

THE AMERICAN HORSE SLAUGHTER PREVENTION ACT

Federal legislation is currently pending in Congress which, if enacted, would make it a federal offense to transport horses for the purpose of slaughter for human consumption.¹ Californians chose to step up for their horses in 1998, when they enacted the initiative which criminalizes the transportation of horses for human consumption.² However, California is unable to protect all of America's horses on its own and needs the support of federal law so that persons crossing state lines will also be penalized.

Horse slaughter will only end in the United States when the American people are made fully aware of its existence and place pressure on lawmakers to stop it. Americans in the past have made efforts to protect their wild horses, burros, and Mustangs from being killed for pet food and providing refuge where they could exist without further persecution, yet Americans have failed to enforce these regulations.³ Irresponsible horse ownership is the main reason why horse slaughter has thrived over the years⁴ and therefore is a major contributing factor to the cruelty suffered by horses whose lives end at the slaughter house.

1. California has enacted a law to attempt to stop the horse slaughter for human consumption market.

Californians voted by a 62% majority to make it a felony to sell a horse for human consumption.⁵ The Prohibition of Horse Slaughter and Sale of Horse Meat for Human Consumption Act of 1998 (Proposition 6) was adopted by California voters and codified into Penal Code section 598c.⁶ Section 598c provides that it is a felony offense to "possess, to import into or export from [California], or to sell, buy, give away hold, or accept any horse with the intent of killing, or having another kill, that

¹ H.R. 857, 108th Cong. (2003).

² CAL. PEN. CODE § 598c (West 2003).

³ RAYMOND MOREIRA AND JOSEPH BARREIRA, HORSES IN THE KILLING 56 (Americans Against Equine Slaughter, 1996).

⁴ *See id.*

⁵ Tamara Jones, *An Ugly Fate In An Auction Ring?; Horse Slaughter For Human Diets Debated*, WASHINGTON POST, January 19, 2003, at A1.

⁶ *See text* accompanying note 2.

horse, if that person knows or should have known that any part of that horse will be used for human consumption.”⁷ Section 598c(b) states that “horse” includes any horse, pony, burro, and mule, and subdivision (c) states that this section is punishable by imprisonment in state prison for 16 months, or 2 or 3 years. (California Penal Code 598c)⁸ Since Californians took the initiative in protecting their horses, public awareness has increased. Studies show that the number of horses slaughtered annually steadily declined from more than 300,000 in the early 1990’s to just over 40,000 in 2002.⁹

2. The United States Congress is currently examining the federal bill known as “The American Horse Slaughter Prevention Act.”

Our Congress took a first step toward making the transportation of horses more humane in passing the Commercial Transportation of Equine for Slaughter Act in 1996. This Act specifies how long a horse can remain in a trailer, the number and duration of required rest stops, special rules for transporting pregnant mares, and what to do if a horse becomes gravely injured during transport.¹⁰ Unfortunately, this law does not take effect until 2007 and only concerns transportation issues.¹¹

The most recent attempt to protect American horses took place on February 13, 2003, when the American Horse Slaughter Prevention Act (H.R. 857) was introduced to the House of Representatives and referred to the House Committee on Agriculture, House International Relations, and House Ways and Means.¹² On March 3, 2003, the bill was referred to the Subcommittee on Trade.¹³ As of October 1, 2003, the bill was supported by a total of 92 sponsors (72 Democrats/ 20 Republicans).¹⁴ This bill will “prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horse-

⁷ *See id.*

⁸ *See id.*

⁹ Christopher J. Heyde, *Hope for the Horse-Fighting the Slaughter of American Horses*, ASPCA ANIMAL WATCH MAGAZINE, Fall 2003.

¹⁰ Elizabeth Cornell, *End of the Trail*, ASPCA ANIMAL WATCH MAGAZINE, Spring 1998, at 26.

¹¹ The Humane Society of the United States, *Get the Facts on Horse Slaughter*, (2003), at <http://www.hsus.org> (last visited Jan. 12, 2004).

¹² Bill Summary & Status of H.R. 857 (2003), available at <http://www.thomas.loc.gov/cgi-bin/bdquery/z?d108:HR00857:@@X> (last visited Oct. 2, 2003).

