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**REPORT ON LEGISLATION
BY THE ANIMAL LAW COMMITTEE**

A.6905

M. of A. Rosenthal

AN ACT to amend the Education Law, in relation to animal hatching projects.

THIS LEGISLATION IS APPROVED WITH A RECOMMENDATION

I. SUMMARY OF PROPOSED LAW

Assembly Bill No. 6905 (the “Bill”) would amend the Education Law to add a new paragraph 5 to subdivision c of section 809 to prohibit school districts, school principals, administrators, and teachers from requiring, permitting, or conducting a lesson or experimental study “using an animal in a hatching project in any such school or during any activity conducted under the auspices of such school whether or not the activity takes place on the premises of such school.”

II. BACKGROUND

A “hatching project” refers to an educational lesson in which fertilized chicken or duckling eggs are kept by students, usually in classroom incubators, to be hatched within one to four weeks. Teachers use school hatching projects as a way to teach students about life cycles of birds and embryonic development.¹

Fertilized eggs for school hatching projects are sold, rented, or donated to schools from various sources, including local offices of Cornell Cooperative Extension in New York,² non-profits in other states,³ and from for-profit companies, which will mail fertile eggs and, in some

¹ Cornell Cooperative Extension of Westchester County, Incubation and Embryology, <http://westchester.cce.cornell.edu/4-h-youth-development/incubation-embryology>. (All websites last visited June 19, 2018)

² *E.g., id.*

³ *E.g.,* Quiver Farm, Chick and Duck Hatching, <http://quiverfarm.com/Projects/ChickHatching.aspx>.

cases, an incubator to schools in New York.⁴ At least one New York school obtains fertilized eggs by soliciting donations of eggs from the community.⁵

In 2001, 415,000 children participated in hatching projects in New York State.⁶ In 2016, Cornell Cooperative Extension of Westchester County provided chick and duck eggs to 1,000 teachers, including teachers in New York City.⁷

III. JUSTIFICATION

The Animal Law Committee supports the Bill because hatching projects (A) teach children an inhumane lesson; (B) expose birds to harm in schools; (C) expose children to potential health risks; and (D) often result in the abandonment and/or death of unwanted birds. We describe several good alternatives to school hatching projects below.

A. Hatching projects teach children an inhumane lesson.

The Animal Law Committee objects to school hatching projects because they teach children an inhumane lesson: Students learn that their responsibility to care for an animal is over as soon as the school project ends. Students also learn the perverse lesson that baby birds do not have a need for their parents.

For this reason, and the other animal welfare reasons explained below, United Poultry Concerns⁸ and Farm Sanctuary⁹ support this bill. Other organizations oppose hatching projects

⁴ E.g., RentACoop, <https://www.rentacoop.com/hatching/>; My Pet Chicken, <https://www.mypetchicken.com/catalog/Private-Breeder-Hatching-Eggs/Hatching-Eggs-Eggs-for-Education-p911.aspx>.

⁵ E.g., Mannsville Manor (Mannsville, NY), http://mannsville.spartanpride.org/for_parents/clubs_activities/chick_hatching. (“Spring is here (so someone has said) and so is the Hatching Project. . . . If anyone has any fertilized eggs (duck, geese, turkey, quail, chicken, peacock), please email [redacted]. We would truly appreciate any donations of eggs.”)

⁶ Lisa W. Foderaro, *The Duckling Diaries*, N.Y. TIMES (June 9, 2002), <http://www.nytimes.com/2002/06/09/nyregion/the-duckling-diaries.html>.

⁷ Cornell Cooperative Extension of Westchester County, Incubation and Embryology, 2016 Annual Report 3, https://s3.amazonaws.com/assets.cce.cornell.edu/attachments/22703/Annual_Report_2016.pdf?1493916981.

⁸ United Poultry Concerns, New York State Bill to Ban Chick-Hatching Projects: PLEASE SUPPORT & Learn Why! (Apr. 20, 2018), http://www.upc-online.org/hatching/180420_new_york_state_bill_to_ban_chick-hatching_projects.html.

