

The California Equine Council

November 1, 1995

RE: Safe Commercial Transportation of Horses for
Slaughter Act of 1995
(S-1283/HR-2433)

This bill as currently drafted fails to accomplish its goal which was to prohibit the transport of equines bound for slaughter in cattle vehicles. Failing that, it does, however, regulate into law many inhumane and dangerous procedures and methods of handling.

Please review the attached.

Please call and write the sponsors and authors requesting substantive amendments. Please let them know that your organization "opposes" the bill as currently drafted.

sponsors:

American Horse Council
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HR2433


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a project of the
Humana Reserve

a non-profit,
tax-exempt
corporation

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Specific Comments:

Pg. 4, Line 22 - Sec. 203 Standards...

"(c) Minimum Requirements:

"(1) no horse for slaughter shall be transported for more than 24 hours without being allowed to rest for at least 8 consecutive hours and given access to adequate quantities of wholesome food and potable water;

IT IS INHUMANE FOR A HORSE TO GO 24 HOURS WITHOUT WATER. HOW COULD ANYONE SIGN OFF ON THIS? Most existing equine guidelines specify water twice daily which would mean at least every 12 hours. The fact that horses are currently being transported for over 34 hours without water, food or rest does not make 24 acceptable. Horses should not be unloaded and loaded. Horses should not be fed in the trucks. I am concerned about the spillage of water on the floors that are ankle deep in feces because of the danger of the horses slipping. Has HSUS studied or observed the effects of watering horses over extended travel on stock trailers?

Minimum requirement language should include, *"Any vehicle transporting 6 horses or more used for the transportation of horses for slaughter for more than 10 consecutive hours shall have two drivers.*

(2) "a vehicle shall provide adequate headroom for a horse for slaughter with a minimum of at least 6 feet, 6 inches of headroom from the roof and beams or other structural members overhead to floor underfoot...."

Theoretically, this would put double-deck cattle trucks out of compliance. However, since there are compartments within the older double-deckers which meet and exceed the minimum headroom requirement, newer double-deckers with hydraulics which could meet compliance carrying cross species, coupled with the fact that shippers will have to acknowledge hanging structural beams before going 'out of compliance,' I believe existing language is vague and ambiguous. Industry has been given interpretive powers which would most certainly be wielded when trying to prove "knowingly or criminal intent" upon violation.

If the purpose of the bill is to ban the use of double-deck cattle trucks or any double-decker vehicle for the transport of horses to slaughter, why are we shying away from proscriptive language which will accomplish precisely that? Clear, specific language can be drafted without once referring to these vehicles by name:

"a vehicle carrying a horse for slaughter shall provide a minimum of 6' 6" of headroom from the lowest point of any and all protrusions overhead to floor underfoot. Failure to meet the minimum headroom allowance in any portion of vehicle puts vehicle out of compliance irrespective of meeting minimum headroom requirements in other portions of vehicle. A vehicle carrying a horse for slaughter shall be one level. A vehicle transporting 6 horses or more for slaughter shall not carry cross species.

"(3) the interior of a vehicle shall -

"(C) be maintained in a sanitary condition.

Define "sanitary." Rather, *Between turnarounds, interiors of vehicles shall be cleaned, washed and dry before loadings.*

"(4) a vehicle shall -

"(B) be of appropriate size, height, and interior design for the number of equine being carried to prevent overcrowding; and

This bill does not set maximum limits on horses that may be carried in designated vehicles. Shippers have been known to load from 45 to 75 horses in identical trucks. Define "appropriate." Define who determines what appropriate is? According to current draft, shipper and driver determine appropriate?

"(5) (A) horses shall be positioned in the vehicle by size.

That statement is meaningless? Their very existence on the trucks positions them "by size." Do you mean larger in front, smaller in rear??? In this case, I would however defer to the shipper who has the most experience in loading.

"(B) stallions shall be segregated from other horses:

Shippers are castrating on the auction floor so as to circumvent this now. However, you don't want the stallions to terrorize or try to breed the mares on the trucks?

The consequence of this action is unconscionable. Stallions will be castrated, many without anesthesia, held for a couple of days (any longer time would not be cost effective for the intermediate handler and would not meet the 7 day time limit on the certificate of inspection) and then loaded. Hormonally, the horse will be unchanged for several months. Undue pain and suffering has now been regulated upon these horses just to kill them.

Language should include, *"any unruly or fractious horse shall be segregated from other horses."*

Previously, such horses had their mouths and eyes taped shut for the ride. Language should be included to prohibit these measures.

"(6) (A) all horses for slaughter must be fit to travel as determined by an accredited large animal veterinarian, who shall prepare a certificate of inspection, prior to loading for transport, that -

Horses bound for slaughter and currently shipped to Canada only require "blanket" certificates of inspection. Language should specify individual certificates or that certificate lists each horse individually.