¹³ *See id.*

¹⁴ USA Today, Congressional Legislation, available at <http://capwiz.com/usatoday/issues/bills/?billnum=H.R.857&congress=108> (last visited Oct. 2, 2003).

flesh and live horses intended for human consumption, and for other purposes.”¹⁵ In Section 2 of the Original Draft of HR 857, Congress made the following selected findings:

Approximately 55,000 American horses are slaughtered for human consumption annually in the U.S. by foreign-owned slaughterhouses. Tens of thousands of live horses are exported from the U.S. annually for slaughter. Horses slaughtered in these foreign-owned plants have often been hauled several thousand miles over several days, contrary to acceptable non-slaughter standards for water, food, and rest. Many horses are shipped on crowded double deck trucks designed for shorter necked species, and are forced to travel in a bent position which can result in suffering, injury and death. Killing of horses by foreign-owned slaughterhouses in the U.S. contrasts with the preferable method of killing by euthanasia. Horses endure repeated blows to the head with stunning equipment that often does not render the animals unconscious. Some horses proceed still conscious through the remaining stages of slaughter being bled out and dismembered. Because horses in America are not food animals, veterinarians commonly prescribe and treat horses with potent drugs that may reside in the horseflesh and be dangerous when consumed by humans. Because of the lack of disclosure on the part of the agents and dealers for the slaughter plants people's horses are many times acquired and slaughtered through fraud and misrepresentation. Slaughter also provides a quick and evidence-free outlet for stolen horses.¹⁶

Senator Dianne Feinstein (D-CA), who supports this legislation to stop the slaughter trade on a federal level, pointed out that, “This horse meat is not used to feed starving people. Rather, it is sold as a delicacy in Canada, Europe, and Asia for almost \$15 a pound.”¹⁷

3. The last two U.S. slaughterhouses exist to supply a foreign market.

There are two horse slaughter houses remaining in the United States. They are Bel-Tex and Dallas Crown Packaging, and are both foreign-owned (French-owned and Belgian-owned, respectively).¹⁸ In January 2003, it was reported that Bel-tex does not allow outside observers to witness the slaughter, or the arrival and unloading, of animals from the dealer trucks.¹⁹ “In addition to the horses killed in the two U.S.-based

¹⁵ *H.R. 857 Original Draft- The American Horse Slaughter Prevention Act*, (2003), available at <http://hoofpac.com/legislation/hr857/hr857.html> (last visited Sept. 25, 2003).

¹⁶ *See id.*

¹⁷ *See supra* text accompanying note 5.

¹⁸ Eric Nauwelaers, Equine Protection Network, *Horse Slaughter Plants*, available at <http://www.equineprotectionnetwork.com/slaughter/plants.htm> (last visited Sept. 8, 2003).

¹⁹ *See supra* text accompanying note 5.

plants, thousands more are transported under deplorable conditions across our borders into Canada and Mexico to be slaughtered.”²⁰

Horse meat is shipped to Italy, Japan, France, Belgium, Switzerland, and Mexico.²¹ “Over the past two decades, more than three million U.S. horses have been slaughtered for foreign markets.”²² France, Belgium, and Italy are the most voracious consumers in Europe where horse meat is a delicacy because of the fear of mad-cow disease and enthusiasm for free-range over factory-raised protein.²³ It is cheaper to import horse meat from the U.S., Mexico, or South America since the open space is scarce in Western Europe and Japan.²⁴

There are an estimated 7-million-plus horses in the U.S. and about 50,000 go to the Texas slaughterhouses each year.²⁵ At least 20,000 additional American horses are transported to slaughterhouses in Canada and Mexico.²⁶ Dick Koehler, manager of Bel-Tex, says his company processes about 500 horses a week, most of them bought at out-of-state auctions.²⁷ “The going rate is \$.30-.40/pound, with the average horse weighing about 1,000 pounds.”²⁸ The huge Belgian draft horses that turn up after outliving their usefulness on Amish farms are worth only about five cents a pound because they are considered too tough and sinewy.”²⁹

In addition to exporting horse meat abroad, both slaughterhouses also sell meat to U.S. zoos, which contend their endangered carnivores are dependent on horse meat.³⁰ Horse pericardium (thin membrane sac surrounding the heart) can be used to make human heart valves and patches used during open heart surgery.³¹ Other parts of the carcass are used to make products including violin bows, art brushes, baseball covers, fertilizer and pet food.³²

²⁰ Society for Animal Protective Legislation, “*American Horse Slaughter Prevention Act*” *Background Information*, (2002), available at <http://www.saplonline.org/Legislation/ahpa.htm> (last visited Nov. 16, 2003).

²¹ *See supra* text accompanying note 18.

²² *See supra* text accompanying note 5.

