

The logo for the New York City Bar, featuring the words "NEW YORK" and "CITY BAR" in a serif font, centered between two horizontal blue bars.

**NEW YORK
CITY BAR**

**Testimony of Lori Barrett, Esq. for
The Association of the Bar of the City of New York**

**Before the New York City Council
Consumer Affairs Committee
Friday, January 30, 2009**

Good morning, Chairman Comrie and members of the Consumer Affairs Committee. My name is Lori Barrett, member of the New York City Bar Association's Committee on Legal Issues Pertaining to Animals, and I appreciate this opportunity to discuss the City Bar Association's approval of Introduction No. 658-A-2007, in relation to banning the horse-carriage industry in New York City and our opposition to Introduction 653-A-2007.

For several years the City Bar Association has urged the Council to enact legislation to ameliorate the extremely harsh conditions under which our City's carriage horses work and live, while, at the same time, stating that such legislation could not create fully humane conditions and that a ban of carriage horse rides was the only truly humane solution. Despite broad and vocal public support for reforms from organizations including the ASPCA and the Humane Society, no legislation has been enacted to shorten the workday of the horses or even to require minimum turnout periods. Nor has any legislation been enacted to redefine permissible working conditions to take into account weather conditions such as humidity in the summer and wind in the winter and weight restrictions on carriage loads or to require improved stables, stalls sufficient in size to allow a horse to lie down and turn about, and a prohibition on the sale of any carriage horse for slaughter.

As indicated by a 2007 report by the New York City Comptroller, the City has failed to enforce even the inadequate protective provisions under the current Administrative Code. The report found that there are no water spigots in the areas where horses wait to pick up passengers; there is inadequate shade for the horses; and the asphalt is hard on the horses' feet in summer months. Also, a recent documentary film showed drivers reading books while driving horses on City streets, something that is sure to put the safety of horses and the public at risk.

Moreover, the presence of horses on the City's congested streets is a danger to the public, as evidenced by the recent, repeated incidences of spooked horses bolting through congested streets putting both horses and people at risk. Because of such risks, horse

drawn carriages have been banned in many large cities in the United States and abroad. New York City has some of the most congested streets in the nation; therefore, it is particularly important that the City Council adopt legislation to protect the public and the animals.

Accordingly, the Bar Association supports the proposed bill to ban the carriage horse trade in New York City. The Committee is aware of a proposal to replace the carriages with “green” replicas of Model T Fords and other classic cars. Such a proposal would provide a safe and enjoyable alternative for tourists while preserving jobs for workers in the horse-drawn carriage industry and potentially increasing revenues for the City.

The Association opposes Introduction No. 653-A. Unfortunately, while this bill may seek to improve conditions, it would not significantly promote the health, safety and well being of the carriage horses and may actually worsen their conditions. Perhaps most troubling, the bill eliminates the authority of the ASPCA and city agencies to conduct regulatory inspections, seems to allow the carriage industry to choose its own inspectors, and in any event does not provide an inspection system with accountability, incentive to acknowledge any violations by the industry, and obligations to release findings to the government or the public. The bill requires that stables be certified by the New York State Horse Health Assurance Program; however, it does not provide a deadline by which stable owners must be certified; it does not provide for penalties for failing an inspection; and it does not require that proof of certification be presented as a condition for license renewal. Moreover, the proposed introduction imposes a requirement that horses be provided with water by a city agency, funded by taxpayer dollars, rather than on the industry itself. Additional reasons for the Association’s opposition to this bill are set forth in a comment submitted to the City Council. Thank you.