



Testimony

of

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before the

New York City Council Committee on Consumer Affairs

regarding

**Intro 35: Relating to the Regulation of Horse Drawn Cabs
Intro 86: Replacing Horse Drawn Carriage with Alternative Fuel Powered Classic Cars
Intro 92: Repealing All Provisions Allowing for the Operation of Horse Drawn Cabs
Intro 93: Area & Time Restriction on Operation of Horse Drawn Cabs**

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City Hall
New York, NY

Good morning Chairperson Koslowitz and members of the Committee on Consumer Affairs. My name is Daniel Kass, Acting Deputy Commissioner for the Division of Environmental Health at the New York City Department of Health and Mental Hygiene (DOHMH). On behalf of Commissioner Farley I would like to thank you for the opportunity to testify regarding Intros. 35, 86, 92 and 93.

The Department's Office of Veterinary Public Health Services (VPHS), part of the Division of Environmental Health, promotes and protects the health and quality of life for New York City residents and visitors by controlling animal-borne diseases and regulating the care and use of animals. As part of this work, VPHS monitors the use of carriage horses and other rental horses used for hire for safe and humane operations. The Office also conducts pre-permit inspections animal holding facilities and may inspect these facilities following complaints.

DOHMH has authority to license rental horses and regulate the activities of the carriage horse industry to promote both the well-being of horses and the safety of the public. The Department works closely with the New York City Department of Consumer Affairs, which is responsible for licensing the carriage horse driver and the carriage itself. Currently, there are 202 licensed carriage horses, 68 licensed carriages, 19 licensed commercial stables and 284 licensed drivers.

Pursuant to the law enacted by the City Council, the Department convened a Rental Horse Licensing and Protection Board, charged by Chapter 3 of Title 17 of the Administrative Code with making recommendations to the Commissioner of Health for improved regulation to protect the health and well-being of horses and the city. The Board issued a final set of recommendations in the Summer of 2009, a copy of which was forwarded to the City Council. Based in large part on these recommendations, last fall, the Department proposed draft amendments to Article 161 of the New York City Health Code and to Chapter 4 of the Commissioner's Rules. When the Department learned that the Council was proposing an amendment to the Administrative Code to address similar concerns, as well as other matters, and after careful consideration of the fact that many of the Rental Horse Board's recommendations target the rules of other agencies, the Department withdrew from consideration both proposals, with one exception: next week we will ask the Board of Health to mandate that rental horses be immunized against rabies. The Committee may hear testimony today referring to other sections of the proposed Board of Health regulations, but we want to be clear that they are withdrawn, and will not conflict with the legislation being discussed today or as part of amendments to these bills as they go forward.

With respect to Intro. 92, the Departments believes that the carriage horse industry can be regulated in such a way to protect the health of the horses used to pull the carriages and the safety of those who patronize them. Intro. 92 seeks to make it unlawful to offer rides to the public on a vehicle drawn or pulled by as carriage horse. It is City's position that strengthening the current regulatory environment is preferred to an outright ban, therefore we oppose Intro. 92. The City also opposes Intro. 86, a bill that would replace horse drawn carriages with alternative fuel powered classic cars and Intro. 93, a bill that would place an area and time restrictions on the operation of horse drawn cabs.

In contrast, we look forward to working with the Council to pass Intro. 35, which would build on the existing local laws and regulations for horse drawn carriages and rental horses, and includes many of the recommendations of the Rental Horse Licensing and Protection Advisory Board. The Department would like to highlight two specific concerns about this bill:

- The bill would require that horses not be left “untethered or unattended except when confined in a stable or other enclosure.” For the safety of the public, DOHMH recommends that all horses be kept in hand by their rider or carriage operator when they are outside of their stable.
- On the issue of mandating a uniform size for stalls for horses: we would recommend that the City Council consider allowing more flexibility. During the public hearing held last month concerning the proposed amendments to Article 161 that proposed a mandatory uniform stall size, we heard conflicting opinions and statements of fact from those who testified suggesting that horse size, the type of activity a horse is used for during the day, and other factors are appropriate to factor into stall type and size. We recommend that stall type and size regulations be made only for carriage horses, because these animals are larger than most rental horses, and not extending them to all rental horses.

The Department will be pleased to work with the Council to address these concerns. Thank you again for this opportunity to testify. I’m happy to answer any questions at this time.

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