

#1

MCNA BellflowerForêt, LLC
Post Office Box 141
South Salem, NY 10590



T. +1 212 585 1010
F. +1 914 763 0096
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. SERVICES
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,

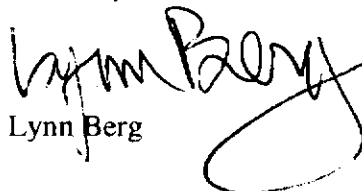
I support the Health Department's proposed changes to Health Code Article 161.01 that prohibits the possession, keeping, harboring and selling of "wild animals" including bees. This code has effectively outlawed beekeeping, an environmentally productive, helpful and safe practice in our city. The changes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

#3

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.3rd 2010,
support of lifting the beekooeping ban in NYC

Dear Board of Health.

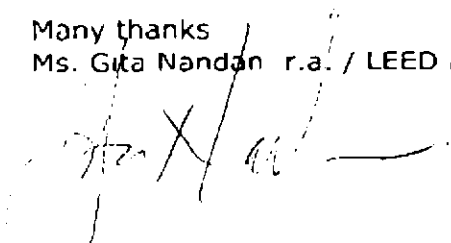
First, I am quite elated that the issue concerning legislative obstacles to beekeeping in New York City has finally been brought to the attention of the Board of Health, and second I am quite excited that on February 3rd it will be seriously reviewed.

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,

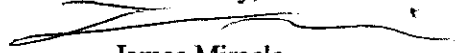
Below is an abbreviated letter addressed to numerous council members and state senators concerning serious health code violations in my Brooklyn neighborhood. I would like to pre-register to speak for 3 minutes by reading the following letter aloud during the public hearing on Feb. 3, 2010 regarding 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. 5th 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>

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

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

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

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>

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>

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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Firefox/3.5.7

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>

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

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

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

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>

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]

REMOTE_HOST: 63.119.93.194

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Firefox/3.5.7

#20

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

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)

#21

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

First_Name: Michele

Last_Name: Sinoway

Email: michele.sinoway@gmail.com

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

inCaptchaChars: AVSG

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)

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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#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

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

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>

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

REMOTE_HOST: 206.212.185.16

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Firefox/3.5.7 (.NET CLR 3.5.30729)

#39

Resolution Comments

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

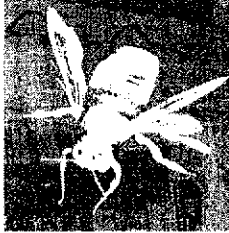
From: Anna Thea Bridge [anna_thea_conrad@hotmail.com] **Sent:** Mon 2/1/2010 7:40 PM
To: Resolution Comments
Cc:
Subject: Proposed Amendment of Health Code Article 161
Attachments: nycba.article161.comments.pdf(401KB)

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
 200 W. 57th Street, Suite 705 New York, NY 10019
 humanesociety.org

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Celebrating Animals Confronting Cruelty

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.57th 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 59th 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 (7th 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

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#44

Resolution Comments

From: Marque5@aol.com [Marque5@aol.com]
To: Resolution Comments
Cc:
Subject: Honey Bees
Attachments:

Sent: Tue 2/2/2010 7:30 AM

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

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Firefox/3.5.7 GTB6 (.NET CLR 3.5.30729)

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#46

Resolution Comments

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 reccommend 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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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.

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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:

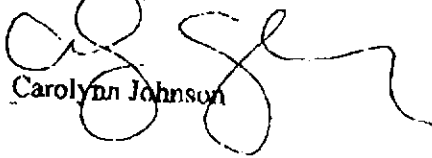
I would like to express my support of the NYC bee-keeping amendment. Preserving our natural environment and producing local food are both very important to me, and as a citizen of New York City, there is nothing more I would like to see than bees working harmoniously alongside humans in the city.

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

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

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 (1st 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,