

#1

MCNA BellflowerForêt, LLC  
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T. +1 212 585 1010  
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marchae@mac.com

January 20, 2010

Ms. Rena Bryant  
Secretary to the Board of Health  
125 Worth Street CN-31  
New York, NY 10013

Dear Department of Health,

Thank you for the opportunity to lend my voice and that of my bees in support of Article 161; lifting the ban on beekeeping in New York City.

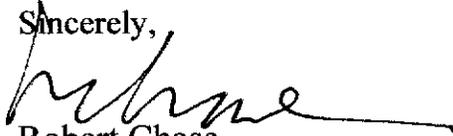
My bees and I were quite happy in Manhattan but always in fear of violating the law.

So we packed up and moved to Northern Westchester on the Connecticut border.

I am not happy here and my bees agree as they harvested very little honey thus far.

Please lift the ban on beekeeping so we might return to Manhattan.

Sincerely,

  
Robert Chase

RECEIVED  
DEPARTMENT OF HEALTH  
2009 JAN 25 PM 12:48

#2

January 21, 2010

RECEIVED  
DOHMH/OFFICE OF THE SECT.  
RECORDS & COMM. DIVISION  
2009 JAN 22 AM 10:42Lynn Berg  
16 Stanhope St. #1L  
Brooklyn, NY 11221Rena Bryant  
Secretary to the Board of Health  
Fax: 212-788-4315

Ms. Bryant,

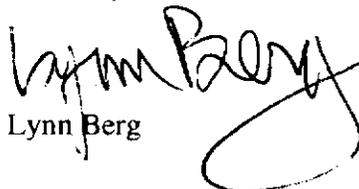
I support the Health Department's proposed changes to Health Code Article 161.01 that prohibits the possession, keeping, harboring and selling of "wild animals" including bees. This code has effectively outlawed beekeeping, an environmentally productive, helpful and safe practice in our city. The changes proposed are just and long overdue.

I have studied beekeeping and have had experience with honey bees. Honeybees are non-aggressive and can be a great asset to the city's wildlife and plant life. Beekeeping should not only be legalized but encouraged in order to improve the city's quality of life through greater pollination of our flora and fauna. I support the entire proposal as stated:

*"All venomous insects, including, but not limited to, bees other than non-aggressive honey bees (Apis mellifera), hornet and wasp. Persons keeping honey bees shall file a notice with the Department, on a form provided or approved by the Department, containing the beekeeper's name, address, telephone, email and fax numbers, emergency contact information, and location of the hive, and they shall notify the Department within ten business days of any changes to such information. Beekeepers shall adhere to appropriate beekeeping practices including maintaining bee colonies in moveable-frame hives that are kept in sound and usable condition; providing a constant and adequate water source; locating hives so that the movement of bees does not become an animal nuisance, as defined in 161.02 of this Article; and shall be able to respond immediately to control bee swarms and to remediate nuisance conditions."*

Thank you for finally considering this much needed change in Health Code Article 161.01. Please make note of my approval and encouragement as an informed citizen of New York City to change the health code in the proposed way. Thank you.

Sincerely,



Lynn Berg

**Gita Nandan**

93 Dikeman Street Brooklyn NY 11231

Rena Bryant  
**Secretary to the Board of Health**  
fax (212.788.4315)

Re : Public Hearing on Feb.3<sup>rd</sup> 2010,  
support of lifting the beekooing ban in NYC

Dear Board of Health.

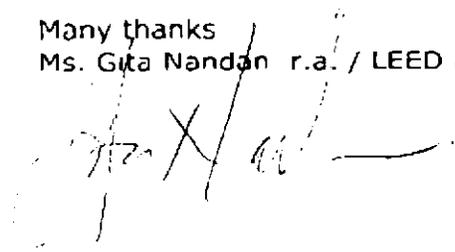
First, I am quite elated that the issue concerning legislative obstacles to beekeeping in New York City has finally been brought to the attention of the Board of Health, and second I am quite excited that on February 3<sup>rd</sup> it will be seriously reviewed.

I am writing in support of the new language proposed to amend the text with regard to article 161 for the following reasons :

1. it will aid in fostering a greater, more vibrant local bee colony that will then support local food and plant production in New York.
2. a diversity of species of non-harmful animals such as bees, is important to the overall diversity of New York's eco system.
3. honey, the bi-product of bee-keeping activities, can provide a source for greater economic productivity within the local region.
4. the non-aggressive honey bees (*Apis mellifera*) are just that, non-aggressive, and have been incorrectly categorized in the original text.

Please take my support into consideration,

Many thanks  
Ms. Gita Nandan r.a. / LEED ap.



#4

RECEIVED  
DOHMH/OFFICE OF THE SECT  
RECORDS MANAGEMENT

Jan. 8, 2010

Rena Bryant, Secretary to the Board of Health  
125 Worth Street CN-31 New York, NY  
212.788.5010

2009 JAN 13 PM 4:21

Dear Ms. Bryant,

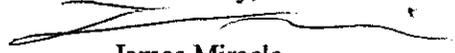
Below is an abbreviated letter addressed to numerous council members and state senators concerning serious health code violations in my Brooklyn neighborhood. I would like to pre-register to speak for 3 minutes by reading the following letter aloud during the public hearing on Feb. 3, 2010 regarding the amendment of Article 161.

I have lived in a low-income, six family apartment building in Bushwick for 4 years on St. Nicholas Avenue in District 34. One month ago, I finally called the department of health and the ASPCA on my upstairs neighbor who harbors thirty cats in a one-bedroom apartment. On hot summer days, the entire building smells like cat feces and urine for days on end. There is a complete roach and fly infestation inside this particular apartment, and 10 of the male cats are confined in cages lying in their own feces. I have spoken with my upstairs neighbor; I have offered to help clean up the apartment and find a home for the cats to no avail.

The dept. of health entered the building on Nov. 20, 2009. They reported that a foul odor was present in the hallway but only enough to issue a warning letter. The ASPCA entered the building on Nov. 22, 2009, took photographs, wrote a report, and *offered* to remove the cats. After several follow-up letters and phone calls, the final answer from both the dept. of health and the ASPCA was 'case closed'. Los Angeles has a sane law: you can only have 3 cats in one apartment.

The ASPCA, NYC animal care & control, and the department of health have provided no recourse concerning these unsanitary living conditions and animal cruelty. Can you help our city by 1. limiting the number of cats and dogs you can harbor in one apartment, 2. providing mandatory inspections by the health department *inside flagrant apartments* not just in the hallway, and 3. enacting more stringent laws to bring sanitary living conditions to NYC residents (children and me are getting sick in these conditions!).

Sincerely,



James Miracle  
718.872.8995

26 St. Nicholas Ave. apt. 2R, Brooklyn, NY 11237

January 25, 2010.

To the Members of the New York City Department of Health:

I am a long time resident of the East Village and currently a law student at New York Law School. I am 38 years old and am not a beekeeper. Nor do I have plans to become one anytime soon. However, over the past year I have learned about the plight of honey bees and subsequently, that there has been a ban on beekeeping in New York City, which I found both surprising and disturbing. Therefore, I am writing as a concerned citizen and consumer of bee products on behalf of passage of the amendment to Health Code Article 161.01, which would change the language to the following:

*"All venomous insects, including, but not limited to, bees other than non-aggressive honey bees (Apis mellifera), hornet and wasp. Persons keeping honey bees shall file a notice with the Department, on a form provided or approved by the Department, containing the beekeeper's name, address, telephone, email and fax numbers, emergency contact information, and location of the hive, and they shall notify the Department within ten business days of any changes to such information. Beekeepers shall adhere to appropriate beekeeping practices including maintaining bee colonies in moveable-frame hives that are kept in sound and usable condition; providing a constant and adequate water source; locating hives so that the movement of bees does not become an animal nuisance, as defined in 161.02 of this Article; and shall be able to respond immediately to control bee swarms and to remediate nuisance conditions."*

For the reasons stated below I believe it is imperative that this change be instituted and beekeeping be allowed in New York City.

The New York City Dept. of Health should be commended for putting forth this proposal to repeal the ban on beekeeping in the five boroughs. The fact is that the inclusion of honey bees among other venomous insects/animals is based on a misunderstanding of the behavior of honey bees and leads to New York City laws NOT fulfilling the important purpose of protecting the viable business and non-business interests of its citizens in keeping honey bees. Moreover, this law works against the larger picture of promoting the growth of a species in decline, a species that provides the important, if not absolutely crucial, function of pollinating a great percentage of the kinds of food that New Yorkers eat. Therefore, in arguing for the repeal of the prohibition of honey beekeeping within the boundaries of New York City, I will look at the behavior of honey bees with regard to the threat to New Yorkers, the viability of the business of beekeeping in New York, and the positive effects to the greater honey bee population resulting from beekeeping within the five boroughs.

Honey bees of the type contemplated in this legislation are not naturally aggressive. The kept honey bees that the normal citizen will encounter while walking around the streets or through the parks of New York are interested in nothing but foraging nectar and pollen from flowers and then returning to their hive. With the exception of the beekeepers, the general population will never have a reason to go near the hives and will therefore never be seen as a threat to the bees that would warrant them becoming a target of a defensive stinging. For the honey bee, stinging a

person leads to almost instant death and so it is not something they do lightly. This should be contrasted to wasps that may sting multiple times, are naturally more aggressive and are far more territorial than honey bees, meaning that it is more likely that you may be in a wasp's perceived territory and subject to multiple wasp stings. This is not the case with honey bees. As long as the public stays away from the hive, which is the beekeeper's private property anyway, then there should be little fear that New Yorkers, or their pets, will be subject to any rise in the amount of bee stings. In fact, there have been no reports of a rise in bee attacks in Paris or London where beekeeping is already legal.

Beekeeping and local honey production is a very viable industry. One only needs to go to any store that sells honey to see that there are brands of honey, as well as products made from beeswax, such as candles and skin products, that have been produced by beekeepers in other localities. In particular, Whole Foods sells honey produced in Pennsylvania, New England, as well as Southampton, NY. Given the lack of danger to the public, as discussed above, is it not the case that this Health Code does a disservice to New Yorkers by disallowing them from entering into this clearly profitable market? Once the purpose of public safety is taken out of the equation, which it should be, the issue becomes one of government denying to its citizens a viable and self-sustaining business. The legality of this law must then be questioned and reasonable minds should clearly conclude that the law must be overturned for the good of its people and the vitality of business within its borders. As a consumer, I would be much more inclined to buy honey produced in New York City than from some other location. It would make me feel good to support local business, as well as fostering the growth of our local honey bee population. Not to mention that as a legal form of business, New York City will have yet another stream of revenue from the taxes to these beekeeper businesses.

This brings me to the larger picture that is served by repealing this law. I will not go into the plight of the honey bees here, surely you have other materials to explain that to you; however, it is a very serious situation that impacts all of us who eat fruits, nuts, and drink coffee (that's right, thanks to the honey bee, there is coffee for you at Starbucks, Dunkin' Donuts, or the Mud Truck). Bee populations in urban areas, in addition to being safe to the population, are also found to be very successful. The reason for this is the lack of pesticides on the flowers that are otherwise present in agricultural communities, the lack of predators to destroy the hives, such as bears and skunks, and the relative isolation of the bee communities that keep them from suffering diseases that spread among hives more easily in a rural setting. For example, bee populations in hives in Paris have done very well, in spite of equivalent colonies outside the city experiencing declining numbers in recent years. Therefore, it is important that New York City does its part in keeping this very important species alive and viable by allowing New Yorkers to keep honey bees according to the rules as proposed in the amended regulation.

The unsubstantiated fear that some New Yorkers may feel at the thought of being stung if honey beekeeping is allowed can be mitigated by education of the friendly nature and important benefits of honey bees. This can be done through PSAs sponsored by local beekeeping associations, which in turn is also a benefit for local advertising and design companies.

In conclusion, Health Code Article 161.01 as it stands is based on a misinformed belief that honey bees present a danger to the population of this city. Their non-aggressive, non-territorial

nature, along with the public's lack of access to the hives of beekeepers means that this species of bee should not be considered dangerous, to either human or animal, and therefore beyond the purpose of this regulation. On the contrary, the regulation without the proposed amendment to allow beekeeping is against the purpose of fostering legitimate and sustainable businesses thereby hurting local business for no legitimate purpose. The people of New York City are better served by allowing beekeepers to produce and market their honey and related products both in New York and other markets. Moreover, helping the bee population to grow and survive is a benefit to the health and well-being of all of us by providing us with a diet of more than oats grains and meat, not to mention that morning cup of coffee. With proper regulation, as provided in the amendments to the code, there is every reason to believe that beekeeping in New York City will be a win for beekeepers, a win for local business, a win for local consumers, a win for local tax revenue, and most importantly a win for the hard-working bees who just want to collect their nectar and return to their hive at the end of the day without causing harm to anyone or anything. Hopefully, from this perspective, you will see that it is very important that keeping honey bees in New York City must be allowed by the Health Code.

Thank you very much for listening.

John S. Morales  
338 E. 5<sup>th</sup> St. #3  
New York, NY 10003  
john.morales@law.nyls.edu

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

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First\_Name: Nicole

Last\_Name: Heidbreder

Email: singularity211@gmail.com

Comments: Please, please legalize bee keeping in NYC. Legal and controlled bee keeping (with rules and guidelines that are evidence based) is a gift to all of New Yorkers. The current policy is outdated and unnecessary.  
Please update and change it to legalize beekeeping!!!

thank you  
nicole

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Firefox/3.5.7

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Dear Members of the Department of Health,

I commend your decision to amend Health Code Article 161.01, which would permit the maintenance of Honey bee hives within the limits of the City of New York. I am a native New Yorker who has recently moved away to attend graduate school at the University of Wisconsin-Madison, where I am working on a project examining the impact of landscape on native bees. Bees, also known as pollinators, provide a vital role to much of our food supply, and 15-30% of global food production would be lost without the pollination services of bees. Many crops from coffee to cucumbers require visits from a pollinator, who will transfer pollen from the male flower to the female flower and allow the plant to set fruit. The Honey bee has recently suffered devastating declines due to a combination of anthropogenic causes, collectively known as Colony Collapse Disorder. Bee hives located in New York City will reduce the necessity for gardeners to transport hives from other distant locations.

New York City is lagging behind many other urban regions where community gardens and beekeeping have been practiced legally for the past few decades. Community gardens are valuable enterprises that can feed the local population, often in areas where access to fresh fruits and vegetables is limited or cost-prohibitive. Legalizing beekeeping will provide the crops grown in community gardens with a source of pollination. Bees are not aggressive species, and it is important that the revised Article code pass to make the distinction between wasps and bees. I also encourage the Department of Health to keep the process of maintaining beehives simple and not put in place excessive fees for operating beehives. The legalization of beekeeping will bring positive media coverage to New York City and confirm New York's commitment towards a sustainable future.

Sincerely,

David M. Lowenstein  
1128 Emerald St  
Madison, WI 53715

**Resolution Comments**

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**From:** monica sohl [monicasohl@gmail.com]**Sent:** Wed 1/20/2010 3:04 PM**To:** Resolution Comments**Cc:****Subject:** I support Beekeeping in NYC**Attachments:**

To Whom It May Concern:

My name is Monica Sohl, and I am a member of the Beekeeping Meet Up Group in NYC, Brooklyn. I am currently taking classes on beekeeping, and for many reasons. Being a teacher in NY, I found teaching kids about bee's, helps them understand the importance of our environment.

Bee's in NYC also allows urban gardeners and farmers to produce what is so needed in urban settings, fresh local food. Without bee's we won't be able to have what we have now.

In terms of my students, they enjoy going to their local urban garden, and they have a healthy curiosity for nature, ecology, the environment, gardening, and are gradually developing an understanding of scientific concept taught in class. Watch as they touch, and smell the beauty of herbs and flowers, as they walk around the urban garden setting, observing bee's, birds, spiders all actively working, watching a slug sleep underneath a rock, watching the seed they planted transform weeks later into yummy red tomatoes, or how they watch the flowers of a cherry tree blooming while bee's and birds feed away. This awe, this curiosity of nature is so important to a child's development, and by having more nature around, gives our kids an experience that they will never forget, an experience that will have an impact in their lives. If we continue on the path of disruption to our environment and take away bee's in our city, we will be robbing our urban students of an education. Beekeeping, bee's, pollination, nectar, honey, the geometrical forms in a honeycomb, to the social behavior of group of bee's. to be able to tell the difference between a hornet, a wasp and a honey bee is, to me, as a teacher, so valuable to my students. To be able to understand the value of pollination, done by an one bee, how it can help our vegetables and fruits grow, is a lesson in itself. I support legalizing beekeeping, I support allowing bee's in our city, I support local produce, I support our environmentalist trying to make our city green, I support our environment, I support the health and education of our children.

Thank you,  
Monica Sohl

#9

**Resolution Comments**

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**From:** nashalina@verizon.net [nashalina@verizon.net] **Sent:** Thu 1/21/2010 12:42 AM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** please legalize beekeeping in nyc  
**Attachments:**

Greetings Ms. Bryant!

I write you today in favor of legalizing bee keeping in NYC. Honeybees are garden heroes! Honeybees help gardens grow more fruit and vegetables and produce sweet honey. They are nature's best pollinators and contribute to productive harvests in community gardens, public parks and nature centers.

Please consider this proposal and know what a positive way you would be to contributing back to nature and her cycles, which seem so diminished by us all.

Thank you for your time.  
Sincerely

Nasha Schrape  
2340 29th Street Apt 2C  
Long Island City, NY 11105

#10

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

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First\_Name: Martha

Last\_Name: Jackson

Email: marthagrace@gmail.com

Phone Number: 7188122325

Street Address: 773 44th Street C5

City: Brooklyn

State: NY

Zip Code: 11220

Comments: In regards to Article 161, I would like to comment in favor of the proposal to amend paragraph (12) to allow New Yorkers to keep hives of non-aggressive honey bees.

Beekeeping is a non-threatening activity that will improve New York Citys environment, help preserve bee populations, and provide New Yorkers with the chance to engage in a rewarding, educational experience.

While my small, garden-less apartment will prevent me from beekeeping myself, I know many New York residents whose gardens and rooftops will be perfect homes for honey bees, and who would love to see this amendment pass. I personally would be thrilled at the chance to buy honey from local hives, and to be able to see the process of beekeeping in my own city.

Please dont let unreasonable fear prevent you from passing this amendment, it would only benefit New York City and its residents.

Sincerely,  
Martha Jackson

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# 11

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

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First\_Name: Roxanne

Last\_Name: Ryce-Paul

Email: Roxannerycepaul@netzero.net

Street Address: 172 Attorney Street

City: NY

State: NY

Zip Code: 10002

Comments: I support the NYC Department of Health proposed changes to the Health Code which would once again make honey beekeeping legal in NYC.

Honeybees are an asset to the biodiversity of the city's urban environment, they contribute to the health and biodiversity of the urban environment by providing a food source for birds and other insects.

They are an economical asset as honey bees help gardens grow more fruit and vegetables and produce honey. They are nature's best pollinators and contribute to productive harvests in community gardens, public parks and nature centers contributing to local food production.

Pollination is essential to the success of NYC greening initiatives, and to maintaining and increasing the health and productivity of NYC's community gardens, botanical gardens and public parks, the presence of these healthy living environments in the city in turn contributes to the air quality and health of the city and residents.

Honey beekeeping programs across the country provide job skills and training to youth and the unemployed in production, sales, marketing and management.

Allowing honey beekeeping in the city can potentially mitigate the effects of colony collapse disorder by increasing the number and genetic diversity of the honey bees.

LEGALIZE BEEKEEPING IN NYC!

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**Resolution Comments**

**From:** Richard Robinson [richard@robinsonphoto.com] **Sent:** Wed 1/27/2010 10:03 AM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Amendment to Bee Code Article 161 Comment  
**Attachments:**

Dear NYC Department of Health,

I like to comment in support of the proposed changes to Article 161 that would make Beekeeping legal in New York City. As a longtime Beekeeper and director of "The Beekeepers," which had it premiere at Sundance last year (2009), I've had the opportunity to film Beekeepers in NYC while also maintaining two colonies at my home in Virginia near Charlottesville.

In the Fall of 2007, I travelled to New York to film a beekeeper in Manhattan. Working on my film about the crisis of Colony Collapse Disorder, I thought it important to obtain footage that spoke to the long cultural history of honeybees in Western culture. I was impressed with what I found in New York. It was clear that Beekeeping was viable in the heart of the city. The Beekeeper that I filmed reported that he had 7 hives in the city and that they did as well as those he had in the countryside of New England. With the diversity of plants maintained in public and private gardens it even appeared that Beekeeping might be advantageous to NYC citizens. The size of New York and its geographic distinction as an island makes it difficult if not impossible for pollinators to travel from surrounding locales. Without pollinators many plants do not produce, so it seemed that the gardens of New York City would find an advantage to legal Beekeeping.

My research also indicates that it might be important for honeybees to allow Beekeeping in NYC. As pesticide use has been implicated as a cause of CCD and indeed was the focus of my film, cities provide a refuge from commercial pesticides. In London it has been reported that Bees do better in urban environments than in the neighboring countryside where pesticide use is extensive due to farming.

Honeybees are what scientist call 'indicator species' providing us with important information about the environment. Yet unlike other indicator species honeybees can be put anywhere as they have been domesticated. They have been used by Dr Bromenshank at Maryland's Aberdeen Proving ground, to test the Army's success at cleaning up its toxic waste sites; while Wayne Esaias at NASA Godard, has initiated a program to use Honeybees to track global climate change. Thus legalizing Beekeeping in New York could provide public health officials with a invaluable resource in monitoring the environment of New York City and by extension the public health of all New Yorkers.

From my own experiences I see little danger in allowing individuals to maintain hives. If properly maintained, hives are rarely noticed in urban settings. I myself have two hives in the Town of Orange. As I have no yard but only a small lot, my situation somewhat resembles that of many potential beekeepers in NYC. Though anyone who enters my home must walk by my hives, few ever notice them. This is because I've taken precautions to direct my bees flight path. Even though the police station was once next door, there has never been any complaint about my hives.

The history of Beekeeping in western culture is a vast one dating back over three thousand years (indeed a 3000 year old apiary was recently discovered by archaeologists in a town in northern Israel). From Aristotle and Vergil to Sylvia Plath and Emily Dickinson, Beekeeping forms a direct connection to the origins of our society and continues to inform it today. From the subject of the first microscope drawings to one of the first genomes to be completed, the honeybee importance to western culture is well documented. New York is also an important of this history and would do well to embrace the honeybee. I urge you to approve the amendment to code article 161 and legalize beekeeping in New York City.

Best regards,

Richard Knox Robinson  
Dir The Beekeepers  
<http://www.thebeekeepers.net>

Richard Knox Robinson  
<http://www.robinsonphoto.com>  
tel/fax 540.672.7243

#13

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

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First\_Name: Yeshwant

Last\_Name: Chitalkar

Email: Yeshwant91@gmail.com

Street Address: 91 Pioneer St

City: Brooklyn

State: NY

Zip Code: 11231

Comments: First of all, let me thank and wholeheartedly endorse the Department of Health for proposing changes to its Health Code that will once again make honey-beekeeping legal in New York City. I own a townhouse in Brooklyn and have often wanted to participate in growing sustainable and local food as an urban farmer. Having already made maximum possible use of my less than 700 sq ft backyard garden to grow vegetables, fruit trees and bushes, I see beekeeping as an excellent alternative for me to produce food in the city within the constraints of the limited space that we New Yorkers have. I also live close to the Added Value urban farm that provides training and employment opportunities for kids from disadvantaged neighborhoods and locally grown organic food to our neighborhood families and businesses. I have often felt that the addition of honey bee hives around their farm would help increase their yield because of the pollination provided by the bees. Several local businesses and restaurant owners seem interested in selling or featuring locally produced food in their businesses. Therefore, this would also provide a source of modest additional income for me. I have attended the four-month Beekeeping course taught by the New York City Beekeeping Meetup and the Gotham City Honey Co-op last year, and have been waiting for this reform, so that I may legally and safely keep bees and make honey for my own and my community's benefit. I would also like the Department of Health to further clarify the definition of Beekeeping Nuisance in Article 161.02 to clearly explain what is meant by aggressive or objectionable bee behaviors, hive placement or bee movement that interferes with .... persons residing on or adjacent to the hive premises so that beekeepers can take necessary precautions. At present this definition seems less than precise to me. I would propose that it be modified to aggressive or objectionable bee behaviors, hive placement or bee movement, not including normal and docile bee behavior such as foraging and swarming, that interferes with pedestrian traffic or persons residing on or adjacent to the hive premises. Once again, my thanks to the Board and Department of Health for your time and attention to this important issue.

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#14

**Resolution Comments**

**From:** Everett Scott [everettthscott@mac.com]  
**To:** Resolution Comments  
**Cc:** Everett H. Scott  
**Subject:** Notes in support of article 161.  
**Attachments:**

**Sent:** Wed 1/27/2010 4:17 PM

I would like to begin by thanking Councilman Yassky and the Board of the New York City Department of Health for giving me the opportunity to speak for the record in support of Article 161, legalizing honey bee-keeping in New York City.

Who can say what it is that first attracts one to honey bees? Is it the subtle complexity of their honey, the sweetest natural substance known to humans? Or, is it the social organization of their hives, ruled over by a queen who devotes herself to laying generations of bee eggs? Whatever it may be, the more one learns about *Apis Melifera*, the honeybee, the more one wants to learn. The more one craves to know.

Today, around the globe, and across the United States, people are increasingly aware of the benefits and necessity of living in closer harmony with the natural world. Likewise, I believe that New York, the embodiment of a modern, urban metropolis, wants to do all it can to nurture a greener, more healthful environment for the millions of families who call it home. I, Everett H. Scott, come before you today, as a resident of the Upper West Side of Manhattan, who for more than twenty five years wanted to keep bees, but because of the existing ban on bee-keeping, could not. I can think of few measures the City can take, that would be easier to enact, yet do so much to improve the quality of life for New Yorkers, as lifting the existing ban on honey beekeeping in New York.

Man's relationship with the honeybee, represents the oldest sustained collaboration between humans and the animal kingdom. That relationship got a big boost 200 years ago this year, with the birth of Lorenzo Lorraine Langstroth, whose innovation of the "movable frame" hive, in the 1850's, made beekeeping possible for both home and commercial apiarists. That is why the 200th anniversary of Langstroth's birth this year is an event being celebrated around the world!

There are other reasons to honor the bees. It is well established that bees play an invaluable roll in the production of our food crops. It is because of the pollinating that bees do, that many of the foods we enjoy are available when we go to the market. We are often reminded of the benefits of eating locally grown foods, although for we New Yorkers, virtually all of the foods we eat are imported from well beyond the city limits. Meantime, for reasons we don't entirely understand, in recent years, honeybee numbers have declined, putting our food supply at risk. People everywhere need to do all they can to promote a healthy bee population.

There are many examples of successful bee keeping in urban environments. In England, the London Beekeeping Association boasts over 2,000 members. In Paris, the city sponsors a bee keeping school at the Luxembourg Gardens, an idea that New York might well adapt for local use. Perhaps some day, each of New York's parks will have community hives and "Bee Rangers," examples of the green jobs and economy we hope to develop. And let us not overlook Mrs. Obama's White House apiary, which this year produced a bumper crop of organic honey.

I also come to you today as someone who, for two years, has had the challenges and satisfactions of keeping honeybees – legally – in nearby Pennsylvania. I can testify firsthand to the unexpected lessons learned, as well as to the complex sweetness of wild, natural honey. No wonder, in distant times, honey was considered the food of the gods! All of this, and it is shown to be an effective treatment for a variety of allergic symptoms as well! The demand for bees wax, a valuable substance in its own right, far outweighs the supply. But more than just the value of the commodities it produces, honeybee keeping, licensed and monitored, offers many intangible benefits. I have observed how honey bee-keeping is a catalyst for community-building, bringing together a diverse group of people, young and old, united by their fascination for the bees. For apartment bound New Yorkers, who may not have access to the country, urban bee-keeping offers a wonderful way to engage in a dynamic relationship with Nature, that is part science education, part art, and part spiritual quest. The individuals and families who share this passion take their cues from the hive, sharing experiences and making the world a little sweeter in the process.

Thank you for your consideration.

Everett H. Scott

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#15

**Resolution Comments**

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**From:** Jennifer Galatioto [jengphoto@gmail.com]**Sent:** Thu 1/21/2010 11:02 AM**To:** Resolution Comments**Cc:****Subject:** PLEASE LEGALIZE BEEKEEPING**Attachments:**

To whom it may concern,

My name is Jennifer Galatioto. I was born and raised in Queens and still live in NYC. I fully support the proposal to legalize beekeeping in NYC.

I signed the original petition which states, "Beekeeping is a vital practice, one essential to the health of our urban environment and has tremendous potential as a vehicle for economic development and education efforts City-wide. Therefore, I propose the New York City Department of Health amend Health Code section 161.01 (b) (12) which bans the practice of beekeeping in New York City. New York City Health Code section 161.01 prohibits the possession, keeping, harboring and selling of "wild animals" and subsection (b) (12) includes a ban on "all venomous insects, including, but not limited to, bee, hornet and wasp." I, the undersigned, propose that the Department of Health remove bees from this list, thereby lifting its ban on beekeeping."

I think that beekeeping is a safe practice that will ensure the city becoming more greener while also expanding our local economy by producing food we can all enjoy.

Sincerely-

Jennifer Galatioto

--

Jennifer Galatioto  
Photographer  
www.galafoto.net  
jen@galafoto.net

#16

**Resolution Comments**

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**From:** basianikon@aol.com [basianikon@aol.com] **Sent:** Wed 1/20/2010 4:13 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Public hearing: I am in support of the Intention to Amend Article 161 of the NYC Health Code  
**Attachments:**

Esteemed Audience of the Department and Board of Health for their time and attention to this issue.,

As a longtime resident of NYC and concerned environmentalist, I support the Intention to Amend Article 161 of the NYC Health Code, such that it exclude Honey Bees (*Apis mellifera*) from the list of wild animals, enabling responsible and legal in NYC.

**Honeybees are our heroes!**

**Honeybees help gardens grow more fruit and vegetables and encourage urban agriculture. They are nature's best pollinators and contribute to productive harvests in community gardens, public parks and nature centers.**

**Raw honey also has some truly significant health benefits and is known for its antioxidant value.**

**Bees have a much larger role than simply producing a sweet treat--they pollinate everything. Although experts are unsure of why honeybee colonies are collapsing, pesticides, climate change, and other man-made impacts are among the suspected causes. The sudden loss of these great pollinators is alarming because, without them, the world food supply could dry up.**

I wish to thank the Department and Board of Health for their time and attention to this issue.

Sincerely,  
Barbara Nikonorow

Barbara Nikonorow  
616 W 137th st, Apt 6C  
NY, NY 10031

#17

**Resolution Comments**

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**From:** Ilsa Jule [ilsa.jule@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** please legalize beekeeping in NYC  
**Attachments:**

**Sent:** Wed 1/20/2010 2:22 PM

Ilsa Jule  
106 Cabrini Blvd  
New York City 10033  
(347) 564 - 8208  
Ilsa.jule@gmail.com

To: Rena Bryant, Secretary of the Board of Health, NYC  
Subject: Legalize beekeeping in NYC

January 20, 2010

Dear Rena Bryant,

As a longtime resident of Manhattan I was quite surprised when I learned that the keeping of bees in New York City is illegal. While I fully understand that beekeeping might pose some risks, all the beekeepers I have ever known were quite responsible people who took very good care of their bees and never positioned their hives in such a way so as to inconvenience neighbors.

As a former member of the Liz Christie Garden and an urban gardener, I would like to draw your attention to the most amazing feature of the domesticated and native honey bee: those guys are really hard workers and without the honeybee doing her job many of the foods we eat would not be available to us. It is not hyperbole when I tell you that without the ceaseless effort of the honeybee you would not enjoy: peaches, cherries, apples, and pears.

The Liz Christie Garden features a cherry tree. I think of this tree as the crown jewel of the Liz Christie Garden. How astonished was I when I was offered delicious cherries grown on what had once been a vacant lot in the middle of Manhattan? Very. How life affirming is it to walk along Houston Street and come across the trees in full bloom? Amidst all that concrete, tar, steel, and glass are the many flowers and fruits trees that serve as a wonderful reminder that the natural world is thriving.

I hope that the New York City Council will take into serious consideration revising and/or amending Health Code Article 161.01, so that beekeeping can be done openly, in accord with Mother Nature *and* man-made law.

Honey bees are champion among the pollinators and it would be great to see the balance restored in this great city so that current and future generations of New York City residents can continue to enjoy beautiful flowers, the few cultivated fruits, and of course, that wonderful golden nectar - honey!

I thank you for your time.

All the best,  
Ilsa Jule

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

-----  
First\_Name: Jeff

Last\_Name: Yoches

Email: yoches@gmail.com

City: New York

State: NY

Zip Code: 10002

Comments: I would like to voice my support for the proposed amendment to Health Code Article 161.01 that prohibits the possession, keeping, harboring and selling of wild animals, including:

All venomous insects, including, but not limited to, bees other than non-aggressive honey bees (*Apis mellifera*), hornet and wasp.

I believe beekeeping is an important element to maintaining the flora of New York City and can play a key role in the further greening of the city. The proposed stipulations seem fair to me and I think this is a great step forward in improving the quality of life in the city.

