

NATIONAL
Aquaculture
ASSOCIATION

October 7, 2024

Assemblymember Jo Anne Simon
52nd Assembly District
New York State Assembly
Email: simonj@nyassembly.gov

RE: Introduced Legislation – A10645

The Honorable Jo Anne Simon:

Please accept and act favorable upon the following request and comments from the National Aquaculture Association¹ relative to [A10645](#) introduced to the Assembly and referred to the Committee on Environmental Conservation chaired by Assemblymember Deborah J. Glick.

The bill appears to prevent the sale of live farmed fish or molluscan shellfish to the citizens of New York by inadvertently prohibiting a variety of very common, historically performed retail and restaurant customer service live seafood preparation and display practices. We request those provisions be deleted:

- §272(a) states, “No animal shall be dismembered, flayed, cut open, or have its skin, scales, feathers, or shell removed while such animal is still alive.” The proposed law prohibits an employee from cleaning, filleting or shucking live farmed fish or bivalve molluscan shellfish (e.g., oysters or clams). We oppose this provision and request its removal from the bill.
 - Cleaning and filleting of live fish and the shucking of live molluscan bivalve shellfish has been provided to New York residents since settlement of the New England colonies by retail and restaurant purveyors of nutritious and delicious fish and shellfish. Cleaning, filleting, or shucking are paid for by customers and performed by expert staff to efficiently yield fresh, fish or shellfish for restaurant or at-home cooking or direct consumption.
- §272(b) states, “No live animal shall be confined, held, or displayed in a manner that results in, or is likely to result in, injury, starvation, dehydration, or suffocation of such

¹ The [National Aquaculture Association](#) (NAA) is a U.S. producer-based, non-profit trade association founded in 1991 that supports the establishment of governmental programs that further the common interest of our membership, both as individual producers and as members of the aquaculture community. For over 33 years NAA has been the united voice of the domestic aquaculture sector committed to the continued growth of our industry, working with state and federal governments to create a business climate conducive to our success, and fostering cost-effective environmental stewardship and sustainability.

animal.” Farmers value and honor their animal stewardship responsibilities above all other responsibilities during the nurture of their animals throughout spawning, nursery, grow-out and transportation to market. To our knowledge no farmers engage in activities that intentionally injure, starve, dehydrate or suffocate animals in their care. We oppose this provision and request its removal from the bill.

- Farmed molluscan bivalve shellfish (e.g., oysters, clams and mussels) are typically displayed on a bed of ice within seafood display cases. This time-honored practice maintains human food safety and product quality, but could be mis-interpreted as starving, dehydrating or suffocating.
 - Live farmed fish (e.g., tilapia, largemouth and hybrid striped bass) are typically displayed in large aquariums in retail seafood stores or restaurants for customer selection but are not fed during very short holding periods. Feeding these fish would degrade water quality within the display tanks and severely and negatively impact fish health.
- §272(d) states, “Wildlife species shall not be caged, handled, or transported with livestock or domestic animals, and shall not be sold in spaces near livestock or domestic animals.” We oppose this provision and request its removal from the bill.
 - Farmed and wild harvested molluscan bivalve shellfish are frequently transported and displayed for sale in proximity to each other, but are not commingled as regulated by the Interstate Shellfish Sanitation Conference and U.S. Food and Drug Administration.

We suggest an active outreach to the fish and shellfish farmers of New York and the Atlantic Seaboard and the New York seafood retail and restaurant business communities to develop an appreciation for the efforts they invest to grow, deliver, prepare and sell the very best live farmed seafood in the world to the residents of the great State of New York. We would be honored to assist you or your staff in making those connections.

Please do not hesitate to call upon us for additional information or contacts within these valued communities.

Sincerely,



Sebastian Belle
President

cc: Assemblymember Deborah J. Glick, Chair, Environmental Conservation
Randy Gray, President, North Carolina Aquaculture Association
Bob Rheault, Executive Director, East Coast Shellfish Growers Association
Jesse Trushenski, President, U.S. Trout Farmers Association