



Testimony

of

Daniel Kass, MSPH
Deputy Commissioner, Division of Environmental Health
New York City Department of Health and Mental Hygiene

before the

New York City Council Committee on Health

On the

Proposed Regulation of Pet Shops

April 30, 2014
Committee Room – City Hall
New York City

Good afternoon, Chairman Johnson and members of the Health Committee. My name is Daniel Kass, and I am the Deputy Commissioner for the Division of Environmental Health at the New York City Department of Health and Mental Hygiene. I am joined here today by Mario Merlino, the Department's Assistant Commissioner overseeing veterinary health and Corinne Schiff, Director of Special Projects in the Division of Environmental Health. On behalf of Commissioner Bassett, thank you for the opportunity to testify today.

This is the first time I have had a chance to testify before this Committee in the new year, and I wanted to take a moment to describe the roles played by the Health Department with respect to animals. The Department oversees the animal sheltering system, which retrieves and accepts, cares for, and temporarily shelters abandoned or unwanted animals. The Department also administers the Animal Population Fund spay-neuter programs, which fund spay and neuter services for dogs and cats owned by low-income New Yorkers. Our regulatory work includes issuing dog licenses, and regulating the horse carriage and commercial riding industries. The Department receives and responds to reports of animal bites, coordinates rabies testing and rabies prophylaxis when needed, and investigates animal nuisance complaints. We monitor both wildlife and domestic animals for diseases, such as rabies, that can impact human health, and issue permits for the exhibition of wild and exotic animals. Our regulatory work also includes permitting and inspecting animal handling establishments. This includes boarding, grooming, training facilities, and pet shops that sell small animals other than cats and dogs.

Four bills are under consideration today. The bills are, collectively, intended to help reduce the population of stray, abandoned and homeless animals, and establish a standard of care for all pet shop animals. We recognize that the Council cannot legislate directly over puppy and kitten breeders who are outside the City, and appreciate your effort to promote safe and humane conditions for dogs and cats. The Administration supports these goals, and we are here today to offer brief comments for the Council's consideration, answer any questions, and extend our offer to continue working with the Council on these important issues.

Intro 55

Intro 55 seeks to prohibit the sale of animals bred in "puppy or kitten mills" by prohibiting pet shops from selling dogs and cats acquired from certain sources, and applies the standard of care pet stores must provide for their dogs and cats to all of the animals in their possession. The Administration supports Intro 55's effort to influence the acquisition, care and sale of animals, notably by discouraging the over-breeding of dogs and cats.

If the Department is to expand its responsibility over pet stores to inspect establishments selling dogs and cats, conduct extensive paperwork review and evaluate pet shops' day-to-day care of all animals, we would require additional staff. This will include new staff with veterinary expertise, additional inspectors, and funding to modify our inspectional software.

We welcome the opportunity to work with the Council to strengthen some of the provisions in the bill. We can enhance the Department's enforcement authority, such as by requiring pet shops to maintain and produce records electronically, and explicitly enabling the Department to issue Notices of Violation subject to fines following a hearing.

We do not yet know how many dogs and cats are purchased through pet shops. We also do not know how many fewer dogs and cats would be sold if it became more difficult to acquire

them through pet shops, or more expensive to acquire puppies or kittens from breeders. We hope that, overall, the expanded regulation of pet shops will encourage New Yorkers to adopt from shelters run by Animal Care and Control.

Intro 136

Intro 136 would broaden the types of animals required to be sterilized prior to being released from an animal shelter or pet shop to include rabbits and guinea pigs; require pet shops to sell dog licenses; and mandate that pet shops report monthly information to the Department about all dogs sold.

The Department supports efforts to increase animal sterilization where medically appropriate and to expand dog licensure. State law requires that owners of dogs in New York City license them; owners are more likely to be reunited with their lost dogs if those dogs are licensed; a license is required to use one of the City's dog parks; and license fees help support the City's animal care efforts, including by funding low-cost spay and neuter services for the City's dogs and cats. We fully endorse the law's mandate to license dogs.

We believe that pet shops can easily comply with the requirement to license dogs sold, and note that the Department is redesigning its licensing system to enable third parties to maintain inventories of licenses to provide at the point of sale.

We are concerned, however, about requiring the sterilization of guinea pigs and small rabbits. The mortality rate from such surgeries may be quite high, and we do not believe that there is a significant risk of overpopulation to justify the expense and potential harm to these animals. We suggest eliminating guinea pigs from the bill and providing a means by which rabbits would be sterilized only at an appropriate size.

Intro 146

Intro 146 would require pet shops to microchip and register a dog or cat before releasing the animal. This mandate would be consistent with the practice at Animal Care and Control, which microchips dogs and cats before they are adopted or returned to their owners. The Department supports this legislation and believes it will help owners find their lost animals, reducing the population of lost animals in the shelter system.

Intro 73

Intro 73 would amend the definition of pet shop in the Animal Abuse Registry Act. The Department supports this amendment, and suggests that each bill under consideration today adopt a single definition to avoid confusion.

Thank you for the opportunity to testify today. I would be happy to answer any questions.