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This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

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First\_Name: [REDACTED]

Last\_Name: [REDACTED]

Email: [REDACTED]

Phone Number: [REDACTED]

Title: [REDACTED]

Organization: [REDACTED]

Street Address: [REDACTED]

City: Brooklyn

State: NY

Zip Code: [REDACTED]

Comments: It is imperative that we do all we can to support the growth of a healthy bee population in New York City. Without a strong population of bees, we cant possibly sustain a healthy ecosystem. Allowing residents to privately raise and manage bees would give a large boost to returning the population to what it had been, and would provide a great educational experience about our urban environment. Warm regards,

[REDACTED]

[REDACTED]

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REMOTE\_HOST: 63.119.93.194

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Firefox/3.5.7

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#20

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

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First\_Name: Chloe

Last\_Name: Cockburn

Email: chloe.cockburn@gmail.com

Zip Code: 11211

Comments: To: Rena Bryant  
Re: Amendment to Section 161.01 to Permit Beekeeping in NYC

Ms. Bryant,

I write as a resident of Brooklyn to express my firm support for the change in NYC law that would permit beekeeping under certain constraints. The proposed law will permit responsible beekeepers to harvest honey while providing adequate protections to prevent bees from becoming a nuisance. While I am not a beekeeper, I am a huge fan of honey and I look forward to welcoming bees to my neighborhood. I much appreciate your attention to this matter.

Regards,  
Chloe Cockburn  
Williamsburg

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Firefox/3.5.6 (.NET CLR 3.5.30729)

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#21

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

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First\_Name: Michele

Last\_Name: Sinoway

Email: michele.sinoway@gmail.com

Comments: Please support beekeeping in NYC and all surrounding counties.

inCaptchaChars: AVSG  
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REMOTE\_HOST: 65.211.32.203  
HTTP\_USER\_AGENT: Mozilla/5.0 (Windows; U; Windows NT 6.0; en-US; rv:1.9.0.17) Gecko/2009122116  
Firefox/3.0.17 (.NET CLR 3.5.30729)

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#22

**Resolution Comments**

**From:** Antin, Charles [CAntin@christies.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Support beekeeping in NYC  
**Attachments:**

**Sent:** Wed 1/20/2010 1:43 PM

Just a short note to say that I fully support the legalization of beekeeping in NYC.

Best,  
Charles Antin

Christie's

online.

Sign up

... Register

today.

...@christies.com

Visit [www.christies.com](http://www.christies.com) to explore special multi-media sale promotions, browse our illustrated catalogues and leave absentee bids through LotFinder(R), Christie's online search engine, and register for Internet bidding with Christie's Live(TM).

This message and any attachment are confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. If you are not the intended recipient you must not copy this message or attachment or disclose the contents to any other person.

This form resides at  
http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml

-----  
First\_Name: Erica

Last\_Name: Schwartz

Email: ericasu@gmail.com

Phone Number: 516-996-3228

Street Address: 119 Jewel St

City: Brooklyn

State: NY

Zip Code: 11222

Comments: As a homeowner and gardener I am strongly in favor of this amendment. We need more honeybees. They are a predominantly positive influence on the quality of life. I have lived near hives in urban areas and know that they are not a nuisance.

Ive never seen an unprovoked stinging or a significant adverse reaction to a sting. On the other hand, I have noticed an increase in garden output due to proximity to a hive. Not to mention the various benefits from the consumption of local honey. Bees are a vital ingredient for increasing local food production and increasing quality of life and green job development in the Big Apple. Please pass this amendment.

inCaptchaChars: ezjpc

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REMOTE\_HOST: 67.244.88.48

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#24

**Resolution Comments**

**From:** Sarah Meyer [sarah@queensfarm.org] **Sent:** Fri 1/22/2010 11:57 AM  
**To:** Resolution Comments  
**Cc:** nadia@justfood.org  
**Subject:** Written testimony for Rena Bryant  
**Attachments:**

Ms. Bryant: Good morning.

I would like to give written testimony in support of the proposed amendment to Article 161 of the NYC Health Code regarding beekeeping in New York City. Honeybees are critical to the pollination of flowers in the city, and the consumption of local honey is found to have beneficial properties for people with allergies.

Please proceed with the implementation of the amendment to Article 161 of the NYC Health Code. Thank you for your time.

Sarah Meyer

Queens County Farm Museum

Education Department

(718) 347-3276 x310

Page 1 of 1

**Resolution Comments**

**From:** Robert Lateiner [rob.lateiner@gmail.com] **Sent:** Wed 1/20/2010 2:07 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** The beekeeping ban in NYC  
**Attachments:**

Hello,

Please consider lifting the beekeeping ban in New York City for several reasons. This move is essential in helping to create a sustainable, local foods economy. Legalizing beekeeping in New York City will create many new jobs thus stimulating our economy. The environmental benefit is also tremendous, considering the devastation that Colony Collapse Disorder is having on bees and bee products. This is an essential move towards growth in our progressive city. Let's make it happen! Thank you!

~Rob Lateiner

#25

#26

**Resolution Comments**

**From:** sporty5150girl@gmail.com on behalf of Isang Smith **Sent:** Thu 1/21/2010 9:50 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Bee Keeping  
**Attachments:**

To Whom It May Concern:

As a resident of NYC I'm encouraging our city to legalize Beekeeping. After having visited numerous farms on the East Coast, I learned of the negative economic impact decreasing Bee numbers have had on gardens, honey products and farm products. If NYC leads efforts in increasing Bee numbers, I am confident surrounding areas will follow. Furthermore, it would only beautify and contribute to city nature.

Sincerely,

Isang Smith

--  
 Columbia College '09  
 Cell: 951-990-9437  
 13223 Eyota Dr.  
 Moreno Valley, CA 92555

Page 1 of 1

#27

**Resolution Comments**

**From:** Jason Peterson [jrp2154@columbia.edu] **Sent:** Wed 1/20/2010 11:40 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Beekeeping in NYC  
**Attachments:**

Hi,

I just wanted to lend my support to beekeeping in NYC. I am a huge proponent and I think it could spur a small business I would like to start.

Best,

Jason Peterson

#28

**Resolution Comments**

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**From:** Damiana Serafini [dserafini@cader.org.ar] **Sent:** Wed 1/20/2010 5:53 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** support to changes in health code  
**Attachments:**

Ms. Bryan,  
 I would like to support the changes to article 161.  
 Please, ensure that my voice is heard.  
 Thank you

Damiana Serafini  
 Program Director  
 Beew Without Borders  
 USA: (203) 210-5531  
 skype: damiana.serafini  
 www.beeswithoutborders.org

Page 1 of 1

#29

**Resolution Comments**

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**From:** Sam Pardo [spardo@gmail.com] **Sent:** Wed 1/20/2010 10:17 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Attn: Rena Bryant  
**Attachments:**

Hi Rena,

I'm writing in support of the revision of the Health Code in favor of allowing beekeeping of the non-aggressive honeybee. As a member of the Red Shed Community Garden in Williamsburg, Brooklyn I know how important it is to have pollinators for edible gardening.

This is exciting! Thanks.

--  
 </Sam>

#30

**Resolution Comments**

**From:** gennarobc@gmail.com on behalf of Gennaro Brooks-Church **Sent:** Thu 1/21/2010 8:46 AM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Legalize Bees  
**Attachments:**

Hello,

I am a green builder in Brooklyn and very much think bee keeping would improve the ecosystem of NYC. It would not pose a health threat. Please help legalize bee keeping in NYC.  
 Gennaro Brooks-Church

Cell: 1 347 244 3016 USA  
 www.EcoBrooklyn.com  
 22 2nd St; Brooklyn, NY 11231

**Resolution Comments**

#31

**From:** Hope Carr [hopecarr@ix.netcom.com] **Sent:** Wed 1/20/2010 9:23 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Bee Keeping  
**Attachments:**

To whom it may concern:

I am writing in support of the proposal to allow bee keeping in NYC. The proposal as written addresses the reasonable issues around bee hives.

I am not a bee keeper myself, but I am a consumer. And more than that, I think they should be encouraged, a form of animal husbandry eminently suited to city life.

Hope Carr  
 (718) 748-2113  
 www.clearance13-8.com

**Resolution Comments**

#32

**From:** juliusmaldutis@aol.com [juliusmaldutis@aol.com] **Sent:** Wed 1/20/2010 3:09 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Bee  
**Attachments:**

I have been a beekeeper for some 40 years upstate N.Y. Because of my age it is difficult to drive 160 miles upstate. I would welcome the opportunity to keep one beehive in Queens.

Thank You,

Dr. Julius Maldutis

**Resolution Comments**

#33

**From:** Carrie Shapiro [carrieshapiro@gmail.com] **Sent:** Wed 1/20/2010 4:28 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** beekeeping in NY  
**Attachments:**

I strongly support legalizing beekeeping in New York City! Carrie Shapiro

**Resolution Comments**

#34

**From:** Nathalie Jordi [nathalie.jordi@gmail.com] **Sent:** Wed 1/20/2010 2:09 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** written testimony in support of beekeeping  
**Attachments:**

Hello,

I would like to lend my voice in support of abolishing the current ban on beekeeping in New York City. I have kept bees in New York City and never had a problem; quite the opposite, keeping bees kept up the biodiversity of my neighborhood flora.

Thanks,  
Nathalie Jordi

-----  
Nathalie Jordi  
www.peoplespops.com  
www.eatingwithstrangers.com

**Resolution Comments**

#35

**From:** Kate Thom Fitzgerald [cfnbuzz18@gmail.com] **Sent:** Thu 1/21/2010 3:04 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Beekeeping in the city  
**Attachments:**

To Whom it May Concern,

The proposal to legalize beekeeping in New York City is a welcome one to all community gardeners (of which I have been one for fifteen years). We are very excited to find the city considering re-designating these wonderful creatures "friends" instead of "foes". I urge you to complete this work as soon as possible so that we may begin to benefit from the enhanced gardening their presence will afford.

Sincerely, Kate Thom Fitzgerald

Page 1 of 1

**Resolution Comments**

#36

**From:** jnkfish@aol.com [jnkfish@aol.com] **Sent:** Wed 1/20/2010 5:07 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Bees  
**Attachments:**

Bees are one of our "green" solutions. They produce pollen which creates the beautiful trees and flowers we all enjoy looking at. No bees, no pollination.\

Honey is also the only solution of some anti-biotic resistant skin diseases, as evidenced by the use at the Mayo Clinic on diabetic leg problems that without honey would have led to amputation.

Keep the bees! Honey bees don't bite unless provoked. Wasps on the other hand are nasty critters.

Kathy Fish

Page 1 of 1

**Resolution Comments**

#37

**From:** Chris Lascarides [CLASCARI@mtahq.org] **Sent:** Thu 1/21/2010 9:58 AM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Bee hive  
**Attachments:**

It is important that this resolution passes. Honey bees are essential to human life. They pollinate fruit trees, flowers etc and the reason why we exist is because the honeybee exists. Yes people may be allergic to bee stings as some family members are but there are enough wasps, yellow jackets, hornets, bumble bees, horseflies etc. Honey will not go out of its way to sting you such as the bees / insects mentioned above.

Thank you  
 Chris P. Lascarides

#38

This form resides at  
http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml

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First\_Name: Harrell

Last\_Name: Perkins

Email: hhp@msn.com

Street Address: 96 5th Ave 9N

City: New York

State: NY

Zip Code: 10011

Comments: I strongly support the amendment of article 161 of the New York City Health Code and allow the keeping of Bees in New York City. This practice having been done for millennia , is not dangerous but rather when standardized procedures are followed it is safe and beneficial to the people, plants, and environment of the city.

inCaptchaChars: BWDGM

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REMOTE\_HOST: 206.212.185.16

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.9.1.7) Gecko/20091221

Firefox/3.5.7 (.NET CLR 3.5.30729)

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#39

**Resolution Comments**

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**From:** Gerry Pearlberg [zychskyfarm@earthlink.net] **Sent:** Fri 1/29/2010 3:20 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** In support of legalizing beekeeping in NYC  
**Attachments:**

It is my pleasure to submit these comments in strong support of legalizing beekeeping in New York City. As a lifelong resident of this city, I know how important it is to improve the ecological balance here and to support a level of biodiversity that benefits human, plant, and animal alike.

As a weekend beekeeper and gardener in upstate New York, I have come to love the company of honeybees. Their extraordinary role as key pollinators has increased my garden's yield exponentially. The pleasure of observing them at work is unparalleled. The hum of their labor is a joy to the ear. I seek these aesthetic pleasures in the city too, and rejoice when, come springtime, I am lucky enough to see a honeybee working the blossoms of a crocus in a neighbor's garden. I only wish such sights and sounds were not so rare.

My neighbors in Brooklyn—many of them old-timers who have been here for many decades—lament the disappearance of honeybees in their gardens—a presence they enjoyed and benefited from. They seem fascinated when they find out I am a beekeeper—they want to know more about the bees, they want to tell their own bee-related stories, they are concerned about the threats bees face.

I mention all this because I think it's become almost second nature to underestimate the toll on urban residents when, bit by bit, traces of the natural world are eradicated, threatened, or diminished. I think we lose our sense of history and place, and humanizing opportunities to revel and participate in the fascinating world of nature—which is, of course, our world (even in the city).

By legalizing beekeeping, we can increase public education about the importance of bees and the natural world so often overlooked in our busy urban lives. We can more openly teach and educate urban beekeepers on safe, neighbor-friendly beekeeping practices. Our local gardens will certainly benefit. Our connection with self-sufficiency and awareness of where our food comes from will increase. The rich aesthetic pleasures associated with the sights and sounds of bees and their hives will become more available to those who desire them. And we'll all be able to increase our access to local, New York City honey produced by the sophisticated, urbane bees who call New York City home.

Thank you for considering these perspectives.

Sincerely,

Gerry Gomez Pearlberg  
418 Bergen Street  
Brooklyn, New York 11217  
Global Swarming Honeybees

#40.

Follow up

Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

**Resolution Comments**

**From:** Anna Thea Bridge [anna\_thea\_conrad@hotmail.com] **Sent:** Mon 2/1/2010 7:40 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Proposed Amendment of Health Code Article 161  
**Attachments:** nycba.article161.comments.pdf(401KB)

Attached please find comments from the New York City Beekeepers Association ("NYCBA") regarding the Department's proposed amendment of Article 161 of the New York City Health Code. A copy of the written statement will also follow via facsimile to (212) 788-4315.

If there is any problem opening the attached PDF, please contact me at this email address or at (212) 767-9630. Thank you.

Best regards,

Anna Thea Bridge



# New York City Beekeepers Association

A Hive for the Urban Beekeepers of Gotham City

RECEIVED  
DGM/H/OFFICE OF THE DEPT. OF HEALTH  
RECORDS SECTION  
2010 FEB -2 AM 10:47

February 1, 2010

VIA E-MAIL AND FACSIMILE

Ms. Rena Bryant  
Secretary to the Board of Health  
New York City Department of Health and Mental Hygiene, Board of Health  
125 Worth Street CN-31  
New York, New York 10013

Dear Ms. Bryant,

On behalf of the New York City Beekeepers Association ("NYCBA"), please find enclosed a written statement regarding the Proposed Amendment to Article 161 of the New York City Health Code.

Respectfully submitted,

*Anna Thea Bridge*  
Anna Thea Bridge

**WRITTEN STATEMENT OF  
THE NEW YORK CITY BEEKEEPERS ASSOCIATION ("NYCBA")  
REGARDING THE DEPARTMENT OF HEALTH'S PROPOSED  
AMENDMENT TO ARTICLE 161 OF THE HEALTH CODE**

The New York City Beekeepers Association ("NYCBA") respectfully submits this written statement regarding of the Department of Health's proposed amendment to Article 161 of the New York City Health Code to modify sections 161.01 and 161.02 of the Code to allow New Yorkers to keep hives of non-aggressive honeybees upon notification and self-identification to the Department and adoption of appropriate practices to avoid creating a nuisance ("Beekeeping Amendments").

The NYCBA—a nonprofit collective of hundreds of beekeepers, bee enthusiasts, and honey lovers who live, work, and pollinate in the greatest city in the world—strongly supports the proposed Beekeeping Amendments and encourages the Department of Health to approve them for the benefit of all New Yorkers.

We believe that the Department of Health's proposal recognizes that legalized beekeeping in New York City is critically important to the health and well being of our citizens. Honeybees, the most effective insect pollinators, are necessary to the cultivation of both our food supply and our green spaces. Urban beekeeping does and can increase the productivity of vegetable gardens and farms all across the City, making fresh local produce available to New Yorkers and, in turn, cutting back on food's travel time and consequential environmental impact. For some New Yorkers, beekeeping can also provide additional income. (Hobby beekeeping is not without its commercial benefits—in addition to increased crop yield resulting from pollination, a well-managed colony can produce more than 100 pounds of honey in a year, as well as honeycomb, beeswax, and pollen.) Finally, urban beekeeping provides pollination for plants throughout the City of New York's backyards, window boxes, community gardens, public parks, and the myriad other green spaces in our urban landscape. This is especially important in light of the recent decline in both wild and domestic pollinator populations.

Indeed, the citywide ban on beekeeping under the current Health Code has existed despite the creation of federal policy to promote beekeeping, such as the Pollinator Habitat Protection Act of 2007 and the Pollinator Protection Act of 2007 (not to mention the honeybee hives now fixed on the White House lawn); the existence of state policy to promote beekeeping and require beekeepers to register their hives with the New York State Department of Agriculture and Markets, allowing for regular hive inspections; and New York City policies to promote increased green space, more trees, and greater access to fresh produce.

As the Department has underscored by its drafting of the Beekeeping Amendments, potential concerns regarding urban beekeeping—such as swarming, nuisance, and stings—can be mitigated through proper management strategies. As shown from the experience of urban beekeepers here and in numerous other cities where beekeeping is permitted and often encouraged—such as Chicago, Paris, San Diego, Boise, Atlanta, Seattle, Vancouver, Minneapolis, and San Francisco (a city whose population density is second only to New York)—urban beekeeping can be a safe and suitable activity.

In accordance with the proposed Beekeeping Amendments, the NYCBA strongly supports the use of sound moveable-frame hives; the provision of an adequate water source that is consistent, nearby, fresh, and clean; and the placement of hives in such a way as to not present a nuisance. Indeed, the NYCBA—which seeks to educate and promote the benefits of safe and responsible urban beekeeping—plans to soon make available our “NYCBA Best Management Practices for Safe Urban Beekeeping” guide, which embraces these principles and will provide guidance on how to best put them into practice. In addition, the NYCBA offers courses in urban beekeeping and holds regular meetings to encourage continuing education with the goal that New York’s beekeepers not only have a solid understanding of honeybee biology and beekeeping methods, but also stay informed of changes in recommended beekeeping practices, threats to honeybee health, and government regulations.

In sum, the NYCBA strongly supports an end to the ban against beekeeping in New York City via adoption of the proposed modifications to sections 161.01 and 161.02 of Article 161 of the New York City Health Code.

#41

 Follow up

Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

**Resolution Comments**

**From:** Patrick Kwan [pkwan@humanesociety.org] **Sent:** Wed 2/3/2010 4:58 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Article 161 Comments by The Humane Society of the United States  
**Attachments:**  Article 161 comments.pdf(106KB)

Please find comments by The Humane Society of the United States re: NYC DOHMH proposal to amend Article 161 attached in PDF format. Thank you.

**Patrick Kwan**  
 New York State Director, Field Services  
 pkwan@humanesociety.org  
 m 917.331.7187

The Humane Society of the United States  
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WEDNESDAY, FEBRUARY 3, 2010

## The Humane Society of the United States Comments Regarding NYC DOHMH Proposal to Amend Article 161

Thank you for the opportunity to comment on the proposed amendment of Article 161 concerning animals in the New York City Health Code.

For over half a century, The Humane Society of the United States has been working for the protection of all animals and to build a more humane society with our mission to celebrate animals and confront cruelty. With 11 million members and supporters – or one in every 28 Americans – including over 217,000 New York City residents, The Humane Society of the United States is the nation’s largest animal protection organization.

### §161.07 Dangerous dogs

In regards to paragraph 2 of subdivision (e) section §161.07 *Dangerous dogs*, an owner’s failure to comply with an order of the Department to make his or her dog available for examination could be the result of any number of things, including financial reasons in light of this difficult economic time, and should not result in the dog being declared dangerous by default. A more amenable penalty may be levying a fine to the owner. We respectfully disagree with defining victims of dogfighting to be defined as dangerous dogs by default in subdivision (i) *Dogs kept for fighting* and urge the Department to keep language about and relating to victims of dogfighting separate from the dangerous dogs section.

### § 161.09 Permits to keep certain animals

Subdivision (a) of § 161.09 *Permits to keep certain animals* would no longer require that a pet shop that sells exclusively dogs and cats and is a pet dealer regulated by Article 26-A of the New York State Agriculture and Markets law or successor law be permitted by the Department. We understand the purpose of the proposal is, in the words of the Department, to “clarify” and “provide consistency with other applicable law.” The proposal could better clarify the authority retained by New York City to regulate and enforce other aspects of pet dealer businesses, even those covered under Article 26-A, including issues related to cruelty, to public health and safety, and to consumer rights. The Department could also provide direction in protecting public health and animal

welfare by outlining a procedure for the Department to keep records of and direct observations and complaints to the proper authorities.

Subdivision (a) of § 161.09 *Permits to keep certain animals* would also eliminate certain licensing and regulatory requirements for live animal markets in New York City. We are deeply concerned that the proposal would not bring clarity to state and local statutory and regulatory schemes with respect to live animal markets. While the state does have the authority to license and regulate slaughterhouses, including live animal markets, it is not clear that the state has sole authority over licensing and regulation of these markets. Thus, the city likely could maintain its own licensing and regulatory scheme, even under new state law amendments effectively placing a moratorium on new permitting of live animal markets in the city, as long as city licensing and regulatory requirements were not inconsistent with state law.

The Humane Society of the United States echoes the call by Assemblymember Barbara Clark of Queens, the sponsor of the state law that instituted the moratorium, for the city to change its law to effectively protect public health, communities, and animal welfare by preventing the siting of live animal markets in unsuitable locations.

**§ 161.21. Horse stables; rabies vaccination for horses; nuisance prevention**

The Humane Society of the United States applauds the Department for the proposal to require sprinkler systems, emergency management procedures, and equipping stables with horse trailers for emergency transport in § 161.21 *Horse stables; rabies vaccination for horses; nuisance prevention*. We agree that these are important safety measures, and add that fire extinguishers should be located throughout the building and a truck should also be required for each stable as a trailer without a truck to pull it is useless.

In addition to prohibiting new stables from having stalls above street level, a phase out of any existing stables should also be implemented. To ensure adequate room for carriage horses to rest and lay down, each stall should be at least ten feet by ten feet and ten feet by twelve feet for draft horses.

Hay should not be listed as a bedding material in paragraph 12 of subdivision (b) since horses will eat hay and it will be contaminated by manure and urine if used as bedding. Each horse should also be provided with a salt block in his/her stall, this is an especially important requirement as carriage horses do not have the benefit of grazing on pasture.

**§ 161.23 Sterilization of shelter animals.**

Subdivision (b) of § 161.23 Sterilization of shelter animals states “[n]o dog may be released by an animal rescue group...” while “animals shall not be released by a shelter to an animal rescue group without first being spayed or neutered.” Cats make up the majority of animals euthanized in shelters today, and The Humane Society of the United States suggests that the subdivision state “no dog or cat...” or “animals” to provide consistency and protection for animals other than dogs.

The Humane Society of the United States looks forward to working with the Department and offering our experience and expertise.

Respectfully,

Patrick Kwan, New York State Director  
The Humane Society of the United States  
200 W.57<sup>th</sup> Street, Suite 705  
New York, NY 10019  
pkwan@humanesociety.org (917) 331-7187

#42

**Resolution Comments**

**From:** ElinorM328@aol.com [ElinorM328@aol.com] **Sent:** Tue 2/2/2010 4:02 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** comments Humane Society of NY, RE: Article 161 NYC Health Code  
**Attachments:**

**To the New York City Department of Health and Mental Hygiene/ Comments regarding proposed changes to Article 161 of the New York City Health Code**

**Submitted By: Humane Society of New York, 306 East 59<sup>th</sup> Street, New York, NY 10022, (212) 752-4842, Elinor Molbegott, Legal Counsel/Humane Issues, Elinorm328@aol.com**

**Section 161.01 (a) (5)**

We suggest adding the following language to subdivision (a) (5) so that the commissioner has clear authority to refuse to issue a permit under certain circumstances:

The Commissioner may deny the permit if the commissioner determines that the proposed use of animals presents a risk to public health and safety or jeopardizes the health and safety of the animals.

**Section 161.01 (b) (15)**

For those people who already have pot-bellied pigs, we suggest they be grandfathered in if they are being cared for humanely.

**Section 161.02****Definition of "Cat"**

The definition of cat seems to exclude feral cats, since it refers to only those cats kept as a pet. We are interested in knowing if this is intentional and why this is being proposed.

**Definition of "Dangerous dog"**

The definition of "Dangerous dog" should be consistent with the Administrative Code and Section 121 of the Agriculture and Markets Law.

Section 17-342 of the New York City Administrative Code defines "Dangerous Dog" as follows:

c. "Dangerous dog" means (1) any dog that when unprovoked, approaches, or menaces any person in a dangerous or terrorizing manner, or in an apparent attitude of attack, upon the streets, sidewalks, or any public grounds or places; or (2) any dog with a known propensity, tendency or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or (3) any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (4) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

The proposed definition of "Dangerous dog" does not conform to this law. The Administrative Code definition makes it clear that a dog is not dangerous if the attack was provoked. Section 108(24) of the Agriculture and Markets law also makes it clear that a dog will not be declared dangerous if the attack was justified. The proposed language does not even consider justification or provocation. Important to note is that the state law is applicable to New York City pursuant to section 107 (5) of the Agriculture and Markets Law.

A bite report made pursuant to section 11.03 or by the police should not be prima facie evidence that a dog is dangerous. Again, this fails to consider the circumstances of the alleged bite and is overbroad.

An administrative agency, including the Department of Health and Mental Hygiene, does not have the authority to promulgate a rule that is in conflict with the law. The Health Department's proposed rule is preempted by state and city law, at least to the extent that it conflicts with such laws. The definition of "dangerous dog" proposed by the Health Department conflicts with city and state law, is overbroad, and would result in unfettered authority over dog owners and dogs.

### **Definition of "Severe injury"**

The definition of "severe injury" is inconsistent with the NYC Administrative Code and the Agriculture and Markets law. Section 17-342 (d) of the Administrative Code defines "Severe injury" as "any physical injury that results in broken bones or disfiguring lacerations requiring either multiple stitches or cosmetic surgery." Section 108(29) of the Agriculture and Markets Law defines "Serious physical injury" as "physical injury which creates a substantial risk of death, or which causes death or serious or protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

Again, the New York City Health Department does not have the authority to change law and must at least be consistent with the Administrative Code, to the extent that the Administrative Code is not less stringent than state law. The definition of "severe injury" is extremely important because of the potential implications to a dog and a dog's human caretaker in the event a dog causes severe injury.

The proposed rule, by providing that one broken bone or one disfiguring laceration requiring either multiple stitches or cosmetic surgery qualifies as a severe injury, singularizes the definition in the Administrative Code, which requires more than one broken bone or disfiguring laceration for the injury to qualify as severe.

### **Section 161.07 (comments on prior sections will follow; we are commenting on the proposed changes to 161.07 first because we wanted to keep our comments about dangerous dogs together)**

In its proposed amendments to section 161.07, the Department again proposes language that conflicts with state and city law. According to section 107(5) of the Agriculture and Markets Law, "Nothing contained in this article shall prevent a municipality from adopting its own program for the control of dangerous dogs; provided, however, that no such program shall be less stringent than this article, and no such program shall regulate such dogs in a manner that is specific as to breed. Notwithstanding the provisions of subdivision one of this section, this subdivision and section one hundred twenty-one of this article shall apply to all municipalities including cities of two million or more."

Thus, it is clear that the state dangerous dog law applies to New York City.

Subdivision 2 of section 121 of Article 7 of the Agriculture and Markets Law provides that "Any person who witnesses an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, may, and any dog control officer or police officer as provided in subdivision one of this section shall, make a complaint under oath or affirmation to any municipal judge or justice of such attack or threatened attack. Thereupon, the judge or justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to any dog control officer, peace officer, acting pursuant to his special duties, or police officer directing such officer to immediately seize such dog and hold the same pending judicial determination as provided in this section. Whether or not the judge or justice finds there is probable cause for such seizure, he shall, within five days and upon written notice of not less than two days to the owner of the dog, hold a hearing on the complaint.

Despite the clear language in this law which provides for a hearing within five days, the Health Department's proposed language provides for a hearing "no more than twenty days after the petition is mailed to the owner, and the petition and notice of hearing shall be mailed to owner no later than fifteen days after the dog's entry into the shelter..." Thus, despite the expedited hearing process under state law, the proposed rules provide for a 35 day period of time in which the dog is at the shelter, presenting health risks to the dog, causing undue hardship for the dog's family, and potential safety risks to the shelter personnel. Again, we believe that the state law prevails here and the Health Department does not have discretion to enact less stringent local rules. Since the NYC Administrative Code is actually less stringent on the hearing schedule, it too is preempted by state law. The state law, while allowing municipalities to enact dangerous dog programs, specifically states that such programs cannot be less stringent than state law. Quite frankly, given the existence of state and local laws on this subject which already are conflicting, the Health Department's rules create further confusion.

Section 161.07 (g) of the proposed rules states that "The Commissioner may order any action deemed necessary to control a dangerous dog and prevent injuries to persons, including, but not limited to, ordering that the dangerous dog be: (1) Surrendered for the purpose of humane euthanasia..." Section 17-345 (d) of the Administrative Code states that "The commissioner may order the humane destruction of any dog that kills or causes severe injury to a human being, based upon the severity of the injury and the circumstances of the injury."

The proposed rule is in direct conflict with the NYC Administrative Code and section 121(3) (4) of the Agriculture and Markets Law, which limit orders of euthanasia.

**Agriculture and Markets Law, Section 121(3) (4):**

3. Upon a finding that a dog is dangerous, the judge or justice may order humane euthanasia or permanent confinement of the dog if one of the following aggravating circumstances is established at the judicial hearing held pursuant to subdivision two of this section:

(a) the dog, without justification, attacked a person causing serious physical injury or death; or

(b) the dog has a known vicious propensity as evidenced by a previous unjustified attack on a person, which caused serious physical injury or death; or

(c) the dog, without justification, caused serious physical injury or death to a companion animal, farm animal or domestic animal, and has, in the past two years, caused unjustified physical injury or death to a companion or farm animal as evidenced by a "dangerous dog"

finding pursuant to the provisions of this section. An order of humane euthanasia shall not be carried out until expiration of the thirty day period provided for in subdivision five of this section for filing a notice of appeal, unless the owner of the dog has indicated to the judge in writing, his or her intention to waive his or her right to appeal. Upon filing of a notice of appeal, the order shall be automatically stayed pending the outcome of the appeal.

4. A dog shall not be declared dangerous if the court determines the conduct of the dog (a) was justified because the threat, injury or damage was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or upon the property of the owner or custodian of the dog; (b) was justified because the injured, threatened or killed person was tormenting, abusing, assaulting or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted or physically threatened the dog or its offspring; (c) was justified because the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or a member of its household, its kennels or its offspring; or was justified because the injured, threatened or killed companion animal, farm animal or domestic animal was attacking or threatening to attack the dog or its offspring. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert shall be relevant to the court's determination as to whether the dog's behavior was justified pursuant to the provisions of this subdivision.

The proposed rule would give authority to the commissioner to order the killing of a dog who was declared dangerous, regardless of the severity of the injuries and regardless of provocation. We strongly object to this for obvious humane reasons. Again, given that the proposed rules are in conflict with the Administrative Code and Agriculture and Markets Law, the Health Department does not have the authority to promulgate such a rule.

161.07 (i): This provision treats dogs engaged in or trained for fighting as dangerous dogs. While they might be in some instances, these dogs should not be returned to their abusers. Rather, if the dogs are engaged in or trained for fighting, the department should contact the ASPCA and police so that the "owners" of these dogs can be prosecuted.

161.07 (j): It is unreasonable to declare that all persons who have a dog declared to be dangerous are maintaining a nuisance. After all, in many of these cases the dog will be returned to his/her owner with an order that certain conditions be adhered to. If these conditions are adhered to, why should that person be presumed to be creating a nuisance?

161.07 (k): This provision would allow for the killing of a dog that is "menacing" persons, if capture is dangerous. We believe this term is too vague and could allow for animals to be unjustifiably killed.

## **Section 161.02**

### **Definition of "Nuisance"**

The proposed definition of "Animal nuisance" is overbroad. Dangerous dogs, however that term is defined, should not be deemed to be an automatic nuisance. If a person is complying with whatever conditions are ordered for the keeping of the dangerous dog, why should the dog be considered a nuisance? By declaring such dog a nuisance, the person could be subject to actions for maintaining a nuisance and could be evicted even when complying with conditions set forth for the keeping of the dog.

Declaring a nuisance “animals that carry or are ill with diseases communicable to persons or other animals” is also overbroad. If a person has a cat with an upper respiratory infection which is highly contagious to other animals, is that person creating a nuisance, even if the animal is being treated for such condition?

### **Definition of “Pet shop”**

This change will have a negative impact on dog licensing in New York City. It is very important to note that under the Laws of 1894, Chapter 115 as amended and section 161.15 of the Health Department’s own rules, pet shops which hold a permit under section 161.09 must sell licenses prior to transferring possession of the dog. If pet shops that sell dogs are not required to have a permit under section 161.09 of the Health Code, then the dog licensing requirements specified in section 161.15 and the Laws of 1894, Chapter 115 as amended will not be fully effectual.