²³ *See id.*

²⁴ *See id.*

²⁵ *See id.*

²⁶ *See id.*

²⁷ *See id.*

²⁸ *See id.*

²⁹ *See id.*

³⁰ *See id.*

³¹ *See id.*

³² *See id.*

Current Texas law makes it illegal to sell horse meat for human consumption, yet the slaughtering of horses within the state is legal.³³ A Tarrant County prosecutor filed a lawsuit, which is still pending, against Bel-Tex pursuant to a 1949 constitutional ban on eating horses in Texas.³⁴ The two Texas slaughterhouses have joined with a company in Mexico to file a lawsuit in federal court attempting to stop the enforcement of the 1949 state law that banned the sale and possession of horse meat for human consumption.³⁵ But in the meantime, a federal judge has given the plants permission to continue shipping horse meat overseas until the lawsuit goes to trial.³⁶ Slaughter houses argue they are federally regulated, and that cultural intolerance is the real reason they are coming under fire after nearly 30 years in operation.³⁷

Shutting down the two slaughter houses in Texas endangers only a total of approximately 140 jobs, and the lost profits to the Texas economy will be minimal since all profits are siphoned overseas.³⁸ Texans in support of the closing, including Dallas restaurant owners, have declared that they would help the employees find jobs if the plants were shut down.³⁹

4. Where do the horses come from?

Horses of all descriptions are brought to auctions by dealers and private owners. Former Thoroughbred racehorses who are injured or too slow are shipped directly from racetracks while still wearing their racing plates.⁴⁰ The continued racing of horses until they become unsound and unusable for other careers is a prime reason why racehorses end up going to slaughter.⁴¹ The Humane Society of the United States (HSUS) has seen apparently healthy horses being picked up from the racetrack.⁴²

³³ Melissa Drosjack, *Amendment's Death to put Future of 2 Plants in Courts*, HOUSTON CHRONICLE, May 30, 2003, available at <http://www.chron.com/cs/CDA/ssi-story.mpl/metropolitan/1930383> (last visited Nov. 19, 2003).

³⁴ Karen Brooks, *Senate Stops Bill to Allow Horse Meatpacking Plants*, FORT WORTH STAR TELEGRAM, May 30, 2003, available at <http://www.dfw.com/mld/dfw/news/legislature/5976297.htm> (last visited Nov. 19, 2003).

³⁵ See *supra* text accompanying note 9.

³⁶ See *supra* text accompanying note 34.

³⁷ See *supra* text accompanying note 5.

³⁸ See *supra* text accompanying note 34.

³⁹ See *id.*

⁴⁰ Equine Protection Network, *The Issue*, (2003), at <http://www.equineprotectionnetwork.com/general/issue.htm> (last visited Sept. 8, 2003).

⁴¹ See *id.*

⁴² Greta Bunting, *THE HORSE- THE MOST ABUSED DOMESTIC ANIMAL* 58, (Univ. of Toronto Press, Inc. 1997).

According to Equine Advocates, “One standardbred track in New Jersey gets a regular visit from the ‘Meat Man’ twice a week.”⁴³ Equine Advocates claims that racing sends approximately 1/3 of all horses slaughtered in the U.S. to processing plants every year.⁴⁴ Even a top racehorse isn’t safe. The world was shocked to learn the fate of Exceller, the winner of the 1978 Jockey Club Gold Cup at Belmont Park.⁴⁵ He served as a stud at a farm in Sweden until his owner decided that he no longer wanted him and sent him to slaughter.⁴⁶

In addition, because of the lack of disclosure on the part of the agents for the foreign owned horse meat industry, people’s horses can and have been stolen and their pets purchased under false pretenses, which has contributed to crime and consumer fraud, and subsequently resulted in emotional hardship for those owners who have been deceived. Because of the severe distress suffered by unsuspecting horse owners, the judicial system, has taken notice and in an attempt to compensate owners’ emotional harm, has awarded intentional infliction of emotional distress damages.⁴⁷ Judy Taylor of Kentucky sought help in caring for her two beloved Appaloosa horses due to her own serious health problems.⁴⁸ Lisa and Jeff Burgess agreed to provide that care, with the understanding that if they were unable to continue to care for the horses, the horses would be returned to Judy.⁴⁹ Within seven days of receiving the horses, the Burgesses sold them to a known horse buyer who sells to slaughter houses.⁵⁰ Soon after Judy discovered her horses were sold, she searched cross-country for her fraudulently purchased horses, only to discover that her horses were slaughtered at the Bel-Tex Corporation.⁵¹ Judy was successful in bringing breach of contract and intentional infliction of emotional distress charges against the Burgesses.⁵² The Kentucky Court of Appeals said, “the Burgesses’ conduct clearly rises to the level of being outrageous and intolerable in that it offends generally accepted standards of decency and morality, certainly a situation in which the recitation of the facts to a member of the community would arouse his resentment against the actor...”⁵³ Since California’s 1998 law which prohibits the

⁴³ *See id.*

⁴⁴ *See id.*

⁴⁵ *See id.* at 59.

⁴⁶ *See id.*

⁴⁷ *Burgess v. Taylor*, 44 S.W.3d 806 (2001).

