

STATEMENT OF  
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SPECIAL COMMITTEE ON ANIMALS AND THE LAW  
BEFORE THE  
NEW YORK STATE SENATE  
STANDING COMMITTEE ON  
VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS  
  
'HURRICANES AND THEIR AFTERMATH; ARE WE READY?'

MINEOLA, LONG ISLAND, NEW YORK

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Good afternoon Mr. Chair, Committee Members, fellow speakers and members of the public. I am James F. Gesualdi, Esq., an attorney in private practice in Islip, certified municipal planner (Member, American Institute of Certified Planners), and member of the New York State Bar Association Special Committee on Animals and the Law. Individually and on behalf of the Committee, please know that the opportunity to testify today is very much appreciated.

In short, in addition to the critically important matters touched on by the other speakers, it is imperative that any sound comprehensive disaster planning take into account animals, including family pets or companions like my Labrador puppy Memphis as well as animals in all sorts of facilities.

During the course of the sixteen years I have been engaged in animal welfare related work representing marine mammal parks and zoological institutions, the importance of emergency contingency planning for animals has often been evident, sometimes, sadly, after the disaster event. Interestingly, ten years ago, while participating on behalf of the Alliance of Marine Mammal Parks and Aquariums, in the historic United States Department of Agriculture Marine Mammal Negotiated Rulemaking, which developed new marine mammal regulations by consensus between all interested stakeholders, it was agreed that marine mammal facilities have explicit emergency contingency plans. These plans are now required under federal law, 9 C.F.R. 3.101(b), and include back up water and power sources, evacuation and recovery elements.

Recent experience demonstrates that the care of animals during times of disaster raises considerable issues for public officials at all levels of government. As seen in New Orleans, some people will not leave their animals, and that alone has the potential to create possible public health and legal issues that, in one form or another, must be addressed publicly. In addition, the interplay of the various government agencies with a series of overlapping jurisdictions at such times raises questions as to who is in authority.

Fortunately for the people and animals of New York State, particularly given the Senate Committee's proactive approach to disaster planning, the New York State Bar Association Special Committee on Animals and the Law provides a unique resource for helping to address animal welfare as part of the effort. The Special Committee on Animals and the Law's core mission is to serve as an "information resource for Members [of the Bar] and the Public about non-human, animal-related humane issues, which arise from and have an effect upon our legal system". To maximize its effectiveness, "the Special Committee [has] worked with professionals in animal health care, animal welfare, wildlife conservation, animal behavior, and other related fields in animal law and humane related work, such as veterinarians, biologists, educators, humane law enforcement officers and non-attorney government officials."

In the aftermath of Hurricanes Katrina and Rita, the Special Committee on Animals and the Law, its individual members and a number of their organizations, have played significant roles in assisting in the massive ongoing animal rescue and relief effort. As just one of seemingly countless examples, one Committee member, here on Long Island

arranged for the shelter she works at to provide housing and care for animals recovered in the Gulf States. The Special Committee also has a representative on the American Bar Association's Animal Law Committee which has already started work on short- and long-term needs and action plans relating to a coordinated Animal Disaster Relief Network. Of course, the Special Committee and its members have also provided legal and other assistance.

Beyond these works responsive to the recent disasters, the Special Committee, like the Senate Committee, is striving to make sure that animals and the people who care for them fare better in any such future situations. To this end, the Committee is pleased to announce an important forthcoming legal education program, "Animals and the Law: Protecting Animals in Times of Disaster". The program, for which the Special Committee would invite input and participation from the Senate Committee, is currently anticipated to cover the following: (1) the situation that occurred as a result of the Hurricanes in terms of lost and abandoned animals; the conditions faced by animals and rescuers; and rescue efforts; 2) key legal questions such as entering property, ownership, re-homing of animals that are not reunited with owners; 3) making the future response better - addressing proposed legislation such as the Pets Evacuation and Transportation Standards Act (HR 3858); obstacles to effective rescue; what current laws and regulations if enforced would assist in a better result. This program will focus on both legal and other issues at the federal, state and local levels. The program will be held at the Marriot Marquis in Manhattan, in conjunction with the New York State Bar Association's Annual Meeting at 6:00PM, on January 25, 2006.

In closing, the Special Committee stands ready to work with the State and the people of New York to help focus the public discussion towards fashioning a public policy plan for both human and non-human animals faced with disasters. Thank you again for your foresight and leadership in scheduling this hearing and for the opportunity to participate.