



Testimony

of

Daniel Kass

**Deputy Commissioner, Division of Environmental Health
New York City Department of Health and Mental Hygiene**

before the

New York City Council Committee on Health

regarding

**Intro. 328: Increasing Fee for Dog Licensing
Intro. 425: Prohibiting Pet Owners from Restraining Animal Outdoors**

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250 Broadway, 14th Fl.
New York

Good morning Chairperson Arroyo and members of the City Council Health Committee. My name is Daniel Kass and I am the Deputy Commissioner for the Division of Environmental Health at the Department of Health and Mental Hygiene. On behalf of Commissioner Farley, I would like to thank you for this opportunity to testify today regarding Intros 425 and 328. Along with me today are Mario Merlino, Assistant Commissioner for the Bureau of Veterinary and Pest Control Services, and Norma Torres, Director of Veterinary Public Health Services.

I would like to begin by providing a brief overview of the Department's public health work as it relates to animals, including pets, work animals and wildlife. The Department promotes and protects the health of New York City residents and visitors by working to prevent, discover, and intervene in cases of animal-borne diseases, hazards and complaints of animal nuisances. Some of our functions include issuing state-mandated dog licenses, permitting and inspecting animal handling facilities such as pet shops, animal boarding facilities and pet grooming facilities, licensing commercial horses and issuing permits to boarding stables receiving and responding to reports of animal bites, and investigating animal nuisance complaints. We monitor rabies in wildlife and pets, as well as other diseases that may impact human health. The Department is also responsible for issuing permits for the exhibition of wild and exotic animals to the entertainment industries.

With respect to Intro 425, which would limit the amount of time pet owners can restrain or tether animals outdoors to no more than three hours in any continuous 12-hour period, the Department supports the intent of the bill. We recognize that tethering or chaining an animal for long periods of time can be cruel and inhumane. Furthermore, we know that for dogs in particular, tethering or chaining may increase the risk of anti-social behavior, including aggression. However, the Department has two concerns about this bill:

- First, we have neither the authority nor resources to enforce humane and cruelty laws in New York City. Agents and officers of the American Society for the Protection of Cruelty to Animals (ASPCA) are empowered by the State Agriculture and Markets law to enforce animal cruelty laws statewide and have the power, with the police, to protect the animal victims, and to bring charges against the perpetrators of animal cruelty. Currently, complaints to 311 about animal cruelty are referred directly to the New York City chapter of the ASPCA and not to the Department of Health.
- Second, the bill presents significant enforcement challenges. To determine if an animal has been restrained outdoors in excess of three hours in a 12-hour period, inspectors would have to stake out a property for very long periods of time, potentially in excess of 12 hours. This would present operational and logistical challenges, and for even a minimal number of complaints, would require significant resources beyond those available to any agency.

While the Department does not have the authority to enforce humane laws, we nevertheless require our licensees and permittees to adhere to humane practices. If we have any evidence of the potential for animal cruelty, we will make a referral to the ASPCA.

With regard to Intro 425, there may be nuances around how best to characterize inhumane tethering that the Department is not expert in, and we would defer to animal welfare experts to comment on the specific definition of tethering. Despite these concerns, we are committed to working with the Council, other government agencies and organizations including the ASPCA to help reduce inappropriate tethering in the City.

We strongly support Intro 328, which would raise the license fee for dogs that are not spayed or neutered and direct these fees to an Animal Population Control Fund. The current fee for a license for an unaltered dog is \$11.50, and the fee for a license for an altered dog is \$8.50. Until this month, the Department sent the \$3.00 differential to the New York State Agriculture and Markets State Animal Population Control Fund. In June, the State Legislature passed and Governor Paterson signed into law Chapter 59 of the Laws of 2010 that amended the New York City Administrative Code to establish a local Animal Population Control Fund. Administrative Code sections 17-811 and 17-812 authorize the City to retain and spend for such purposes the unaltered dog license differential in the existing and a new fund; and set a locally determined differential for the issuance of the license for unaltered dogs. We would like to thank the Council for supporting this new funding mechanism for animal population control activities.

Based on the Department's Community Health Survey, there are more than 500,000 dogs in the City. New York City requires all dogs to be licensed; however, in any given year, just 100,000 dogs are licensed by residents. Of these, approximately 40 percent are for unaltered dogs, or for dogs whose owners have not submitted proof of spay or neuter. The differential in fees for altered and unaltered animal licenses serves two purposes. First, it provides a financial incentive to alter animals and realize the myriad benefits of doing so. Spaying or neutering is associated with health benefits to animals, such as reducing the incidence of uterine, breast and testicular cancer. It also improves a pet's behavior, making it more social, and less aggressive, and less likely to be abandoned. And spaying and neutering of course helps reduce pet overpopulation. A second purpose of the differential is that it provides resources to promote animal control, without which the City bears the costs of enforcing animal control law and operating the shelters that receive unwanted offspring born to unaltered animals. In setting an appropriate differential between altered and unaltered dogs, it is important to consider what impact that value will have on licensing compliance. Licensing helps connect lost dogs with their owners and makes it easier to conduct medical follow ups of individuals potentially exposed to infected dogs during rabies outbreaks and that increased awareness of dog licensing will encourage more owners to spay and neuter their dogs. In addition, we have reviewed differentials in other jurisdictions and believe that the proposed difference in fees for altered and unaltered dogs is reasonable.

The Department is preparing to launch a campaign to promote licensing in conjunction with the launch of the NYC Animal Population Control Program early in the next fiscal year. We are exploring several options to reach the broadest population possible and will work with the Council as well as community groups and advocates to promote the benefits of dog licensing. In addition, we will also promote low-cost spay and neuter services in partnership with community service providers.

I want to thank the City Council for considering this package of legislation. We look forward to continuing our work together to protect the health of New Yorkers and their pets. I am happy to answer any questions you may have.