⁹ Farm Sanctuary, Action Alert, http://action.farmsanctuary.org/site/MessageViewer?em_id=43493.0&dlv_id=0&printer_friendly=1.

generally, such as Catskill Farm Sanctuary,¹⁰ Tamerlaine Farm Animal Sanctuary,¹¹ In Defense of Animals,¹² and PETA.¹³

B. Hatching projects expose birds to harm in schools.

In nature, feral chicken hens turn their eggs approximately 96 times per day.¹⁴ Egg-turning affects “gas exchange and heat transfer between the eggs and the external environment, egg water loss, adhesion of the embryo to the extra-embryonic membrane structures . . . and nutrient availability.”¹⁵ Chickens communicate to the chicks while they are still in their shells and chicks peep back at them.¹⁶ The act of egg turning itself is more complicated than it seems; plane of rotation, tilt angle of the eggs, and position all affect the chick’s development.¹⁷

Chicks must be routinely and properly turned during incubation¹⁸ and if they are not the chicks may be born with deformities.¹⁹ Some suppliers of fertilized eggs rent or sell egg turners

¹⁰ Catskill Farm Sanctuary, School Hatching Projects, <https://casanctuary.org/about/meet-animals-new/school-hatching-projects/>.

¹¹ Tamerlaine Farm, Chick Hatching Projects (July 5, 2016), <https://tamerlaine-farm.org/species/2016/4/9/chick-hatching-projects>.

¹² Lisa Levinson, Stop Elementary School Program of Hatching & Discarding Baby Chickens, In Defense of Animals (July 21, 2017), <https://www.idausa.org/campaign/sustainable-activism/latest-news/stop-elementary-school-program-of-hatching-and-discarding-baby-chickens>.

¹³ PETA, Considering Doing a Chick-Hatching Project? Please Don’t, https://www.peta.org/teachkind/humane-classroom/chick-hatching-project/?utm_campaign=0117%20Considering%20Doing%20a%20ChickHatching%20Project%20Please%20Dont%20Tweet&utm_source=PETA%20Twitter&utm_medium=Promo.

¹⁴ IC Bolei *et al.*, *Poultry Egg Incubation: Integrating and Optimizing Production Efficiency*, BRAZILIAN JOURNAL OF POULTRY SCIENCE 7-8 (Oct.-Dec. 2016), http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1516-635X2016000600001; Okan Elibol & John Brake, *Turning Frequency During Incubation*, POULTRY WORLD (May 26, 2017), <http://www.poultryworld.net/Eggs/Articles/2017/5/Turning-frequency-during-incubation-137498E>. Many of the articles written by animal advocacy organizations state that chickens turn their eggs 30 times per day, but we have been unable to find a reliable scientific source for this conservative number.

¹⁵ IC Bolei, *supra* note 8, at 7-8.

¹⁶ Brian Barth, *The Inner Lives of Chickens: 5 Things You Never Knew About Your Beloved Birds*, MODERN FARMER (Mar. 14, 2016), <https://modernfarmer.com/2016/03/chicken-facts>.

¹⁷ *Id.*; O. Elibol & J. Blake, *Effect of Egg Turning Angle and Frequency During Incubation on Hatchability and Incidence of Unhatched Broiler Embryos with Head in the Small End of the Egg*, 85 POULTRY SCIENCE 1433 (Aug. 1, 2006), <https://academic.oup.com/ps/article/85/8/1433/1524893>.

¹⁸ IC Bolei, *supra* note 8, at 7-8.

¹⁹ One New York City parent wrote about the deformed chicks hatched in her daughter’s classroom:

[A]t my daughter’s public elementary school many years ago, several of the chicks were born deformed because they were left at school one weekend and no one was told the eggs had to be turned every so often, like the mother hen would do if the eggs were in a nest. When the deformed and crippled babies hatched, the children were horrified, and the birds suffered terribly.