### **§ 161.15 Keeping of small animals for sale, boarding, grooming, or training.**

(b) The holder of a permit issued pursuant to § 161.09 or the person in charge of the place for which the permit is issued, shall provide any individual seeking to purchase, adopt, groom, train, or board a dog, showing no evidence of licensure, with a dog license application, furnished by the Department, which shall be completed by the individual. The holder of a permit to operate a pet shop or shelter or person in charge thereof, shall not transfer possession, title, ownership, control or custody of any dog to a prospective purchaser or adopter without first requiring the purchaser or adopter to submit a completed application for a dog license and to pay all required license fees unless such purchaser or adopter shall execute and submit to such permittee a written statement that the dog to be purchased or adopted is to be harbored outside the City.

### **Laws of 1894, Chapter 115 as amended, Section 8-b**

No person holding a permit issued pursuant to section 161.09 of the New York city health code sell shall a dog without first requiring the purchaser to submit an application for a dog license and pay all required fees, unless such purchaser shall execute and submit to such seller a written statement that the dog to be purchased is to be harbored outside the city....

### **Section 161.04**

The proposed requirement in 161.04 that owners of service dogs provide “a written statement from a trainer whose education, experience and training are acceptable to the Department, stating that such dog has been specifically trained to perform a task or tasks for the person applying for the tag” goes well beyond the requirements in the Fair Housing Amendments Act of 1988, 42 USCS § 3601, et seq. The Act defines “handicap” to mean:

- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
- (2) a record of having such an impairment, or
- (3) being regarded as having such an impairment [42 USCS § 3602, (h)]

It is a violation of the law to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. (42 USC § 3604).

There is no requirement in the Fair Housing Amendments Act of 1988 that a service dog be professionally trained or certified. *Janush v. Charities Hous. Dev. Corp.*, 169 F. Supp.2d 1133 (N.D. Cal. 2000); *Green v. Housing Authority of Clackamas County*, 994 F. Supp. 1253 (D. Or. 1998); *Bronk v. Ineichen*, 54 F.3d 425, 430 (7<sup>th</sup> Cir. 1995).

The Health Department's current policy of accepting a doctor's letter, which provides information about the individual's need for the animal, will better ensure compliance with the Fair Housing Amendments Act of 1988.

#### **Section 161.09 (a) (1)**

Removing the requirement that pet shops which exclusively sell dogs and cat must get a permit will have a negative impact on dog licensing in New York City. It is very important to note that under the Laws of 1894, Chapter 115 as amended and section 161.15 of the Health Department's own rules, pet shops which hold a permit under section 161.09 must sell licenses prior to transferring possession of the dog. If pet shops that sell dogs are not required to have a permit under section 161.09 of the Health Code, then the dog licensing requirements specified in section 161.15 and the Laws of 1894, Chapter 115 as amended will not be fully effective.

#### **Section 161.11**

The proposed rules in sections 161.02 and 161.09 indicate that pet shops that sell dogs and cats exclusively do not need a permit. The implication of this would be that pet shops that exclusively sell dogs and cats would not have to comply with the provisions in section 161.11 pertaining to prevention of nuisances and cleaning. For the reasons stated earlier in these comments, we believe that pet shops, regardless of whether or not they sell dogs and cats exclusively, should still be required to get a permit under section 161.09.

#### **Section 161.15 (e)**

Titer test results which demonstrate a dog's immunity from certain diseases should be accepted by boarding kennels as an alternative to showing proof of current vaccinations for those diseases.

#### **Section 161.17**

We do not object to the inclusion of the language "issued a permit pursuant to section 161.09 of this Article" to more clearly define those facilities which must comply with Articles 131 and 151 of the Health Code. However, the proposed rules in sections 161.02 and 161.09 indicate that pet shops that sell dogs and cats exclusively do not need a permit. The implication would be that pet shops that exclusively sell dogs and cats would not have to comply with Articles 131 and 151. For the reasons stated earlier in these comments, we believe that pet shops, regardless of whether or not they sell dogs and cats exclusively, should still be required to get a permit under section 161.09.

#### **Section 161.19 (a)**

Since some people in accordance with the existing Health Code provisions have ducks and other non-wild animals as pets in areas of the city that are not built up, we are concerned that the proposed language prohibiting the keeping of such animals could present a hardship to such people and animals.

They should be grandfathered in. Given that most of the city would be considered "built up," this should not create a public health issue.

#### **Section 161.19 (c)**

We believe that live rabbit and poultry markets should be banned in New York City. In any event, it should be noted that section 96-b (2) of the Agriculture and Markets Law states, that "In a city with a population of one million or more, the commissioner shall not license any person, firm, partnership or corporation to operate any place or establishment where animals and/or fowls are slaughtered or butchered for food within a fifteen hundred foot radius of a residential dwelling. This subdivision shall not apply to any premises upon which a person, firm, partnership or corporation has been continuously conducting business as described in this subdivision from a date prior to the effective date of this subdivision." The Health Code should at least conform to this law.

#### **Section 161.23 (a)**

This proposed language states that "No dog may be released by an animal rescue group to a person who resides in the City of New York unless the dog is sterilized and licensed pursuant to section 161.04." Dogs and cats should be sterilized prior to being released for adoption whether or not the adopter resides in New York City. The Administrative Code requires dogs and cats to be sterilized prior to adoption, except for medical and other specified reasons. The rules should be very clear that rescue groups should not release a dog or a cat for adoption unless the animal is sterilized, unless exempted from such procedure in accordance with section 17-804 of the Administrative Code, regardless of whether the adopter resides in New York City.

#### **Section 161.25**

This section would grant to the commissioner very broad authority to disregard the Health Code provisions. We believe this would extend too much latitude to the commissioner. The provisions in the Health Code should be drafted so that it can be applied without undue hardship or difficulty.

#43

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

-----  
First\_Name: Elie

Last\_Name: Miodownik

Email: obo12759@gmail.com

Organization: NYC Beekeepers Association

Street Address: 71-18 136th St

City: Flushing

State: NY

Zip Code: 11367

Comments: Dear Commissioner Farley and the Department of Health:

I am writing to you in support of amending section 161 of the Health Code to legalize the keeping of honeybees in New York City.

As a member of the NYC Beekeepers Association, I am well aware of the beneficial role that honeybees play in our environment as well as the important ecological niches they fill in an urban setting. Also, although I currently live in Queens, I used to keep honeybees outside of the city, and I can say with full confidence that they pose no harm to the residents of this city. Beekeeping has been practiced for thousands of years and is even encouraged in places like Chicago, Atlanta and Seattle. In fact, there is a beehive on the South Lawn of the White House. If a hive of bees is safe enough to be within walking distance of the president and his family, then it is certainly safe enough to be in this great city. Legalizing honeybees will benefit not only the beekeepers, but also community gardens throughout the city, who will be richly rewarded with increased crop yields and thorough pollination.

In sum, I fully and enthusiastically support amending the health code to allow for the legalization of beekeeping in New York City.

Sincerely,  
Elie Miodownik

inCaptchaChars: xrhnhy

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#44

**Resolution Comments**

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**From:** Marque5@aol.com [Marque5@aol.com]**Sent:** Tue 2/2/2010 7:30 AM**To:** Resolution Comments**Cc:****Subject:** Honey Bees**Attachments:**

To whom it may concern,

I'm writing to you today to support beekeeping in NYC. I understand that this was made illegal in the early 90s and support it as a legal act in NYC.

More than 100 agricultural crops in the United States are pollinated by bees. This means bees are important, if not essential, for the production of agricultural crops. Examples of bee pollinated crops include watermelons, cantaloupe, citrus and apples. Although some of these crops are pollinated by bee species other than honey bees, honey bees are the only ones that can be easily managed, moved around and are known to exploit a wide variety of crops. In fact, about one-third of the human diet comes from insect-pollinated plants, and the honeybee is responsible for 80 percent of that pollination, according to the U.S. Department of Agriculture.

**Other Benefits of Beekeeping:**

Beekeeping is an activity that anyone can undertake as it requires minimal or no land. Men, women, elderly and youth can participate!

It takes minimal time and effort in a season, therefore allowing for normal work-a-day activities to carry on. It has relatively low technology requirements!

Bees pollinate the indigenous flora, adding value to wild harvested fruits, nuts and economic trees and plants as well as 1/3rd to any food production through targeted pollination!

Honey is a valuable non-wood forest product thus contributing to the preservation of forests around the world!

Honey and its by-products have many healthy benefits for the consumer.

Most honeybee products can be consumed as food, dietary supplements or used as medicine. And bee products have a long shelf life and are a valuable food source!

I urge you to take these factors into consideration when reviewing this issue.

Thank you, and "bee" well.

Mark P Kassis  
50 Riverside Avenue  
Haverstraw, New York  
10927  
(845) 893-7229

#45

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

-----  
First\_Name: Carolyn

Last\_Name: Ramsdell

Email: carolyn.ramsdell@gmail.com

Title: Graduate Student

Organization: SIT Graduate Institute

City: Brooklyn

State: NY

Zip Code: 11238

Comments: I strongly encourage the NYC Department of Health to Amend Article 161 of the New York City Health Code. Honeybees are a crucial part of our ecosystem, even here in an urban setting.

I spent three years working as a beekeeper in South America training local farmers in hive management techniques. I can attest that there is very little risk and a plethora of benefits for a community that supports apiculture.

For the good of all New Yorkers, our parks, our community gardens and surrounding flora...AMEND 161!

Carolyn Ramsdell

inCaptchaChars: MBDX

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Firefox/3.5.7 GTB6 (.NET CLR 3.5.30729)

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#46

**Resolution Comments**

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**From:** Zoya [zoya.baker@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** I Support Beekeeping in NYC  
**Attachments:**

**Sent:** Tue 2/2/2010 2:40 PM

Greeting to the Members of the NYC Department of Health,

My name is Zoya Baker and I live in Brooklyn, NY. I support of the amendment to Health Code 161, which will legalize beekeeping in New York City.

There are many benefits to beekeeping. Urban beekeeping strengthens our local economy allowing people to produce and sell food locally. We lessen our dependence on fossil fuels by producing food closer to home. Beekeeping increases local food security and economic resilience. Honey bee's pollinate our urban plants increasing the beauty of our city.

Honeybees are docile and do not pose a threat to humans. They want to go about their business of gathering nectar and making honey.

I hope that the Department of Health will recomment a change to Health Code 161 to allow non-agresive honeybees (Apis mellifera) to be kept in New York City.

Thank you.  
Sincerely,  
Zoya Baker

#47

161

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art91-1209.shtml>

-----  
First\_Name: Sara

Last\_Name: Katz

Email: saritagatos@gmail.com

Phone Number: 7188178038

Title: Community Horticulturist

Organization: New York Botanical Garden

Street Address: Bronx River Parkway at Fordham Road

City: Bronx

State: NY

Zip Code: 10458

Comments: As a community garden educator in the Bronx, I have found beekeeping to be a wonderful activity and learning tool for urban people of all ages. Pollinators provide a free service in producing our food, as well as beautifying our neighborhoods with flowers all season long. We should embrace the opportunity to keep bees in NYC as a way to reconnect with the natural world and teach others the marvels of science.

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REMOTE\_HOST: 69.74.186.251

HTTP\_USER\_AGENT: Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 5.1; Trident/4.0; .NET CLR 1.1.4322; .NET CLR 2.0.50727; .NET CLR 3.0.04506.30; .NET CLR 3.0.04506.648; .NET CLR 3.0.4506.2152; .NET CLR 3.5.30729)

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#48

Feb. 2, 2010

RECEIVED  
DOHMH/OFFICE OF THE  
RECORDS MANAGEMENT  
2010 FEB -3 AM 10:01  
Carolynn Johnson  
99 Sutton St. 404  
Brooklyn, NY 11222

New York City Council  
New York, New York

To Whom It May Concern:

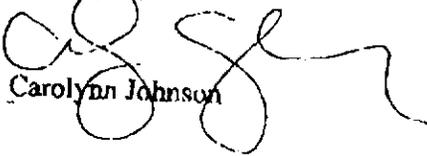
I would like to express my support of the NYC bee-keeping amendment. Preserving our natural environment and producing local food are both very important to me, and as a citizen of New York City, there is nothing more I would like to see than bees working harmoniously alongside humans in the city.

I believe allowing bee-keeping to be legal in the city will be a great contribution to the city. First, it will help stimulate the local economy as entrepreneurs will be able to develop and sell NYC-honey and beeswax products. Tourists and visitors will especially be attracted to these new and innovative products.

Second, I believe that bees are critical and vital players in the city's ecosystem and will greatly enhance the ecological integrity of our parks, roofs, stoops, sidewalks and other areas. These bees will help pollinate flowers and encourage natural systems.

Please consider passing the bee amendment in New York City.

Thank you,

  
Carolynn Johnson

#49

**Resolution Comments**

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**From:** James Fischer [gotham.beekeepers@gmail.com] **Sent:** Tue 2/2/2010 11:27 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Comments on Amending Article 161 of NYC Health Code (Bees)  
**Attachments:**

Ms Rena Bryant  
Secretary of the Board of Health  
125 Worth St  
CN-31  
New York NY 10013

(Via email to RESOLUTIONCOMMENTS@HEALTH.NYC.GOV and by hand)

Re: RECOMMENDATIONS FOR REVISIONS TO PROPOSED LANGUAGE REGARDING BEES & BEEKEEPING, AMENDING ART. 161 OF NYC HEALTH CODE

Dear Ms. Bryant,

As instructed, we are submitting the attached for consideration by the appropriate Program of the Dept. of Health and members of the Board of Health to assist in their deliberations concerning the Article 161 amendment, now under consideration, as it relates to beekeeping.

With a membership approaching 600, the New York City Beekeeping Meetup and sister group Gotham City Honey Coop represent a large group of New Yorkers interested in honey bees, native bees, and beekeeping.

The NYC Beekeeping Meetup Group has offered educational workshops and events since 2006 on a not-for-profit basis. In anticipation that the prohibition on beekeeping would be lifted, we began offering a free 16-week intensive novice beekeeping class in 2009, taught by experienced commercial and hobbyist beekeepers.

If the prohibition is lifted, we are prepared to offer ongoing technical training, support, and formal certification of expertise in the care of both honey bees and native bee species.

Based on a review of the proposed language and consultation with experts in the field, we have prepared some recommendations for improvements to the Section 161 revision now being considered.

These recommendations, together with rationale for each are set out below for your consideration. If we can be of any assistance, please contact us at gotham.beekeepers@gmail.com

Respectfully submitted,

James Fischer  
Liane Newton  
for Gotham City Honey Coop and NYC Beekeeping Meetup Group.

<http://www.meetup.com/nyc-beekeeping-meetup/>

<http://GothamCityBees.com>

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## RECOMMENDATIONS FOR REVISIONS TO PROPOSED LANGUAGE

### PROPOSED LANGUAGE IN DOH NOTICE 161

§161.01. Wild and other animals prohibited.

(b)(12) "All venomous insects, including, but not limited to, [bee,] bees other than non-aggressive honey bees (*Apis mellifera*), ..."

### SUGGESTED REVISION

(b)(12) All venomous insects, including, but not limited to, [bee,] bees other than the non-aggressive bees of taxa Apoidea, ...

### RATIONALE

The other species of solitary and native bees of the taxa Apoidea are, as a general rule, even more docile than *Apis mellifera*, and given the tiny amount of space required to house them, may be the pollinators of choice for the smallest gardens. These other bees also require much less skill to manage. Husbandry and cultivation of native and solitary bees, if not expressly permitted by the Health Code, could be rejected by the boards of most community gardens just as honey bees have been rejected during the period when Article 161 prohibited all bees. At least 54 species of these other bees are known to already be naturally occurring in limited numbers in NYC parks and gardens, so to prohibit their "keeping" would frustrate attempts to preserve and protect these pollinators in their chosen native habitats.

See "Bee Richness and Abundance in New York City Urban Gardens", Matteson, Ascher, Langellotto, (*Annals of the Entomological Society of America* 101(1):140-150. 2008)

### 161.01(b)(12) CONTINUED - PROPOSED LANGUAGE IN DOH NOTICE 161

"Persons keeping honey bees..."

### SUGGESTED REVISION

Persons not residing in New York (State/City) may not keep bees in New York City.

### RATIONALE

Like an absentee landlord, an absentee beekeeper is a hazard to both public safety and to the health of neighboring hives kept by responsible beekeepers. Neglect of any animal for days or weeks at a time would be considered "animal cruelty" in NYC, and bees must be intensively managed at certain times of the year. The DOH should decide if limiting animal husbandry to City residents is appropriate or practical to enforce, but

should be able to agree that people not even residing in NY State live too far away to be able to adequately care for hives of bees in NYC.

161.01(b)(12) CONTINUED - PROPOSED LANGUAGE IN DOH NOTICE 161

"Persons keeping honey bees shall file a notice with the Department, on a form provided or approved by the Department, containing the beekeeper's name, address, telephone, e-mail and fax numbers, emergency contact information, and location of the hive, and they shall notify the Department within ten business days of any changes to such information."

SUGGESTED REVISION

Persons keeping honey bees shall comply with appropriate New York State apiary registration and other requirements.

RATIONALE

Beekeepers are currently required by NY State Law under Article 15 of the NY State Agriculture and Markets Law to register with the State, which has the burden of tracking/controlling bee diseases, as the state veterinary service. Beekeepers wishing to be aware the locations of hives nearest their own, once again to help control bee diseases and pests, register with our groups.

New York City is under significant financial pressure, and need not spend taxpayer dollars to maintain a third list.

161.01(b)(12) CONTINUED - PROPOSED LANGUAGE IN DOH NOTICE 161

"Beekeepers shall adhere to appropriate beekeeping practices including maintaining bee colonies in moveable-frame hives that are kept in sound and usable condition; providing a constant and adequate water source; locating hives so that the movement of bees does not become an animal nuisance, as defined in §161.02 of this Article"

SUGGESTED REVISION

Beekeepers shall adhere to the "Best Practices" and "Good Neighbor" policies, such as MAAREC's suggested guidelines for keeping bees in populated areas [http://maarec.psu.edu/pdfs/Keep\\_Bees\\_in\\_Pop\\_Area\\_pm.pdf](http://maarec.psu.edu/pdfs/Keep_Bees_in_Pop_Area_pm.pdf)

RATIONALE

The DOH has neither the time nor the staff to keep up with advances in apiary science, nor would it be practical to revise the Health Code to keep an imbedded set of "Best Practices" and "Good Neighbor" policies up-to-date. Such documents have been maintained by beekeeping organizations for decades, evolve by consensus, and are commonly referenced by other state/municipal apiary regulations.

161.01(b)(12) CONTINUED - PROPOSED LANGUAGE IN DOH NOTICE 161

"...and shall be able to respond immediately to control bee swarms and to remediate nuisance conditions."

#### SUGGESTED REVISION

...and shall promptly remediate nuisance conditions. Beekeepers with sufficient training may make themselves available for swarm removal by adding their names to a "Swarm List" circulated to NYPD, FDNY, DOH, and public websites.

#### RATIONALE

Not every beekeeper can be expected to have the skills necessary to safely collect swarms in cases where heights and power tools are involved.

Since 2006, Bee Rescue in NYC has been handled by a small skilled group who have been dispatched directly by NYPD and OEM. Our groups maintain a list of people willing and capable of performing bee rescues, and we both train and certify members in bee rescue techniques.

#50

## ASPCA - ADDITIONAL CLARIFYING COMMENT

161.02 Definitions.  
161.07 Dangerous dogs

In the ASPCA's timely-submitted comments regarding DOH's proposed amendments to Article 161, the ASPCA objected that both the proposed definition of "dangerous dog" (161.02) and also the proposed adjudication process to determine if a dog is dangerous (161.07) equate "dangerous dog" with a dog "owned/harbored for the purpose of fighting" or a dog "owned, kept, engaged in, or trained for dog fighting.". We suggested that this formulation does not provide sufficient guidance as to what constitutes harboring, owning, etc a dog for fighting, and, therefore, a dangerous dog (nor do we believe it could be revised to do so except perhaps in the most glaring cases). After all, as we asked previously, precisely what would the indicia be under the current formulation - or any other formulation DOH would contemplate - that would be used to establish that a dog is harbored for fighting and is thus dangerous? Harboring a pit bull who doesn't like other dogs or cats? Harboring a pit bull with scarring?

But we wanted to add another point that we hope you will consider in tandem with our timely-submitted comments - specifically, that it is simply inappropriate to label even those dogs who are, in fact, harbored, owned, etc. for the purpose of dog fighting as dangerous because they may, in a nut shell, not be dangerous. The dogs seized from Michael Vick are the paradigmatic examples of this. Although apparently kept for the purpose of dog fighting, all but one of the dogs went to rescue organizations, and many have now been placed in homes. Ultimately, only objective, individual evaluations of dogs will yield useful information for the purpose of assessing those dog's temperaments. It is simply not accurate to, in blanket fashion, categorize dogs kept for fighting as "dangerous."

Thank you for your kind consideration of this additional comment.

Sincerely,  
Debora M. Bresch

Debora M. Bresch, Esq.  
Senior Director  
Government Relations

ASPCA®  
520 8th Avenue  
New York, NY. 10018

deborab@aspca.org



February 3, 2010

Rena Bryant, Secretary to the Board of Health  
New York City Board of Health  
125 Worth Street, CN-31  
New York, NY 10013

**Re: Department of Health and Mental Hygiene proposed amendments to Article 161 (Animals) of Title 24 of the Rules of the City of New York**

Dear Secretary to the Board of Health Bryant:

Enclosed please find the comments of the American Society for the Prevention of Cruelty to Animals (ASPCA) on the non-equine portion of the amendments to Article 161 of Title 24 of the Rules of City of New York that have been proposed by the New York City Department of Health (DOH). Dr. Pamela Corey, an equine veterinarian, will submit the ASPCA's comments on the proposed amendments to Chapter 4, which pertains to the well-being of horses.

**161.01 Wild and other Animals Prohibited**

Among other things, the proposed amendments to this provision authorizes an extremely broad array of institutions to "exhibit...use...or display" wild or "other" animals, "including but not limited to, a rodeo, petting zoo, farm museum, school or similar institution, film, television, photographic or other production, or for commercial or other purposes...." Although a permit is required, the primary prerequisites for such permit are "reasonable conditions and time limits on such exhibitions, usages or displays" imposed by the department, "including a condition that the place where animals are exhibited, used or displayed have protective devices to preventing *[sic]* animals from escaping or injuring the public."

The ASPCA believes that these conditions for permit issuance are entirely too limited and should include additional requirements such as a physical exam of the subject animal(s) and an inspection of the exhibitor's premises to ensure good health and appropriate living conditions.

DOH has made a practice of submitting permit applications to the ASPCA, despite the fact that inspections do not fall within the scope of ASPCA authority. It is unclear, in fact, on what basis DOH submits permit applications to the ASPCA and is concerned that DOH may be representing to exhibitors – incorrectly – that permit issuance is contingent upon ASPCA inspection of the animal(s) and/or premises.

In any event, the ASPCA believes it is imperative that DOH expressly (1) condition permit issuance on an assessment of animal health and the appropriateness of living conditions, and (2) assume responsibility for such assessment.

#### **161.02 Definitions**

***Note:*** *DOH states that it has revised the section's definitions specifically to "harmonize with applicable law and to reflect current practice." The following analysis has been done with this in mind.*

**Animal behaviorist.** DOH retains broad discretion to qualify an "animal behaviorist," including in the definition any "person with qualifications acceptable to the department." New York State Agriculture & Markets Law, Article 7, Section 121, Subdivision 2(a), however, authorizes a court – where a dog has been proven dangerous – to order "evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by such expert." Such formulation in the state law ensures that parties to a dangerous dog proceeding may establish – and question – the qualifications of any proffered expert. By contrast, DOH's proposed definition of "animal behaviorist" cedes this authority to DOH, thereby potentially prejudicing a party to a dangerous dog proceeding who may be disfavored by DOH's decision to qualify, or not qualify, an expert.

Significantly, NYS Agriculture & Markets Law, Article 7, Section 107, Subdivision 5 states that "[n]othing...shall prevent a municipality from adopting its own program for the control of dangerous dogs; provided, however, that no such program shall be less stringent than this article" and notes that "this subdivision...shall apply to all municipalities including cities of two

million or more.” However, the effect of the proposed “animal behaviorist” definition would be exactly this – that is, to impermissibly render New York City’s dangerous dog law less stringent in the protections it provides to the subject dog and the rights of the dog’s owner than New York State law.

In addition, the proposed definition – coupled with DOH’s proposed process for deeming a dog dangerous – appears to violate the separation of powers doctrine by improperly arrogating the power of both the executive and the judiciary to DOH. Specifically, not only would DOH be authorized to prosecute its case against the dog, it would also be empowered – potentially to the great peril of the dog and his/her owner – to render judgment on the credentials of the behaviorist, a key witness in the proceeding. This presents an unacceptable conflict of interest and is unconstitutional.

**Animal nuisances.** DOH broadly defines “animal nuisances” as essentially a catch-all term, defined partially – not exhaustively – by DOH to include various excretions, secretions, odors, appendages, animals carrying or ill with diseases contagious to animals or people, and dangerous dogs. Intuitively, a problem that is infrequent in occurrence and/or resolvable with minimal or no persistent negative impact on others does not rise to the level of the nuisance (e.g., a disease that is contagious but treatable or containable such as Lyme, mange, or heartworm; animal incontinence where any visible residue or odor is cleaned by the owner). And indeed, this principle is well-settled in New York case law – specifically, that a “nuisance” is “a condition that threatens the comfort and safety of others” where “there is a pattern of continuity or recurrence of objectionable conduct.” *Frank v. Park Summit Realty Corp.* 175 A.D.2d 33; 573 N.Y.S.2d 655 (1<sup>st</sup> Dept., 1991). However, notwithstanding DOH’s stated interest in codifying definitions that “reflect current practice,” the proposed “animal nuisance” definition is in direct contravention of settled law and practice. Extraordinarily broad, the proposed definition would require no persistent negative impact on others for an animal to rise to the level of a nuisance – potentially with absurd consequences. For example, an animal who merely carries a disease such as giardia (that he/she may have caught at the dog run) or goes to the bathroom in a private residence (if, perhaps, it is witnessed by building staff) could potentially be evicted from his/her home on this basis. The excessive breadth of the proposed definition is compounded by its inclusion of “dangerous dogs,” the proposed definition of which is itself unconstitutionally vague and otherwise suffers from a variety of infirmities (*see below*).

**Dangerous dog.** The proposed definition broadly defines a “dangerous dog” as a dog “which menaces, threatens, attacks or bites a person or persons, or which kills or inflicts physical injury upon any persons” and “any dog owned or harbored for the purpose of dog fighting.” The proposed definition also states that the mere report of any bite or injury is prima facie evidence – that is, proof unless controverted by the dog owner – that a dog is dangerous. It also excludes all registered “guard dogs” from the rubric of “dangerous.” By contrast, the NYS Agriculture & Markets Law, Article 7, Section 108, Subdivision 24(a) defines a “dangerous dog” as “any dog which (i) without justification attacks a person, companion animal...farm animal...or domestic animal...and causes physical injury or death, or (ii) behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or (iii) without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death. The NYS law also excludes only police work dogs assisting law enforcement officers in the performance of their official duties – not all registered guard dogs – from the rubric of “dangerous.”

As noted above, NYS Agriculture & Markets Law, Article 7, Section 107, Subdivision 5 states that “[n]othing...shall prevent a municipality from adopting its own program for the control of dangerous dogs; provided, however, that no such program shall be less stringent than this article” and that “this subdivision...shall apply to all municipalities including cities of two million or more.” And yet, in almost every respect, the “dangerous dog” definition proposed by DOH is less stringent than the state law – clearly, and impermissibly, less protective of both the subject dog and rights of the owner. Specifically, where the state law requires a dog to act without justification (i.e., provocation) in order to be deemed dangerous, DOH’s proposed definition does not contemplate the possibility of justification/provocation – with the arbitrary result that a dog who may have been acting in self-defense (or defense of a litter, or defense of his/her human family) would be treated no differently than a dog who has bitten without such justification. Further, the state law employs only defined terms to characterize a dog’s behavior (e.g., “physical injury” – defined as “impairment of physical condition or substantial pain,” NYS Agriculture & Markets, Section 108, Subdivision 28 ) and either requires a bite to have resulted in injury, or where there may have been no injury, assesses the dog’s behavior from the perspective of what a reasonable person would believe under the circumstances. By contrast, DOH’s proposed definition utilizes no objective standard of assessment; defines nothing, instead simply invoking vague buzzwords like “menaces,” “threatens,” and “attacks;” and allows

a prima facie case to be made on the basis of a bite that results in no injury without, as noted above, and possibility of mitigation (i.e., justification). Indeed, the proposed definition's vagueness – and the consequent absence of protection for dogs and the rights of dog owners – not only results in a fatal conflict with the state dangerous dog law; the definition's failure to give dog owners sufficient notice of what defines a dangerous dog, or provide adequate guidance to the arbiters of a dog's dangerousness, is also a fatal constitutional infirmity. The ultimate impact could well be grave consequences for good dogs who have done no harm and their responsible owners.

Equally improper is placing "any dog owned or harbored for the purpose of dog fighting" under the "dangerous dog" umbrella. Is having a pit bull who has scars enough to be characterized as owning/harboring such dog for the purpose of dog fighting? What about a pit bull who doesn't like other dogs or cats? Indeed, given the likely impossibility of defining this concept sufficiently to enunciate a reasonable standard that would separate out dogs *actually* owned or harbored for the purpose of dog fighting, this formulation is wholly impermissible. Not only does it fail to offer protections to other dogs and their owners at least equivalent to those provided by the state dangerous dog law, but it is also unacceptably vague (for both dog owners and DOH alike), and would inevitably result in arbitrary determinations in violation of substantive due process (discussed in greater detail below under "Dangerous dogs.")

In addition, by excluding all registered "guard dogs" from the "dangerous" rubric, DOH's proposed definition will inevitably omit dogs the state dangerous dog law seeks to capture – again making the proposed definition less stringent than the state law. That is, given the proposed blanket guard dog exemption, a guard dog could evade characterization as a "dangerous dog" even if he/she inflicts a bite causing physical injury, or behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death.

**Lost, stray, and homeless animals.** DOH's proposed definition in part restricts "lost, stray, and homeless animals" to those "animals owned or formerly owned by residents of the City of New York...that are brought into or accepted by any New York City animal shelter by any person for any reason" other than for a DOH-prescribed behavioral evaluation. DOH's stated purpose for this definition is to "determin[e] applicability of the Animal Shelters and Sterilization Act," which defines a "full-service shelter" as one that, in part, "houses lost, stray or homeless

animals.” NYC Administrative Code, Section 17-802, Subdivision c. Given the crucial services performed by New York City shelters – providing housing to unwanted animals, sterilizing animals prior to release – the proposed definition raises the concern that these shelters will no longer be empowered to receive animals owned or previously owned by individuals who are not New York City residents. It is imperative, however, that the City shelters be available to any unwanted animal – notwithstanding the owner or former owner’s place of residence – in order to prevent more dire consequences for that animal and also initiate the legal transition to ownership by the City and an adoptable status.

**Pet shop.** By revising the definition of “pet shop” to exclude “pet dealer” as defined in Article 26-A of the New York State Agriculture & Markets Law - that is, any person, firm, corporation, or other association that sells more than nine dogs or cats per year to the public for profit – DOH effectively removes itself from inspection of pet shops that sell dogs and cats only. This raises at least two issues:

(1) The NYS Department of Agriculture’s enforcement of the state pet dealer law is limited in a variety of respects, and certainly, in the case of New York City pet shops, is not aided by geography (with Albany at least 2 ½ hours from the city). Given the New York economy’s poor health, it is foreseeable that the Department of Agriculture will ultimately discontinue its oversight of pet dealers. At the same time, puppy millers fleeing greater oversight outside New York State are increasingly putting down roots here, and of course, pet shops primarily obtain their “wares” from puppy mills. It is thus important that DOH retain its authority to inspect New York City pet shops and, in fact, contemplate ways not to relieve itself of this responsibility but rather augment its inspection efforts.

(2) Subdivision c. of Section 17-804 of the New York City Administrative Code imposes a qualified obligation on pet shops to sterilize dogs and cats prior to sale. Currently, this obligation is preempted by state law. However, if state law were amended to allow this crucial New York City provision to take effect, enforcement would still not be possible if the city’s pet stores were no longer within DOH’s enforcement purview.

## **161.04 Dog Licenses**

**(c) Animal rescue groups.** The proposed amendment would impose on animal rescue groups the obligation to provide an animal shelter from which they obtain dogs with proof that subsequent adopters have licensed these dogs. It is unclear why DOH seeks to impose this burden on animal rescue groups alone and not on pet stores or veterinarians, when animal rescues are generally all-volunteer operations that, by necessity, devote the bulk of their energy and time to rescue work. Moreover, given that the New York State Department of Agriculture & Markets is currently seeking to divest itself of the licensing function, which would then revert to localities, and that many dogs released from the New York City shelters are rescued by upstate or even out-of-state animal rescue groups, this mandate is likely to be especially time-consuming, confusing, and onerous.

While the tireless work of many animal rescue groups has reduced euthanasia by 58% in New York City shelters since 2002, a little less than one third of the shelter animal population, or 13,800 cats and dogs, were unable to find a home and were euthanized in 2008. In keeping with Mayor Bloomberg's repeated enunciation of his commitment to New York City's shelter animals – in particular his wish to “increase adoptions and decrease the demand on the City shelter system to unnecessarily euthanize healthy and treatable companion animals” with the objective of “mak[ing] New York a more humane City” (Mayor's Press Release, 2/9/05; see also Mayor Bloomberg's Press Releases, 2/13/05, 1/5/03, 7/1/02) – DOH should allow animal rescue groups to devote their time and energy to their core mission of animal rescue. Certainly, DOH can and should work with animal rescue groups to facilitate licensing, but the priority must be animal placement.