⁴⁸ *See id.* at 809.

⁴⁹ *See id.*

⁵⁰ *See id.*

⁵¹ *See id.* at 810.

⁵² *See id.*

⁵³ *See id.* at 811.

transportation of horses out of state for the purposes of slaughter, horse theft in California has dropped by fifty percent.⁵⁴

The U.S. Bureau of Land Management, which has managed wild horses on federal land for 30 years, puts wild horses up for adoption, and in turn, are often being sold for slaughter, in some cases within weeks of the owner gaining title of the animal.⁵⁵ Adopters must sign a statement promising not to sell the horse to slaughter.⁵⁶

“BLM is not prosecuting people, but they’re not even doing the investigation to try to figure it out and it seems like they don’t want to know. Those horses need homes, so BLM is under increased pressure to adopt out and title horses . . . that could result in more horses going to slaughter houses,” stated Howard Crystal, a Fund for Animals attorney.⁵⁷

Fund for Animals argues that thinning the horse population so much could threaten their survival by leaving herds cut off from one another and ravaged by inbreeding.⁵⁸

The last category of horses that are taken to slaughter every day include those horses that have provided benefits to our society, served their owners dutifully, and provided pleasure riding. Mares whose foals are not economically valuable, and foals who are “byproducts” of the Pregnant Mare Urine (PMU) industry, which produces the estrogen-replacement drug Premarin, are sold for slaughter.⁵⁹ Draft horses which are consigned by their Amish owners due to injury, old age or failure to work, bearing open wounds or scars around their necks,⁶⁰ and camp horses ridden and loved by children who are lamed from improper care by the summer camp that leased them, thin and baring saddle sores often-times take their last breath at the slaughter house.⁶¹ Lastly, riding horses and ponies whose owners lost interest, horses with behavioral problems, or horses whose families divorce or relocate are unbeknownst sold to someone interested in making a profit by selling to a slaughter house.⁶²

⁵⁴ C.S. Monitor, *Horse Meat Sales Stir Texas Controversy*, at <http://www.csmonitor.com/2003/0428/p03s01-usgn.html> (last visited Nov. 16, 2003).

⁵⁵ Robert Gehrke, *Horse Adoption Program Challenged*, WASHINGTON POST, December 26, 2001, at A29.

⁵⁶ *See id.*

⁵⁷ *See id.*

⁵⁸ *See id.*

⁵⁹ *See supra* text accompanying note 11.

⁶⁰ *See supra* text accompanying note 40.

⁶¹ *See id.*

⁶² *See id.*

5. The terror and physical suffering of horses destined for slaughter begins at the hands of the buyers and auction houses.

Because horses are not raised for human consumption in the U.S., slaughter houses and their middlemen known as “killer buyers,” which are individuals who buy horses for slaughter, have to travel throughout the entire U.S. from auction to auction to fill their quotas.⁶³ These killer buyers often buy from owners who are unaware that their animals will be killed and their flesh served in European restaurants.⁶⁴

The cruelty to these horses begins as soon as they are loaded into the trailers and transported to additional auctions or to the slaughterhouse. While awaiting their fates in the auction pens the horses are often without food or water.⁶⁵ Very few states require that the auctions provide such necessities.⁶⁶

The following conditions exist at the auction pens: water is non-existent or filthy; hay is either unavailable or not available in sufficient quantities to prevent fighting, and/or of a quality not acceptable for horses.⁶⁷ Incompatible horses are tied next to each other or are turned loose in pens.⁶⁸ Pens are often overcrowded, have 90 degree corners that can trap a less aggressive horse, and have dangerous protrusions such as broken boards, nails, and trash.⁶⁹ Horses are needlessly whipped or beaten in the auction ring, and proof of ownership of a horse is not required, thus facilitating the sale of stolen horses.⁷⁰ While many states have vague laws regulating the operation of livestock markets, few address the care or treatment of horses at auction.⁷¹

At the auctions, undercover animal welfare agents have found holding pens packed with horses, some with legs broken in transit or gouged eyes and others nearly starved.⁷² Typically, no veterinarian attends these animals because no slaughter horse buyer wastes time or money easing pain. They are careful not to use antibiotics because it would render the meat unfit for human consumption.⁷³

⁶³ U.S. Newswire, *Survey Shows Texans Strongly Oppose Horse Slaughter*, U.S. NEWSWIRE, INC., May 9, 2003.

⁶⁴ *See id.*

⁶⁵ *See supra* text accompanying note 11.

⁶⁶ *See id.*

⁶⁷ *See supra* text accompanying note 40.

⁶⁸ *See id.*

⁶⁹ *See id.*

⁷⁰ *See id.*

⁷¹ *See supra* text accompanying note 11.

