote animal health and well-being. Poor sanitation tends to go hand in hand with neglectful treatment of animals. The state requires establishments to provide abundant light, sufficient ventilation, and sanitary cages with sufficient food and clean water, which would clearly benefit animals, as well as insure human health considerations.

The covered entities are those slaughterhouses that fall solely under the jurisdiction of the New York State Department of Agriculture and Markets, Division of Food Safety and Inspection (“the Department”). These operations are distinguishable in that they slaughter smaller animals such as rabbits, turkeys [fewer than 250 per year], pheasants, poultry [fewer than 20,000 per year] guinea hens and deer. The slaughter of cattle, calves, goat and lamb are all regulated at the federal level under USDA/FSIS. There are 125 small animal slaughterhouse operations in the state, 70 of which are located in the five boroughs of New York City.

This bill acknowledges the threat to public health and safety posed by unregulated slaughterhouse operations. It has been established by scientific evidence that foodborne diseases such as salmonellosis and avian influenza are spread through improper and unsanitary meat handling and slaughter procedures. See “Foodborne Illness.” Disease Prevention. Center for Disease Control, Division of Bacterial and Mycotic Diseases, February 25, 2004. Unsanitary facilities and equipment, poor animal handling, improper personal hygiene, and similar unsanitary practices create an environment conducive to contamination of products with pathogenic bacteria.

In 2002, two articles concerning the sanitation of small animal slaughterhouses in New York City were published by the *New York Post*. One *Post* article, entitled “City Slaughterhouses So Unclean, They’re Beastly,” reported 461 Agriculture and Markets Code violations that were found in small animal slaughterhouses in New York City, and that many of these slaughterhouses had a pattern of repeated inspection failure (Dicker, 2002, 002).

We believe the enactment of this bill will be a substantial improvement in what heretofore has been an under-regulated area. As currently enacted, the Commissioner of the Department has the discretion to choose whether or not to revoke the license of a slaughterhouse operator that has repeatedly failed inspections. This amendment would provide the Commissioner with specific statutory authority for imposing license revocation as a penalty. A report distributed by Senator Jeffery Klein’s office last year documented twelve metropolitan area operations that failed 3, 4 or all of their last five inspections and were still open to the public. Slaughterhouse operators often address violations they receive only to correct them and then lapse into violation again. The two year mandatory revocation period will ensure that sanitary measures are properly implemented prior to license renewal.

While this committee does not comment on the bill’s inherent approval of the continued operation of such slaughter facilities that are not affected by the increased penalty for repeat violators, it strongly approves of this attempt to limit the continued operation of the worst operators in this area.

The Committee also believes this legislation will provide an incentive for small animal slaughterhouse operators to improve their animal husbandry practices. Island Poultry in Brooklyn failed an inspection for having “Live chickens ...improperly stored in stacked batteries which have no catch trays. Fecal matter noted on chickens in lower batteries” (Ag and Mkts, Inspection Report, March 26, 2004). In addition, the New York State Department of Agriculture food safety inspectors have the authority to contact the ASPCA for suspected violations of animal cruelty statutes. In the past year, there have been two separate cases in which summons have been issued against live poultry markets for violations of laws affecting animal welfare.¹

¹ One summons was issued for violation of Article 26, Sec. 359 of the Ag and Mkts law (carrying animal in a cruel manner) and the second summons was issued for violation of Section 161.09 of the NYC Health Code (no person shall sell or keep for sale live rabbits or live poultry without a permit issued by the Commissioner).

An increase in consumer awareness of these operations should lead to a greater interest in the condition of the animals prior to slaughter. Accordingly, this Committee approves of this bill and encourages its immediate passage into law.