**(f) Enforcement of dog licensing.** The proposed amendment would expand those who can enforce violations of the licensing law to include “any peace officer.” The effect would be to allow DOH to shift responsibility for dog licensing enforcement to ASPCA Humane Law Enforcement (HLE). However, the ASPCA has consistently sought to impress upon DOH that it cannot absorb the litany of animal control functions (e.g., dog licensing, exhibitor permits) that logically should be exclusively within DOH's purview. Although the police are mandated to enforce the New York State animal anti-cruelty laws embodied by Section 371 in Article 26 of the Agriculture & Markets Law – where the ASPCA is only authorized to do so – HLE has become the de facto chief law enforcement agency for animals in New York City. However,

HLE cannot possibly attend effectively to its law enforcement duties if also called upon in an animal control capacity.

**161.05 Dogs to be restrained.** The proposed amendment would expand those who can enforce violations of the “leash law” to include “any peace officer.” However, as with dog licensing and permit issuance, the ASPCA cannot absorb the leash law enforcement function but must remain focused on its animal anti-cruelty obligations.

Nevertheless, given that adequate enforcement of a leash/”dog-at-large” law is an essential pillar of any dangerous dog program (see ASPCA Position Statement on Breed-Specific Legislation at <http://www.asPCA.org/about-us/policy-positions/breed-specific-legislation-1.html>), it may be appropriate to amend this section to extend enforcement authority to the police, as opposed to peace officers generally. This is especially true given that those agencies already empowered to enforce the leash law – DOH, Sanitation, Parks and Recreation – are often not represented at the scene of a leash law violation. It could thus be an extremely useful deterrent to the violation of the leash law, if the police – who are well-represented throughout the city – were empowered to enforce it. Again, however, broadly extending this authority to peace officers is insupportable as ASPCA Humane Law Enforcement cannot perform this function in addition to its anti-cruelty responsibilities.

**161.07 Dangerous dogs.** All comments made above regarding the proposed definition of “dangerous dog” are incorporated here by reference. In sum, both the proposed definition of “dangerous dog” in Section 161.02 and the proposed process for adjudicating dangerous dog cases set out in this section both impermissibly conflict with the New York State dangerous dog law and are also unconstitutionally vague, with good dogs and their responsible owners potentially paying a heavy price.

Moreover, in addition to being impermissibly vague – and thus failing to provide sufficient guidance either to dog owner or those charged with enforcing the law – the proposed adjudication process violates substantive due process, as it necessarily compels results that are arbitrary and capricious. *Eastlake v. Forest City Enterprises, Inc.* (1976), 426 U.S. 668, 676. How could it not? It articulates no criteria for finding a dog dangerous but for a vague

“dangerous dog” definition that, as noted above, enunciates no objective standard to assess a dangerous dog; defines nothing, instead employing hollow terms like “menaces,” “threatens,” and “attacks;” allows a prima facie case to be made on the basis of a bite that results in no injury with no provision for mitigation (i.e., justification).

The proposed adjudication process also violates procedural due process. The assessment of what procedural protections are due when the government deprives private citizens of their property was dictated by the U.S. Supreme Court in *Mathews v. Eldridge* (1976), 424 U.S. 319. Specifically, procedural due process requires that the government provide the individual with an opportunity to be heard “at a meaningful time and in a meaningful manner,” *Mathews*, 424 U.S. at 333. “The extent to which procedural due process must be afforded turns on the extent to which the private citizen may be ‘condemned to suffer grievous loss’ at the hands of the government.” Eck, C. and Bovett, R. “Oregon Dog Control Laws and Due Process: A Case Study.” *Animal Law* 1998; 4: 95-110 (quoting *Goldberg v. Kelly*, 397 U.S. at 263). DOH’s backwards hearing formulation – whereby DOH gets to deem a dog dangerous, basing its prima facie case on as little as a bite with no mitigation/justification requirement, and the owner must request a hearing if he/she objects to the agency’s determination – does not satisfy DOH’s constitutional obligation to afford a dog owner a meaningful opportunity to be heard.

The dispositions authorized upon a finding of dangerousness are also procedurally, and therefore fatally, flawed. Most disturbing is the fact that the “punishment need not fit the crime.” For example, the dog who allegedly “menaces” but causes no harm can be subject to the same fate – including euthanasia!!! – as the dog who causes serious injury. And the dog who is justified in attacking to defend him/herself or his humans can be subject to the same fate as the dog who is undeniably vicious. (Permanent removal from the city – i.e., banishment – is simply passing the buck and just plain bad public policy.)

Notably – and inexplicably – DOH enunciates in this section that dogs “owned, kept, engaged in, or trained for dog fighting” will be considered dangerous dogs. This represents a change in terminology from the proposed “dangerous dog” definition, which automatically classifies dogs “owned or harbored for the purpose of dog fighting” as dangerous dogs. However, the discussion above regarding the impermissibility of such classification (both constitutional and relative to the state dangerous dog law) in the proposed “dangerous dog” definition has equal application here. Once again, there is no guidance as to what “owned, kept, engaged in, or

trained for dog fighting” means, leaving the door open for DOH to brand as dangerous any pit bull who, for instance, doesn't get along with other dogs/cats, has clipped ears, or has scarring – or what may look like scarring but is instead marks left by mange, other skin conditions, or skin infections common to the breed. The ultimate result is a failure to offer protections to dogs and their owners required by the state dangerous dog law, an unconstitutional vagueness, and an inevitably arbitrary adjudicatory process that will unavoidably penalize good dogs and their responsible owners.

To add insult to injury, DOH seeks to classify dangerous dogs as a “nuisance” per Section 3.09 of Title 24 of the Rules of the City of New York and Section 17-142 of the Administrative Code. of § 17–142, and consequently “illegal.” It is unclear why DOH doesn't reference its own proposed definition for “animal nuisance” in Section 161.02. It is also unclear what result being deemed “illegal” would have for a given “dangerous dog.” Would such status result in a euthanasia recommendation in every case? This prospect is outright chilling given the likelihood of good dogs and good owners getting caught in the web of this poorly crafted and overbroad statutory scheme. No doubt law suits are in the city's future.

**161.09(g)(1)-(3) Permits to Keep Certain Animals – Guard Dogs.** These regulatory provisions – as well as the prior exclusion of registered “guard dogs” from the “dangerous dog” definition – seem at cross-purposes with DOH's apparent interest in protecting the community from dangerous dogs. Given that the raison d'être of the guard dog industry is to produce dangerous dogs, mere regulation cannot have the desired protective effect. Only prohibiting the industry – or at least the use of guard dogs unaccompanied by humans – can stanch the threat posed by such dogs.

**161.17 Small animals kept for sale, shelters, kennels and training establishments; physical facilities and maintenance.** It appears worth noting that in this section, current law directing pet shops and shelters, among other entities, to house dogs and cats three months of age or over in separate cages (except when medically contraindicated or required in individual cases) has been retained. However, due to the proposed amendment removing pet shops from DOH oversight, DOH would not be able enforce these housing requirements in pet shops – only in animal shelters and other locations.

Thank you for your kind attention to these important issues. The ASPCA looks forward to receiving your reaction to our comments on the equine and non-equine portions of the proposed revisions. (Again, our comments on the equine provisions are being submitted under separate cover by veterinarian Dr. Pamela Corey.)

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Bresch', with a stylized flourish at the end.

Debora M. Bresch, Esq.  
Senior Director, Government Relations  
ASPCA

#51



THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

**SCOTT M. STRINGER**  
BOROUGH PRESIDENT

**Statement of Manhattan Borough President  
Scott M. Stringer**

Regarding the New York City Department of Health and Mental Hygiene's  
Notice of Intention to Amend Article 161 of the New York City Health Code  
February 3, 2010

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I strongly support the Department of Health's proposed amendment to Article 161 of the NYC Health Code regarding honey-beekeeping in New York City. Honeybees play an important role in urban food production, and beekeepers throughout the five boroughs are vital to making our city greener, healthier and more sustainable. New York City should join other major cities across the United States – including Atlanta, Chicago, Dallas, and San Francisco – to show its support for legal and safe honey-beekeeping. I commend the Department of Health for moving forward to amend Article 161.



2-3-2010

Rena Bryant  
Secretary to the Board of Health  
NYC Department of Health  
125 Worth Street, CN-31  
NY, NY 10013

Dear Ms. Bryant,

I understand that New York City is considering allowing beekeeping within its city limits. I have been asked to comment on this issue from a scientific perspective. However, I do not think that this is a scientific issue. I can give you my perspective based on my experiences as a beekeeper of some 35+ years.

There are both costs and benefits to allowing beekeeping within the city limits. Given that NYC is so diverse in terms of its neighborhoods, it is hard to make any sweeping statements that would be applicable in all situations. Generally, honey bees will not cause a problem. They tend to restrict any defensive behavior to the area immediately surrounding their nest. They do swarm as part of their natural reproductive process, and you may see a swarm hanging from a tree or branch, or even on the side of a building or lamppost. Swarms are usually quite gently, as they have no nest to defend, and depart within a few hours or days as they move to a new nest site.

On the negative side, bees can be a problem if they are located too close to leashed or caged animals or to individuals with limited mobility. If provoked, they may resort to stinging the animal or individual which, by virtue of its confinement or condition, cannot escape. Of course, this can be avoided through the careful placement of hives. Bees may also pose a nuisance to neighbors with swimming pools as they seek water during hot, dry weather. Finally, beekeepers may inadvertently increase the defensive behavior of their bees through poor management techniques and create an increased risk of stinging in the area surrounding their nest. They may also obtain bees from areas with Africanized honey bees (AHB) which are more defensive. This can be avoided by restricting the source of bees to areas without AHB.

Having said all that, I would stress that these types of occurrences are not common. I point them out so that you understand the full range of possibilities. These same adverse events can be caused by colonies of wild bees nesting in nearby trees. Such events are not all that different from those associated with owning a dog, and I imagine occur with much less frequency than those associated with pets.

There are obvious benefits to permitting honey bees within the city limits. In addition to the satisfaction they provide to the beekeeper, bees pollinate wild flowers used by wildlife for food and shelter; they also pollinate crops in residential gardens; they provide a source of local honey which is always very popular among residents; and they provide tremendous opportunities for education at the elementary, middle- and high-school levels. Many beekeepers are happy to give

a talk at a local school on the biology of the bees and their importance to modern agriculture. They will usually bring along an observation display hive. I have done this many times, and the children are always fascinated by the bees and eager to learn about their contribution to society.

There are many ways in which beekeeping activities could be permitted within the city that would allow for all of the benefits while minimizing any adverse events. The number of hives at a given location could be limited, the size of the property on which the bees would be located and proximity to property lines could be factors, as could a requirement for insurance. An educational requirement could ensure that beekeepers are aware of best management practices for city beekeeping. This could be arranged through the local beekeeping associations; and I would be happy to prepare the appropriate educational information.

I understand that you must weigh many factors in balancing the rights of the individual and those of the greater community. I hope these comments are of benefit to you in your decision making process.

Best regards.

Nicholas W. Calderone  
Associate Professor and Director  
Dyce Laboratory for Honey Bee Studies  
Department of Entomology  
Cornell University  
Ithaca, NY 14853

#53

**Resolution Comments**

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**From:** basha smolen [bashasmolen@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Legalize Bee Keeping!!  
**Attachments:**

**Sent:** Wed 2/3/2010 1:31 AM

It is so important to legalize bee keeping.

It encourages community agriculture, health, and creative entrepreneurial endeavors. It tells the community that the city cares about their produce, their hobbies, and their environment.

This legislation is outdated, if it was ever relevant to begin with, and now is the time to change it!!!

-Basha Smolen

#54

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

-----  
First\_Name: Anna

Last\_Name: Pohl

Email: ampohl@gmail.com

Street Address: 16 Duffield St Apt 2

City: Brooklyn

State: NY

Zip Code: 11201

Comments: I support the proposed changes to amend Article 161 of the New York City Health Code to permit beekeeping. I am a NYC resident with a strong interest in keeping non-agressive honey bees for their honey and pollination purposes, but I have been hesitant to do so because of the law prohibiting beekeeping. Honey bees play a vital role in pollinating the trees and flowers that help clean the air in our city, and I applaud the brave NYC beekeepers who have tended their hives even under the threat of city fines. Responsible urban beekeeping does not pose a threat to public health and I support legalizing beekeeping.

Thank you for the opportunity to comment.

Anna Pohl  
Brooklyn resident

inCaptchaChars: uvbyui

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REMOTE\_HOST: 64.35.225.1  
HTTP\_USER\_AGENT: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.1.4322; InfoPath.1)

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The New York City Department of Health & Mental Hygiene is now offering information important for the health of all New Yorkers. To sign up for these new and valuable updates, log-on to our website at <http://www.nyc.gov/health/email> and select the NYC DOHMH updates you'd like to receive.

**IMPORTANT NOTICE:** This email is meant only for the use of the intended recipient. It may contain confidential information that is legally privileged or otherwise protected by law. If you have received this communication in error, please notify me immediately by replying to this message and please delete it from your computer. Thank you for your cooperation.

#55

**Resolution Comments**

**From:** Modernbodywork@aol.com [Modernbodywork@aol.com] **Sent:** Wed 2/3/2010 1:09 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Thank You for Changing HHS Law 161 and Moving to Allow Honeybee Keeping in NYC!  
**Attachments:**

Dear Department of Health:

I commend you for the great changes you are making to HHS Law 161 to allow New Yorkers to enjoy the extremely civilized and ancient hobby and career of bee-keeping, for bees are surely the most sacred, studied and valuable of animals.

As Shakespeare wrote in Henry V, Act 1, Scene 2:

So work the honeybees,  
 Creatures that by a rule in nature teach  
 The art of order to a peopled kingdom...

Th bees will surely enhance our gardens' fruits and vegetables, and our communities' health. As a member of the American Apitherapy Society, I have learned how powerful such products of the hive as propolis can be in fighting cancer, honey in fighting infections, pollen in fighting fatigue and of course wax is useful for so many uses from soaps to waxes, candles and face creams. New Yorkers will be able to start so many wonderful health businesses and be independent of the oil-guzzling planet wasting processes of international and inter-state transport. Hooray!

But your move also has profound significance for this moment in the bees' very survival! As you must know Colony Collapse Disorder is decimating honeybee populations worldwide and posing a great threat to human food stocks and health. My wide reading including Michael Schacker's excellent *A Spring Without Bees* and Rowan Jacobsen's amazing *Fruitless Fall*, as well as EPA reports, draws the conclusion that it is the neo-nicotinoid pesticides that are painted on seeds and distributed throughout the plant which are implicated as the cause of this distinct disorder; nothing else causes the worker bee to abandon the queen and brood in lab studies (see Schacker, p.70.) So, to welcome the bees, I heartily invite the Department of Health to make New York City a forward-looking one and seek to ban from City use and if possible, from the wider City, the pesticides from Bayer Crop Science that include neo-nicotinoids, such as GAUCHO and Imidacloprid, as have the countries of Germany, France and Italy in recent years. This will insure that New York City's honeybees are healthy and robust enough to insure our sustainable local food, health and beauty enterprises well into the 21st Century! In fact, all pesticide use should be minimalized where possible from a perspective of integrated pest management. I recommend Biodynamic farming and gardening wherever possible.

Furthermore, if the city can use bee-friendly plantings around town, it will make New York a place that contributes to the recovery of this sacred species as she faces the greatest threat she ever has in her 150 million year history of making the Earth a beautiful and amazing place to be.

The article below is provided to help provide inspiration for the City of New York to continue in this beautiful direction of supporting honeybees, beekeepers and the future of humanity. I would be happy to serve on any committies with regards to apiculture as it develops in New York City. C'mon folks - let's show them how it's done!

All Blessings,

Dana Lee Cohen  
 225 East 10th Street, 1A  
 New York, NY 10003  
 212.254.2458

HoneybeeLives

## HONEYBEE PLANT LIST FOR NORTHEAST

You don't have to be a beekeeper to help improve the current crisis in honeybee and native bee population declines. If

you have a yard, the choices you make in your plantings of trees, shrubs and flowers can support the wellbeing of bees

as well as other beneficial insects that keep our world a vibrant, healthy place. And, if you are a fruit/vegetable gardener, attracting honeybees to your garden will help the productivity of your plants through the pollination service

they provide.

Plan your garden to provide pollen and nectar sources over the entire growing year. Keep in mind that even on a

warmish, late winter day honeybees need pollen sources to feed their young brood in the hive. The largest early pollen

sources are Acer maples, willows, winterhazels and witchhazels. Do your best to plant forage for this purpose in

relative proximity to your hives.

It is best to plant in masses, as single plants may not attract honeybees, which tend to visit only one plant type per

foraging trip. Also, single blossoms tend to be easier for honeybees to access than double blossom types.

Deepthroated

blossoms may attract bumblebees and hummingbirds, however a honeybee's proboscis is not as long, and visit flowers better suited to them.

Bees are attracted to flowers that are colorful, contrast well with their background, or have an ultraviolet coloration that

serves as a nectar guide. This is especially true in the case of red flowers, which bees don't see unless they contain some

ultraviolet light pattern, which we don't see. Purple and blue are bees' favorite colors, followed by yellow and orange.

Many newer cultivars of flowers, especially annuals that have been highly bred, are deceptive to bees. Even though they

may have attractive colors, many lack the pollen and nectar bees like, because these traits having been bred out. This

can be seen in the newer, pollen-less sunflowers meant for cutting.

This is by no means a comprehensive list, and one of the many joys in the combination of honeybees and gardens is

watching their activity among your plants, and of course the seemingly miraculous experience of savoring the taste of

your own garden in the honey.

### TREES AND SHRUBS

Late Winter - Early Spring

Acer Maple

Winterhazel (*Corylopsis spicata*)

Witchhazel

Hazel Alder (*Alnus serrulata*, *Alnus rugosa*)

Salix - Willows (choose willows with the biggest catkins)

Poplar

Viburnum x bodnantense 'Dawn' and 'Charles Lamont'

Flowering Quince (*Chaenomeles speciosa*) - *Chaenomeles japonica* 'Cameo'

Spring

Flowering fruit trees and berry bushes

Early - Mid Summer

American Basswood - Linden

Black Locust

European Chestnut

Yellow or Tulip Poplar

Catalpa (Indian Bean Tree)

Densa Inkberry, *Ilex glabra* 'Densa' (plant instead of Boxwood for evergreen shrub)

*Enkianthus campanulatus* - Nichols

Sweet pepperbush (*Clethra* spp.)

Sumac  
 Sourwood Tree (*Oxydendrum arboreum*) Only to zone 5  
 Golden Rain Tree (*Koelreuteria paniculata*) Only to zone 5  
 Late Summer  
 Beebee tree, Korean Evodia (*Tetradium glabrifolium*)  
 PERRENIALS AND ANNUALS  
 Late Winter - Early Spring  
 Hellebore  
 Crocus  
 Glory of the Snow (*Chionodoxa*)  
 Spring  
 Leopard's Bane (*Doronicum*)  
 Ajugas  
 Jacob's Ladder (*Polemonium caeruleum*)  
 Bleeding Heart  
 Dandelions  
 Basket-of-Gold (*Aurinia saxatilis*)  
 Oriental Poppy (*Papaver orientale*)  
 Early and Mid Summer  
 Mountain Bluet (*Centaurea montana*)  
 Thymes (cut back for re-bloom)  
 Sage and Salvias  
 Chives (cut back for re-bloom)  
 Catnip (*Nepeta*) (not heavy visitation)  
 Milkweed family, including Butterflyweed  
 Lavender  
 Cosmos  
 White Clover  
 Globe Thistle  
 Bee Balm (limited attraction to honeybees)  
 Scented Geranium  
 Late Summer  
 Joe-Pye Weed  
 Coneflower (*Echinacea*)  
 Sunflower (choose heirloom varieties, not fancy pollen-less varieties)  
 Purple Loosestrife  
 Flowering Herbs, including oregano and rosemary – (hold basil for late autumn bloom.)  
 Anise Hyssop (*Agastache foeniculum*) - (choose the columnar type,s not those with deep throats – Giant  
 Hyssop)  
 Borage  
 Boltonia asteroids  
 Mints  
 Perovskia (Russian Sage)  
 Golden Rod  
 Autumn  
 Asters (October Glory or Octendgloren are very late blooming)  
 Sedums (Autumn Joy is wonderful)  
 Dendranthemum (Hardy Chrysanthemum "Sheffield")  
 Sweet Autumn Clematis - vine  
 Autumn blooming Crocus (simple variety)  
 Almost anytime  
 Buckwheat (grows fast, harvest just after flowering, good for soil – fragile with frost)  
 Heathers and Heaths (There are winter blooming varieties, as well as thru the normal season)  
 Densa Inkberry, *Ilex glabra* 'Densa' (This was listed above, however I want to encourage people to plant these  
 evergreen bushes instead of boxwood, the bees loved the tiny white flowers in July)  
 Compiled by Grai St. Clair Rice, HoneybeeLives.org

#56

Follow up

Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

**Resolution Comments**

**From:** Delci Winders [DWinders@farmsanctuary.org] **Sent:** Wed 2/3/2010 2:07 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Written Comments Regarding Proposed Amendments to Article 161 of the NYC Health Code  
**Attachments:** Farm Sanctuary Written Comments on Proposed Amendments to Art. 161.doc(67KB) Text of 2-3-10 Oral Testimony - Farm Sanctuary.doc(46KB)

Attached are Farm Sanctuary's written comments on the proposed amendments to Article 161. I have also attached the text of the oral testimony that Farm Sanctuary presented at this morning's hearing. Please let me know if you have any difficulty accessing the attachments or any questions.

Sincerely,

Delcianna Winders  
Acting Director of Education & Advocacy  
dwinders@farmsanctuary.org  
(301) 395-6979

Farm Sanctuary  
Rescue, Education, Advocacy  
www.FarmSanctuary.org



**farm sanctuary**  
rescue • education • advocacy

National Office • P.O. Box 150 • Watkins Glen, NY 14891 • 607-583-2225  
[www.farmsanctuary.org](http://www.farmsanctuary.org)

February 3, 2010

New York Board of Health  
Secretary Rena Bryant  
125 Worth Street CN-21  
New York, New York 10013  
[resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov)

**RE: Proposed Amendments to Article 161 of the New York City Health Code**

Farm Sanctuary, the nation's leading farm animal protection organization, submits the following written comments regarding the New York Department of Health's (DOH) proposed amendments to Article 161 of the New York City Health Code. Farm Sanctuary urges the DOH to protect human health and animal welfare by prohibiting live markets in New York City or, in the alternative, enhancing local regulatory oversight of such facilities.

**I. Interests of Commenter**

Farm Sanctuary is the nation's leading farm animal protection organization. Since incorporating in 1986, Farm Sanctuary has worked to expose and stop cruel practices of the "food animal" industry through research and investigations, legal and institutional reforms, public awareness projects, youth education, and direct rescue and refuge efforts. Farm Sanctuary also operates the largest rescue and refuge network for farm animals in North America. Farm Sanctuary shelters in Watkins Glen, N.Y., and Orland, Calif., provide lifelong care for hundreds of rescued animals, who have become ambassadors for farm animals everywhere by educating visitors about the realities of factory farming.

Over the years, Farm Sanctuary has rescued more than 400 farm animals in New York City, most of them refugees from live animal markets. Last year, for example, we rescued a total of four goats near a single intersection in the Bronx. Found on three separate dates, all of these goats were sick, emaciated and crawling with parasites. One baby goat, Evan, was so sick he required a full blood transfusion.

Farm Sanctuary has also rescued many birds from New York City, including Boba, a hen found nesting under a bush in Manhattan last year. The year before that, we rescued a turkey and thirteen chickens, all of whom were malnourished and sickly, from a vacant lot on 125th St. in Harlem. The chickens were also missing patches of feathers and loaded with parasites. Even more birds had been present at

the site, but several had already died or been hit by cars by the time we arrived on the scene. The preceding year, Farm Sanctuary rescued 30 chickens and a turkey from the same spot.

Based on our experience working with these many New York City rescues, Farm Sanctuary submits that live markets should be prohibited in New York City, to protect human health and to protect animal welfare.

**II. To Protect Human Health and Animal Welfare, the Health Code Amendments Should Include a Prohibition on Live Markets in the City or, in the Alternative, the Amendments Should Enhance, Not Eliminate Local Regulations of Live Markets.**

a. Current Regulations

Section 161.09(c) of the New York City Health Code currently prohibits the sale of live rabbits or poultry without a permit from the city. This section further provides that no such permit shall be granted “for the sale or keeping for sale of live roosters, ducks, geese or turkeys in the built-up portions of the city.” 21 RCNY Health Code §161.09(c); accord id. § 161.19(a). The Health Code also currently imposes additional requirements on live markets, including whitewashing or otherwise treating coops to keep them clean and keeping all coops, runways and surrounding areas clean. Id. § 161.19(a).

b. DOH’s Proposed Amendments

The DOH’s proposed amendments would get rid of this local permitting scheme entirely, and instead rely exclusively on state and federal regulation. In addition to no longer requiring that live markets obtain a permit from the local government, the proposed amendments would do away with the prohibition on keeping roosters, ducks, geese and turkeys in “built-up” portions of the city; the whitewashing requirement; and numerous other requirements designed to protect human and animal well-being.

c. Live Markets Should Not Be Allowed in the City Because They Negatively Impact Both Human Health and Animal Welfare.

i. Live Markets Pose Significant Risks to Human Health.

Live markets pose numerous risks to human health. Most notably, they pose a significant risk of exposing humans to avian influenza (“bird flu”), which can become a fatal epidemic. According to USDA experts, live markets are “an ideal environment for transmission, adaptation and evolution of avian influenza viruses.”<sup>1</sup> The USDA has further underscored that because “[t]he U.S. currently has the largest, most genetically

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<sup>1</sup> Senne DA, Suarez DL, Stallnecht E, Pedersen JC, and Panigrahy B. 2006. Ecology and epidemiology of avian influenza in North and South America. *Developments in Biologicals* 124:37-44.

homogenous and, thus potentially, the most disease-susceptible population of food animals in the history of mankind . . . [t]he emergence of a new disease or a slight shift in the epidemiology of an existing disease could lead to immediate and disastrous results for American livestock producers and consumers.”<sup>2</sup> The U.S. Department of State has similarly expressed concern “that the ongoing outbreaks of avian influenza in birds have the potential to turn into a human influenza pandemic that would have significant global health, economic, and social consequences.”<sup>3</sup>

This risk, moreover, is not merely theoretical: “In the United States, live bird markets have been tied to domestic outbreaks of highly pathogenic avian influenza and have been described by U.S. Department of Agriculture poultry researchers as the ‘missing link in the epidemiology of avian influenza.’”<sup>4</sup> For example, live markets “have been identified as playing a critical role in the emergence of H5N1, a deadly strain of avian influenza threatening to trigger a human flu pandemic.”<sup>5</sup> Every year since the mid-1960s avian influenza has been identified in the U.S.,<sup>6</sup> and in recent years there have been numerous outbreaks “with the potential to mutate into highly pathogenic forms.”<sup>7</sup>

Live markets in New York have the potential to play critical role in the development and spread of virulent avian influenza strains, given their prevalence. Indeed, the number of live bird markets in New York City nearly doubled between 1994 and 2002, resulting in nearly 80 such markets.<sup>8</sup> And according to USDA scientists, “live bird markets of the Northeast remain the biggest concern for the presence of avian influenza in the United States.”<sup>9</sup>

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<sup>2</sup> U.S. Department of Agriculture Agricultural Research Service. Action plan; see also Suarez DL, Spackman E, and Senne DA. 2003. Update on molecular epidemiology of H1, H5, and H7 influenza virus infections in poultry in North America. *Avian Diseases* 47:888-97 (USDA experts note that live markets pose a “major risk” to the U.S. poultry industry).

<sup>3</sup> U.S. Department of State, Avian Influenza Action Group, <http://www.state.gov/g/avianflu/>.

<sup>4</sup> Humane Society of the United States, Human Health Implications of U.S. Live Bird Markets in the Spread of Avian Influenza 1, available at <http://www.humanesociety.org/assets/pdfs/farm/HSUS-Human-Health-Report-on-U-S-Live-Bird-Markets-and-Avian-Influenza.pdf> (quoting Senne DA, Pearson JE, and Panigrahy B. 1997. Live poultry markets: a missing link in the epidemiology of avian influenza. In: *Proceedings of the 3rd International Symposium on Avian Influenza, May 27-29 (University of Wisconsin, Madison, pp. 50-8)*).

<sup>5</sup> Humane Society of the United States, Human Health Implications of U.S. Live Bird Markets in the Spread of Avian Influenza 1, available at <http://www.humanesociety.org/assets/pdfs/farm/HSUS-Human-Health-Report-on-U-S-Live-Bird-Markets-and-Avian-Influenza.pdf>.

<sup>6</sup> Avian Influenza, Historical Information, <http://www.cvm.umn.edu/ai/history/home.html> (“influenza viruses . . . have been detected somewhere in United States poultry every year since 1964”).

<sup>7</sup> Humane Society of the United States, Human Health Implications of U.S. Live Bird Markets in the Spread of Avian Influenza 6, available at <http://www.humanesociety.org/assets/pdfs/farm/HSUS-Human-Health-Report-on-U-S-Live-Bird-Markets-and-Avian-Influenza.pdf> (citing U.S. Department of Agriculture Animal and Plant Inspection Service. Avian influenza in the United States. [oars.aphis.usda.gov/lpa/issues/ai\\_us/ai\\_us.html](http://oars.aphis.usda.gov/lpa/issues/ai_us/ai_us.html)).

<sup>8</sup> Humane Society of the United States, Human Health Implications of U.S. Live Bird Markets in the Spread of Avian Influenza 11, available at <http://www.humanesociety.org/assets/pdfs/farm/HSUS-Human-Health-Report-on-U-S-Live-Bird-Markets-and-Avian-Influenza.pdf> (citing Shane S. 2004. Live-bird markets are under the microscope: as the United States battles new outbreaks of bird flu, the role and necessity of live-bird markets must be examined. *National Provisioner* 218(4):38).

<sup>9</sup> Suarez DL, Spackman E, and Senne DA. 2003. Update on molecular epidemiology of H1, H5, and H7

Farm Sanctuary has witnessed the link between New York City live markets and avian influenza firsthand: In 2001 we rescued 167 chickens and quails with avian influenza who had been available for purchase at a live market in Queens.

#### ii. Live Markets Also Pose Significant Animal Welfare Concerns

In addition to the human health concerns implicated by live markets there are a number of animal welfare concerns. The animals from these markets that Farm Sanctuary has rescued consistently come to us with numerous maladies. In addition to the birds with avian influenza referenced above – all of whom died from the illness or had to be euthanized – the animals demonstrate signs of physical and emotional distress. They are often sick, malnourished, emaciated and crawling with parasites. As noted above, one baby goat was so sick that he required a full blood transfusion. Animals from live markets also often have injuries that were likely caused by rough handling and inadequate care, including broken bones, open sores, and severe feather loss.

#### iii. Conclusion

Given the considerable human health and animal welfare implications of live markets detailed above, Farm Sanctuary urges the New York City Department of Health to take this opportunity to amend Article 161 of the New York City Health Code to prohibit live markets in the city. In response to the significant risks live markets pose, Asian countries have been closing them down,<sup>10</sup> and it is time for New York City to do the same.

#### d. If Live Markets Are Allowed in the City, Local Regulatory Oversight of These Facilities Should Be Enhanced.

The DOH has proposed deregulating live markets at the local level and deferring entirely to state and federal regulation. Because of the significant human health and welfare risks associated with live markets, Farm Sanctuary submits that such deregulation would be an abdication of the Department's duty to protect the health of the citizens of New York City.

Effective local regulation of live markets is absolutely crucial, particularly at a time when reduced resources are limiting the inspection capacities of state and federal regulators. The USDA Inspector General has repeatedly criticized both federal and state level inspections. Moreover, recent budget cuts have reduced already short-staffed inspection departments as well as laboratory testing funds. At a time when state and federal regulatory ability is particularly handicapped and the risk of avian flu and other human health and animal welfare problems is so great, it is incumbent on the Department

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influenza virus infections in poultry in North America. *Avian Diseases* 47:888-97.

<sup>10</sup> Humane Society of the United States, Human Health Implications of U.S. Live Bird Markets in the Spread of Avian Influenza 1, available at <http://www.humane-society.org/assets/pdfs/farm/HSUS-Human-Health-Report-on-U-S-Live-Bird-Markets-and-Avian-Influenza>.

of Health to tighten up its regulation of live markets, not to abandon its regulatory responsibilities. Accordingly, Article 161 should be amended to expand regulatory oversight of live markets.

#57

This form resides at  
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art161-1209.shtml>

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First\_Name: Oraibi

Last\_Name: Voumard

Email: oraibiv@gmail.com

Phone Number: 917-716-7887

Title: Bee Keeper, social engineer

Organization: SEA Group

Street Address: 299 Dagget Ave

City: Tisbury

State: MA

Zip Code: 02568

Comments: It is a fact that bees are an integral part of nature's circle of life. It is also a fact that the population of bees has seriously decreased in the past few 5 years. I think the question of how we work with nature and people's interest are questioned here and I vote for greater integration, expanding tolerance and acceptance of change.