⁷² *See supra* text accompanying note 10.

⁷³ *See id.*

Some advocates believe that the conditions of auctions for horses will improve with the adoption of better state regulations, and upgraded enforcement will dry up the trade, making owners realize they can no longer neglect their horses, then expect to sell them for a profit at auction.⁷⁴ Without a way to market these neglected horses, unscrupulous dealers and owners will be driven out of the trade.⁷⁵

6. The transportation of horses to the slaughter houses is dangerous to both the horses on board and to motorists on the roadway, and is not sufficiently regulated.

Once a slaughter horse buyer has obtained a sufficient number of horses in order to turn a profit, the dangerous trip to Texas (or Mexico or Canada) begins. The manner in which horses are trucked does not accommodate their unique temperaments, and they are oftentimes not fed, watered or rested during travel.⁷⁶ Inappropriate floor surfaces lead to slips and falls, and sometimes even trampling.⁷⁷ Although transportation accidents have largely escaped public scrutiny, several tragic ones involving collapsed upper floors and overturned double-deckers have caused human fatalities as well as suffering and death for the horses.⁷⁸ Economics, not humane considerations, have continued to dictate the conditions of transportation, including crowding as many horses into trucks as possible.⁷⁹

In attempt to remedy the injuries and fatalities in equine transport, Congress passed the Commercial Transportation of Equines for Slaughter Act in March 1996, which directed the U.S. Dept. of Agriculture to write regulations to enforce the Act.⁸⁰ The regulations cover, among other things, the food, water, and rest that must be provided to horses, the actions required of a shipper in loading and transporting the horses, the fitness of the horses for travel and the nature of the trucks to be used.⁸¹ Ultimately, these rules will be enforced by USDA veterinarians who will meet and inspect each shipment of horses upon arrival at the facility.⁸²

⁷⁴ See *supra* text accompanying note 11.

⁷⁵ See *id.*

⁷⁶ See *id.*

⁷⁷ See *id.*

⁷⁸ See *id.*

⁷⁹ See *id.*

⁸⁰ See *id.*

⁸¹ Animal Welfare Council Issue Paper #1, *Why a Legal Ban on Transportation of Horses for Human Consumption Will Not Improve Equine Welfare*, (October 10, 2001), available at <http://www.animalwelfarecouncil.org>.

⁸² See *id.*

Unfortunately, the regulations allow the use of double deck trailers for an additional five years and permit horses to be transported for 28 hours without food, water, or rest; and allow the transport companies themselves to certify the care the horses received.⁸³

Dr. Ellen Buck, HSUS director of Equine Protection, outlines the suffering horses experience during transport to slaughter facilities when traveling in states that do not regulate horse transportation:

Horses bound for slaughter are typically shipped in double-decker trucks designed for cattle or pigs that do not provide enough room for horses to stand with their heads at a natural, balanced angle. The floor surfaces are slippery, and the terrified horses are so crowded together that it is not unusual for the truck to arrive at the facility with seriously injured or dead horses... Though federal law requires that the horses be rendered unconscious before slaughtering, this isn't always the case. Some horses are improperly stunned and remain conscious while they are strung by a rear leg and have their throats cut.⁸⁴

The USDA/APHIS commissioned a survey of trucking practices and injury to slaughter horses during transport to the slaughter houses that was conducted between July and August of 1998.⁸⁵ The authors of the survey observed 63 trailer loads arriving at two slaughter plants in Texas.⁸⁶ A total of 1,008 horses were surveyed, and some of the findings are documented as follows⁸⁷:

42% of the horses were transported on double decks. 9% of horses were transported on straight single deck semi-trailers and 49% on gooseneck trailers. Approximately 73% of the severe welfare problems observed at the plants did not occur during transport or marketing but were caused by the owner: severely foundered feet, emaciated, skinny, weak horses, animals which had become non-ambulatory and injuries to the legs such as bowed tendons. Four horses were loaded with broken legs. One of these horses was a bucking bronc that had broken its leg during a rodeo. It died shortly after arrival at a plant.⁸⁸

The authors of the survey opined the following causes of welfare problems in slaughter horses which are listed in order of priority: 1) Conditions caused by owner abuse or neglect. 2) Injuries due to fighting when

⁸³ See *supra* text accompanying note 11.

⁸⁴ Kate Luse, *Rep. Morella Introduces American Horse Slaughter Prevention Act*, THE HUMANE SOCIETY OF THE U.S., (2003), available at <http://www.hsus.org/ace> (last visited Sept. 26, 2003).

