



July 8, 2025

The Honorable Kathy Hochul  
Governor of New York State  
NYS Capitol Building  
Albany, NY 12224

Re: NYSBA Committee on Animals and the Law Supports S.4289/ A.4997

Dear Governor Hochul:

The New York State Bar Association (NYSBA) Committee on Animals and the Law supports enactment of S.4289(Hoylman-Sigal)/ A.4997(Glick) which amends the Environmental Conservation Law, to amend the Department of Environmental Conservation's (DEC's) regulation of crabs, and to prohibit for two years the taking of horseshoe crabs for biomedical and commercial purposes.

Section 1 of the bill authorizes DEC to regulate crab management until December 31, 2027 consistent with Atlantic States Marine Fisheries Commission (ASMFC) and Federal Fishery Conservation and Management Act (FCMA) (16 U.S.C. § 1800 et seq.) fishery management plans. Section 2 of the bill excludes horseshoe crabs from DEC regulation from January 1, 2026 to December 31, 2027 and bans taking horseshoe crabs for commercial or biomedical purposes from New York State waters.

The horseshoe crab population is in steep decline, with New York having the most horseshoe crab deaths of any state<sup>1</sup>. They are killed for bait to catch eels and whelks; during commercial fishing; and for biomedical testing, despite viable alternatives for each. Banning the taking of horseshoe crabs for commercial or biomedical purposes does not endanger whelk or eel fishers' profitability nor does it negatively impact biomedical testing. No justification remains for taking, torturing, debilitating, and killing this ancient species.

Horseshoe crabs' unique blue blood is used in testing for endotoxins in medical devices and pharmaceuticals. People drain horseshoe crabs of up to half of their blood to obtain amoebocyte cells for the Limulus amoebocyte lysate (LAL) test. Debilitated surviving horseshoe crabs are returned to the coast line, where over 5-30 percent die.<sup>2</sup> More cost-efficient and more accurate alternative synthetic tests are

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<sup>1</sup> Atlantic States Marine Fisheries Commission (ASMFC), *2024 Horseshoe Crab Stock Assessment Update*, Apr. 30, 2024, at iii, [https://asmfc.org/wp-content/uploads/2025/01/HorseshoeCrabStockAssessmentUpdate\\_April2024.pdf](https://asmfc.org/wp-content/uploads/2025/01/HorseshoeCrabStockAssessmentUpdate_April2024.pdf).

<sup>2</sup> Herring, Molly, *U.S. Pharmacopeia OKs Synthetic Alternatives to Horseshoe Crab Blood*, May 16, 2025, Univ. of Chi. Marine Bio'l Lab'y, <https://www.mbl.edu/news/us-pharmacopeia-oks-synthetic-alternatives-horseshoe-crab-blood>.

used by at least one major pharmaceutical company.<sup>3</sup> As of May 1, 2025, the U.S. Pharmacopeia approved synthetic tests to be as acceptable as the LAL test.<sup>4</sup> Using these now-approved, synthetic alternatives could reduce bleeding horseshoe crabs by as much as 90 percent.<sup>5</sup>

South Carolina, New Jersey, and Connecticut have state bans on killing horseshoe crabs.<sup>6</sup> The ASMFC sets harvest limits for its member states. For the 2024 and 2025 season New York has a quota of 366,272 horseshoe crabs. Remaining states' annual quotas average of 14.61% of New York's; their estimated average deaths range from 26,750 to 53,500 annually. These numbers are dwarfed by New York's estimated 183,136 deaths annually.<sup>7</sup> In April 2024 the ASMFC assessed New York as the only state with a poor stock of horseshoe crabs.<sup>8</sup>

Horseshoe crabs feel pain.<sup>9</sup> They suffer dry, hot, crowded, immobilized conditions while being transported and when large needles are inserted in their hearts to drain their blood. They are displaced from their habitat; their ability to right themselves is damaged; and they suffer reduced fertility if they survive.

