

September 24, 2007

Thomas R. Frieden, M.D., M.P.H.
New York City Department of Health
Office of the Commissioner
25 Worth Street, CN-28
New York, NY 10013

RE: Licensing and Oversight of NYC Carriage and Rental Horse Industries

Dear Commissioner Frieden:

We commend your stated commitment in June 2007 to establish the advisory board required by Title 17, Chapter 3 of the NYC Administrative Code on “Rental Horse Licensing and Protection Law”, and look forward to seeing such advisory board perform its statutory mandate to promote the health, safety and well-being of licensed horses and members of the public who hire such horses. Of course we also look forward to having the relevant city Departments dedicate themselves to affirmative, expansive activities to uncover and correct conditions which violate the NYS anti-cruelty statute (Agriculture and Markets Law, Article 26) so that the perpetrators may be expeditiously and effectively prosecuted and the conditions corrected. Given the recent activity of the Department of Health on certain issues such as anti-smoking and trans-fats, we would think your office would want to demonstrate the same kind of leadership with respect to carriage horse (and rental) operations and take this opportunity to create a gold standard for the country in regulating this activity.

Our Committee on Legal Issues Pertaining to Animals is a standing committee of the Association of the Bar of the City of New York and would be glad to assist your Department by offering our legal expertise on issues that may need revision or enactment. We recognize, of course, that there are State laws as well as certain provisions in the Rules of the City of New York (NYCRR Chapter 24) which govern the health, safety and well-being of horses. Nevertheless, so long as carriage horse operations continue to be permitted in New York City and, therefore, the subject of regulation, our Committee could be helpful in advising on the range of matters that are the subject of such regulation. A horse advisory board would properly consider required standards for the health and age of a horse; required standards for housing of horses; experience of riders; rest periods; frequency of veterinarian inspections and standards for veterinary care. While some standards may be set forth in Chapter 24 of the Rules of the City of New York, these may need revision, addition or clarification. For example, a carriage horse is permitted a rest period of 15 minutes for every two hours of work under Sec. 4.05(c)((2)(ii)); however, relevant factors such as the horse’s age, the number of hours s/he has been working and weather conditions are currently not taken into consideration. We understand that the horse advisory board would be guided by the humane standards in the Agriculture and Markets Law and any other applicable standards.

Obviously, existing laws governing the carriage horse industry in New York City have proven to be woefully inadequate to address the many unsatisfactory and inhumane conditions that presently exist, only some of which are cited in the NYC Comptroller's recent audit report of June 27, 2007. According to that same report, some of the deficiencies in the treatment of the carriage horses directly result from the reliance by city agencies, charged with enforcing existing regulations, on volunteer inspectors from the ASPCA to augment paid, insufficient staff. One of the recommended changes was that the inspection system be expanded and totally professionalized. If performed by the ASPCA, it should not be on a volunteer, intermittent basis. We endorse this recommendation.

Comptroller Thompson's audit report, in the first instance, summarized only the conditions of carriage horses in Manhattan. It did not include the conditions applicable to horses stabled throughout the city. The Claremont stables in Manhattan closed. However, Forest Park in Queens offers three riding stables: Forest Equine Center, Lynn's Riding School, and D & D Stables. Prospect Park in Brooklyn has Kensington Stables at 51 Caton Place. In the Bronx, there are stables in Pelham Bay and in Van Cortlandt Park (Equestrian Centre), in Riverdale at Broadway and 254th Street. In Staten Island, the Seguire Equestrian Centre, at 440 Seguire Avenue, offers riding lessons and rents horses.

It should be noted that an audit report serves only as a snapshot in time, rather than reflecting conditions over a period of time. Therefore, while we surely hope your Department will be responsive to the specific matters raised in the report, we also expect that a responsible response to such a report will be a heightened attention, on an ongoing basis, to all matters covered by the City rules and, via the horse advisory board, a focus on ways in which the rules should be further revised.

With regard to the five-person membership of the horse advisory board, the equine expertise of the required veterinarian member is critical in ensuring the protection of the health and safety of both the public and the horses and it would be appropriate to appoint an independent veterinarian, *i.e.*, one who has no employment or contractual relationship with the your Department or the Department of Consumer Affairs and one who is unaffiliated with the carriage and rental horse industries. As you are aware, the riding horse industry and the carriage horse industry each have one representative. However, while the general public has two, the terms of the ordinance provide that only one of these may be an employee of or a member of a board of directors of any animal humane society or association. It must be emphasized that the ordinance does not by its terms prohibit a member, past or present, of any animal humane society or association from serving on the board. Accordingly, we believe it would be appropriate to support the appointment of a knowledgeable member of an animal humane society or association for the fifth board position. This would not violate the spirit of the ordinance and would provide opportunity for a balance of public-industry interests, inasmuch as the horse rental industry overall has two representatives.

Again, we would welcome the opportunity to be of service to your Department in whatever ways will better assure health and safety of horses and the public, as well as compliance with City and State laws.

Sincerely,