It is said that the decrease in bee population is a direct result of climate change and increase in pollution. Maybe we could refine that statement and better understand our effect if it is in fact possible to raise bees in a metropolitan area such as NYC which has the unfortunate side effect of pollution. In addition, there are many great products from bees, some of which contribute to alternative medicine in addition to luxury.

If it is fear of bees that keeps us from change, then please know that bees prefer to keep to themselves. There is an awareness amongst them that THEY risk life as a result of tearing off their stinger which will get stuck in whatever they plunge it into. Their nature is to live and in a way they are very calm with a notion of community and civilization that we consider far more expansive than our own.

Also know that there are very safe ways to build bee hives that will isolate them. Study their natures and you will find that they don't swarm close to home, they like quiet places, they stick to themselves and the search for food up to 5 miles away, which during their day they spread pollen all around - working to share life with all those that depend on pollen far and near.

I have built hives that live in classrooms (some of which host children allergic to bees) and have been successful for over 5 years in creating places for some to learn, bees to thrive and others to be protected. I think we can find a way to loosen our belts a little, integrate with nature a little more and still promote and create safe places for us humans and insects to coexist.

Oraibi Voumard - a bee keeper, a social engineer and a voter for change

inCaptchaChars: zhsvfx

You replied on 2/5/2010 2:31 PM.

Follow up

### Resolution Comments

**From:** Melissa McClure [mccluremb@msn.com]

**Sent:** Wed 2/3/2010 4:00 PM

**To:** Resolution Comments

**Cc:**

**Subject:** Bees

**Attachments:**

To Whom It Should Concern:

As an avid summer gardener and reader of many gardening magazines, I am very much aware of the importance of honeybees in our environment. More for their pollinating powers than for the sweet reward all their hard work produces. With "hive collapse" a global disaster in the making, it should be of utmost importance that we support every opportunity to expand our bee culture where ever it might be. And that most certainly is here in New York City.

The current law is outdated and just plain wrong and to continue to leave it on the books is a gross injustice to bees and beekeepers. At a time when we are all concerned with the "greening of our cities", this is the right move to make for our society. I urge you to change the law to allow beekeeping in our city. It's time!

Yours truly,  
Melissa McClure  
Manhattan

Art. 161

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RECORDS ACCESS OFFICER  
2010 FEB -3 PM 7:04

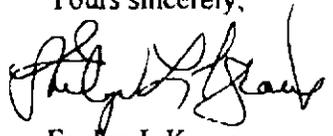
February 1, 2010

New York City Council

To Whom It May Concern:

I approve of New York City residents to keep bees in environments (hives) that are not a threat to the local residents. The environment needs bees desperately to keep the pollination of necessary flora intact.

Yours sincerely,



Evelyn L Kraus  
1000 Park Avenue  
New York 10028

**Resolution Comments**

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**From:** celebres07@aol.com [celebres07@aol.com]**Sent:** Sat 2/6/2010 1:39 PM**To:** Resolution Comments**Cc:****Subject:** beekeeping in nyc**Attachments:**

Beekeeping is good for the environment and good for the community!

Please allow this worthwhile venture.

for a long time now Parisians have had beehives on top of various buildings in Paris.

They raise very high quality bees and collect fine honey which is sold in small quantities to select clientele.

It is a great source of pride and yields high esteem to all involved.

Do not underestimate the value to the surrounding environment.

On top of the Opera House in Paris is a beehive; and all who know about it are glad of its being there.

the new paradigm has begun.

New York City get on board  
and show the world a new way!

Sincerely,

Shirley Prescott,

peacepilgrim extraordinaire

**Elizabeth Allen Tobier**  
8602 Fort Hamilton Parkway • Apt 3D • Brooklyn NY 11209  
917-676-0383 • [elizabethtobier@gmail.com](mailto:elizabethtobier@gmail.com)

February 3, 2010

The Board of Health  
Attention: Ms. Rena Bryant, Secretary  
125 Worth Street CN-31  
New York NY 10013

**Re: Comments about the Notice of Intention to Amend Article 161 of the New York City Health Code**

To the Commissioner and Staff of the Board of Health:

Vaccines endanger the health and wellbeing of human beings, as well as other animals. Vaccines do not protect individuals or our society from disease. Anyone who cares about the health of dogs, cats and horses would be wise to object to the legal requirements to vaccinate and vaccinate and vaccinate stated throughout the proposed changes. Vaccines are a toxic mixture of virus strains, microbes, animal byproducts, heavy metals and antibiotics. Vaccines do not strengthen the immune system; they compromise and overwhelm the health of the individual. Further, mandatory vaccination does not now, nor will it ever protect society from illness.

Attached, for your review, is, "A New Look at the Vaccine Question," by Richard H. Pitcairn, D.V.M. which provides a deeper look into the devastating effect of vaccination.

Sincerely,



Elizabeth Tobier

## A New Look at the Vaccine Question

Presented by Richard H. Pitcairn, D.V.M., Ph.D., at Minneapolis, 1993.

What we are going to do, in this presentation, is look at the question of vaccinations in four aspects. First, I want to tell you how my clinical experience led me to understand that vaccination was important, in a causative sense, in many of my cases. Second, we will look at the homeopathic perspective on chronic vaccine disease, or vaccinosis. Third, I wish to present some ideas on how vaccinosis may manifest in the dog and cat. Fourth, we will consider the question of the *efficacy* of vaccinations — do they really do what they are purported to do?

We are looking at this question, also, from my perspective as a practitioner of homeopathic medicine, not from the allopathic model that assumes vaccines to be useful and safe with occasional aberrations. Most of us are aware that vaccine-caused diseases — such as immune disorders, bleeding problems, tumor formation — are recently receiving attention from the allopathic community. However, the premise that these are exceptions to a basically safe procedure is not the same viewpoint as that which I am presenting to you today.

### ***Introduction***

My understanding of the importance of vaccination in animal diseases gradually developed over several years. I began homeopathic practice without considering vaccination as a factor of special importance. So, what I did was to consider the totality of symptoms in the case and choose the remedy which seemed to be the simillimum based on that picture. This is classical homeopathic procedure and, ordinarily, one which would be effective. However, there were a significant number of cases that would not react curatively. Though there was improvement in some respects, nonetheless, a cure was not forthcoming. Eventually, through following the case over a period of time, the image of the remedy Thuya would emerge — which when administered would resolve the case which had been so difficult.

What, then, is the significance of Thuya as a remedy? Thuya is the most important remedy to be used for that state induced by vaccination. Other remedies noted to have this correspondence are Sulphur, Mezereum, Malandrinum, Sarsaparilla, Carcinosin, and Silicea among others. Malandrinum and Carcinosin are interesting remedies because both are nosodes — the former from horses with "grease heel" and the latter from a cancerous discharge from a human being. Thuya, Mezereum, and

Sarsaparilla are vegetable remedies — Thuya from the Arbor vitae tree, Mezereum is known as Spurge olive, and Sarsaparilla an herbal medicine. Sulphur, the element and Silicea, which is silicon dioxide or quartz are mineral remedies. Thus we have representations from all the major remedy classes.

It gradually dawned on me that the underlying problem in some of my difficult cases was a state of illness that had been induced by vaccination. So, rather than simply use a totality of symptoms to choose my prescription, I found it more effective to emphasize the rubric "Vaccination, effects of" almost to the exclusion of other remedies. In this way, I was able to make progress in some very frustrating clinical situations.

Let me give you a few recent cases that demonstrate the usefulness of Thuya.

**Case 1: Jack:** (Stanford) ten month old DSH, male cat. Ill since first obtained as a stray kitten about 12 weeks old. Symptoms primarily fever, diarrhea and vomiting. Associated symptoms were red gums, retained baby teeth, offensive breath, thirst, swollen cervical lymph nodes, craving for strange foods (cinnamon rolls, persimmons), blood at end of penis, licking genitals, dragging bottom on floor, and very strong-smelling urine. When neutered at age seven months, he developed fever, fear of noise, trembling, warm head, dilated pupils, pale gums with red line along the teeth, loss of appetite, craving for plastic, cardboard boxes and house plants, extraordinary hysterical fear on being allowed outside, dry stools with constipation, prolapsed third eyelids, crying in pain before passing a fluid stool, and vomiting any water drunk. Several homeopathic remedies were given during this illness with sometimes definite improvement, almost to normal. However, the condition always recurred and the previous remedy would then not be effective. Based on the symptoms of chronic diarrhea of offensive stools, with lots of gas causing sputtering sounding stool, and crying in pain before urinating — this cat was given Thuya 30C. Client reported almost immediate improvement with return to "97% himself" within a few hours. He has continued to be free of most of these symptoms since this one treatment with Thuya.

**Case 2: Jerri,** (Hall) 3 and 1/2 year old mixed chow dog. Afflicted with sarcoptic mange and recurrent ear infections for 2 and 1/2 years. Treated allopathically without resolution of the problem (Mitaban and Paramine dips, immune system stimulants, bacterial extracts, etc.). Skin condition characterized by itching, hair loss, thickened dark skin, red irritated skin involving primarily the feet, lower legs, around the eyes, abdomen, top of the head, inside both ears. Patient has also become timid & cautious with

the other dogs. Condition markedly ameliorated by a dose of Thuya 1M with regrowth of hair, normalization of appearance of the skin, reduction of ear inflammation, and return of normal personality and behavior. Condition recurred, in milder form, one year later (after use of homeopathic nosodes for disease protection) and was resolved by one dose of Thuya 10M.

**Case 3: Monster**, (Hilliard) 7 year old DSH, tiger stripe. Chronic diarrhea for 1 and 1/2 years with 1-3 bowel movements a day. Very offensive diarrhea with a lot of gas being passed. Thuya 200C, one dose, resulted in marked improvement, with a perfectly formed stool within three weeks.

**Case 4: Mei-Ling:** (Coffin) six months old, female charpei dog imported to Brazil from Kansas. Never well since first obtained, now is diagnosed with a seborrhea (biopsy) and skin fungal infection. The skin is dark, itchy, with red, scaly spots. These lesions spread rapidly over most of the body. Client says the puppy was normal until receiving "puppy shots". She began to lose hair all over, especially from flanks and front legs and on the back near the tail. Treated with oral anti-fungal drug and two ointments without improvement. No effect from treatment with Sulfur 6X; temporary improvement with Rhus toxicodendron 200; rapid recovery after Thuya 200. Change for the better was very rapid with hair growing in faster than ever seen before with this dog. Another dose of Thuya 200 needed three months later, after exposure to plaster and chemicals used in refinishing a room. Other remedies were needed, months later, for some lingering minor symptoms, but Thuya clearly turned this case around.

You can see from these cases that progress was dependent on use of Thuya, the anti-vaccine remedy. Though this was not necessarily the final remedy for these patients, it seemed to be a necessary prescription. It is as if vaccinations have the ability to block response to a constitutional remedy, an obstacle that must be dealt with before cure can be underway.

### ***Homeopathic Discovery of Vaccinosis***

Of course, this "discovery", which was actually more the re-invention of the wheel, prompted me to search the homeopathic literature for information about the relation of vaccination to disease. The most important source on this phenomenon is the book *Vaccinosis and Its Cure by Thuja with Remarks on Homeoprophylaxis* by J. Compton Burnett, M.D. The first edition of this book appeared in London in March 1884.

It is here that vaccination is first clearly described as a chronic disease. The effect of vaccination, besides the physical effects of stimulating an antibody response, is to establish a chronic disease — one that is long-lasting, indeed,

in some cases a life-long, condition. Burnett refers to the chronic disease that results from vaccination by the name Vaccinosis. So, we will adhere, in this discussion, to the same convention. Vaccinosis is to be understood as the disturbance of the vital force by vaccination that results in mental, emotional, and physical changes that can, in some cases, be a permanent condition.

Burnett gives several cases that demonstrate this. Several of them are in infants and children, showing the profound effects of vaccination on the growing organism. However, I wish to emphasize the long-standing effects of vaccination so will mention a couple of example cases to you.

**Case 1:** A woman, of about age 50, suffered greatly for 20 years from a condition of terrible pain in the eyes. The attacks of pain were so severe, that she would be confined to bed for days at a time and for some periods as long as six weeks. In spite of many examinations and treatments by allopathic doctors, no relief was forthcoming. The patient was confined to a darkened room, her head bound, and crying from the pain. These attacks were always preceded by what seemed to be "flu" and the frequency of these episodes was such that she was confined to her room about half of every year.

As this patient had been extensively vaccinated, the use of Thuya as a remedy was used by Burnett. Thuya, has a type of cephalgia similar to that described by the patient and, indeed, use of Thuya 30C successfully resolved the condition in six weeks. A follow-up in one year showed that the cure held.

**Case 2:** A young woman, 19 years of age, suffered from severe headaches for nine years. The attacks were characterized by a pain in the back of the head as if it were being squeezed in a vice with throbbing of the head as if it would burst. These attacks occurred once or twice a week. Associated symptoms were habitual constipation, poor appetite, a tendency towards styes, eruption of boils, cold feet, easily made motion-sick, tendency to faint, skin sensitive to wind which become rough with cracks forming in the lips. The patient had been vaccinated against smallpox at three months of age, seven years of age, and again at fourteen years. In spite of this vaccination, she had actually come down with smallpox at age 10!

She was treated with Thuya, in low potency, over a period of several months and was eventually cured of her symptoms. A two year follow-up confirmed the stability of the cure.

Many other cases are described in Burnett's little book. Lest you think that only head pain is the outcome of vaccinosis, let me hasten to give brief descriptions of some of the others.

- Wasting away (marasmus) of an infant being nursed by a recently vaccinated mother.
- Several cases of skin eruptions, pimples, ringworm.
- Enlarged cervical lymphatic glands and unhealthy lungs tending towards tuberculosis.
- Loss of hair, in patches, on the face of men.
- Unusual susceptibility to influenza and general ill-health.
- Facial acne and nasal dermatitis.
- Diseased finger-nails.
- Chronic vertigo.
- Paralysis and muscular weakness.
- Very painful spine, with weakness, inflammation, twitchings, etc.
- Hand cramps and enlargement of the spleen.
- Insufficient growth in children with paralysis on one-half of the face.

These cases and others, in subsequent books, began to present to the homeopathic community the nature of vaccinosis. Indeed, it was possible, from these cases for Burnett to declare vaccinosis a variant of the sycosis miasm. As you will already know, sycosis is characterized by affections of the skin, the lymphatics, the immune system, susceptibility to fungal infections, susceptibility to cold, damp weather, arthritis, affections of the blood, and many other symptoms of this sort. Most importantly, it is typical of the sycotic miasm, and therefore of vaccinosis, to develop growths of all types — cysts, polyps, warts, tumors and cancers.

Some of Burnett's other books, especially *Tumors of the Breast and their Treatment and Cure by Medicines*, *Curability of Tumors by Medicines*, and *Delicate, Backward, Puny and Stunted Children* especially bring out some of the variety inherent in vaccinosis and the tremendous damage it can do once established.

One more thing I will mention before leaving the subject of Burnett's work. This is his interesting observation that the person that is most susceptible to contracting the disease being vaccinated against is more likely to die when they do come in contact with it. In other words, rather than protecting some individuals as planned, it actually makes them more susceptible. The vaccination having created a chronic disease ahead of time, can predispose the patient to a more serious natural illness which combines with the established vaccinosis. As we shall see later in this presentation, there is evidence that this is what has happened in vaccinated populations.

Does this extend our understanding of vaccinosis? We can expand our definition to say that vaccinosis is the establishment of, instead of the acute natural disease, a chronic condition which now has the time to develop a

multitude of manifestations not ordinarily seen. Another way of saying this is that the process of laboratory modification of a viral disease to make a vaccination strain is the conversion of the disease from acute to chronic. The virus has been changed so that its natural tendency to arouse a strong response is gone. Instead it can be introduced into the body in a form that does not elicit much of a reaction. The result is the establishment of a chronic disease that has never been seen before in clinical practice.

To illustrate what I mean by this, I would like to briefly discuss aspects of three of these vaccine diseases — chronic canine distemper, chronic rabies, and chronic feline panleukopenia.

### Chronic Canine Distemper

Canine distemper, a very old disease of dogs, is well known in its clinical manifestation. According to *The Infectious Diseases of Domestic Animals*, [1] the major symptoms are:

- Watery discharge from eyes and nose.
- Conjunctivitis, with discharge (eventually purulent).
- Vomiting and diarrhea, loss of appetite.
- Watery feces, mixed with mucous, offensive and often bloody feces; intense malaise, loss of weight, and death.
- Severe, fetid diarrhea.
- Spasms, fits, epileptiform seizures.
- Paralysis.
- Eruption around the mouth where hair meets the naked skin of the lips.
- Swelling of the feet, red footpads.
- Pneumonia.
- Eruptions on the skin of pustules, on the abdomen, inside the thighs, and elsewhere.
- Emaciation.

What I am suggesting to you is that, because of repeated vaccination, the acute disease of canine distemper has changed form to appear as a variety of chronic diseases. In the table below, the acute form of the disease (on the left) has become the chronic (or new acute) disease on the right:

Watery discharge of eyes and nose.	Tendency for watery fluid to drip from the nose.
Conjunctivitis.	Chronic conjunctivitis, eye discharge. Entropion.
Vomiting, diarrhea and	Chronic gastritis,

loss of appetite.	hepatitis, pancreatitis, appetite disorders.
Watery feces, mixed with mucous, offensive and often bloody feces; intense malaise, loss of weight, and death.  Severe, fetid diarrhea.	Parvovirus.  Recurrent diarrhea.  Sensitivity to foods with resultant diarrhea.
Spasms, fits, epileptiform seizures.  Paralysis.	Epilepsy; rear leg paralysis.  Spondylitis.
Eruption around the mouth where hair meets the naked skin of the lips.	Lip fold dermatitis.  Allergies.
Swelling of the feet, red footpads.	Habit of licking the feet; eruptions between the toes, inflammation and swelling of the toes & bottoms of the feet; interdigital dermatitis.  Allergies.
Pneumonia.	Kennel cough.  Chronic bronchitis.
Eruptions on the skin of pustules — on the abdomen, inside the thighs, and elsewhere.	Chronic skin eruptions involving abdomen, inside thighs, and generally lower half of the body.  Allergies.
Emaciation.	Failure to thrive; abnormally thin condition.

What I am suggesting here is that the original disease, Distemper, has been, for the most part, replaced by Distemper *Vaccinosis*, a chronic disease of great variety. This chronic disease also creates a susceptibility to new acute forms of distemper like parvovirus. Because by its nature, chronic disease is

more developed than an acute disease, the many ramifications of this condition have been given new names from the mistaken idea that they are different and distinct diseases.

## Chronic Rabies

Let's now consider Rabies in the same way. Some of the symptoms of rabies are known to be (similar for dogs and cats)[2],[3]:

- Restlessness, uneasiness, apprehensiveness and a developing viciousness. This is most apt to be manifested toward strangers.
- Dogs normally affectionate may hide away and shun company.
- Dogs normally independent may become unusually attentive and affectionate (an expression of anxiety).
- Desire to travel away from home for long distances.
- If restrained, it will chew viciously on metal chains or anything that is used to restrain or confine it.
- The dog may inflict severe bite wounds on itself.
- Strange cries and hoarse howls (partial paralysis of the vocal cords).
- No interest in food.
- Unable to swallow because of paralysis of muscles of deglutition.
- Eyes staring with dilation of the pupils.
- Unable to close the eyes; cornea becomes dry and dull.
- Hanging down of the lower jaw.
- Swallows pieces of wood, stones, its own fecal material and other foreign bodies.
- Destruction of blankets, towels, clothing.
- Convulsive seizures.
- Muscular incoordination.
- Agonizing pain and constriction in the throat; spasms of the throat.
- Increased sexual desire; satyriasis, nymphomania; attempted rape.
- Inflammation of the heart muscle; disturbed heart function, irregular rhythm, heart rate too slow or too fast; heart failure.
- Periods of excitement and jerky breathing; cluster breathing.

Now let's consider how this acute disease has, through vaccination, become a variety of "new" ailments:

<p><b>Restlessness, uneasiness, apprehensiveness and a developing viciousness. This is most apt to be manifested toward strangers.</b></p>	<p><b>Restless nature; suspicious of others, unfriendly to other dogs, vicious to other animals, desire to kill.</b></p> <p><b>Aggression and mistrust of strangers, esp. people in uniforms.</b></p>
<p><b>Dogs normally</b></p>	<p><b>Change of behavior to</b></p>

affectionate may hide away and shun company.	aloofness; from affectionate to unaffectionate.
Dogs normally independent may become unusually attentive and affectionate.	Clingy behavior, fear to be left alone.  Follows owner from room to room.  Wants physical contact.
Desire to travel away from home for long distances.	Tendency to escape confinement and to roam.
If restrained, it will chew viciously on metal chains or anything that is used to restrain or confine it.	Attempt at restraint results in hysterical, violent behavior. Resistance can be so extreme as to cause self-injury.
The dog may inflict severe bite wounds on itself.	Self-mutilation; tail-chewing, chewing off toes or a foot (seen in severe allergic or nervous diseases).
Strange cries and hoarse howls (partial paralysis of the vocal cords).	Changed voice; hoarseness.  Excessive tendency to bark or be vocal.
No interest in food.	Chronic poor appetite; very particular about food; finicky.
Unable to swallow because of paralysis of muscles of deglutition. Hanging down of the lower jaw.	Paralysis (or partial paralysis) of mouth, tongue or throat; sloppy eaters or drinkers; tendency to drool or lose saliva.
Eyes staring with dilation	Loss of sight, cataract

of the pupils.	formation, visual defects.
Unable to close the eyes; cornea becomes dry and dull.	Keratitis sicca, "dry eye".
Swallows pieces of wood, stones, its own fecal material and other foreign bodies.	Habit of eating wood, stones, sticks, earth. Excessive desire to eat stool (their own or other animals).
Destruction of blankets, towels, clothing.	Destructive behavior and shredding of blankets or bedding.
Convulsive seizures. Muscular incoordination.	Seizures, epilepsy, chorea, twitches, etc. Ataxia.
Agonizing pain and constriction in the throat; spasms of the throat.	Psychomotor seizure syndrome.
Increased sexual desire; satyriasis, nymphomania; attempted rape.	Increased sexual desire, even in neutered males; humping; sexual aggression.
Inflammation of the heart muscle; disturbed heart function, irregular rhythm, heart rate too slow or too fast; heart failure.	Irregular pulse; heart failure.
Periods of excitement and jerky breathing; cluster breathing.	"Reverse" sneezing attacks.

These symptoms of rabies vaccinosis are not familiar to us because, until vaccines were widely employed, we never saw rabies in a chronic form in our patients. Even now, these effects of rabies' vaccination are generally unrecognized even though follow-up of changes in dog temperaments and physical condition after rabies' vaccination will readily confirm this.

## Chronic Feline Panleukopenia

The third, and final, disease we are to consider is Feline Panleukopenia. The symptoms of this dread disease are:[4]

- Lassitude.
- Inappetance.
- Fever.
- Rough, unkempt coat.
- Indifference to owner or surroundings.
- Rapid weight loss.
- Dehydration.
- Vomiting.
- Profuse, watery, diarrhea (often blood-tinged).
- Mucopurulent discharges from the eyes and nose.

The changes to a chronic disease condition are shown in this table:

Lassitude; indifference to owner or surroundings.	Lazy cats, not active, lie around most of the time.
Inappetance.	Appetite problems, finicky, not wanting to eat well.
Fever.	Chronic fever, for weeks, with few symptoms except for cervical gland enlargements.
Rough, unkempt coat.	Poor groomers (or cats that <u>never</u> groom).
Dehydration.	Chronic dehydration leading to cystitis and bladder calculus formation; chronic interstitial nephritis.
Rapid weight loss.	Emaciation; thin, "skeletal" cats.  Hyperthyroidism.
Vomiting; profuse, watery, diarrhea (often blood-tinged).	Inflammatory bowel disease.

Mucopurulent discharges from the eyes and nose.	Chronic upper respiratory infections; sinusitis.
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Feline leukemia, in the primary stage, is characterized by fever, malaise, anorexia, lymphadenopathy, leukopenia, anemia, and thrombocytopenia.[5] Thus, in many ways, chronic panleukopenia looks like feline leukemia. It is like the acute syndrome of panleukopenia stretched out in time to so that it becomes chronic.

Probably, by this point, many of you are wondering what I can mean about panleukopenia (or any of these diseases) becoming a chronic disease like feline leukemia. I am speaking from the homeopathic perspective that understands that every being, including viruses, have a vital force. This vital force, which is the life force or chi, is what is the energetic pattern that develops and maintains the physical form. It is a downstream flow of information from the energetic to the physical. When this physical aspect is changed or blocked, as happens when the chronic vaccine disease is established, then the life force behind the disease manifests itself in a different way. These *new* forms, we give new names. We haven't really eliminated anything by vaccination, we have just changed its shape.

I picked these three diseases for discussion because of their importance to dogs and cats who have suffered from them for thousands of years. They would seem to have a susceptibility to these diseases that has never been satisfied. Now, with the extension of these diseases into a chronic form with vaccination, the influence of these diseases on the dog and cat species has never been so great as today.

### **Are Vaccines Effective?**

The last thing I want to consider in this discussion is the larger question — are vaccines really effective? To answer this question is more difficult than it would seem at first. We don't really have a system for tabulating the incidence of the common diseases of dogs and cats, for example. There are figures for some of the reportable diseases of livestock, but the rapid turnover of these animals makes long term studies almost impossible. However, what we can do is kind of a reverse process of what we usually find ourselves doing as veterinarians. Instead of using animals to study human disease, let's use human disease to answer our question. There are statistics for the common human diseases and we can use these to answer our question about the efficacy of vaccinations.

#### ***Smallpox***

Let's start our evaluation with smallpox which was the disease for which Jenner developed his method of vaccination in 1796.[6]

There are two things of interest around this time of Jenner's early work. First is that James Phipps, the eight-year-old boy initially vaccinated by Jenner in 1796, was re-vaccinated 20 times, and died at the age of twenty. Second, Jenner's own son, who was also vaccinated more than once, died at the age of twenty-one. Both succumbed to tuberculosis, a condition that some researchers have linked to the smallpox vaccine. It is apparent that from the beginning, doctors were confused about the question of vaccine protection. They thought that because the specific syndrome of smallpox did not appear that the vaccine was effective. They did not see that the overall level of health of the boys receiving the vaccine was equally an indicator of vaccine effectiveness.

Another thing of importance to understand in evaluating the significance of smallpox vaccination is that smallpox and other communicable diseases were declining *before* vaccination programs were enforced. This may be attributed to the sanitation reforms and nutritional teachings instituted around the mid-1800's as much as to the vaccination programs as these other communicable diseases, for which there was no vaccination, were also declining at the same rate.

The interesting thing, however, is that the incidence of smallpox actually *increased* once vaccination programs were instituted. In Jenner's time, there were only a few hundred cases of smallpox in England. After more than fifteen years of mandatory vaccinations, in 1870 and 1871 alone more than 23,000 people died from the disease. Later, in Japan, nearly 29,000 people died in just seven years under a stringent compulsory vaccination and re-vaccination program.

This increase in smallpox deaths was associated with a noticeable lack of protection — not the best combination of events. For example, in Germany, over 124,000 people died of smallpox during the same epidemic. All had been vaccinated. Additionally, (unaltered) hospital records consistently show that about 90 percent of all smallpox cases occurred after the individual was vaccinated.

This lack of efficacy and increase in disease incidence, while other communicable diseases were declining, led to the refusal of smallpox vaccination by some countries. This resulted in a drop of the incidence of the disease that is quite remarkable. In Australia, when two children died from their smallpox shots, the government terminated compulsory vaccinations. As a result, smallpox virtually disappeared in that country (three cases in

fifteen years). When England began to reject vaccination, then the incidence of smallpox deaths decreased accordingly.[7] **(slide 1) Note: The slides are not yet posted here—a future project.**

### ***Polio***

This is another disease for which people assume that vaccination has made a great difference in incidence. However, let's look more closely at the facts.[8] From 1923 to 1953, *before* the Salk killed-virus vaccine was introduced, the polio death rate in the United States and England had already declined on its own by 47% and 55% respectively. Statistics show a similar decline in other European countries as well.[9] **(slide 2)**

When the vaccine became available, many European countries questioned its effectiveness and refused to systematically inoculate their citizens. Yet, polio epidemics also ended in these countries as well.

Additionally, as with smallpox vaccine, the number of reported cases of polio *following* mass inoculations with the killed-virus vaccine was significantly greater than *before* mass inoculations.[10] **(slide 3)** Though these facts are readily available, the mass vaccination against polio has continued with the result that most of the cases of this dread disease are now attributed to the vaccine.

In 1976, Dr. Jonas Salk testified that the live-virus vaccine, used almost exclusively in the United States since the early 1960's, was "the principle if not the sole cause" of all reported polio cases in the United States since 1961.

The Federal Centers for Disease Control recently (Feb. 1992) admitted that the live-virus vaccine has become the dominant cause of polio in the United States today. According to CDC figures, 87% of all cases of polio between 1973 and 1983 were caused by the vaccine. More recently, from 1980 through 1989, *every case of polio* in the U.S. was caused by the vaccine. During this same time period, three of the five people that caught polio during foreign travel were previously vaccinated against the disease.

### ***Measles*[11]**

Measles is an especially interesting disease for us to look at because of its close similarity to canine distemper.

The measles vaccine was introduced in 1963, yet in the United States and England, from 1915 to 1958, a greater than 95 percent decline in the measles death rate had already occurred.[12] **(slide 4)** In addition, the

death rate from measles in the mid-1970's (which was several years post-vaccine) remained exactly the same as in the early 1960's (pre-vaccine), e.g., .03 deaths per 100,000.

Once again, the efficacy of vaccination in prevention of this disease has not been established. According to a study conducted by the World Health Organization, chances are 14 times greater that measles will be contracted by those vaccinated against the disease than those who are left alone. According to Dr. Atkinson of the CDC, "measles transmission has been clearly documented among vaccinated persons. In some large outbreaks.... over 95 percent of cases have a history of vaccination..."

In addition, of all reported cases of measles in the U.S. in 1984, more than 58 percent of the school age children were "adequately" vaccinated.[13]  
**(slide 5)**

In 1985, the federal government reported 1,984 non-preventable cases of measles. But 80 percent of these so-called "non-preventable" cases occurred in people who had been properly vaccinated. More recent outbreaks continue to occur throughout the country, sometimes among 100 percent vaccinated populations.

In spite of the evidence for lack of efficacy of this vaccine it is still strongly promoted. This continued use of a useless vaccine, however, is not without its price. It has been determined that the measles vaccine may cause ataxia, learning disability, retardation, aseptic meningitis, seizure disorders, paralysis and death. It has also been investigated as a possible cause of or cofactor for multiple sclerosis, Reye's syndrome, Guillain-Barre syndrome, blood clotting disorders, and juvenile-onset diabetes.

Another additional harmful effect is that the disease has changed form, and now affects primarily a different age group. The peak incidence of measles no longer occurs in children, but in adolescents and young adults. The risk of complications of pneumonia (3%) and liver abnormality (20%) have increased as a result.

Also, before the vaccine was introduced, it was extremely rare for an *infant* to contract measles. However by 1993 more than 25 percent of all measles cases were occurring in babies under a year of age. CDC anticipates a worsening of this situation and attributes it to the growing number of mothers who were vaccinated during the last 30 years and therefore have no natural immunity to pass on to their children.

The implications for our having changed the natural disease into this new form are immense.

### ***Whooping Cough (Pertussis)*[14]**

Just as we have seen with the other diseases already discussed, the incidence and severity of whooping cough had begun to decline long before the pertussis vaccine was introduced in the 1940's. From 1900 to 1935, in the United States and England, *before* the pertussis vaccine was introduced, the death rate from pertussis had already declined by 79 percent and 82 percent, respectively.[15] **(Slide 6)**

However, once again, the usefulness of this vaccine is in doubt. Some studies indicate that the effectiveness of the pertussis vaccine may be as low as 40-45 percent. Further evidence indicates that immunity is not sustained. During an epidemic in 1978, of 85 fully vaccinated children, 46 (54%) developed whooping cough.

During a ten month period in 1984, the state of Washington reported 162 cases. Of the cases aged 3 months to 6 years, 49% had been fully vaccinated against the disease. In the same year, of the 560 cases reported to CDC in the age bracket of seven months to six years with known vaccination status, 46 percent had received vaccine protection.[16] **(Slide 7)**

In 1986, in Kansas, 1300 cases of pertussis were reported. Of the patients whose vaccination status was known, 90 percent were "adequately" vaccinated.

As with measles vaccine, there are several known or suspected harmful effects from this vaccine. These included SIDS (Sudden Infant Death Syndrome — research shows that children die at a rate eight times greater than normal within three days after getting a DPT shot), encephalitis (the pertussis vaccine is used in animal experiments to help produce anaphylactic shock, and to cause an acute auto immune encephalomyelitis), retardation and learning disorders, fever as high as 106 degrees — with pain, swelling, diarrhea, projectile vomiting, excessive sleepiness, high-pitched screaming, inconsolable crying bouts, seizures, convulsions, collapse, and shock. In studies, approximately 1 in 200 children who received the full DPT series suffered severe reactions.

In the 20 months prior to July 31, 1992 — 250 deaths and 7,200 adverse reactions linked to whooping cough vaccinations had been reported to CDC. In addition, the US Public Health Service announced that as of Nov. 16,

1992, some 3,200 pertussis vaccine claims against the US government had been filed.

## Conclusion

We have considered the vaccination question from several aspects. We have looked at the way in which I think that routine vaccinations can result in the production of chronic disease in animals and I have made some specific suggestions of the symptoms that result.