New York's eel and whelk fishers have historically killed horseshoe crabs to use as bait. Commercially viable, more humane, alternative bait sources are available such as bait bags and cups, alginate-based bait, native fish, blue crabs, invasive green crabs, and smarter whelk traps.<sup>10</sup>

The blood draining and killing of New York's horseshoe crabs are gratuitous practices that have no biomedical, commercial, or ethical reason to persist. The life of a horseshoe crab is intrinsically valuable in and of itself. Of direct benefit to New York ecosystems, horseshoe crabs on Long Island Sound's floor increase turbidity and stir up a variety of food sources for other species.<sup>11</sup> Additionally, many Atlantic

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<sup>3</sup> *Why isn't the pharmaceutical industry using this alternative to horseshoe crab blood?*, Michigan News, Univ. of Michigan, Sept. 19, 2024, <https://news.umich.edu/why-isnt-the-pharmaceutical-industry-using-this-alternative-to-horseshoe-crab-blood/#:~:text=Since%20the%201960s%20when%20the,for%20diabetes%20and%20weight%20loss>; Thorp, Benjamin, *Drugmakers bleed horseshoe crabs for tests. Some push for a sustainable alternative*, Louisville Pub. Media, Apr. 6, 2025, <https://www.lpm.org/news/2025-04-06/drugmakers-bleed-horseshoe-crab-for-tests-some-push-for-a-sustainable-alternative>, ("Eli Lilly . . . uses the synthetic material in about 80% of its testing.")

<sup>4</sup> Univ. of Michigan, *supra*.; Herring, *supra*.; U.S. Pharmacopeia, *Expert Committee approves endotoxin testing using non-animal derived reagents*, Jul. 26, 2024, <https://www.usp.org/news/expert-committee-approves-endotoxin-testing-using-non-animal-derived-reagents>.

<sup>5</sup> Univ. of Michigan, *supra*.; Herring, *supra*.; U.S. Pharmacopeia, *supra*.

<sup>6</sup> S.C. Code § 50-5-1330 (2024); N.J. Rev Stat § 23:2B-21 (2024); Conn. Gen. Stat. § 26-292d (2024).

<sup>7</sup> ASMFC, *supra*, *passim*.

<sup>8</sup> ASMFC, *supra* at iii, iv, v. (Poor stock is defined as over 66% of surveys of horseshoe crab populations having over 50% probability of 2022 populations being below 1998 levels. ASMFC *Horseshoe Crab, Species Information, Stock Status*, <https://asmfc.org/species/horseshoe-crab/>, (last visited, June 29, 2025).

<sup>9</sup> Ferrari, Olivia, *Do crabs feel pain?*, Jan. 2, 2025, <https://www.livescience.com/animals/crustaceans/do-crabs-feel-pain>.

<sup>10</sup> *Artificial bait helps horseshoe crabs, birds, fishermen*, 4 Univ. of Del. Rsch. 2, 2013, [https://www1.udel.edu/researchmagazine/issue/vol4\\_no2/news\\_briefs\\_artificialbait.html](https://www1.udel.edu/researchmagazine/issue/vol4_no2/news_briefs_artificialbait.html); *Researchers hope new traps and an alternative bait can improve whelk fisheries*, Glob. Seafood All., Sept. 21, 2023, <https://www.globalseafood.org/advocate/researchers-hope-new-traps-and-an-alternative-bait-can-improve-whelk-fisheries/>; H.R. 67, 220<sup>th</sup> Leg., 2022-23 Sess., (N.J. 2022); TBR Newsmedia, *Alternative bait could help protect horseshoe crabs*, Jun. 12, 2025, <https://tbrnewsmedia.com/alternative-bait-could-help-protect-horseshoe-crabs/>.

<sup>11</sup> TBR Newsmedia, *supra*.

shorebirds, including the endangered rufa red knot, depend upon eating horseshoe crab eggs for their survival.

Horseshoe crabs have survived five mass extinction events over the past five hundred million years. Enacting this bill would significantly help restore New York's depleted, at-risk, horseshoe crab populations.

Based on the foregoing, the Committee on Animals and the Law supports the enactment of this legislation and urges the Governor to sign S.4289/ A.4997. If you have any questions, or seek further information please contact NYSBA's General Counsel, David Miranda, who can be reached at [dmiranda@nysba.org](mailto:dmiranda@nysba.org).

Respectfully,

NYSBA's Committee on Animals and the Law