Emily A. Fano, *Letter to the Editor: Classrooms Hatch Insensitivity*, NEW YORK PRESS (July 7, 2010), <http://www.nypress.com/classrooms-hatch-insensitivity>; *see also* IC Bolei, *supra* note 8.

to teachers,²⁰ but not all do.²¹ And not all egg suppliers provide accurate instructions for proper egg turning: for example one egg supplier tells teachers to turn them three times a day (and not on weekends).²²

Animal sanctuaries report receiving chicks hatched from school projects that suffer from deformities that likely resulted from poor turning, such as wry neck, a painful condition in which the chicken's neck is twisted;²³ splay leg, a disability that causes problems in walking and standing or immobility because the legs are twisted to the side or upwards;²⁴ and deformed toes that making standing impossible.²⁵ In addition, chicken organs may stick to their shells.²⁶

After the incubation process, eggs may hatch on weekends when teachers and administrators are not in school; consequently a baby chick may go unfed for two days once he or she is born.²⁷ Heat lamps may also be turned off over the weekend, which can cause chicks to die in their shells or become disabled.²⁸ In other instances, baby chicks die when eggs in the incubator are constantly handled.²⁹ And sanctuaries report receiving birds from hatching projects that are dehydrated, malnourished, and sick.³⁰

²⁰ *E.g.*, Abma's Farm, <https://abmasfarm.com/egg-incubators>; Cornell Cooperative Extension of Suffolk County Incubation and Embryology Supply Order Form 2017-2018, https://s3.amazonaws.com/assets.cce.cornell.edu/attachments/25521/Incubation_and_Embryology_Supply_Order_Form_2017_2018.pdf?1504875327.

²¹ *E.g.*, RentACoop, Hatching, <https://www.rentacoop.com/hatching>.

²² Quiver Farm Projects, Inc. Chick Hatching Project Instruction Manual, http://quiverfarm.com/Portals/0/chick_hatching_project_instruction_manual.pdf.

²³ Tamerlaine Animal Farm Sanctuary, Chick Hatching Projects (July 5, 2016), <https://tamerlainefarm.org/species/2016/4/9/chick-hatching-projects>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ United Poultry Concerns explains:

Chick organs often stick to the sides of the shell as a result of not being turned properly in the mechanical incubator. By contrast, a mother hen turns each of her eggs, individually, as often as 30 times a day, using her body, her feet and her beak to move each egg precisely to maintain the proper temperature, moisture, ventilation, humidity and positioning of each embryo she is sitting on.

United Poultry Concerns, Why Choose Alternatives to Chick-Hatching Projects, http://www.upc-online.org/hatching/alternatives.html#why_choose_alternatives.

²⁷ United Poultry Concerns, Replacing School Hatching Projects: Alternative Resources and How to Order Them (Oct 1998), <https://files.eric.ed.gov/fulltext/ED433211.pdf>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Meghan Tierney, *Animal Lovers Cry Fowl over Lessons*, Gazette.net (July 25, 2007), http://www.gazette.net/stories/072507/poolnew15321_32370.shtml.

C. Hatching projects expose children to potential health risks.

Chicks and eggs carry disease that can cause serious illness in children if proper hand washing is not practiced. Guidance from the U.S. Centers for Disease Control (CDC) warns, “Do not bring chicks, ducklings and other live poultry to schools, childcare centers, or nursing homes”³¹ and notes that young “children and other groups of people have a greater chance of illness from handling live poultry or anything in the area where they live and roam.”³² The CDC also states, “Disease outbreaks also have resulted from hatching eggs and chicks in the classroom, and from contaminated animal products used for hands-on learning, such as owl pellets for dissection.”³³ In 2017, the CDC recorded a record-number of illnesses connected to poultry, including contact with chicks and ducklings.³⁴ In 2016, the CDC was able to link some chicken-related outbreaks to contact with live poultry in school settings and 28% of such ill patients reported to the CDC were children under the age of five.³⁵ Many cases of salmonella infections in humans that are connected to contact with live poultry come as the result of holding baby chicks or ducklings.³⁶ The CDC devoted a podcast to discouraging parents from buying chicks and ducklings for their children.³⁷