⁸⁵ Temple Grandin, Kasia McGee & Jennifer Lanier, *Survey of Trucking Practices & Injury to Slaughter Horses*, COLORADO STATE UNIVERSITY, (1998), available at <http://www.grandin.com/references/horsetransport.html> (last visited Sept. 26, 2003).

⁸⁶ See *id.*

⁸⁷ See *id.*

⁸⁸ See *id.*

strange horses are mixed in the marketing and transport channels. 3) Injuries directly attributed to the design of the trailer.⁸⁹

7. What does the process of horse slaughter entail?

In an excerpt from the book, "Slaughterhouse" by Gail A. Eisnitz, Prometheus Books, New York, 1997, the author prints a quote from a slaughterhouse worker: "You move so fast, you don't have time to wait till a horse bleeds out. You skin him as he bleeds. Sometimes a horse's nose is down in the blood, blowing bubbles, and he suffocates."⁹⁰

The entire process including the slaughter auction, the method of transportation, the feedlots, the slaughter plants... everything up to and including their death is inhumane.⁹¹ Federal law requires that the horses must be rendered unconscious prior to slaughter, usually with a captive bolt pistol.⁹² However, some are improperly stunned and still conscious when shackled, hoisted by a rear leg, and have their throats cut.⁹³ Horses can sense when something terrible is about to happen.⁹⁴ They stand in line smelling the blood and sensing the terror to come before them.⁹⁵ In the stunning chute, they shake violently with fear, sometimes falling and struggling back onto their feet.⁹⁶ An HSUS undercover investigator, posing as a visitor, was horrified when invited by Bel-Tex employees to use the stun gun!⁹⁷

In 1993, a former employee of a horse slaughter house provided humane investigators with shocking testimony in a sworn statement regarding violations of animal cruelty laws in one of the plants: "...When we killed a pregnant mare, we would take the guts out and I would take the bag out and open it and cut the cord and put it in the trash and sometimes, the baby would still be living and its heart would be beating, but we would put it in the trash can."⁹⁸

⁸⁹ *See id.*

⁹⁰ *Horses In Texas, Horse Slaughter in the U.S.- A Crying Shame*, (2003), available at <http://www.horsesintx.org/slaughter.html> (last visited Sept. 26, 2003).

⁹¹ HOOFPAC- Political Action Committee, *Save the Horses-Frequently Asked Questions*, (2003), available at <http://www.savethehorses.com/faqs.html> (last visited Sept. 25, 2003).

⁹² *See supra* text accompanying note 84.

⁹³ *See id.*

⁹⁴ *See supra* text accompanying note 91.

⁹⁵ *See id.*

⁹⁶ *See supra* text accompanying note 42.

⁹⁷ *See id.*

⁹⁸ *See supra* text accompanying note 3.

Most “visitors” at the slaughterhouses, however, see a very different picture where everything is sanitized, with workers adhering to every humane, safety, and sanitation code and regulation.⁹⁹ The honest and brutal accounts come from former employees and those able to go undercover in these plants.¹⁰⁰

Chris Heyde, a spokesman for the Society for Animal Protective Legislation (SAPL), a lobbying organization in Washington, D.C., questions the validity of the literature produced by the two slaughterhouses which reads that a U.S. Dept. of Agriculture food safety inspector is on site every day watching over the slaughter and ensuring they are slaughtered the same way as cows and pigs.¹⁰¹ Heyde, who says he was escorted unannounced to one of the slaughterhouses in 2002, alleges he never saw a USDA representative at the facility, added that conditions were deplorable, and dismissed the claim that horses are slaughtered the same way as other livestock.¹⁰² Heyde said, “Horses are flighty; they’re put double-file into the chute and they’re terrified. No one holds their head, so when they hit them with the captive bolt it’s not always at the right spot. Everything is covered in feces and blood, and [the horses] can smell that.”¹⁰³

The 2002 report of the American Veterinarian Medical Association Panel on Euthanasia states, “Adequate restraint is important to ensure proper placement of the penetrating captive bolt” when used for euthanasia of horses.¹⁰⁴ However, the reality is that adequate head restraint on a fractious, frightened horse in a slaughter plant killing 160 horses a day is virtually impossible.¹⁰⁵ These horses often endure repeated stuns or blows and remain conscious during their own slaughter.¹⁰⁶

8. Horse meat is not safe for human consumption.

Because horses do not contract mad cow or foot-and-mouth disease, demand for their meat increased in 2001 after outbreaks of those diseases resulted in decreased supplies of beef, pork, and lamb.¹⁰⁷ United States regulators assure us that “Americans are safe” citing the safeguard of

⁹⁹ See *id.* at 66.

¹⁰⁰ See *id.* at 66-69.

¹⁰¹ Dave Joseph, *Greener Pastures: Emotions Run High in Effort to Save the Horses from Slaughter*, SUN-SENTINEL, June 2, 2002, at 1C.