Also, we have considered the question of vaccine effectiveness with the surprising evidence that vaccines do not actually protect populations from disease — though they do seem to modify the pattern in which the acute disease manifests.

I realize that this topic is a controversial one and that many will disagree with my conclusions. However, what I have observed is that if one can look at this question with an open mind, one will be surprised at the amount of evidence that is actually there. If you look at the larger perspective of disease incidence (of any type) in the weeks and months following vaccination, you will soon see confirmations of what I am presenting to you today. And once this is seen, the way is open for you to question the whole edifice.

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[1] William Arthur Hagan, D.V.M., D.Sc.. and Dorsey William Bruner, B.S., D.V.M., Ph.D. 1961. *The Infectious Diseases of Domestic Animals*, fourth edition. Ithaca New York: Comstock Publishing Associates. pp. 833-834.

[2] *Ibid*, pp. 771-772.

[3] Colin Kaplan, ed.. 1977. *Rabies — The Facts*. Oxford: Oxford University Press. pp. 38-44.

[4] *Ibid*, p. 858.

[5] Niels C. Pederson, D.V.M. and Bruce R. Madewell, V.M.D. 1980. Feline Leukemia Virus Disease Complex, *Current Veterinary Therapy XII*, Philadelphia: W. B. Saunders. p. 404.

- [6] This information on smallpox statistics is taken, with permission, from Neil Z. Miller. 1992. *Vaccines: Are They Really Safe and Effective?* Santa Fe, NM: New Atlantean Press.
- [7] Eleanor McBean. 1974. *The Poisoned Needle*. Mokelumne Hill, CA: Health Research. p. 142.
- [8] Neil Z. Miller. 1992. *Vaccines: Are They Really Safe and Effective?* Santa Fe, NM: New Atlantean Press.
- [9] Michael Alderson. 1981. *International Mortality Statistics: Facts on File*, , Washington, DC.
- [10] Hannah Allen. 1985. *Don't Get Stuck: The Case Against Vaccinations*. Oldsmar, FL: Natural Hygiene Press.
- [11] Neil Z. Miller. 1992. *Vaccines: Are They Really Safe and Effective?* Santa Fe, NM: New Atlantean Press.
- [12] Michael Alderson. 1981. *International Mortality Statistics: Facts on File*, , Washington, DC.
- [13] John H. Frank, Jr., MD et al. May 6-9, 1985. *Measles Elimination — Final Impediments*. 20th Immunization Conference Proceedings.
- [14] Neil Z. Miller. 1992. *Vaccines: Are They Really Safe and Effective?* Santa Fe, NM: New Atlantean Press.
- [15] Michael Alderson. 1981. *International Mortality Statistics: Facts on File*, , Washington, DC.
- [16] U.S. Department of Health and Human Services. October 1985. *20th Immunization Conference Proceedings*, Dallas, Texas, May 6-9, 1985.

#62

**Resolution Comments**

**From:** Ian Curry [ian@heavy-meta.com] **Sent:** Tue 2/2/2010 2:46 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Support for Beekeeping Legalization  
**Attachments:**

Hello - my name is Ian Curry - I'm a resident of Carroll Gardens, and I just wanted to write in and support making beekeeping legal in New York. As you probably know, beekeeping has been made legal in other major cities like San Francisco and Paris.

I just started beekeeping last year after taking some classes in the city. I'd say most people interested in beekeeping are people like me - responsible, curious, people who try to learn as much about the practice and do it in a way that is not harmful or disruptive to neighbors. I've spoken with people who are interested in beekeeping but won't jump in because of its legal status. I myself held off for several years for that reason. Beekeeping is good for the earth, good for everyone's flowers on their fire escape, and the honey has made innumerable breakfasts and cups of tea more delicious.

Beekeepers are a vibrant community in the city and the bees are great for the city's ecology. Thanks for your consideration of the proposal, and I hope you'll look favorably on legalizing beekeeping.

- Ian Curry

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**Resolution Comments**

#63

**From:** julien koetsch [julienkoetsch@gmail.com] **Sent:** Tue 2/2/2010 2:48 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Please support legalization of Beekeeping!  
**Attachments:**

Greeting to the Members of the NYC Department of Health,  
 My name is Julien Koetsch and I live in Brooklyn, NY. **I support the amendment to Health Code 161**, which will legalize beekeeping in New York City.

I hope that the Department of Health will recommend a change to **Health Code 161** to allow non-agresive honeybees (*Apis mellifera*) to be kept in New York City.

Thank You.

Sincerely,  
 Julien Koetsch

#64

**Resolution Comments**

**From:** Gloria L. Tate [glorialtate@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Please pass the beekeeping bill!  
**Attachments:**

**Sent:** Tue 2/2/2010 12:50 PM

All,

I am a member of the NYC Bee Keepers Association and I urge you to support the legalization of bee keeping in the city. I have 2 apple trees in my Brooklyn yard that are in need of honey bees! In addition, the potential honey production from a hive neighborhood could create a helpful project and income for kids in my neighborhood.

Please make the change,

Gloria L. Tate  
 537 Monroe Street  
 Brooklyn, NY 11221

--

Live, Love &amp; Laugh!

Page 1 of 1

**Resolution Comments**

#65

**From:** Dan Ryan [dryan75@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** In Support Of the Legalization of Honeybees  
**Attachments:**

**Sent:** Tue 2/2/2010 12:22 PM

To whom it may concern:

I am a member of the NYC Beekeepers association. I just wanted to let you know that I support the legalization of honeybees in NYC. They are good for the environment, and they make honey.

Regards,  
 Dan Ryan

#66

! Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

**Resolution Comments**

**From:** Natalie Guarnaschelli [nattyg479@gmail.com]

**Sent:** Tue 2/2/2010 10:41 PM

**To:** Resolution Comments

**Cc:**

**Subject:** Beekeeping Testimonial

**Attachments:** Beekeeping Testimonial.html(11KB)

Hello,

I am a graduate student at Columbia Teachers College. I wrote this testimony last year for a public policy class and am very much in support of this cause. Attached to this email is my testimony. I am happy to be of any help.

Sincerely,

Natalie Guarnaschelli  
nattyg479@gmail.com  
646 644 5392

Due to New York City's ability to foster sustainable agriculture, the local economy and niche market have grown considerably. A great part of sustainability however is keeping the source of our food supply and resources thriving. Pollination to support and sustain what we are building is one of the most important aspects of sustainable agriculture. There is already an estimated 250 individuals tending to hives in their private settings, which the majority of us are completely unaware of. Legalizing beekeeping, promoting the trade and properly educating and tracking the public with safety precautions will ensure safety for the surroundings and prevent misconceptions of bee's harm to the public.

Unfortunately bee keeping is illegal in New York City and has been since 1999 despite the Pollinator Habitat Protection Act of 2007, which promotes beekeeping. The New York City Health Code under Section 161.01 prohibits the possession, keeping, harboring and selling of "wild animals." Animals such as Komodo dragons, elephants, and black bears fall into this category. Within the "all venomous insects" category, the honeybee is also included. Currently, the city classifies bees as animals "naturally inclined to do harm" and prohibits people from keeping them. This is an outdated and untrue perception of the species.

An important reality to face is that billions of honeybees have been disappearing from their hives since 2006. Beekeepers have reported millions of bees disappearing from their hives overnight and are on the edge of losing their businesses, as their dying numbers of bees are unable to tend to the high demand of commercial growers. As a result, beekeepers are trucking tens of billions of bees around the country every year. Although this may seem a beneficial thing for beekeepers, none have reported a net profit from the bees' honey; rather they are solely surviving off renting their bees to crop holders to use. Drastic measures have been taken to do without bees. A New York Times article from 2006 states: "They [growers] have used everything from giant blowers to helicopters to mortar shells to try to spread pollen across the plants. More recently researchers have been trying to develop "self-compatible" almond trees that will require fewer bees. One company is even trying to commercialize the blue orchard bee, which is virtually stingless and works at colder temperatures than the honeybee." These efforts were unsuccessful and extremely costly. Simply nothing can replace the work of these magnificent creatures. The stresses that the bees face are costing them their lives and in turn many jobs for the beekeepers and food for us.

What most of us don't realize is that a third of our food comes from the pollination of bees. Think of what you last ate. If it is anything other than corn or rice, it is most likely that bees contributed to that food source. The loss of bees does not mean we are just losing honey. Without pollination from honeybees, California's almond trees would only produce 40 pounds of almonds per acre but with bees' pollination, they can generate 2,400 pounds. California is responsible for 80% of almonds across the globe. Without the honeybees, that amount of export would not be possible. Honeybees provide the same service for more than 100 other crops, from lettuce to cranberries to oranges to canola, up and down the West Coast. It is estimated that honeybee pollination adds \$14.6 billion per year to agricultural output in the US. They also provide over 200 million pounds of honey, as well as a variety of other products such as beeswax, pollen and propolis. The use of these bees is extremely financially beneficial.

As a result of such drastic losses and strains on commercial output, the CDC has funded research in desperate hope to find the culprit of what has been termed, Colony Collapse Disorder. What is this? We aren't certain. A combination of stress and breakdown of immune systems from the combination of various pesticides used in our monoculture farming system, stress from being transported through different regions to supply pollination and possible pathogens are to blame. Enhancing a more stable habitat for the honeybees can alleviate these stresses and providing more stable homes is a positive step, especially in urban areas.

Many other cities, including Atlanta, Chicago, Portland, San Francisco and Seattle already support urban beekeeping and reports have shown incredible results. Local residents are building small businesses, education programs have developed, more community-wide efforts to use the land have occurred in widely known unsafe areas. Amazingly, the legalization of beekeeping has been a turning point for many in this time of economic disaster.

The differences between species of bees must be acknowledged and understood. Yellow jackets, wasps, killer bees and honeybees are entirely different species. Yellow jackets for instance are much more aggressive than honeybees. Many reports of honeybees indicate that they are quite docile creatures. John Howe, Fort Greene, founder of the New York City Beekeeping Meet up Group tends to three hives containing anywhere from 120,000 to 180,000 bees on his rooftop. I quote: "Bees are harmless, they're very gentle. They're very defensive of their hives but you have to practically kick their hives to get them to sting you."

By harboring an environment that supports these creatures, we not only improve our city aesthetically, but also for the niche market that makes New York City so distinct. New York City needs to regulate and monitor what is already occurring. Legalizing beekeeping will ensure more precautions and safety measures are taken for those individuals practicing this trade. Even more, the city will serve as a model to surrounding areas. I urge you to remove beekeeping from the list of section 16.01 and to support Yassky's bill in legalizing beekeeping in New York City. Beekeeping is a vital practice that can create more safe habitats for bees and tend to our hundreds of gardens and local farms, more so it is a practice already occurring in New York City. Beekeeping is essential to the health of our urban environment and has tremendous potential as a vehicle for economic development and education efforts citywide. I have faith that the metro council of New York City will recognize beekeeping not as a novelty hobby but as a necessary step towards helping secure honeybee habitats and secure and safely oversee those individuals already practicing beekeeping in New York City. New York City constituents will benefit and the city will serve as a leading model helping the food supply and economy at a local and global level.

#67

**Resolution Comments**

**From:** Shirley Huang [shuang8500@yahoo.com] **Sent:** Tue 2/2/2010 11:01 AM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** In support of honey bees in NYC  
**Attachments:**

To Whom It May Concern:

Why is it ok for dogs to poop on sidewalks but not ok for honey bees to collect nectar?

I am writing to voice my support for the legalization of beekeeping in NYC. Just like a dog and cat, unless provoked the domesticated honey bee is simply not interested in physical confrontation. Collectively, urban honey bees are less destructive and cleaner to our streets than just a handful of dogs which require dog parks, curb side maintenance and more. Honey bees do not require walking, babysitting, daily feedings, or litter changes. They are clean, low maintenance, practically invisible and beneficial to our environment and health.

Once a person understands honey bees or spends just 15 minutes around a hive, they could easily argue that there is no rational reason why having nine cats in a NYC apartment or thousands of dogs pooping on the sidewalk is legal but having a honey bee hive is not. Sometimes things are just upside down.

Thank you for your much needed consideration.

Shirley Huang  
 443 Court St.  
 Brooklyn, NY 11231

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#68

**Resolution Comments**

**From:** Sammy Elks [sammy.elks@gmail.com] **Sent:** Tue 2/2/2010 1:13 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Please legalize Bees  
**Attachments:**

Dear Department of Health and Mental Hygiene:

I am a proud member of the New York City Beekeepers Association, and I am writing to urge you to please consider legalizing bees in New York City. Many people hear "bees" and run screaming, but this is a misinformed reaction. Honeybees are not aggressive and play a crucial role in our ecosystem. As you have probably heard, honeybees are mysteriously vanishing across the world due to some unknown conglomeration of problems, and right now they need all the help they can get. Small-time beekeepers (as most urban beekeepers are) are in a unique position to be able to help, since we can give our few hives the care and attention they need to stay healthy.

Thank you very much for your consideration and good work,  
 Sam Elchert

**Resolution Comments**

#69

**From:** Robert Cutting [rcutting@crcdd.org]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** SUPPORT BEE-KEEPING IN NYC!  
**Attachments:**

**Sent:** Tue 2/2/2010 9:16 AM

To Whom It May Concern:

I respectfully request that the ban on keeping honey bees within NYC be lifted. These bees are an essential part of our ecosystem, necessary for pollination of plants and part of our heritage as New Yorkers, where bees have been kept from colonial days. I am an avid gardener and have noted with alarm the reduction in the bee population.

Your consideration and action at this time is appreciated.

*Robert A. Cutting*

*660 Lester Street*

*Bronx, NY 10467-6706*

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**Resolution Comments**

#70

**From:** Mari Epstein [mari.epstein@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Bee keeping in NYC  
**Attachments:**

**Sent:** Tue 2/2/2010 9:38 AM

To Whom it may Concern:

As members of the New York City Beekeepers Association, we strongly urge you to amend the New York City codes to allow bee keeping in New York City.

This would be an enormous step forward in our managing of the health and well being of the region.

We thank you for your consideration.

Sincerely yours,

Mari and Norman Epstein

**Resolution Comments**

#71

**From:** Big Sue [bigsuellt@verizon.net] **Sent:** Mon 2/1/2010 9:18 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** beekeeping  
**Attachments:**

I support the legalization of honey bees in NYC and I'm a member of NYC beekeeping association.

Benton Brown

Page 1 of 1

**Resolution Comments**

#72

**From:** Red Beard [redbeardhoney@verizon.net] **Sent:** Mon 2/1/2010 9:19 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** please legalize honey bees in nyc  
**Attachments:**

I support the legalization of honey bees in NYC and I'm a member of NYC beekeeping association.

Nora Brown

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**Resolution Comments**

#73

**From:** Susan Boyle [bigsuellt@earthlink.net] **Sent:** Mon 2/1/2010 11:36 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Support for the legalization of beekeeping on NYC  
**Attachments:**

To the Department of Health,  
 Bees are good for the health of our City ( and everywhere else).I support the legalization of beekeeping in NYC. I am a member of the NYC Beekeepers Association.

Sincerely,  
 Susan Boyle

#74

**Resolution Comments**

**From:** BJ Fredricks [bjfredricks@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Legalize Honeybees  
**Attachments:**

**Sent:** Tue 2/2/2010 6:46 AM

As a member of the New York City Beekeepers Association, I am in complete support of the proposed legislation to legalize beekeeping in New York City.

If we are truly committed to leading the "green" movement in an urban environment, we must decriminalize one of the most important components of pollination and keeping our plants alive.

Sincerely,

BJ Fredricks  
 bjfredricks@gmail.com  
 718-852-5628  
 visit my blog:  
 www.urbanchickenbrooklyn.blogspot.com

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#75

**Resolution Comments**

**From:** Michael Strong [michaelstrong@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** bring on the bees!  
**Attachments:**

**Sent:** Tue 2/2/2010 11:52 AM

Just a quick note from a ten-years-in-New York upper west sider. I am a big supporter of beekeeping in the city and would absolutely set up a hive on the roof of my building were it legal.

Please make it legal!

Michael Strong  
 42 West 72nd St  
 NY NY 10023  
 917 822 4950

#76

**Resolution Comments**

**From:** James Franzek [drjfranzek@yahoo.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** NYS Veterinary License in NYC  
**Attachments:**

**Sent:** Mon 2/1/2010 4:39 PM

NYC Board of Health,

I find it inconsistent that the NYC Board of Health should recognize that any veterinarian with a license be allowed to practice anywhere in New York State without a New York State license. I fully support the amendment to the NYC code that would recognize the New York State licensed veterinarian only be allowed to practice in all of New York State including, of course New York City. I feel that New York City should mandate that veterinarians practicing in NYC have a New York State license.

Respectfully Submitted,

James C. Franzek DVM NYS license #00-12757-1

#77

**Resolution Comments**

**From:** risa cromer [rcromer@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Support change to Article 161 in favor of beekeeping  
**Attachments:**

**Sent:** Mon 2/1/2010 9:06 PM

Dear NYC Department of Health,

I'm writing in support of changes to Article 161 that permits beekeeping. Many cities across the country that allow and regulate the keeping of bees illustrate that it is both possible, and productive, within an urban environment. Please count me in support of these positive changes.

Sincerely,  
 Risa Cromer

--  
 Risa Cromer,

Doctoral Student - Anthropology  
 The Graduate Center, City University of New York

#78

**Resolution Comments**

**From:** David Glick [glickd@gmail.com] **Sent:** Mon 2/1/2010 10:43 AM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** NYC Healthcode Beekeeping Amendment  
**Attachments:**

To the Department of Health:

I support the proposal to amend the Department of Health's code so that it recognizes the benefits of legalizing beekeeping in New York City. Honeybees are necessary to the cultivation of both our food supply and our green spaces. Urban beekeeping can increase the productivity of vegetable gardens and farms all across the City. They do this by providing pollination for plants throughout the City of New York's backyards and community gardens. Records of Honeybee domestication have gone as far back as antiquity and the Ancient Egyptians.

Last year I joined the New York City Beekeepers Association and took their course on Urban Beekeeping. It was informative and I gained a wealth of knowledge on how to rear Honey Bees and Harvest their byproducts (Honey). Due to the legality of this practice, I have not been able to practice what I have learned. I encourage you to end the ban on beekeeping here in the City so that all may participate in this practice.

Thank you for your service to the Council and the Department of Health.

Sincerely,  
David B. Glick  
Brooklyn, NY

#79

**Resolution Comments**

**From:** Allison Waggener [asst@tedallen.net] **Sent:** Mon 2/1/2010 10:27 AM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Dept of Health Proposal Re: Beekeeping  
**Attachments:**

Dear Ms. Bryant:

My name is Barry Rice and I live in Brooklyn. I am writing to express support for legalizing beekeeping. The proposed change in the text of Health Code Article 161.01 to legalize the keeping of honey bees is an excellent idea and long overdue.

I have experience as a beekeeper and have also done substantial research on beekeeping. When kept responsibly as described in the text of the proposed law, bees are not a threat to anyone. Instead they are a great benefit, as they provide healthy food without any use of fossil fuels, pesticides, or human labor. Rather than the environmental harm connected with so much food production, as bees make honey they are promoting the populations of local flowers and trees. Beekeeping within New York City poses no threat to public health, and is a small opportunity to live more sustainably. To make this practice illegal is unreasonable and an obstacle to citizens' efforts to learn about and practice sustainable living in the city.

Thank you for your time and your attention to this issue.

Sincerely,

Barry Rice

#80

**Resolution Comments**

**From:** Thomas Nych [tfn2@cornell.edu]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Comment on proposed carriage horse regulations  
**Attachments:**

Sent: Mon 2/1/2010 4:12 PM

To: Ms. Rena Bryant

From: Thomas F. Nych, DVM (NY License #2211; NY Accreditation # 808)

Date: 1 February 2010

Subject: Comment on Proposed Amendments to Chapter 4, Title 24, of the Rules of the City of New York and also related parts of Article 161 of the City Health Code.

I am a veterinarian licensed and accredited in New York State. I also serve on the Board for Veterinary Medicine of the NY State Education Dept. I also have duties at the Cornell University Veterinary College in Ithaca, NY. One of the equine faculty at Cornell brought to my attention the fact that the proposed regulations for carriage horses in NY City describes a "Veterinarian" in ways inconsistent with NYS Education Law. This note is to urge that proper correction be made to the serious oversight in this bill before it becomes law. There is precise language in Education law that describes a graduate veterinarian, and how he/she must be licensed in New York State, in order to practice veterinary medicine in the State. In addition, if official government work is done, under Federal or NY State statute, a veterinarian must also be accredited by NY State. This rule applies to such government actions as signing health charts, examinations for interstate and international movement of animals, sometimes official quarantining of animals, among others. I would argue that there must be consistent language included in all animal-related bills involving veterinarians and the practice of veterinary medicine, including this one. The precise wording can be supplied by the Executive Secretary of the Board for Veterinary Medicine, Mr. Walter Ramos, Esq. at the NYS Education Dept. I trust this error may be quickly corrected. Thank you.

Thomas F. Nych, DVM

Page 1 of 1

#81

**Resolution Comments**

**From:** Marcia Levine [mlevinedvm@gmail.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Proposed NYC Law  
**Attachments:**

Sent: Mon 2/1/2010 4:24 PM

Being licensed in another state, within the United States, does not confer authority to practice veterinary medicine within New York State. A person must be licensed to practice in New York State in order to practice or use "veterinarian" as a professional title. Practicing veterinary medicine or using the professional title "veterinarian" without a license is a criminal offense.

Please include this comment in the public record.

Sincerely,  
 Marcia J. Levine DVM  
 NYS Board for Veterinary Medicine-Extended Member  
 Summer Street Cat Clinic PC  
 25 Summer Street  
 Buffalo, NY 14209  
 716 883-3324

#82

**Resolution Comments**

**From:** Boyer, Kathleen [Kathleen.Cooke@KATZ-MEDIA.com] **Sent:** Mon 2/1/2010 4:27 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Legalize beekeeping...we need it.  
**Attachments:**

February 1st, 2010

To Whom it May Concern,

I am very happy to be sending you my support for the legalization of the honey bee in New York City. Beekeeping is vital to the health and well being of our city. Whether they are increasing the productivity of urban gardens and farms, providing a science lesson to elementary school students, or just producing delicious honey - honeybees are critically important to New Yorkers. Honeybees are garden heroes! Honeybees help gardens grow more fruit and vegetables and produce sweet honey. They are nature's best pollinators and contribute to production of fruits and vegetables. My neighbors in Brooklyn are all fascinated by our bees and love learning about them when I talk about them and observing them when I work with them. Many bring their children over to watch while I check the hive. Many talk about their sadness at not seeing as many bees in their gardens as they used to years ago. Honey bees are a part of nature to embrace, not run away from or even worse, eradicate. We need them and they now need us. Save bees in New York City and take them off the list of wild animals. They were never meant to be there in the first place.

Thank you,  
 Kathleen Boyer

#83

**Resolution Comments**

**From:** cd242@columbia.edu [cd242@columbia.edu] **Sent:** Mon 2/1/2010 4:52 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Legalize beekeeping  
**Attachments:**

To Whom it May Concern,

This letter is in adamant support of modifying the city's health code to allow for beekeeping. I'm sure you are aware of the overwhelming benefits and nearly negligible risks. Please do the right thing and support our urban beekeepers.

Best,  
 Clare Davidson  
 633 Third Ave  
 New York, NY

#84

**Resolution Comments**

**From:** Deborah Greig [deborah@eastnewyorkfarms.org] **Sent:** Tue 2/2/2010 1:29 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Beekeeping: Article 161  
**Attachments:**

To Whom it May Concern,  
 I am writing this in support of lifting the ban on beekeeping in NYC.

I work at a non profit in East NY, East NY Farms! project, that treasures greatly the keeping of bees for educational, economic, and food production purposes.

We use bees as a teaching tool during tours of our garden. Gardeners in the neighborhood have expressed interest in embracing the entrepreneurial endeavors that are in demand at our weekly farmer's market through the sale of honey and honey products. Finally, the 60 community gardeners who have grown over 20,000 of produce this past season greatly need increased pollination to keep healthy food available in East NY Brooklyn.

Sincerely,  
 Deborah Greig  
 Urban Agriculture Coordinator  
 East NY Farms!  
 718.649.7979x14

--  
 Deborah Greig  
 Urban Agriculture Coordinator, East New York Farms!  
 718.649.7979x14  
 United Community Ctrs  
 613 New Lots Ave, Brooklyn, NY 11207

Page 1 of 1

#85

**Resolution Comments**

**From:** Achrstnsn@aol.com [Achrstnsn@aol.com] **Sent:** Tue 2/2/2010 11:43 AM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** Legalization of Honeybees  
**Attachments:**

We support the legalization of honeybees in the City of New York. We are members of the NYC Beekeepers Association.

Ann and Warren Christensen  
 406 Jewett Avenue  
 Staten Island, New York 10302

#86

**Resolution Comments**

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**From:** alicia bronk [abronk14@yahoo.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** legalize city beekeeping!  
**Attachments:**

**Sent:** Tue 2/2/2010 4:28 PM

This is an email in support of the legalization of city beekeeping, and I am a member of the NYC Beekeeping Association.

Alicja

#87

**Resolution Comments**

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**From:** Sinned6@aol.com [Sinned6@aol.com]  
**To:** Resolution Comments  
**Cc:**  
**Subject:** legalize beekeeping  
**Attachments:**

**Sent:** Tue 2/2/2010 7:20 PM

My Name is Dennis Calder and I live in NY

NYC Department of Health  
Public Hearing: February 3, 2010  
Notice of Intention to Amend Article 161 of the NYC Health Code

Good morning. My name is Naomi Zurcher. I am an International Society of Arboriculture Certified Arborist, working as a Consulting Arborist in NYC. I am also the chairperson of NYC Root Zone, a professional collaboration of arborists, horticulturists and landscape architects whose mission is professional education and the advancement of best management practices. In addition, I am a trained beekeeper.

I am here today to speak in favor of the proposed text amendment to Article 161 which will legalize honey beekeeping in NYC. I would also like to propose food for thought on the wording of this text amendment.

While I fully understand the health concerns that prompted the original wording of Article 161, there is a larger issue at play regarding the health and well-being of the urban environment - our urban forest - a complex ecosystem consisting of trees, associated green spaces and all their living inhabitants - including native bees, honey bees and us!

Not only is a healthy pollinator population indicative of a healthy environment, the ability of pollinators, bees in particular, to survive, even thrive in our urban setting, would speak loudly to not only a prospering urban forest but a healthier human population.

While pollinators are experiencing decline globally, populations of bees, the premiere pollinators, are being decimated. As someone who has an intimate relationship with and an extraordinary concern for NYC's trees and the landscapes they populate, I would be derelict in my stewardship of this resource if my concerns did not include the well-being of bees, including the European honey bee, without which most hardwood species of trees could not exist.

The current administration has embarked on a major greening of NYC, the most visible aspect of which is the Million Trees initiative. All of the trees we plant in our urban forest originate from actual forests and most of these deciduous hardwood trees are pollinated by bees! If we, collectively, are to support the investment being made in our urban forest, we must address the unnecessary road blocks to its success. The text amendment to Article 161 would be a step in the direction of recognizing the essential roll that all bees contribute to that success.

Many studies have shown that the richness of bee species is negatively impacted by urbanization, thus the efforts of this administration are a potential counterpoint to that reality. As we provide additional and much needed forage resources for bees, we must go further to normalize our relationship with them. While the proposed text amendment is just such an endeavor, it too needs to go further. The text amendment, as it stands, still leaves native bees being defined by and grouped with wasps and hornets.

I would like to submit that native bees are passive pollinators, interested in working flowers. Wasps, hornets and yellowjacks are aggressive predators, feeding on insects, insect larvae and your sandwich. While misconceptions about the two abound, officially we should always try to get it right. I therefore request that, while native bees are not "kept", the wording of the text amendment should reflect their non-aggressive character by grouping them together with the non-aggressive honey bee. In addition, the wording should also facilitate gardeners and landscape managers providing essential nesting habitat wherever there is an interest.

Officially, we need to debunk the erroneous myths that demonize native bees. Instead, we should applaud and welcome the crucial contribution they make to the treed and flowered landscapes we so enjoy and the fruits and vegetables the urban agriculture movement is producing right here in New York City.

Thank you for the opportunity to comment on the text amendment and to support the effort the Department of Health has undertaken.

Naomi Zurcher  
161 Columbia Heights  
Brooklyn NY 11201  
718 522-1130  
treerap@sprintmail.com

February 3, 2010

Thank you for the opportunity for NY taxpayers to voice our concerns and opinions and for the chance to speak today. My name is Zelda Penzel; I'm president of People for the End of Animal Cruelty and Exploitation, Inc. and I'm presenting these comments with regard to **proposed amendments of Article 161 and Chp 4** of the NYC Health Code, on behalf of myself and my organization and also Elizabeth Forel, who is President of The Coalition for New York City Animals, Inc.

In looking through the proposed changes to Article 161, and Chapter 4, I am aware that it addresses issues concerning dangerous dogs, spaying and neutering, rescue groups, exotic animals, carriage horses and so forth.

While some of the changes proposed represent a step forward in updating current regulations, **they absolutely do not go far enough in protecting the public and carriage horses who will continue to work and live in dangerous and unhealthy conditions; nor do they address the needless risk to the public presented by wild and exotic animals in circuses, who lead pathetic lives as prisoners just to entertain a naïve and uninformed public.** I would like to address some related issues.

Concerning wild and exotic animals, unfortunately, New York is far behind the times, as we continue to allow the display of wild and exotic animals, to the detriment and the well being of these animals. Many cities and even entire countries have enacted bans that prohibit their display for purposes of entertainment, such as in traveling circuses. We continue to endanger the public and put citizens at risk, as was the case when a tiger walked out of his cage, and strolled across Jackie Robinson Pkwy, in Queens, a few years ago; while no one was attacked, there was a six car pile-up and the city was sued for millions of dollars.

Tigers and lions spend their entire lives as caged prisoners, whipped and dominated to make them perform. Elephants are separated from their mothers when very young in order to have their spirits broken; they are kept in chains and beaten with the bull hook to force them to perform stupid, unnatural tricks, as they travel in hot box-cars from place to place throughout the year, just to entertain us. For some strange reason, in spite of the physical and emotional harm done to the animals, this has never been considered a serious detriment to animals, who have been deprived of everything that is natural to them, as we selfishly indulge our own pleasures at the expense of these animals who are nothing more than indentured slaves. The time has come to act to protect these endangered, miserable animals and to show some compassion. In many cities it is forbidden:

"To undertake any exhibition, act, circus, public show, trade show, photographic opportunity, carnival, ride, parade, petting zoo, race, performance or similar undertaking in which animals are required to perform tricks, fight or participate in performances for amusement or entertainment." This of course, does not include educational exhibitions by institutions that are accredited by the American Zoo and Aquarium Association, the Association of Sanctuaries or operated by any agency of the state, county or local government.

It is long past time to say NO to endorsing this archaic animal cruelty and to help the public understand why. It is time for these animals to be released to sanctuaries where they will not be whipped, beaten, dominated deprived of food and water, in order to make them perform. I urge you to consider a ban on all exotic animals used for entertainment and you should also include in such a ban the animals that are cruelly abused in rodeos.

**Concerning Cats and Dogs in shelters, I want to address the matter of Advertising:** The Department of Health does an excellent job on their anti- smoking campaign. I have seen several very hard-hitting commercials on television and on billboards. If I smoked, I'm sure these commercials would have persuaded me to give it up. So I know that the DoH has the talent and foresight to reach the public in provocative, uncompromising, creative ways. Why then has the stray animal issue in NYC been such a failure? I've been involved in this issue since the early 1990s and the city of NYC has never gotten it right. Animals are still being killed by the thousands, each year in city shelters; they are being killed by the truckload and it is still being done secretly behind closed doors, with little to no transparency and no end in sight to the vicious cycle of in the front door alive and well, out the back door in plastic bags, or barrels...dead!

If the DoH can produce a hard hitting anti-smoking commercial like the woman who lost her fingers to amputation – why can't it show cat and dog euthanasia on TV or a barrel full of dead animals or something else moving and hard-hitting to show how important it is to spay and neuter animals and to take lifetime responsibility for them. It is as much a reality as the image of a hand missing digits, and costly to society both economically and morally. There needs to be an active PSA campaign to increase responsible ownership of pets and also adoptions; one that focuses on the root of the problem, which is the failure to spay/neuter and the often frivolous abandonment of pets when they are no longer wanted. Perhaps these consciousness raising efforts can be made in conjunction with the schools and other City agencies that can teach humane education, as is mandated by State Law, but unfortunately, not always enforced. The City would save money in the long run, by decreasing the costs of intake, vet care, holding, killing and disposing of animals.

#### **The second issue concerns**

**Pet Stores that Sell Animals:** The Department of Mental Health and Hygiene has two conflicting roles. They oversee Animal Care and Control, which takes in animals and then ends up killing many of them, through NY Animal Care and Control. But they also oversee pet shops that sell animals which inevitably puts many of them back into the system. Many of the animals in the shelters are puppy mill dogs that are sold in pet shops; some are from breeders and are purebreds. A bill that became law some years back, required that shelter animals and pet store animals be spayed and neutered before adoption or sale. It was actually passed by the City Council, but the pet store industry used their influence and that section of the bill was removed.

We believe it is within the purview of the Department of Health to put a moratorium on issuing new licenses to pet stores that sell animals. And until there are no more animals being killed in shelters, we believe that it is perfectly justifiable to make every effort to stem the flow.