Some organizations claim that the health risks are overstated and can be minimized by ensuring the incubator is sanitized and children wash their hands.³⁸ The CDC recommends that to prevent illness, children wash their hands for “as long as it takes to sing the Happy Birthday song” after contact with a chick or duckling.³⁹

But it is common knowledge that “[k]ids don't always listen when parents tell them to wash their hands before eating, after using the bathroom, or when they come inside from playing.”⁴⁰ Kids do not wash their hands in school enough either; causes for that range from

³¹ CDC, Healthy Families and Flocks, <https://www.cdc.gov/healthypets/resources/salmonella-baby-poultry.pdf>.

³² CDC, Keeping Backyard Poultry, <https://www.cdc.gov/features/salmonellapoultry/index.html>.

³³ CDC, Animals in Schools and Daycare Centers, <https://www.cdc.gov/features/animalsinschools/index.html>.

³⁴ CDC, Multistate Outbreaks of Human Salmonella Infections Linked to Live Poultry in Backyard Flocks, 2017, <https://www.cdc.gov/salmonella/live-poultry-06-17/index.html>.

³⁵ CDC, Eight Multistate Outbreaks of Human *Salmonella* Infections Linked to Live Poultry in Backyard Flocks (Oct. 6, 2016), <https://www.cdc.gov/salmonella/live-poultry-05-16/index.html>.

³⁶ *E.g.*, CDC, Four Multistate Outbreaks of Human Salmonella Infections Linked to Live Poultry in Backyard Flocks (Sept. 24, 2015), <https://www.cdc.gov/salmonella/live-poultry-07-15/index.html>.

³⁷ CDC, Podcast, Why Parents Should Think Twice Before Giving Baby Birds to Young Children for Easter (Apr. 7, 2009), <https://www2c.cdc.gov/podcasts/player.asp?f=11117>.

³⁸ Penn State Extension, Classroom Embryology Projects: Health Risk Myths and Facts, <https://extension.psu.edu/programs/4-h/teachers/additional/classroom-embryology-projects-health-risk-myths-and-facts>. Penn State Extension argues, “Very few things in life are completely risk-free and the many health risks that children face each day are far greater than the extremely small risk associated with a well-controlled chick embryology project.”

³⁹ *Id.* See also, Washington State Department of Health, After You Touch a Duck or Chick, Wash Your Hands so You Don't Get Sick, <https://www.doh.wa.gov/Portals/1/Documents/Pubs/334-072.pdf>.

⁴⁰ Why is Hand Washing So Important?, KidsHealth, <http://kidshealth.org/en/parents/hand-washing.html>.

inadequate time, lack of cleaning supplies like soap and paper towels, dislike of school bathrooms, and “disgusting” facilities.⁴¹ That is likely why the CDC was able to trace some chicken-related outbreaks to contact with live poultry in school settings, as discussed above. Some schools do not allow hatching projects due to health concerns.⁴²

Despite the serious health risks, marketing materials of some egg suppliers actually show very young children cuddling with chicks next to their faces⁴³ or children sitting in a circle on the floor holding chicks in their hands.⁴⁴

D. Chick hatching projects often result in the abandonment and/or death of unwanted birds.

Suppliers typically sell fertilized eggs to teachers in cartons of six, eight, ten or twelve.⁴⁵ When chicks are grown, they are unwanted by schools. Some suppliers of fertilized eggs are willing to take back chicks.⁴⁶ Some egg suppliers arrange for poultry farms to take the chickens—for example, in 2011, one non-profit farm in Westchester County took in 1,200 chicks hatched from schools in Westchester County, Rockland County, Connecticut and New York City.⁴⁷ But in some cases, teachers are stuck figuring out what to do with unwanted birds.