¹⁰² See *id.*

¹⁰³ See *id.*

¹⁰⁴ Texas Humane Legislation Network, April 17, 2003, available at http://www.hoof-pac.com/legislation/hr1324/hr1324_alert.html (last visited Oct. 21, 2003).

¹⁰⁵ See *id.*

¹⁰⁶ See *id.*

¹⁰⁷ See *supra* text accompanying note 11.

livestock feed restrictions.¹⁰⁸ But these feed restrictions only include traditional “food and fiber” animals – animals that are raised for the production of an edible product intended for consumption by humans including cattle, swine, sheep, poultry, fish, and amphibian species.¹⁰⁹ Horses are considered recreational and sporting animals, and commonly pets, so accordingly they are neither raised for food nor eaten in American culture.¹¹⁰ Therefore, as recreational and companion animals, horses are not under the same scrutiny by the USDA.¹¹¹

European and Asian meat eaters have naively cut back on their consumption of cattle, swine and sheep turning instead to eating horse presumably as a safer alternative.¹¹² Europeans are buying Canadian horse meat largely comprised of American horses exported to Canada for slaughter.¹¹³ Horse feeds and supplements still contain animal product which is a concern regarding the spread of transmissible bovine spongiform encephalopathy (BSE).¹¹⁴ It was the continued sale of feed made from animal products, particularly bone meal of contaminated animals, that was responsible for BSE’s rapid spread across Europe.¹¹⁵ When slaughtered, the horses receive a four-inch bolt shot into their skull from use of a compressed air pneumatic captive bolt gun.¹¹⁶ Research has shown that pneumatic stunners can force brain and spinal tissue into the heart and other parts of the body.¹¹⁷ Due to concerns about BSE, pneumatic stunners should not be used because people could become infected with a new variant of Creutzfeldt Jakob disease (mad cow).¹¹⁸

Recreational and pleasure horses are routinely given medications that are often labeled “NOT TO BE USED ON HORSES INTENDED FOR USE AS FOOD” by the USDA.¹¹⁹ For the protection of public health, use of prescription drugs is regulated differently for food animals than it is for horses and other companion animals not legally recognized as food animals.¹²⁰ When equine veterinarians treat horses, the fundamental basis

¹⁰⁸ HOOFPAC- Political Action Committee, *How Safe is Horse Meat?*, (2002), at <http://www.hoofpac/press/bsehoofandmouth.html> (last visited Sept. 25, 2003).

¹⁰⁹ *See id.*

¹¹⁰ *See id.*

¹¹¹ *See id.*

¹¹² *See id.*

¹¹³ *See supra* text accompanying note 108.

¹¹⁴ *See id.*

¹¹⁵ *See id.*

¹¹⁶ *See id.*

¹¹⁷ *See id.*

¹¹⁸ *See supra* text accompanying note 108.

¹¹⁹ *See id.*

¹²⁰ *See id.*

for appropriate treatment is for the best interest of the herd, the client, and the individual horse.¹²¹ These priorities are often in conflict.¹²² Therefore, horse meat is in demand outside of the U.S. under the mistaken belief that it is safer than beef or poultry; however, the result from administering prescription-drugs to horses, then slaughtering them for human consumption, may prove to be just as devastating to humans as the effects of the mad cow disease.

9. Will *The American Horse Slaughter Prevention Act* really protect our horses?

At a minimum, most horse owners incur the expenses to feed, trim, inoculate, worm, and float the teeth of their horses.¹²³ As a last responsibility, they are obligated to humanely “put them down,” to ensure a swift death free from stress, pain, and fear.¹²⁴ If people can afford to breed, race, show, and just own horses, these people can also afford to humanely euthanize them.¹²⁵ Supporters of the ban on horse slaughter argue that many of the horses going to slaughter are not old or crippled, but can be recycled into new homes where they will provide companionship and, when the horse becomes too old, sick, or injured to justify prolonging life, they will be “humanely euthanized,” just like our dogs and cats.¹²⁶ If the federal ban succeeds, owners will still be able to take their horses to the same auctions that they take them to now.¹²⁷ If the horse is in poor condition, either someone with a kind heart will purchase him, or the owner will have to take him back home to care for him, euthanize him, or donate the horse to a rescue farm of some sort.¹²⁸ There are several sanctuaries across the United States that can take in horses in need of homes, including four major farms at correctional facilities where inmates and juvenile offenders derive emotional as well as educational benefits while helping care for the horses.¹²⁹

If horse slaughter is eliminated, the practice of stealing horses to sell for slaughter will be wiped out.¹³⁰ Horse owners such as Ms. Judy Taylor

¹²¹ *See id.*

¹²² *See id.*

¹²³ *See supra* text accompanying note 91.