There are a finite number of good homes available at this time and many of them do not opt to adopt shelter animals as they are swayed by slick advertising and that puppy in the window. The DoH should not be exacerbating the problem by allowing stores to sell puppy mill or breeder dogs and cats. This takes homes away from cats and dogs already in the shelter system who will die for want of a home. **It's time to end the continuing, repetitive and endless cycle of senseless killing.**

Please get serious. Get creative. There is no reason why you cannot put a moratorium on issuing new permits to pet shops and the mandatory spay/neuter of any animal purchased in a pet shop. Recently, another one opened up on the upper west side on Columbus Avenue in the

W. 80s. Was that necessary? Until the city gets serious about this issue – as they have with smoking, nothing will change.

Thank you for considering these comments.

Zelda Penzel

Please note that on page 6, item #5 needs to be corrected: **to preventing** should read **to prevent** “.....used or displayed have protective devices to preventing animals from escaping or injuring the public.”

February 3, 2010  
New York City Board of Health  
testimony by James Rorimer  
jamesrorimer.com

Good morning.

I would like to start by thanking the Department and the Board of Health for their time and attention to this important issue. My name is James Rorimer. I have a background in Economics, and I do economic development for the Rainforest Alliance. The Rainforest Alliance is a not for profit organization that conserves natural resources and enables sustainable livelihoods for millions of people in more than 65 countries around the world. I'm originally from Ohio where my family has kept bees all my life. I am a honey, baklava, and central park enthusiast.

I'm here today in full support of the proposed changes to the amendments in Health Code Article 161.01 that would allow beekeeping for non-aggressive honey bees in NYC. I have brought some quick facts about honey and reason why bees are important to the health, habitat, and economy of our city.

We depend on these docile insects to provide critical pollination services. They are responsible for one third of everything that flowers, blossoms, or blooms--including agricultural goods.

In addition to their invaluable pollination services, Bees produce nature's finest natural sweetener--honey. Honey is incredible--it lasts forever. In fact, it is the only food that has an infinite shelf life and is the only insect-produced food consumed by mankind. Some people even find that locally produced honey alleviates allergies symptoms.

The average person here consumes about 1.3 lbs. of honey per year. Sometimes, like myself, upwards of 3.7 lbs. But for the single pound of honey we consume honeybees will have to visit around 2 million flowers to produce it! And, a single bee will fly up to 4 miles in pursuit of this precious pollen.

An initiative this past summer in New York called the Great Pollinator Project found that there are 226 bee species in New York City, which demonstrates a surprising wealth of biodiversity in our green spaces. According to the study:

- Fifty-four bee species have been identified in the Bronx
- Fifty-eight from Central Park
- and Fifty-nine from Prospect Park

I've tasted about 10 different types of NYC honey and while you might think they are gritty from the city, the opposite is true. Our local honey is fragrant and flowery in taste. Moreover, honey from Chelsea, tastes different than honey from Brooklyn, which tastes different from the upper west side or the Bronx. I was very surprised to find that my favorite honey still, is from my own neighborhood on the Upper East Side.

Lastly, I would note the potential for our cities economic gains  
jobs created by beekeeping, education, food, parks, and garden industries  
community growth  
new local products  
improved environment and health--via green spaces and markets  
and increases to the supply of baklava

To me, beekeeping is one of the most rewarding, educational, and ecologically efficient services available. Of the approximated 250,000 beekeepers in the USA only a small handful of underground beekeepers provide this harmonious service to our city. They make our vegetables grow, our public green spaces fresh and parks bloom intensely throughout warm seasons. On the most subtle foundations of life, NYC beekeepers help bring our community together, and I thank this Council and all of our pollinators for their noble services, and hope you vote in favor of this amendment.

I will leave you a quote from Marcus Aurelius:  
"That which is not good for the beehive, cannot be good for the bees."

Thank you.

Please see below AC&C's suggested clarifications to the proposed modifications to Article 161:

In Section 161.02 ("Definitions"), clarify the definition of "Owner" as follows:  
"Owner means any person who owns, harbors, possesses, adopts, cares for or keeps an animal, provided that, where such animal is held at an Animal Shelter, the person claiming ownership has satisfied the proof of ownership requirements established by that Animal Shelter."

In Section 161.07 ("Dangerous Dogs")/ Section 161.07(d)(2) add the following clarification (in red):  
If the Department determines that a dog being held at a shelter is dangerous, and provided that the person claiming to own the dog has satisfied the proof of ownership requirements established by the shelter having custody of such dog, it shall notify the owner of the dog of such determination in writing, prior to expiration of the ten day rabies observation period.

In Section 161.07(d)(3), add the following clarification (in red):  
If the Department determines that a dog being held at a shelter is not dangerous, it shall notify the shelter that the dog may be returned to its owner at the end of the rabies observation period, provided that the person claiming to own the dog has satisfied the proof of ownership requirements established by the shelter having custody of such dog, and provided the dog has been vaccinated against rabies, licensed, and surgically sterilized in accordance with applicable law.

Section 161.07(f)(1), add the following clarification (in red):  
The Department shall notify the owner of a dog of its preliminary determination that the dog is dangerous and of any control measures authorized by subdivision (g) of this section that it deems necessary to protect public health and safety. If the owner does not agree with the Department's preliminary determination or that the proposed control measures are necessary, and, where such dog is held in a shelter, provided that the person claiming to own the dog has satisfied the proof of ownership requirements established by the shelter having custody of such dog, the Department shall serve the owner with a petition and notice of hearing to show cause at a hearing to be held at the City's Office of Administrative Trials and Hearings (OATH) why the dog should not be found to be a dangerous dog and why conditions should not be imposed on the dog and owner to protect the public's health and safety.

Section 161.07(d)(4) Other Disposition [of dangerous dog]  
ACC takes in many dogs for which there is no identifiable owner, and therefore, we suggest deleting the phrase "by its owner." The shelter would follow "applicable law"

in this provision to make all necessary inquiries to establish ownership regardless of who surrendered it. Our suggested clarification is as follows: "A dog surrendered to a shelter [text deleted] for any reason shall be made available for adoption or humanely euthanized in accordance with applicable law. However a dog that is surrendered [text deleted] as a dangerous dog...shall not be made available for adoption ... [without DOH approval of the release.]"

Section 161.07 (f) (2) and (3):

Does 161 allow the Animal Shelter to temporarily place any animal in foster care at a DOH-approved location outside the shelter, pending resolution of the hearing regarding a challenge to the determination of Dangerous (per Section 161.07(f)), or during challenges to the Spay/Neuter law where the owner does not post a bond, but does commence a cause of action (per Section 161.23(d)? Can Section 161.25-- Modification by the Commissioner, be used to alleviate the length of stay issue?

Risa Weinstock  
Interim Executive Director  
Animal Care & Control of NYC

## BEES IN NEW YORK CITY

For thousands of years, humans have known the value of bees in agriculture. As the most effective pollinators in the world, bees are an invaluable resource to agriculture productivity. Anybody who's driven past an orchard has seen the dozens of white wooden boxes containing the farmer's most valuable tool. Though we've known the power of bees in our agriculture for centuries, we are just beginning to realize their power in our humble city and community gardens. Just as they are used to dramatically increase fruit and vegetable production, these seemingly insignificant little creatures can be used to dramatically bolster the health and productivity of our NYC gardens.

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RECORDS ACCESS OFFICER  
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### Stinging: Facts Vs. Fears

If there's one big reason people might be reluctant to attract bees to their gardens, it can probably be summed up in one word: Ouch! We all have memories, as a child or as an adult, of getting stung by a bee. It's never a fond memory. As a result, understandably, a lot of people are afraid of being stung again. However, there are a lot of myths and unfounded fears surrounding bee stings. For example, did you know that only female honeybees have stingers? I have been working with bees for three decades, and have been only stung three times. I have no secret pact with the bees, stinging is simply not as common as many people think. I've included here a lot of information about bees and stinging; when and why they do it, and how to avoid it. With a little understanding to ease your fear, the city can be a much more friendly and enjoyable place to be.

Making beekeeping legal in the city again would put New York in good company. Cities such as Paris, Toronto, San Francisco, Denver and Los Angeles promote beekeeping as part of urban sustainability initiatives. Chicago even keeps hives on the rooftop of its city hall. The White House even has a bee hive on the grounds and if the Secret Service felt bees were a danger they would never be allowed.

Donald Loggins  
723 East 10 Street Brooklyn NY 11230  
Donloggins@gmail.com



# New York City Guide for Bee-ginner Beekeepers

## I. INTRODUCTION

A little creature called *apis melifera* has provoked an interest unequaled by any other insect. The honeybee, as she is more commonly known, has a heritage that may go back twenty million years fulfilling a major role in the pollination of plants. The transfer of pollen from the anther (or male part) to the stigma (the female part) is essential to the formation of the plant's seeds and the propagation of the species. The plant, to entice the honeybee, secretes nectar.

Enzymes in the honeybee's honey stomach start the conversion from nectar to honey. Subsequent enzyme action and evaporation of water converts ten pounds of nectar into one pound of honey. Honey is the food of bees but it is also an attraction to other animals: among them man.

Man's attraction to sweetness led him to forego the pain of bee stings so that he might have honey. Records of man's encounter with bees exist from as much as 20,000 years ago. Early cave drawings show a man taking honey from a hive while angry bees fly around him.

Folk lore and honey found in ancient Italian and Egyptian tombs, attest to the role that honey has played in mankind's history. Mead, an alcoholic brew, was made from honey that was mixed with water and allowed to ferment. Honey was used for medicinal purposes and as a major sweetener. Beeswax made fine candles.

What once had been wild bee hives that existed in hollow trees and rocks, now became somewhat domesticated beehives in hollow logs, jars, or boxes that were attended by beekeepers. They were moveable in many instances, such as the hives on Egyptian rafts, to follow the flowers as the seasons changed. One problem shared by almost all the early hives was that they were difficult, if possible, to inspect and remove honey from without greatly destroying bees and hive. Gathering honey usually meant killing off some of the hives, mashing the comb once it was removed, and draining off the honey. Later hive designs utilized strips of wood across the top allowing the bees to build free form combs down from them which resulted in hives that were easier to work with but it was not until Reverend Lorenzo Langstroth invented the moveable frame hive that a good design for inspecting bees became available.

With the Langstroth hive, not only could the brood chamber be inspected for disease, but supers could be stacked upward and, since the queen stayed in the lower part of the hive, surplus honey was stored above in frames free from any brood. Though not the first hive to allow expansion, and thus allow for a storage of honey and less crowding of the bees that would force swarming, it was the first design to have comb that was enclosed on four sides by a wooden frame that allowed for easy removal and reuse of the comb. Since four to twelve pounds of honey, and the time, are consumed by bees in the production of one pound of beeswax, honey production could be increased from that alone. Being able to remove surplus honey without having to kill off the bees meant that many more bees were available come spring to gather honey.

Swarming had been the means by which the beekeeper resupplied the hives that had been killed off in the old days. With a hive with removable frames and expandable size, swarming was discouraged. Since swarming greatly reduces

the number of bees available to collect nectar and make honey, minimizing swarms maximizes honey production. In suburban areas minimizing swarms can also minimize problems resulting from terrified neighbors as well as controlling hive population and the resulting needs of more time and money to manage them.

The advent of refined white sugar caused honey to be relied upon less than it had been but the recent upsurge in the return to natural foods, for flavor and nutrition, has greatly increased the demand for honey. Food research has also shown additional benefits of honey such as extended freshness of baked goods made with honey.

Even without considering honey production, bees still remain an essential part of nature's scheme. Population growth and agricultural practices have greatly reduced the number of wild bees (there are 20,000 species of bees in the world) and as a result pollination has fallen off drastically in some areas to the point that the crops would be unprofitable unless bees were brought in to pollinate them. Since only the honeybee and a few other species lend themselves to easily being hived and moved, farmers must now pay from thirty to eighty dollars per hive to insure proper pollination to get a bountiful harvest of fruit or seed. While it is true that the honey bee is not native to the Americans, neither is the apple, peach, cherry and many other plants that depend upon bees for pollination. As well as all the other pleasures that the honeybee has to offer, she is serving the nation through pollination.

## ii. GETTING STARTED WITH BEES

Buying bees is as important a task as buying a good animal such as a dog or horse: a reliable breeder is one's best bet. Advice from an experienced beekeeper in selecting a hive of bees will aid the new beekeeper in avoiding getting poor bees and/or equipment. A bargain isn't a bargain if the bees are sickly or neglected and require that a lot of time and money be spent to get them into proper condition.

One of the easiest ways to get started is to buy bees from a reliable beekeeper in one's area. An equally good way is to order bees and hive components from suppliers through the mail. When ordering through the mail it must be remembered that sufficient time must be allowed for the hive to arrive, be assembled, and painted before the bees arrive. Supplies for handling the bees, as well as extra supers, must be ordered early enough so that the bees can be inspected and swarming minimized.

Getting started with too little money can lead to the lack of extra supers that need to be added in the late spring or early summer when the honey flow is at its peak and available space is used up. It is most disappointing to discover that a hard working hive has stopped much of its activity to create a new queen and that the old queen and half the hive are sitting as a swarm in a tree or bush. Trying to set up a new hive when not enough equipment was available to handle the original hive is quite a dilemma. The minimum supply to feel fairly safe is the full depth brood chamber and three half depth supers. A basis of two full depth brood chambers and three half depth supers is far more desirable since the two full depth supers can serve as the brood chambers and two half depth supers can be used for surplus honey with the remaining half depth super being used to replace a full super that is removed.

Not over reacting to the first few bee stings is an important part of bee keeping. If one is found to be sensitive to stings, then more caution must be given to proper dress but one must not allow bee stings to cause him to shy away from proper care of the bees. A new hive should not be disturbed too much for the first two weeks, until they feel at home in the hive, but after that, bees can no more be left unattended than if one had bought a dog or a cat and then decided not to feed it. The bees should be inspected every two weeks to a month so that the new beekeeper becomes fully familiar with the bees, their condition, and behavior. Sometimes a mental block develops in regard to being involved with his bees and as a result, the beekeeper loses interest. Bee keeping is not for everyone. While no one enjoys being stung, it can't be a fear of such a magnitude as to cause the bees to be neglected.

Early Spring is the best time to get started in beekeeping because, as the year progresses, the flowers will come into bloom and the bees will have a chance to collect nectar. However, it can also be a bad time if it is a cold, wet spring with few flowers. To insure the survival of a new hive during the first month, when so much of the hive's energy and consequently food supply is used in drawing out new comb and raising brood, a solution of sugar water must be fed to the new hive to supplement their needs. The sooner the weather becomes consistently nice the sooner the feeding can be eliminated. There are several ways that sugar water can be fed. The use of an entrance feeder is simplest but it is argued that in cold weather the bees may have difficulty using it. Placing a can or jar of sugar water over the opening in the inner cover, with an empty hive box around it to keep the heat from the hive in, and then placing the outer cover on top is a favored way of many beekeepers. A third method is to remove a frame and replace it with a special trough that can be filled with sugar water and has a board floating on it so the bees won't drown when they land to drink the sugar water. Pouring granulated sugar in the space between the inner and outer cover can be used in emergencies but is not one of the more desired methods for extended feeding as the bees need water to dissolve the sugar to use it.

Choosing the proper place in the community garden to set up a beehive is a factor that should be considered well in advance to the arrival of the bees. Once the bees "mark the spot" they will not tolerate having the hive moved after they are established in it. Bees do not remember the hive but rather the spot where the hive is relative to fixed landmarks. The standing rule is to move the hive more than two miles or less than six feet at any single move. If more than two miles they will reorient themselves because of unfamiliar surrounding. Less than six feet will appear to be within their navigation accuracy.

A place most desirable for the bees should offer light shade of deciduous trees to help keep the hive cool in the summer time and still allow the sun to warm it in the winter, early spring and late fall. Since the hive location will probably be chosen in the winter or early spring, when no leaves are on the trees and the path of the sun is more southward in the sky, allowance must be made for the effects of having leaves on the trees and a more northern path of the sun. Heavy shade interferes with navigation from the sun and doesn't allow the sun to warm the hive as early in the morning or as late in the evening. If in direct sunlight, the bees will spend too much time and energy trying to keep the hive cool on hot summer days. It should be noted that some experts feel that keeping bees in direct sunlight tends to make the bees work harder. The actual daytime temperature in the summer plays a major role in that choice. In this area, whenever possible, the entrance of the hive should face south to help in their orientation of the sun, to warm the entrance, and to minimize the effects of having wind, rain and snow blowing in the entrance.

Picking a location with a minimum of traffic in front of the hive is very important. Bees can be rather intolerant to people, cars or animals passing back and forth in front of their entrance. It is especially annoying for a tired bee, returning from the field, to have to try to maneuver around moving objects. Also, on take off they need room to gain altitude without having to avoid moving objects. A fence or hedge five to ten feet in front of the hives will encourage a more rapid ascent and make areas in front of the hedge or fence more freely usable.

### iii. CONSIDERATION FOR THE BEES

Every so often in talking to people it is possible to meet someone who had bees but had to give them up because they didn't have the time to properly care for them. Bee keeping is much more involved than getting bees and then letting them care for themselves. It is not fair to the bees, or the surrounding neighbors, to merely leave them on their own. It can't be assumed that since they were wild

it follows that they can care for themselves. The effects of man on the landscape greatly affect the habitat of the bees. Man has upset nature's balance and the bee is affected by the changes.

Time must be spent to assure that the needs of the bee are met since the beekeeper and not the bees chose the spot where the hive is located. To survive and be productive the bees must have the materials to make the honey as close as possible. Flowers are the major concern since bees can produce honey only from the nectar of flowers. The more vegetation the better the chance of flowers. Maple and basswood produce flowers in the spring but they can also shade out other plants than might supply flowers at other times of the year. A good variety of plants will do a lot to assure some blooms at most times throughout the honey seasons. Fields supply an opportunity for small flowering plants to grow many of which bloom quite profusely. Frequent checking of the hive's activity related to the number of bees flying in and out of the entrance, can tell a lot about the condition of the hive but the surest check is to actually open the hive and check the amount of nectar being processed, honey being made, and the size of the brood chamber.

Water is an essential item for bees since they use it to dilute the honey to feed to the brood and in the hot weather they bring the water back to the hive and evaporate it to cool the hive. Good clean water, free of chemicals, bacteria or parasites that may harm the bees, is essential to maintaining a healthy, productive hive. Stagnant, dirty water is an easy way to introduce disease into a hive and, if more than one hive uses the same water, disease can be spread quite rapidly. Running water such as obtained from a slightly open faucet or garden hose will work well. Letting a hose run slowly into a pan filled with rocks or floating wood is ideal. It must be remembered that the bees will drown if they land in the water. The rocks or wood provide landing surfaces. Frequent checks must still be made to be sure that the water stays free from contamination.

Having the water as close to the hives as possible is important since they waste less time and energy in getting the water, and are more likely to use it than another source, such as the neighbor's yards, especially their pools, in search of water. People stepping on bees around their pools can be a major source of trouble.

#### **IV. MAJOR CONCERNS IN THE ACTUAL HANDLING OF BEES**

##### **i. Smoothness of Handling**

Opening the bee hive as smoothly as possible can be a major consideration in controlling the temperament of the bees and rendering them as gentle as possible. Though there is some question among the experts as to whether or not

bees can hear, there is no question regarding their ability to sense vibrations and respond to them as a possible threat. Any jarring of the hive, any abrupt movement, can be interpreted as an attack against their home: their sole means of surviving. Prying supers apart as carefully as possible and removing frames gently allows the bees to be surprisingly indifferent to the beekeeper's activities.

## 2. Proper use of the Smoker

Moderation is the keyword in the use of the smoker. Smoke should be used to drive back the guards but not to overwhelm the hive. Too little smoke won't suppress the guards enough but too much smoke will aggravate the hive. Just because a few bees are flying around is not grounds to apply more and more smoke. As with most phases of bee keeping, experience will show how much smoke is needed and it will be noted that it varies from hive to hive. Keeping the smoker going can be a unique problem in working with bees. Unless the bellows is squeezed every so often it will go out. If the bellows are squeezed too often or too hard the flame will get too hot and emit a flame rather than smoke.

Materials that supply fairly good smoke include dried grass, leaves, pine cones, and ceiling tiles. Peat moss works quite well, is readily available and not expensive. Usually paper is used to get the fire started.

## 3. Introduction of a Queen

A hive of bees has its own unique scent and intruders are detected as not having the same scent and are either removed or killed. Introducing a queen from another hive can result in her being killed, since she has an odor different from the rest of the bees. Precautions should be taken to protect her from the rest of the bees until she acquires the scent of the hive. There are several ways that can be done.

If the new queen is kept in a separate cage, within the hive, she will acquire the scent of the hive and be more willingly accepted. The normally used queen cage is a block of wood about  $\frac{3}{4}$  inch by  $1\frac{1}{2}$  inches by  $2\frac{1}{2}$  inches that has been partially drilled out and then has had window screening tacked over the opening to contain the queen in an opening about 1 inch in diameter and a half an inch deep. Entering along the axis of long dimension, from both ends is a  $\frac{3}{8}$  inch hole that has been filled with candied sugar at one end and corked at the other end.

Placing the cage on top of the frames with the screen side down and straddling two frames allows the bees to become familiar with the queen without harming her. Removing the cork from the 3/8 inch hole that is blocked with candied sugar allows the bees to eat through the sugar in a couple of days and free the queen.

For introducing a queen with a large number of bees, such as combining a swarm with an existing hive, the outer and inner covers of the hive can be removed and a sheet or two of newspaper can be used to cover the whole top of the hive. A super, with frames, can then be placed on top of the newspaper and the queen and bees poured into the super and the inner and outer covers replaced. Use an inner cover with openings so they will have ventilation and they will be able to leave and enter through the top of the hive. Within a day or two the bees will have chewed through the paper and the two groups combined. Their odors will have mixed and they won't attack each other. The two queens, however, will seek each other out and fight. Usually the younger, stronger queen will survive.

More than twenty different variations of queen introductions exist. Prime concern in most cases is allowing time for the odor of the new queen and attendants to mix with the hive to which the introduction is made. It must also be remembered that a hive without a queen is far more willing to accept a new queen than a hive that has a good producing queen.

#### 4. Package Bees

A package of bees is a box about 10 by 14 by 5 inches, with window screening on the 10 by 14 inch sides, containing anywhere from two to five pounds of bees with or without a queen. The most usual order is a 3-pound package (about 11-12,000 bees) with a queen. Whether or not a queen is included, depends upon whether the package is to be used to add to a weak hive that has a queen or whether a new hive is to be started. For this climate it would be best to have the bees arrive between April 15 and May 15.

It is most important in ordering package bees to have a bee hive fully assembled and painted before the package arrives since the queens should only be kept in the package a few days at the most. It is important that the bees start building combs and the queen laying eggs as soon as possible since it will be three weeks before the new bees start hatching out. To insure the survival of the hive they should be fed sugar water since not enough nectar may be available in the early spring.

If at all possible the hive should have some drawn foundation so that the bees will have to expend less energy in getting started. Four to twelve pounds of honey must be consumed to produce one pound of wax. The less energy the bees must use at such a critical time, the better their chance of survival.

The bees should be installed in the hive late in the evening, if possible, to prevent drifting. Usually only half the frames are placed in the hive so that the bees may be dumped in the opening left and then the frames are replaced.

## FACTS ABOUT HONEYBEES

### Pollination

Agriculture depends greatly on the honeybee for pollination. Honeybees account for 80% of all insect pollination. Without such pollination, we would see a significant decrease in the yield of fruits and vegetables.

### Pollen

Bees collect 66 lbs of pollen per year, per hive. Pollen is the male germ cells produced by all flowering plants for fertilization and plant embryo formation. The Honeybee uses pollen as a food. Pollen is one of the richest and purest natural foods, consisting of up to 35% protein, 10% sugars, carbohydrates, enzymes, minerals, and vitamins A (carotenes), B1 (thiamin), B2 (riboflavin), B3 (nicotinic acid), B5 (panothenic acid), C (ascorbic acid), H (biotin), and R (rutine).

Honey is used by the bees for food all year round. There are many types, colors and flavors of honey, depending upon its nectar source. The bees make honey from the nectar they collect from flowering trees and plants. Honey is an easily digestible, pure food. Honey is hydroscopic and has antibacterial qualities. Eating local honey can fend off allergies.

### Beeswax

Secreted from glands, beeswax is used by the honeybee to build honey comb. It is used by humans in drugs, cosmetics, artists' materials, furniture polish and candles.

## Propolis

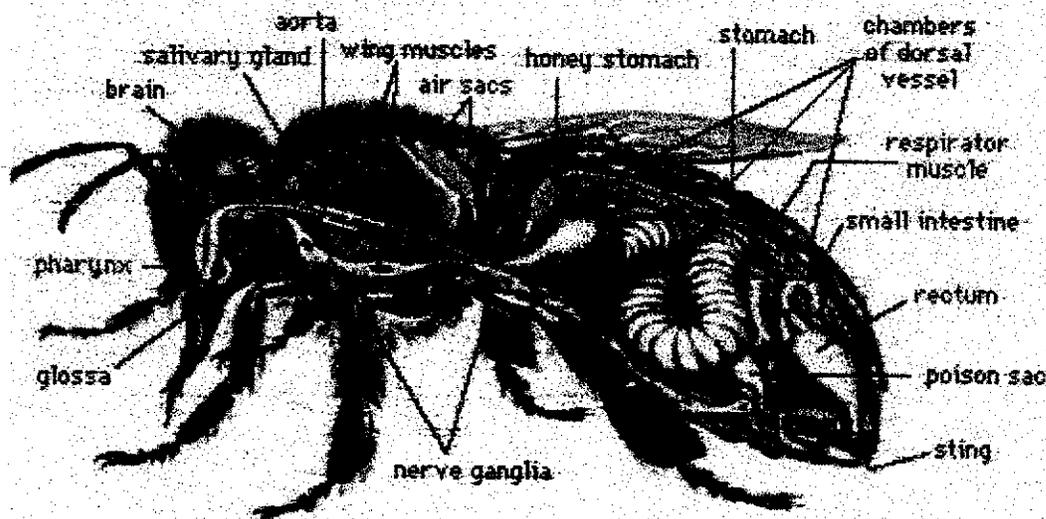
Collected by honeybees from trees, the sticky resin is mixed with wax to make a sticky glue. The bees use this to seal cracks and repair their hive. It is used by humans as a health aid, and as the basis for fine wood varnishes.

## Royal Jelly

The powerful, milky substance that turns an ordinary bee into a Queen Bee. It is made of digested pollen and honey or nectar mixed with a chemical secreted from a gland in a nursing bee's head. It commands premium prices rivaling imported caviar, and is used by some as a dietary supplement and fertility stimulant. It is loaded with all of the B vitamins.

## Bee Venom

The "ouch" part of the honeybee. Although sharp pain and some swelling and itching are natural reactions to a honeybee sting, a small percentage of individuals are highly allergic to bee venom. "Bee venom therapy" is widely practiced overseas and by some in the USA to address health problems such as arthritis, neuralgia, high blood pressure, high cholesterol and even MS.



## **OTHER BITS OF INFORMATION**

Honeybees are not native to the USA. They are European in origin, and were brought to North America by the early settlers.

Honeybees are not aggressive by nature, and will not sting unless protecting their hive from an intruder or are unduly provoked.

Honeybees represent a highly organized society, with various bees having very specific roles during their lifetime: e.g., nurses, guards, grocers, housekeepers, construction workers, royal attendants, undertakers, foragers, etc.

The queen bee can live for several years. Worker bees live for 6 weeks during the busy summer, and for 4-9 months during the winter months.

The practice of honey collection and beekeeping dates back to the stone-age, as evidenced by cave paintings.

The honeybee hive is perennial. Although quite inactive during the winter, the honeybee survives the winter months by clustering for warmth. By self-regulating the internal temperature of the cluster, the bees maintain 93 degrees Fahrenheit in the center of the winter cluster (regardless of the outside temperature).

## **THREE CASTES OF HONEYBEE**

### **Queen Bee**

There is only one queen per hive. The queen is the only bee with fully developed ovaries. A queen bee can live for 3-5 years. The queen mates only once with several male (drone) bees, and will remain fertile for life. She lays up to 2000 eggs per day. Fertilized eggs become female (worker bees) and unfertilized eggs become male (drone bees). When she dies or becomes unproductive, the other bees will "make" a new queen by selecting a young larva and feeding it a diet of "royal jelly". For queen bees, it takes 16 days from egg to emergence.

### **Worker Bee**

All worker bees are female, but they are not able to reproduce. Worker bees live for 4-9 months during the winter season, but only 6 weeks during

the busy summer months (they literally work themselves to death). Nearly all of the bees in a hive are worker bees. A hive consists of 20,000 - 30,000 bees in the winter, and over 60,000 - 80,000 bees in the summer. The worker bees sequentially take on a series of specific chores during their lifetime: housekeeper; nursemaid; construction worker; grocer; undertaker; guard; and finally, after 21 days they become a forager collecting pollen and nectar. For worker bees, it takes 21 days from egg to emergence. The worker bee has a barbed stinger that results in her death following stinging, therefore, she can only sting once.

### **Drone Bee**

These male bees are kept on standby during the summer for mating with a virgin queen. Because the drone has a barbed sex organ, mating is followed by death of the drone. There are only 300-3000 drones in a hive. The drone does not have a stinger. Because they are of no use in the winter, drones are expelled from the hive in the autumn.

## **THREATS TO BEEKEEPING**

### **Mites**

The greatest threat to beekeeping are two varieties of mites (Varroa and Tracheal). And although these mites can be kept under control by a persistent beekeeper, the negative effects on the honeybee population has been devastating. The Back Yard Beekeepers Association surveyed its membership and learned that over 40% of the membership's hives died in 1996. These mites are greatly reducing the overall honeybee population in the USA. The mites are of no concern to humans, except for the effect they can have on honey production.

### **Disease**

Beekeepers are on the watch for various diseases unique to honeybees, and harmless to humans. "Foul Brood" and "Nosema" are two such diseases. These problems can easily be addressed by good management and proper medication.

### **Urbanization**

With more and more urban development and the growth of cities, there is less and less foraging available to bees. However, areas like community gardens and urban parks contain a rich assortment of nectar and pollen for honeybees.

## **Africanized Bees**

The arrival of so-called "killer bees" in a few southern states has received sensationalized treatment in the media. In some areas of the country, this negative publicity has stimulated local restrictions and ordinances on the hobbyist beekeeper. There are no "killer bees" in NYC.

## **ROYAL JELLY FACT SHEET**

Royal Jelly is the substance that turns an ordinary bee into the Queen Bee. It is made of pollen which is chewed up and mixed with a chemical secreted from a gland in the nursing bee's heads. This "milk" or "pollen mush" is fed to all the larvae for the first two days of their lives.

The larvae chosen to become a queen continue to eat only royal jelly. The queen grows one and a half times larger than the ordinary bee, and is capable of laying up to two thousand eggs a day. The Queen Bee lives forty times longer than the bees on a regular diet. There is no difference between a queen bee and a worker bee in the larval stage. The only factor that is different between them is that a developing queen bee continues to eat only royal jelly.

Scientists decided to try feeding the queen bee's diet to other animals with surprising results. The life span of pigs and roosters showed as much as a thirty-percent increase. Fruit flies fed royal jelly increased in size and in rate of production. Chickens given royal jelly laid twice as many eggs, and older chickens began to lay again.

In France, there have been reports of women fed royal jelly during menopause, showing complete remission of their symptoms. Some were even able to become mothers again. France also claimed that their studies showed royal jelly to have rejuvenating and sexually stimulating effects on both men and women. Canada has approved royal jelly as a natural dietary supplement for its athletes. Royal jelly is not a drug, but a nutritious, quickly assimilated food.

In Germany, Drs. Chochi, Prosperi, Quadri and Malossi (in separate studies) used royal jelly as an aid to badly undernourished and premature babies. The infants fed royal jelly increased in weight and health. Another doctor, Telatui, reported that neuro-psychic patients given royal jelly regained normal weight, a more stable nervous system, and a greater degree of stamina for physical and mental work.

Chemical analysis of royal jelly found it rich in protein and the B vitamins (especially pantothenic acid). However, analysis of royal jelly fails to break it down into all its different components. It cannot be synthesized.

Royal jelly has proven to be a potent bactericide. It also acts as a catalyst, stimulating intercellular metabolic activities without significantly modifying normal physiological activity. Thus, it hastens cell recovery with no side effects. Royal jelly has been known to speed up healing of wounds and to reduce the amount of scarring.

The beneficial effects of royal jelly seem not to depend entirely upon its vitamin content, but upon some type of enzymatic or catalytic action of an as yet unknown factor; or perhaps, the known factors working in combination with a co-enzyme through a process that has not yet been defined.

Since the action of royal jelly seems to be systemic rather than one which affects a specific biological function, it has been recommended for a great variety of purposes: to retard the aging process, for menopause, correction of under-nutrition, for arthritis, vascular diseases, peptic ulcers, liver ailments, nervous instability, skin problems, improvement of sexual functions, general health and well being.

## **GLOSSARY OF TERMS**

**Beeswax:** waxy material produced by worker bees and used to build combs.

**Drones:** Male bees, whose main function in the colony is to fertilize the queen. Drones make up a very small percentage of the total colony. In the Autumn drones are expelled from the hive by the female worker bees.

**Foundation:** Thin sheets of beeswax imprinted with a pattern of honey comb. The beekeeper installs these sheets into wooden frames as "starters" for the bees in making uniform combs.

**Frames:** The removable wooden structures which are placed in the hive. The bees build their comb within these frames. The removable quality allows the beekeeper to easily inspect the colony.