Local laws make it difficult for teachers and parents to adopt school chicks after hatching. For example, New York City,⁴⁸ the City of Albany,⁴⁹ the City of Syracuse,⁵⁰ the City of Buffalo,⁵¹ and the Town of Huntington⁵² prohibit the possession of roosters. The City of Long

⁴¹ Kids Admit They Don't Wash Hands Enough, Education World, http://www.educationworld.com/a_curr/kids-hand-washing.shtml.

⁴² Keith Ervin, *Chick-Hatching Expelled; Schools Cite Health Concerns In Dropping Chicken-From-Egg Studies*, SEATTLE TIMES (Dec. 22, 1999), <http://community.seattletimes.nwsources.com/archive/?date=19991222&slug=A19991223010038>.

⁴³ E.g., RentACoop, Hatching, <https://www.rentacoop.com/hatching>.

⁴⁴ E.g., Quiver Farm, Chick and Duck Hatching, <http://quiverfarm.com/Projects/ChickHatching.aspx>.

⁴⁵ E.g., Cornell Cooperative Extension of Suffolk County Incubation and Embryology Supply Order Form 2017-2018, https://s3.amazonaws.com/assets.cce.cornell.edu/attachments/25521/Incubation_and_Embryology_Supply_Order_Form_2017_2018.pdf?1504875327.

⁴⁶ For example, Cornell Cooperative Extension of Suffolk County has a “Chick return policy” that allows schools to keep chicks until the third week in June. https://s3.amazonaws.com/assets.cce.cornell.edu/attachments/21900/Suffolk_County_Farm_Fertile_Egg_Fact_Sheet_2017.doc?1491307336. Quiver Farm in Pennsylvania will pick up chicks about two weeks after dropping off the fertilized eggs to schools in New York. Quiver Farm, Chick and Duck Hatching, <http://quiverfarm.com/Projects/ChickHatching.aspx>.

⁴⁷ Stone Barns Center for Food & Agriculture, School Children Help Stone Barns Hatch Chicks (May 10, 2011), <http://app.stonebarnscenter.org/schools-hatch-chicks-sbc/>.

⁴⁸ 24 RCNY §§ 161.01(b)(11) & 161.19.

⁴⁹ City of Albany Code § 115-31.

⁵⁰ Syracuse Revised General Ordinances 16-62 & 16-63.

⁵¹ City of Buffalo Code § 341-11.

Beach prohibits “crowing fowl.”⁵³ And some jurisdictions impose requirements on the possession of hens with which it would be difficult for schools to comply. For example, the City of Albany allows the keeping of hens with a permit and requires that the hens be kept in a pen provided with adequate ventilation that is located at least fifteen feet away from a building capable of being used for human habitation.⁵⁴ And even where local laws are not an obstacle, many parents and teachers would not want the burden of providing care to a bird for many years.

Hence, chicks and ducklings are often dumped at non-profit organizations, which take responsibility for funding their care and housing for the remainder of the birds’ lives.⁵⁵ For example, on March 6, 2018, a New York City school relinquished about 10 hatching-project chicks to the Wild Bird Fund in New York City.⁵⁶ In March 2015, a teacher relinquished 19 baby chicks to Tamerlaine Farm Animal Sanctuary in New Jersey.⁵⁷ Nevins Farm in Massachusetts reports receiving “dozens of calls every year from parents and teachers hoping to surrender unwanted chicks from classroom hatching projects,”⁵⁸ and New York wildlife rehabilitators have reported receiving calls to find homes for unwanted ducklings.⁵⁹ Alternatively, chicks and ducklings from school hatching projects often are relinquished to animal shelters, where they are usually killed.⁶⁰

IV. OPPOSING ARGUMENTS

Advocates of school hatching projects argue that they are a hands-on way for children to gain “life cycle knowledge about the chicken’s egg, its sequence of embryonic development and the incredible nature of birds.”⁶¹ The projects are used to introduce students to the agricultural sciences, biology, technology, as well as planning, responsibility, and caring for living things.⁶²

⁵² Town of Huntington Code § 78-25(B)(9).

⁵³ Long Beach Municipal Code § 6.20.040.

