

February 17, 2025

Governor Kathy Hochul
New York State Capitol
Albany, NY 12224

Dear Governor Hochul,

We write to urge you to extend the current hold on live animal markets in New York City for an additional 30 days and to take decisive action toward safer standards. While we commend your efforts to curb the spread of highly pathogenic avian influenza (HPAI), temporary restrictions are not enough to safeguard public health, protect New York's agricultural economy, and mitigate the risks of future pandemics. This threat to public health is a national problem, and we need you to act on behalf of the nation to prevent further spread.

Live animal markets are well-documented as high-risk environments for zoonotic disease transmission. In New York City alone, over 80 live markets operate in conditions that facilitate the spread of pathogens.¹ These markets house multiple species in confined, stressful environments that weaken immune responses and increase viral transmission. The CDC, WHO, and FAO have all warned of the dangers posed by such markets, emphasizing their role in the emergence of past outbreaks, like SARS and COVID-19.

The current HPAI outbreak has already caused substantial economic harm. The virus has led to the culling of over 157 million farmed birds in the U.S. and counting since 2022, costing millions in lost product, culling and carcass disposal, and indemnity payments, and significantly disrupting poultry production and supply chains.² Last year, the virus also

¹ The Humane Society of New York. *Live Animal Markets*. <https://www.humanesocietyny.org/humane-issues/action-alert-live-animal-markets.php>

² USDA. *Confirmations of Highly Pathogenic Avian Influenza in Commercial and Backyard Flocks*. <https://www.aphis.usda.gov/livestock-poultry-disease/avian/avian-influenza/hpai-detections/commercial-backyard-flocks>

spread to cattle, infecting nearly 1,000 herds since then and recently mutating into a new strain in Nevada this month.^{3,4}

H5N1 has spread to every continent, including Antarctica, and sickened and killed thousands of wild animals including penguins, California condors, sea lions, foxes, and big cats.⁵ These infections across hundreds of bird and mammal species, coupled with the virus's definitive foothold cattle and recent cases in U.S. farmworkers, highlight its mastery in crossing species barriers. According to the WHO, half of all global human H5N1 infections since 2003 have been fatal, making the risk of human-to-human transmission a paramount public health concern.⁶ At least sixty-six people in the U.S. have become infected with H5N1 since April 2024—with more cases likely undiagnosed—and the nation had its first H5N1 death in January.⁷ These developments have raised alarms to epidemiologists that we could face a pandemic of COVID-19 proportions at minimum without immediate intervention.

Repeated testing of the live markets in the Northeastern United States, including New York City, have shown high circulating levels of H5/H7 low pathogenic avian influenza virus (LPAI).^{8,9} LPAI can mutate into highly pathogenic avian influenza with more transmission

³ USDA. *HPAI Confirmed Cases in Livestock*. <https://www.aphis.usda.gov/livestock-poultry-disease/avian/avian-influenza/hpai-detections/hpai-confirmed-cases-livestock>

⁴ USDA (2025). *APHIS Confirms D1.1 Genotype in Dairy Cattle in Nevada*.

<https://www.aphis.usda.gov/news/program-update/aphis-confirms-d11-genotype-dairy-cattle-nevada-0>

⁵ Guynup, S. (2024). *Animal apocalypse: Deadly bird flu infects hundreds of species pole-to-pole*. Mongabay. <https://news.mongabay.com/2024/08/animal-apocalypse-deadly-bird-flu-infects-hundreds-of-species-pole-to-pole/>

⁶ WHO (2024). *Influenza: A(H5N1)*. <https://www.who.int/news-room/questions-and-answers/item/influenza-h5n1>

⁷ CDC (2025). *First H5 Bird Flu Death Reported in United States*.

<https://www.cdc.gov/media/releases/2025/m0106-h5-birdflu-death.html>

⁸ Garber, L., Voelker, L., Hill, G., Rodriguez, G. (2007). *Description of Live Poultry Markets in the United States and Factors Associated with Repeated Presence of H5/H7 Low-Pathogenicity Avian Influenza Virus*. *Avian Diseases*. 51(s1):417-420. doi:10.1637/7571-033106R1

⁹ Chung, D.H., Torchetti, M.K., Killian, M.L., Swayne, D.E., Lee, D.H. (2022). *Transmission dynamics of low pathogenicity avian influenza (H2N2) viruses in live bird markets of the Northeast United States of America, 2013–2019*. *Virus Evolution*. 8(1):1-10. Doi:10.1093/ve/veac009

opportunities in live markets where multiple species from different farms are housed in close proximity with weak biosecurity measures.^{10,11}

Chickens and humans share similar virus receptors, making bird flus capable of mutating to spread from person to person.¹² Just a few mutations could enable such transmission, and each new infection increases the risk of that happening. This risk is exacerbated by the close animal-to-human contact at live markets, the improper sanitation of equipment and disposal of bodily fluids, the stressful conditions for the animals, and the high population density of New York City and the surrounding suburbs.¹³ Unfortunately, federal agencies have failed to provide adequate interventions for disease detection, containment, and prevention. More disturbingly, the federal government has also failed to provide livestock workers with personal protective equipment, leaving most livestock workers vulnerable to infection and neighboring communities the first in line if human-to-human transmission takes hold.¹⁴ State governments must take matters into their own hands if we have any chance of preventing more human and animal suffering.