**Hive Bodies:** The first one or two wooden boxes of the colony. The hive bodies contain the brood nest of the colony.

**Larva:** The grub-like, immature form of the bee, after it has developed from the egg and before it has gone into the pupa stage.

**Nectar:** Sweet fluid produced by flowers is 60% water and 40% solids. This is collected by the bees and converted into honey at 17-18% moisture content.

**Pollen:** Very small dust-like grain produced by flowers. These are the male germ cells of the plant.

**Propolis:** Sticky, brownish gum gathered by bees from trees and buds and used to seal cracks and drafts in the hive. Also called "bee-glue".

**Pupa:** The immature form of the bee (following the larval stage) while changing into the adult form.

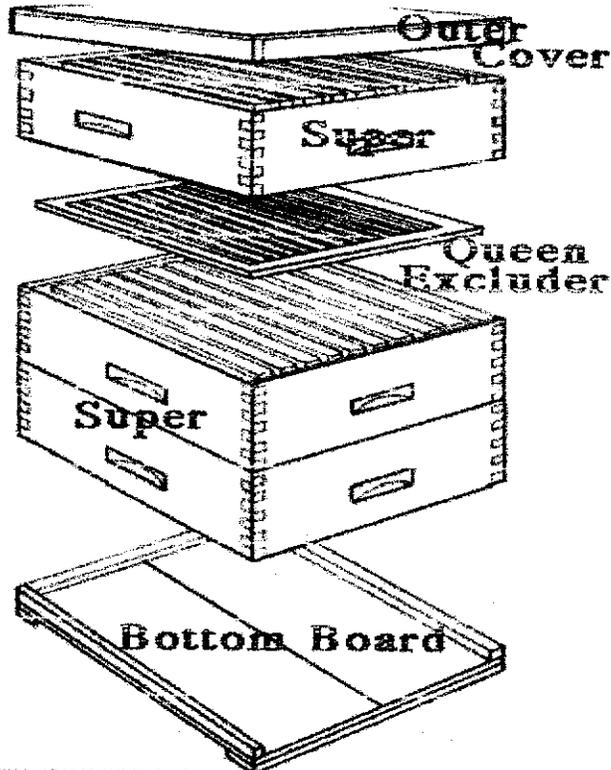
**Queen:** A completely developed female bee (with functioning ovaries) who lays eggs and serves as the central focus of the colony. There is only one queen in a colony of bees. A queen's productive life span is 2-3 years.

**Royal Jelly:** The milky white secretion of young nurse bees. It is used to feed the queen throughout her life, and is given to worker and drone larvae only during their early larval lives.

**Super:** The supplementary wooden boxes placed on top of the hive body to expand the size of the colony, and to provide for storage of surplus honey.

**Supersedure:** When a colony with an old or failing queen rears a daughter to replace her.

**Workers:** Completely developed female bees that do not have developed ovaries and do not normally lay eggs. They gather pollen and nectar and convert the nectar to honey. A worker's life expectancy is only several weeks during the active summer months. However, they can live for many months during the relatively inactive winter.



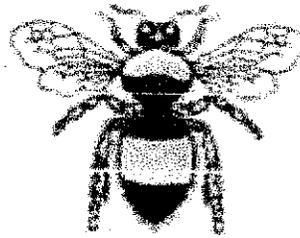
BeeHive



European style  
honeybee  
5/8 "



Africanized  
honeybee  
5/8 "



Bumblebee  
1-1/16 "



Carpenter bee (13/16 ")



Mud dauber (7/8 ")



Paper wasp (13/16 ")



Yellowjacket (5/8 ")

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by Donald Loggins

Comments on Amendments to Health Code Article 161.01  
February 3rd, 2010

My name is David Vigil and I am the farm manager at the East New York Farms!, an urban agriculture project in East New York, Brooklyn. We work with youth and adults to build a healthy food system in East New York--we run two urban farms, two farmers markets, and assist more than fifty urban growers producing food in the city.

We fully support the proposed amendment to the Health Code, and applaud the Department of Health for drafting this amendment. We believe that bees, like farms, play an important role in our city's environment and food system.

We sell over 20,000 pounds of Brooklyn-grown produce at our farmers' markets. Pollinators play a big role in this, and many of our most popular crops would never make it to market without adequate pollination. While this alone is sufficient reason to keep bees in the city, we also benefit from the honey that they provide. Much of the produce at our market is grown in community gardens and backyards, and the growers are small-scale agricultural entrepreneurs trying to maximize productivity in a limited space. The income-generating potential of beehives is very high relative to the space that they occupy, and keeping bees presents a great opportunity for urban growers to produce a healthy product and supplement their income. Many of the communities where urban agriculture is practiced--Central Brooklyn, Harlem, and the South Bronx--are also communities that lack access to good food and economic opportunities. Legalized beekeeping would be a positive step towards increasing both of these.

We also host over a thousand visitors and volunteers at our two farms every year, many of them young people from Brooklyn who come to learn about the realities of food production. Bees are a fantastic educational tool for teaching about both the intricacy and the delicacy of our food system, and the social structure of a honeybee colony has a lot to teach us about the power of cooperation. Schools and teachers across the city are taking a greater interest in gardening and farming, and well-managed beehives should be a part of their learning.

Thanks for taking the time to hear my comments, and on behalf of the many gardeners and farmers of East New York, I hope that you pass this amendment.

Hi, my name is Marisa DeDominicis, and I support the legalization of beekeeping in NYC.

I have lived in NYC for 27 years and have seen the ever increasing greening of NYC.

Where I live in the Lower East Side, there are more trees then ever, but many of the new trees are not thriving. They are much stressed. Our neighborhood has an imbalance of too many people, and dogs, and concrete and buildings, compared to what the trees need to thrive. Trees need healthy soil, more expansive tree beds that allow for more soil, and trees need more opportunities for natural beings to do their work, which includes pollination.

Bees are some of the most effective pollinators around.

Please retract the inane regulation that says that bees are dangerous and beekeeping must be prohibited.

Please support people assisting in increasing the number of bees in NYC to help with the essential work of pollination.

Please acknowledge that the bees are helpful and necessary to assist in balancing the natural order by pollinating the trees, which will help the trees survive, and thrive, which assists our NYC efforts to support a more sustainable city, and, the world.



#95  
farm sanctuary  
rescue • education • advocacy

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[www.farmsanctuary.org](http://www.farmsanctuary.org)

**Text of Farm Sanctuary Oral Testimony  
Presented at 2/3/10 Hearing on Proposed Amendments to Article 161**

Good morning. My name is David Benzaquen and I'm the Campaigns Coordinator for Farm Sanctuary. I appreciate this opportunity to speak to you today.

Founded in 1986, Farm Sanctuary is the nation's leading farm animal protection organization with over 200,000 members and supporters nationwide and over 20,000 right here in NYC.

Farm Sanctuary has provided top-of-the-line direct care to thousands of rescued farm animals, including over 400 from NYC. My comments here today are based on our breadth of experience caring for farm animals and our understanding of the issues facing farm animals in NYC.

I am here to address the proposed amendments to the city's regulation of slaughterhouses.

Current law regulating slaughterhouses in the city requires that these businesses apply for licensing from the Department of Health. These same regulations also prohibit the keeping of certain animals. We understand that the proposed amendments would eliminate the licensing requirement.

Farm Sanctuary believes that there should be no slaughterhouses in New York City as they pose a threat to human health and to animal welfare. The animals we have rescued from New York City include many whom were relinquished by city slaughterhouses or escaped them. These animals have shown signs of serious injury and emotional distress. Among these injuries that were likely caused by rough handling and inadequate care have been broken bones, open sores, and severe feather loss. We have also received animals from city slaughterhouses that tested positive for viruses that could pose a serious threat to human health. Among these were 167 chickens and quails found in a Queens live market in 2001, many of whom tested positive for avian influenza and who were in the process of being sold to the public at the time of our intervention. Clearly, state and federal laws are inadequate to protect these animals from abuse or the public from the very serious health threats posed by keeping, slaughtering and selling these animals in New York City.

If these slaughterhouses do continue to exist, Farm Sanctuary calls on the Department of Health to tighten licensing requirements and regulation of these businesses, instead of loosening them.

Thank you for your time.

#96

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**From:** Sarah Gallagher [mailto:uppergreenside@gmail.com]  
**Sent:** Fri 2/12/2010 10:53 PM  
**To:** Resolution Comments  
**Subject:** Legalize Beekeeping Now!!

This is such a wonderful, positive activity and too long banned by our great city.

Bring on those little pollenators!

Best,

Sarah Woodside Gallagher  
1136 First Avenue  
New York, New York 10065

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 Follow up**Resolution Comments****From:** Ozzie Rodriguez [ocipix@gmail.com]**Sent:** Sun 1/31/2010 10:30 PM**To:** Resolution Comments**Cc:****Subject:** testimony regarding article 161**Attachments:**

Dear Sir or Madam:

My name is Osiris Rodriguez. I am a life long resident of NYC, except for my college years in Buffalo, NY, and a brief attempt at living in Florida and later Brazil. I currently live in Brooklyn where I own a 4 story brownstone and have dreamed for years of being able to set up a bee hive on my roof. Unfortunately I haven't been able to do that because of the way article 161.01 is currently written; making honey bee keeping illegal.

I am writing to inform your office that I support the proposed text amendment to the bee code that would make it legal for responsible citizens like myself to engage in the life affirming practice and art that is honey bee keeping. I want to encourage your office to allow for a freer and "sweeter" NYC.

Sincerely,

Osiris Rodriguez

On proposed amendments of  
Chapter 4 of Title 24 of the Rules of the City of New York and  
Article 161 of the NYC Health Code

February 3, 2010

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My name is Teresa Russo, I'm commenting specifically on some of the issues concerning the carriage horses.

I appreciate the fact that the Department of Mental Health and Hygiene has attempted to remedy some of the problems associated with the carriage horse industry in New York City, and I would like to thank the Dept for the opportunity to comment.

I do believe, however, that there are humane issues and safety issues that are not possible to correct, and the new proposals are still inadequate to protect the horses from neglect and inhumane treatment. I also believe that it would be very difficult to ensure that the new rules will be enforced.

**The first issue I'd like to discuss is:**

**Section 161.21-Horse Stables(11), that says: " On or after January 1, 2011, no new stables shall be equipped with stalls that are located above the first or street level floor of the stable."**

I don't see how this would make a difference if the older stables, which now have horses that are housed on upper floors, were allowed to remain open. This is a grave safety issue. If a fire broke out in one of these older buildings, it would be difficult, if not impossible, to move all of the horses from the upper floors to the street and to safety. Horses are prey animals, and spook easily. In the event of a fire, the horses would be panicking and fighting to escape, they would not be moving downstairs in an orderly fashion. Tragic fires have occurred in stables where horses are located at ground level, such as racetracks. Horses have perished in these fires. It's alarming to imagine what would happen if a fire were to break out in one of these buildings, and a large number of horses had to be led down a narrow ramp from the upper floors. Some of these stables are not equipped with sprinkler systems, and will not be required to have one until July of 2011, in other words, not for a year and a half from today.

Some of the stables have unsanitary conditions, such as trash and paper lying around. This creates a fire hazard. Without sprinkler systems, the stable is a firetrap. At the same time, though the subjects of proper electrical wiring, and cleanliness of the stables are addressed in the proposed rules, there is no time frame for this to be done, nor is the procedure to enforce these rules explained.

#### **Health Code 161.21**

- 1. troughs and mangers shall be cleaned daily and kept free of rodent and bird droppings.**

#### **4.04-b**

**While at work horses shall be provided with adequate supplies of potable water and shall be allowed to drink ....Troughs shall be cleaned daily. Sufficient ...water shall be provided [free of dust, mold, vermin and other contaminants...**

I have seen and photographed the water troughs for the horses in Central Park, one located at the hack line on 5<sup>th</sup> Avenue, and the other near 6<sup>th</sup> Avenue in Central Park on a number of occasions, the last being yesterday. The one at 6<sup>th</sup> Ave has had on the occasions that I have seen, no water at all, and was filthy and contained garbage thrown in by passers by. I had seen the one on at Fifth Ave when it had a couple of inches of water at the bottom, which looked very dirty. I had witnessed a few of the horses, as they passed by, stop by the trough and struggle to get any water into their mouths. They were trying to turn their heads sideways to access the low level of water.

1

Yesterday, the 6<sup>th</sup> Avenue trough was empty except for some dirt and twigs. The 5<sup>th</sup> Avenue trough had broken ice on the sides, but no drinking water. There were two paper coffee cups on the edge of the trough. There was a portable trough at the 5<sup>th</sup> Avenue hack line, the trough was a little less than half full, but the water looked dirty.

The water to these troughs is turned off from November to March, because the pipes freeze in the winter. That means that someone has to fill the troughs manually in order to keep them full. Whose job this is is not clear. The ASPCA has done it at times, but they are not able to do this on a consistent, regular basis, so many times the troughs are empty or near empty.

The average horse needs approximately 1 gallon of water for every hundred pounds body weight, daily, to maintain health. For a 1600 lb. horse, that would be 16 gallons of water. But for a working animal, and the carriage horses work nine hours a day, that amount would double, or even triple.<sup>1</sup>

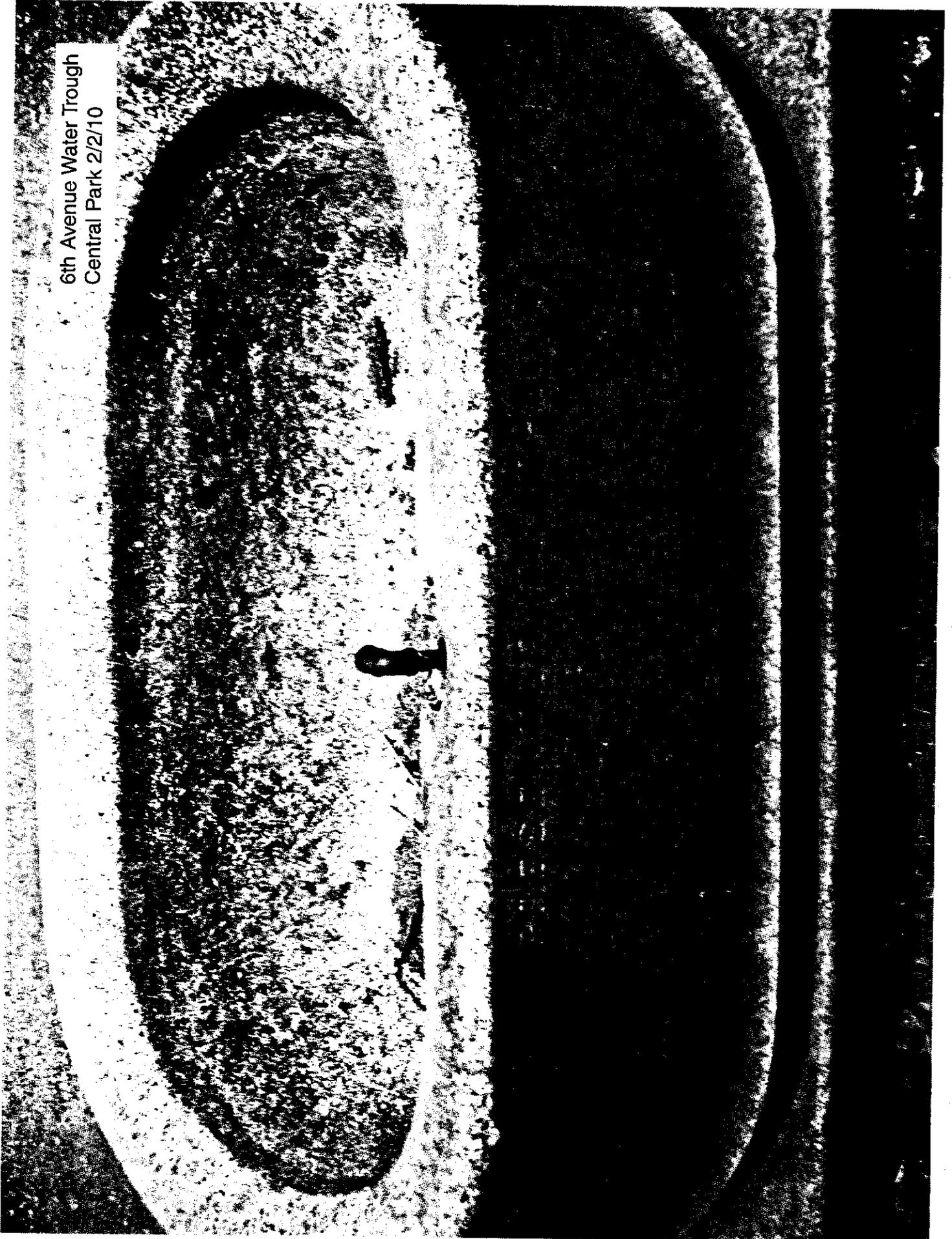
There are over 200 carriage horses in New York City. There are 68 horse carriages in the Park at a time. It's not possible to ensure that the horses get enough clean, potable water under present conditions. This problem has been known for some time, but little has been done about it.

Horses are susceptible to impaction colic, inadequate, clean drinking water is one cause. Other causes include parasites. Water and troughs that are not kept clean and refilled daily can harbor parasites, which can further exacerbate the problem by irritating the intestinal tract and causing blockage.<sup>2</sup> Horses with impaction colic are in pain, and eventually refuse to eat. The utmost care needs to be taken to see that each and every horse has access to clean drinking water. So far, this has not been done, and I am very skeptical that any new regulations will make a difference.

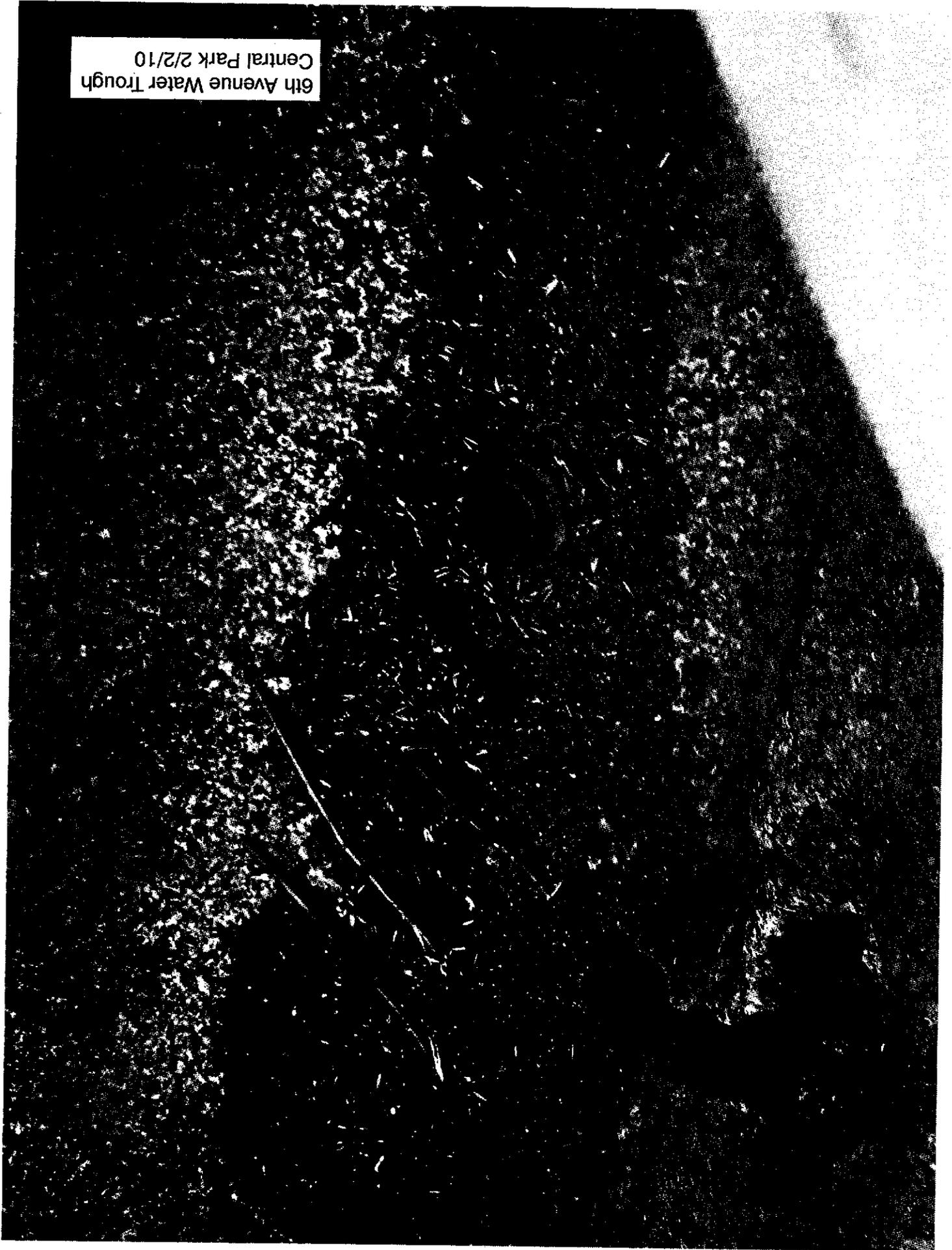
<sup>1</sup>[http://www.extension.org/pages/Nutrients\\_and\\_Common\\_Feed\\_Sources\\_for\\_Horses](http://www.extension.org/pages/Nutrients_and_Common_Feed_Sources_for_Horses)

<sup>2</sup><http://cvm.msu.edu/alumni-friends/information-for-animal-owners/impaction-colic-in-horses>

6th Avenue Water Trough  
Central Park 2/2/10



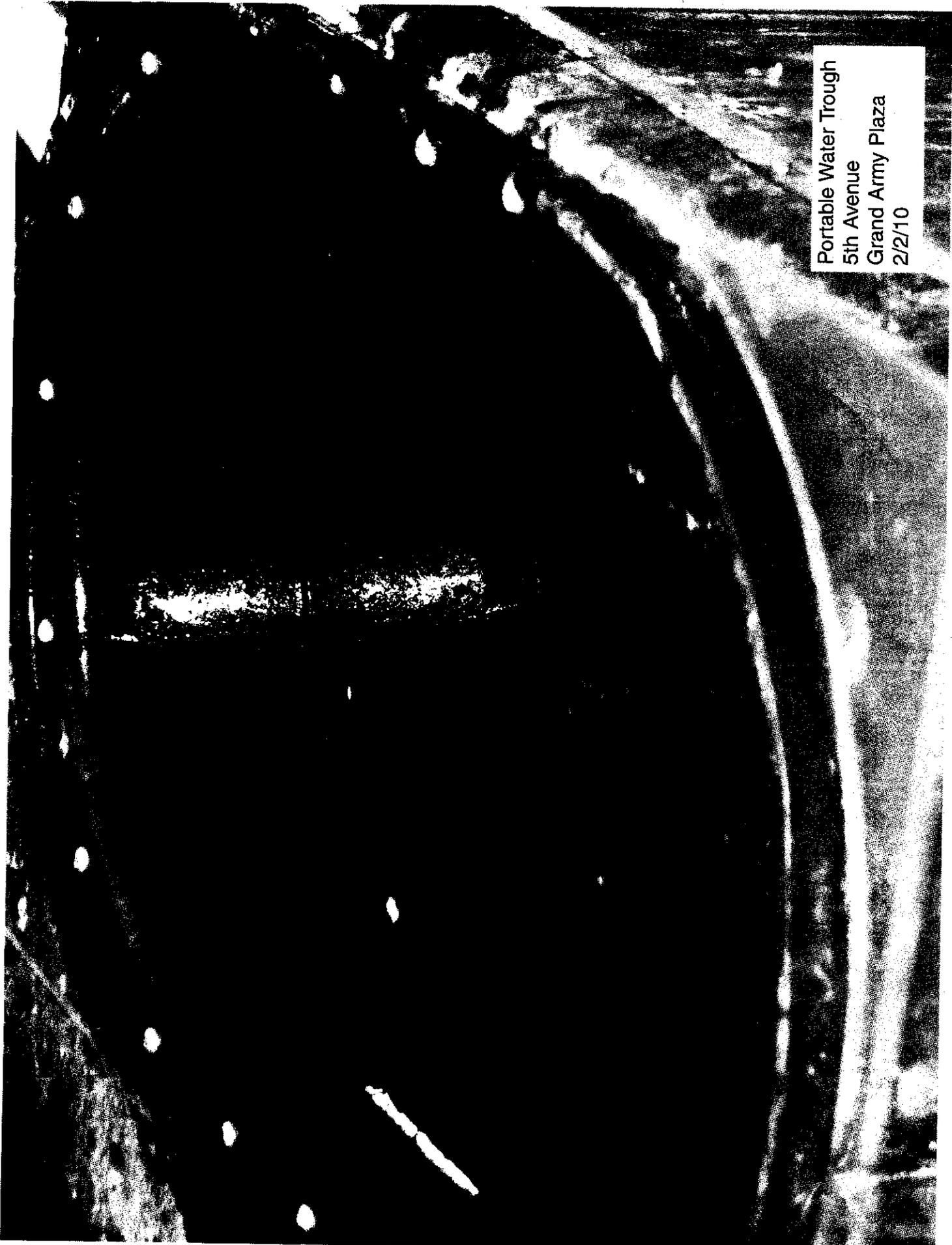
6th Avenue Water Trough  
Central Park 2/2/10



5th Avenue Water Trough  
Grand Army Plaza  
2/2/10



Portable Water Trough  
5th Avenue  
Grand Army Plaza  
2/2/10



#99

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**Resolution Comments**

**From:** outgoingagency@customerservice.nyc.gov [outgoingagency@customerservice.nyc.gov] **Sent:** Sun 1/31/2010 12:58 PM  
**To:** Resolution Comments  
**Cc:**  
**Subject:** City of New York - Correspondence #1-1-539918451 Notice of Intention to Amend Article 161  
**Attachments:**

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First\_Name: Victoria  
Last\_Name: Beerman  
Email: vjbeerman@yahoo.com  
City: Brooklyn  
State: NY  
Zip Code: 11218

Comments: I very strongly believe that Article 161 should be amended to allow beekeeping in NYC. This is important not only economically, so that small, local business can flourish, but ecologically as well. Bees are crucial to our food chain. Allowing beekeeping will allow bee colonies to thrive and continue pollinating our food crops. And the citizens who steward the bee colonies will thrive, as well as the citizens who benefit from all the products produced from the bees. Local honey is known to help alleviate allergies, among its many benefits. And candles made of beeswax are kinder to the environment and better for health than those made of petroleum products. (And any local business benefits the community much more than products produced far away because it reduces food miles and keeps money in local economies.) WE NEED BEES AND BEEKEEPING IN NYC! DO THE RIGHT THING!

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# New York City Beekeepers Association

A Hive for the Urban Beekeepers of Gotham City

FOR IMMEDIATE RELEASE

## Urban Beekeepers Abuzz Over Legalization of City Beekeeping

New York, NY (February 3, 2010) – New York City beekeepers rallied today in support of the Department of Health's proposal to legalize beekeeping in the City. Urban farmers, gardeners, and beekeepers spoke at a public hearing to urge city lawmakers to ratify amendments to the city's Health Code to permit New Yorkers to keep hives of non-aggressive honeybees.

"Honeybees are vital to the cultivation of our food supply and our green spaces in the City," said Andrew Coté, third-generation beekeeper and founding member of the New York City Beekeepers Association (NYCBA). "It is time for New York to join other great cities like Chicago, Atlanta, San Francisco, and Paris in recognizing that urban beekeeping is safe and critical for the well-being of our citizens and our environment."

Urban beekeeping increases the productivity of vegetable gardens and farms across the City, making fresh produce available for New Yorkers. Honeybees also provide pollination for plants throughout the City of New York's window boxes, community gardens, public parks, and the myriad other green spaces in the urban landscape.

The proposed modifications to sections 161.01 and 161.02 of the Health Code would lift the ban on beekeeping. The amended Code would require beekeepers in New York City to register their names, contact information, and hive locations with the Department of Health. The modified Code would also require beekeepers to adhere to appropriate management practices including placement of hives near a source of clean, fresh water, use of sound moveable-frame hives, and selection of hive locations that will not present a nuisance.

As for neighbors concerned about bee stings? "Bees aren't interested in us – they're interested in flowers," responds Gerry Gomez Pearlberg, a NYCBA member and Catskills beekeeper. "Safe and responsible management will ensure that these hives are not a nuisance but are instead a source of wholesome, local honey."

To promote safe beekeeping, the New York City Beekeepers Association is preparing to publish a guide on "Best Management Practices for Safe Urban Beekeeping." The Association is also conducting two classes in February and March on urban beekeeping, details of which can be obtained on their website at [www.nyc-bees.org](http://www.nyc-bees.org).

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The New York City Beekeepers Association, founded in 2008, is a nonprofit group of hundreds of beekeepers, bee enthusiasts, and honey lovers dedicated to educating the public about the benefits of beekeeping. The NYCBA operates under the auspices of Bees Without Borders, a 501(c)(3) charity that teaches beekeeping as a method of poverty alleviation in countries across the world, including Uganda, Nigeria, India, Guatemala, and Ecuador. For more information, visit [www.nyc-bees.org](http://www.nyc-bees.org) and [www.beeswithoutborders.org](http://www.beeswithoutborders.org).



## Testimony to Department of Health on Article 161 February 3, 2010

### Legalize Honey-Beekeeping in New York City

Just Food supports the Department of Health's proposed amendment to Article 161 of the NYC Health Code regarding honey-beekeeping in New York City.

Honeybees are imperative to the food supply, environment, and public health of communities throughout the world.

As a local organization that works to increase access to fresh, healthy food in New York City and to support the local farms and urban gardens that grow it, honeybees and beekeepers are vital to our mission.

City planners and elected officials increasingly acknowledge urban farming as key to addressing greening, climate change and other environmental sustainability issues, and honeybees are key to building a strong local food system. As pollinators they contribute to productive harvests in New York City's community gardens, botanical gardens, public parks, greenroofs and backyards.

They are critical to the pollination of flowers in the city, and honey produced locally will help New Yorkers manage their allergies better, as it helps individuals build immunity to pollens from local plants.

With the crisis of Colony Collapse Disorder, it's never been so important for all communities—urban and rural—to promote beekeeping. Beekeeping has been practiced in cities for thousands of years, and is legal in cities throughout the country—including Atlanta, Chicago, Dallas, Denver, Minneapolis, Portland, San Francisco and Seattle. Even government sites such as Chicago's City Hall and the White House's South Lawn has honeybee hives.

Beekeepers in New York City—past, present and future—play a vital role in ensuring our city is greener, healthier, and sweeter. The proposed amendment to Article 161 would bring New York City up to speed with cities around the country

Based on our experience supporting the development of food security-oriented, community-based urban agriculture projects, Just Food asserts that lifting the ban on honey-beekeeping is essential to a green, healthy, sustainable city. We thank the Department of Health for listening to the thousands of people that signed our petition to change this code, and commend the Department for their proposal to amend Article 161, and make honey-beekeeping once again legal in New York City.

To the New York City Department of Health, re: Legalizing bee-keeping

I would like to begin by thanking Councilman Yassky and the Board of the New York City Department of Health for giving me the opportunity to speak for the record in support of Article 161, legalizing honey bee-keeping in New York City. Around the globe, and across the United States, people are increasingly aware of the benefits and necessity of living in closer harmony with the natural world. Likewise, I believe that New York, the embodiment of a modern, urban metropolis, wants to do all it can to nurture a greener, more healthful environment for the millions of families who call it home.

I can think of few measures the City can take, that would be easier to enact, yet do so much to improve the quality of life, as lifting the existing ban on honey beekeeping in New York. There are several reasons I believe and recommend this. Man's relationship with *Apis Melifera*, the honeybee, represents the oldest sustained collaboration between humans and the animal kingdom. This year, 2010, marks the 200<sup>th</sup> anniversary of the birth of Lorenzo Langstroth, who invented the modern, "movable frame" hive that made commercial bee-keeping possible in the mid 1850's, an event being celebrated all over the world. Also, it is well established that bees play an invaluable roll in the production of our food crops. It is because of the pollinating that the bees do, that many of the foods we enjoy are available when we go to the market. We are often reminded of the benefits of eating locally grown foods, although for New Yorkers, virtually all of the foods we do eat are imported from well beyond the city limits. Meantime, for reasons we don't entirely understand, honeybee numbers have declined, putting our food supply at risk. People everywhere need to do all they can to promote a healthy bee population.

There are many examples of successful bee keeping in urban environments. In England, the London Beekeeping Association boasts over 2,000 members. In Paris, the city sponsors a bee keeping school at the Luxembourg Gardens, an idea that New York might well adapt for local use. Perhaps some day, each of New York's parks will have its' own hive and "Bee ranger," an example of the green jobs and economy we hope to develop. And let us not overlook Mrs. Obamas' White House apiary, which this year produced a bumper crop of organic honey.

The subtle delicious flavors of locally produced honeys are legendary, compared to commercially blended varieties. Medicinally, they have even been shown to provide effective treatment for a variety of allergy symptoms. The demand for bees wax far outweighs the supply. But more than just the value of the commodities it produces, honeybee keeping, licensed and monitored, offers many intangible benefits. In nearby Bucks County, Pa., I have seen first hand how honeybee keeping is a catalyst for community building, bringing together a diverse group of people united by their fascination for the bees. For apartment bound New Yorkers, who may not have access to the country, urban bee-keeping offers a wonderful way to engage in a dynamic relationship with Nature, that is part science education, part art, and part spiritual quest. The individuals and families who share this passion take their cues from the organization of the hive itself, sharing experiences and making the world a little sweeter in the process.