⁵⁴ City of Albany Code § 115-32.

⁵⁵ Catskill Farm Sanctuary, School Hatching Projects, <https://casanctuary.org/about/meet-animals-new/school-hatching-projects>.

⁵⁶ Wild Bird Fund Facebook Page (March 6, 2018), <https://www.facebook.com/wildbirdfund/posts/10155628132608731>.

⁵⁷ Tamerlaine Farm, Meet the New Chicks (Time to Reconsider Hatching Projects) (March 20, 2015), <https://tamerlainefarm.org/blog-squares/2015/3/20/meet-the-new-chicks-and-time-to-reconsider-hatching-projects>.

⁵⁸ Massachusetts Society for the Prevention of Cruelty Against Animals, *Nevins Farm Launches “Pledge NOT to Hatch” Campaign*, COMPANION NEWS 6 (Spring/Summer 2011) (on file with the Animal Law Committee).

⁵⁹ For example, in 2017, one New York City school principal called two New York State licensed wildlife rehabilitators to seek assistance in locating homes for 30 ducklings that her school hatched. (Correspondence on file with the Animal Law Committee.)

⁶⁰ JONATHAN BALCOMBE, LIVE-ANIMAL USE IN EDUCATION 53 (2000), http://www.humanesociety.org/assets/pdfs/parents_educators/the_use_of_animals_in_higher_ed.pdf.

⁶¹ E.g., Cornell Cooperative Extension of Westchester County, Incubation & Embryology, <http://westchester.cce.cornell.edu/4-h-youth-development/incubation-embryology>.

⁶² Cornell Cooperative Extension 4-H Youth Development, <http://westchester.cce.cornell.edu/4-h-youth-development/what-is-4-h-youth-development>.

But there are humane educational alternatives to school hatching projects that do not present the risks and problems described above. For example, a plastic, three-dimensional “Chick Life Cycle Exploration Set” is available on loan *for free* from the Science Bank to teach about life cycles (or available for purchase for about \$35.00⁶³—which is less than one tenth of the price of starter chick-hatching kits).⁶⁴ The United Federation of Teachers provides alternative lesson plans that involve observing birds in their natural habitats, field trips to wildlife rehabilitation centers, making bird feeders, and bird-related science fair projects.⁶⁵ The New York City Department of Education’s website includes a lesson plan for pre-kindergarten children involving the use of plastic eggs to teach children to distinguish between oviparous animals (animals hatched from an egg) and viviparous animals (animals that give birth to live animals).⁶⁶ The World of Animal Welfare offers a lesson plan called “Beak, Wings & Feet” to teach students about birds.⁶⁷ United Poultry Concerns offers a list of books, posters, and other resources that teachers can use.⁶⁸

Several universities and other organizations also provide alternative educational resources: Virginia Tech’s “4-H Virtual Farm” chicken embryo development online website includes a video of chick embryo development, still images, and text on the development process,⁶⁹ the University of Illinois’ “Chickscope” provides diagrams, images, and detailed

⁶³ Check Life Cycle Exploration Set, The Science Bank, http://thesciencebank.org/index.php?route=product/product&product_id=71; Amazon.com, <https://www.amazon.com/Learning-Resources-Chick-Cycle-Exploration/dp/B001SCA71G>.

⁶⁴ *E.g.*, Cornell Cooperative Extension of Suffolk County Incubation and Embryology Supply Order Form 2017-2018, https://s3.amazonaws.com/assets.cce.cornell.edu/attachments/25521/Incubation_and_Embryology_Supply_Order_Form_2017_2018.pdf?1504875327. (The “Just Getting Started” items include an incubation starter kit (\$211), brooder box kit (\$70), development poster (\$20), and Chick Quest Teacher Guide (\$37); eggs and food are not included and teacher training is another \$50); Stromberg’s Chicks and Game Birds Unlimited sells a Classroom Starter Kit for \$389, <https://www.strombergschickens.com/product/Class-Room-Chicken-Incubator-Starter-Kit/Poultry-Hatching-and-Baby-Chick-Care-Kits>.