Therefore, we ask that you extend the live market closure for 30 more days. A five-day closure is commendable, but without additional measures, as thousands more birds enter these markets when they are back in business, so too does the risk of bird flu. Extending the hold for an additional 30-days would allow time for:

- Comprehensive disease surveillance and repeated testing across all NYC live animal markets
- Strengthened preventions plans, detection response plans, and biosecurity measures to curb virus transmission

¹⁰ Gilbert, M., Xiao, X. and Robinson, T.P., (2017.) *Intensifying poultry production systems and the emergence of avian influenza in China: a 'One Health/Ecohealth' epitome*. *Archives of public health*, 75(1), pp.1-7

¹¹ Offeddu, V., Cowling, B.J., Peiris, M. (2016). *Interventions in live poultry markets for the control of avian influenza: A systematic review*. *One Health* 2:55-64. doi:10.1016/j.onehlt.2016.03.002

¹² Mace, J., Knight, A. (2023). *Influenza risks arising from mixed intensive pig and poultry farms, with a spotlight on the United Kingdom*. *Frontiers in Veterinary Science*, Vol. 10. <https://doi.org/10.3389/fvets.2023.1310303>
<https://www.frontiersin.org/articles/10.3389/fvets.2023.1310303/full>

¹³ Jagne, J.F., Bennett, J., Collins, E. (2021). *Live bird markets of the Northeastern United States*. *Delaware Journal of Public Health*, 7(1):52-56. doi: 10.32481/djph.2021.01.009

¹⁴ Maxmen, A. (2024). *How America lost control of the bird flu, setting the stage for another pandemic*. CNN. <https://edition.cnn.com/2024/12/24/health/america-bird-flu-next-pandemic-kff-health-news/index.html>

- Development of a transition plan for affected businesses, workers, and customers
- Implementation of alternative supply chains for communities reliant on these markets

However, a short-term extension is only a partial solution. Research indicates that live animal markets have played a role in numerous zoonotic disease outbreaks worldwide.¹⁵ Studies show that cities implementing stricter regulations or closures of such markets have successfully reduced the risk of local outbreaks.¹⁶ Stricter regulations of live animal markets in New York City would position the state as a leader in proactive public health policy while preventing future disease outbreaks.

Governor Hochul, you have an opportunity to take meaningful action to protect New Yorkers, strengthen biosecurity, and set an example for the nation. We urge you to:

1. Extend the current hold for 30 days immediately.
2. Direct the New York Department of Agriculture and Department of Health to:
 - a. require LPAI and HPAI testing of poultry at the farms and distributor facilities, and a regulatory approval prior to the poultry entering live markets,
 - b. supply personal protective equipment for workers at the farms, distributor facilities, and live markets, as well as live market customers,
 - c. implement more stringent biosecurity measures at live markets covering on-site housing, separation of species, handling, cleaning, and disposal of birds or bird tissues, and more frequent visits of live markets by state inspectors to ensure compliance, and
 - d. prohibit overnight holding of poultry at live markets and weekly mandatory one-day closures of live markets for thorough cleaning and disinfection.

¹⁵ Offeddu, V., Cowling, B.J., Peiris, M. (2016). *Interventions in live poultry markets for the control of avian influenza: A systematic review*. *One Health* 2:55-64. doi:10.1016/j.onehlt.2016.03.002

¹⁶ Ahmad, T., Haroon, Dhama, K., Sharun, K., Khan, F. M., Ahmed, I., Tiwari, R., Musa, T. H., Khan, M., Bonilla-Aldana, D. K., J Rodriguez-Morales, A., & Hui, J. (2020). *Biosafety and biosecurity approaches to restrain/contain and counter SARS-CoV-2/COVID-19 pandemic: a rapid-review*. *Turkish journal of biology = Turk biyoloji dergisi*, 44(3), 132–145. <https://doi.org/10.3906/biy-2005-63>



Preventing the next pandemic requires bold leadership. We urge you to take decisive steps to prioritize public health, economic stability, and biosecurity. Thank you for your attention to this urgent matter. We look forward to your leadership and response.

Sincerely,

Matthew Dominquez, Managing Director, **Compassion in World Farming USA**

Allie Taylor, President, **Voters for Animal Rights**

Kathleen Schatzmann, Strategic Legislative Affairs Manager, **Animal Legal Defense Fund**

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Community Members

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