



HARVEY EPSTEIN
Assemblymember 74th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Joint Testimony of Assemblymember Harvey Epstein and Councilmember Justin Brannan in opposition to NYC Parks proposal to amend § 1-04(g) of Chapter 1 of Title 56 of the Rules of the City of New York

March 1st, 2019

Thank you for the opportunity to submit testimony on this proposed rule change. This rule would affect both the wellbeing of animals who call our parks home, and the lives of animal-loving New Yorkers, who may find themselves subject to excessively harsh fines and other punishment not in line with the innocent act of interacting with animals in our parks.

We support some of the objectives of the proposed rule, like the attempt to reduce the amount of food available to rodents and protect park-dwelling animals from ingesting food that is not part of their usual diet (and therefore potentially harmful to them). However, the approach laid out in this rule is overly broad to the point where, if enacted, it could cause harm to the animals the Parks Department claims it wants to protect by crippling animal rescuer efforts. Animal rehabilitators and rescuers must be able to attract injured animals by offering them food; under the proposed rule, their rescue efforts would be criminalized.

In addition to the potential to cause further harm to distressed animals, the proposed rule is overly punitive and will waste administrative efforts if summonses are handed out. While the Parks Department has stated they will use an “education first” approach to enforcement, this is just a matter of discretion as no such mandate is found in the rule. As a result, codifying this proposed rule would set a bad precedent that would leave the door open for future administrations to victimize New Yorkers.

As written, this rule would fail to protect animals in our parks and could senselessly burden the animal lovers in our City with outrageous consequences that far eclipse the severity of the infraction. Imagine a senior citizen, biding his or her time by scattering some bird seed while relaxing on a bench, being slapped with a summons and compelled to appear before a judge. This is not the draconian scenario we want to play out in our City.

We suggest that Parks Enforcement be trained to inform park goers who are feeding animals of the risks that certain types of food may pose. Education should be the primary way to correct any unwanted, and potentially harmful behavior. For those who act in way that is harmful to animals or creates litter that could attract rodents, a written notice should be provided explaining the why the violation may be harmful to animals and the community, and that continued violations will result in a mandate to attend a training further explaining how wildlife can be negatively affected by feeding certain types of food. If the behavior occurs repeatedly, a small sanction that involves community service with an organization such as the



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Wild Bird Fund may be warranted in lieu of a fine. Even \$50 fines could pose a hardship to many New Yorkers and therefore fines should only be considered as a last resort, after every other educational-based sanction has been exhausted.

We thank you once again for the opportunity to submit testimony. We hope you will work at all costs to avoid implementing overly punitive rules that do not help animals and, in fact, may harm them while also victimizing New Yorkers.