⁶⁵ United Federation of Teachers, Humane Education Committee, <http://www.uft.org/files/attachments/uft-birdwatching.pdf>.

⁶⁶ NYC DEPARTMENT OF EDUCATION, PRE-K FOR ALL, BABIES: EXPLORE, INTERDISCIPLINARY UNIT OF STUDY 16, (“Hatch from an Egg: Supply small plastic eggs that open. Put various small plastic animal babies or pictures of animal babies (some that hatch from eggs and some that do not) inside and invite children to open the eggs and determine if the animal inside hatches from an egg or not and sort them into two piles accordingly.”), http://schools.nyc.gov/NR/ronlyres/39FCDEB3-D669-4C38-9489-CDC7FED1972D/0/3_30_16babiesEXPLORE.pdf.

⁶⁷ World of Animal Welfare, Lesson Plan Beaks, Wings, and Feet (Jan. 24, 2013), <http://www.woaw.org.au/teachers/beak-wings-feet-rspca-lesson>.

⁶⁸ United Poultry Concerns, Replacing School Hatching Projects: Alternative Resources and How to Order Them (Oct 1998), <https://files.eric.ed.gov/fulltext/ED433211.pdf>.

⁶⁹ 4-H Virtual Farm, Chick Hatch Project, http://www.sites.ext.vt.edu/virtualfarm/poultry/poultry_incubation.html.

information on each day of chicken embryo development in the 21-day process;⁷⁰ and the NOVA Online Odyssey of Life website includes a video clip of chick embryo development.⁷¹

V. RECOMMENDATION

The Bill prohibits any “animal” from being used in a hatching project. Yet based on the sponsor’s memo, it appears that the intent is to prohibit student hands-on bird hatching projects. Therefore, we recommend that the bill be amended to replace “animal” with “bird” and any additional animals for which there are similar animal welfare concerns. And we recommend that the Bill be revised to more narrowly tailor the prohibited activities.

Some school hatching projects do not implicate the welfare and health concerns above and, in fact, are beneficial to certain species. For example, New York students participate in the Billion Dollar Oyster project, which is an effort to restore the ecology of New York Harbor.⁷² As part of this project, students at the Harbor School hatch oysters in the school’s hatchery and these oysters are then placed in the harbor.⁷³ And some schools watch wild birds hatch through “on-line nest cams” that are designed not to disturb the birds.⁷⁴ The sponsor’s memo does not suggest that the Bill was intended to prohibit these types of lessons and so we recommend that the Bill be amended accordingly.

VI. CONCLUSION

For the aforementioned reasons, the New York City Bar Association Animal Law Committee supports the proposed legislation.

Animal Law Committee
Lori Barrett-Peterson, Chair

June 2018

⁷⁰ Chickscope, Embryology, <http://chickscope.beckman.uiuc.edu/explore/embryology>.

⁷¹ PBS, Odyssey of Life, Chicken Embryo, <http://www.pbs.org/wgbh/nova/odyssey/clips/movchi.html>.

⁷² The Urban Assembly New York Harbor School, Aquaculture, <https://www.newyorkharborschool.org/aquaculture.html>.

⁷³ Pace University, *Billion Oyster Project*, Campus Perspectives, NBC Learn (July 31, 2015), <https://www.nbclearn.com/portal/site/k-12/flatview?cuecard=103505>.

⁷⁴ E.g., Melissa Mayntz, *Viewing On-Line Nest Cams*, THE SPRUCE (Feb. 26, 2018), <https://www.thespruce.com/online-nest-cams-386631>; Katelyn Faubel, *Move Over, April the Giraffe: Live Cam to Capture Three Hawk Eggs Hatching at SU*, Syracuse.com (Apr. 14, 2018), <https://www.syracuse.com/news/index.ssf/2018/04/move-over-april-the-giraffe-live-cam-to-capture-three-hawk-eggs-hatching-at-su.html>.