¹²⁴ *See id.*

¹²⁵ *See id.*

¹²⁶ *See id.*

¹²⁷ Magic Hollow Horse Farms, *Why Ban Horse Slaughter*, (2003), at <http://www.meriwalker.com/slaughter.html> (last visited Mar. 10, 2004).

¹²⁸ *See id.*

¹²⁹ *See supra* text accompanying note 63.

¹³⁰ *See supra* text accompanying note 127.

(discussed above) will not have to fear that their horses are being bought under false pretenses. See *Burgess v. Taylor*, 44 S.W.3d 806 (2001). In addition, ending horse slaughter will close the loophole in the BLM adoption programs that allows feedlot owners to “adopt” mustangs and burros, keep them for one year to gain title, and then sell them to slaughter.¹³¹

If the proposed federal legislation succeeds in terminating the operation of the last two slaughter houses, some animal activists believe that the conditions for horses will worsen, wherein horse owners will allow their horses to suffer a prolonged period if the option of slaughter as an alternative to euthanasia is no longer viable.¹³² Some argue that the fates of many horses would be worse if the slaughter plants were shut down because more horses would probably go to Mexico or Canada where the transport times will increase in duration and their welfare is likely to be much worse since humane slaughter procedures are not enforced therein.¹³³

Some refer to slaughter as “the poor man’s euthanasia” because euthanasia and rendering can cost an owner a few hundred dollars.¹³⁴ In some states it is illegal to bury a dead horse on your property, so oftentimes, burying your own horse is not a viable option to dispose of its body.¹³⁵ Supporters of maintaining the horse slaughter plants argue that because rendering plants are declining in numbers and the fee to pick up a horse carcass can vary from free to several hundred dollars, depending on the rendering plant location, some people who cannot afford to euthanize a horse might let it die from neglect.¹³⁶ Dr. Malcom Commer, a livestock economist and coordinator at the University of Maryland believes that without horse slaughter, “we would see much greater abuse and neglect to horses than we do now,” and believes that the horse slaughter industry acts as a form of insurance for horse owners by allowing them to regain some money on unhealthy and unserviceable animals.¹³⁷

In addition, some have pointed out that the real solution is not in prohibiting horse slaughter, but in the regulation of the breeding industry to stop overpopulation.¹³⁸ A reduction in overbreeding of both sport and pleasure horses may facilitate the views that older, injured or surplus

¹³¹ See *id.*

¹³² See *supra* text accompanying note 85.

¹³³ See *id.*

¹³⁴ See *supra* text accompanying note 5.

¹³⁵ See *supra* text accompanying note 85.

¹³⁶ See *id.*

¹³⁷ See *supra* text accompanying note 3.

¹³⁸ See *supra* text accompanying note 5.

animals are not expendable.¹³⁹ A reduced number of surplus horses would result in a sharp decline in the profits of the horse meat industry because the cost of obtaining each horse would rise due to decreased availability.¹⁴⁰

CONCLUSION

The horrendous suffering endured by horses going to slaughter begins in the auction pens, continues throughout transportation, and finally ends at the slaughter house upon the horses losing consciousness from repeated blows to the head. Despite these gruesome events taking place at the end of American horses' lives, it is worthy to remember that it is the two foreign-owned horse slaughter companies that are profiting from inflicting such terror upon our horses. All profits are reaped outside the United States. Americans treat their horses differently, as companions-not food animals, and therefore, treat their horses with a variety of different medicines and products. The injection of such medicines may be dangerous for humans and may jeopardize the health of other countries.

In addition, by permitting this prospering of the French and Belgian-owned companies, Americans are perpetuating the theft and fraud in acquiring horses. We are permitting negligent, and outright cruel, horse owners to recover some financial gain in selling an abused horse to a horse slaughter buyer. If we do not eliminate the slaughter of horses, we will enable abusers to continue to hide their neglect; we will essentially be saying that it is not important to put down our pets in a humane manner; and we will be declaring that the extremely cruel and abusive conditions in the transportation of horses is justified by supplying horse meat as a delicacy overseas.

H.R. 857, The American Horse Slaughter Prevention Act, will shut down the last two horse slaughter companies and will ban the transportation of live horses for slaughter to foreign countries. This Act may not eliminate all cruelty inflicted upon American horses. Some buyers may get away with transporting horses to Canada or Mexico for slaughter. However, this Act is a real attempt by Americans to protect our horses and is deserving of passage in an effort to improve the welfare of American horses.

HALLIE S. AMBRIZ

¹³⁹ See *supra* text accompanying note 11.

¹⁴⁰ See *id.*