Our local slaughter buyer stated, "Oh, we use to have to do that for Canada. My veterinarian would sign a whole book of certificates and just let me fill them in. It just means I'll have to ship quickly. It's only going to hurt the rescue people."

A major flaw in this bill is that sadly, veterinarians are just as corruptible as everyone else. Since these veterinarians are to be retained by the auctioneers and shippers, what language has been provided for recourse against a contested veterinarian?

Language should include...*accredited and practicing in the state where they are to inspect, large animal veterinarians in good standing,...*

This may prevent retired or compromised veterinarians with out-of-state licenses from being retained.

"(6)(B);"(iii) is valid for 7 days;

Fit to travel inspection 7 days prior to delivery at plant doesn't work for several reasons. Current California law (although sadly not enforced) calls for inspection of horses and trucks 24 hours prior to loading which is preferable and would also work for East Coast auctions that load directly from the auction house.

Seven days gives both the veterinarian and the shipper a wide margin of time to exonerate themselves from any wrongdoing. If a horse is called into question, the veterinarian will say the horse was fine a week ago when he inspected it. And if the horse injures itself or gets sick, which can certainly happen in a five day period of time in the pens, the shipper already has a veterinarian certificate saying the horse is fit to travel.

Secondly, if the certificate of inspection is to be issued at all auctions, the clock would be triggered, putting pressure on the shippers to ship within the following five days to be in compliance. Not all intermediate handlers load directly from the auction. Many, who buy from multiple sources, hold horses in their feedlots for weeks before shipping. It is through these situations that horse rescue groups function. If the intermediate handler is put "under the gun" to ship stock bought at auctions, it could cost many horses their lives. You felt that this stipulation would require the intermediate handler to get successive certificates of inspection to comply; thus putting the horses under greater scrutiny. I disagree. The intermediate handler is operating on a \$50 -\$100 a head profit margin. They will not pay for more than one certificate thus shipping many horses sooner rather than later. Few horses are rescued, in the bigger picture about one percent, but ...?

**"(B) no horse shall be transported to slaughter if the horse is found to be -
 "(i) suffering from a broken or dislocated limb;**

This is unenforceable since there is no definitive way of diagnosing except thru an xray. Although this will never be enforced, language might be added to say...*Horses that demonstrate symptoms of suffering from a broken or dislocated limb must be xrayed by the inspecting veterinarian before loading. Any horse found to have a broken or dislocated limb will not be deemed fit to travel and intermediate handler shall obtain immediate veterinarian care to rehabilitate or humanely euthanize the animal within 12 hours of inspection per Penal Code 599c.*

Not addressed: WHAT HAPPENS TO THE HORSES DEEMED UNFIT TO TRAVEL? As our killer buyer said, "Great, the State Humane Officer said the horse was unfit to travel, so it stood over here and took two weeks to die!" If it is too crippled or sick to travel, there are two options rehabilitation or euthanasia. I don't think the shippers are going to pay for any veterinarian care, so the option is to have the inspecting veterinarian enforce Penal Code 599c.

"(ii) unable to bear weight on all 4 limbs:

Even horses with broken limbs will bear weight on all 4 limbs. Language should read...*able to stand and be ambulatory, able to bear weight on all 4 limbs and walk unassisted in a normal cadence.*

Severe founder is common and needs to be addressed. These horses can barely stand but most certainly cannot withstand the stress of 35 hours on the trucks.

"(iv) obviously suffering from severe illness, injury, lameness, or physical debilitation that would make the horse unable to withstand the stress of transportation;

Again, what is to be done with the horse if it is deemed unfit to travel? "Unable" inappropriate language. Impossible to determine if the horse is "unable" until it is shipped. Possibly...*pending a poor prognosis to withstand the stress of transportation by the certifying veterinarian.*

"(C) no foal may be transported for slaughter;

This is good, but ideally there should also be a weight minimum for underweight, stunted foals...*no foal under the age of 6 months or 600 pounds may be transported for slaughter.*

Any foal under this weight cannot withstand the stress of transportation and is in jeopardy of being trampled. Industry should not contest too loudly. By the time an under 600 pound foal dehydrates and is slaughtered and dressed to 70% of its weight, you don't have enough meat to be arguing about.

However, it is inhumane to pull an under 6 month old foal from its mare and then ship the mare to slaughter. What happens to the foal? Because the slaughter industry practices this inhumane practice does not make it one that we should regulate or sign off on.

"(D) no mare in foal that exhibits signs of impending partition may be transported for slaughter;

Again, the veterinarian will have a 7 day leeway to make this call as drafted. No definition of signs of impending partition.

"(E) no horse for slaughter shall be accepted by a slaughter facility unless the horse is accompanied by a certificate of inspection issued by an accredited large animal veterinarian, not more than 7 days before the delivery, stating that the veterinarian inspected the horse on a specified date.

Who takes delivery of certificates of inspection and inspects the unloading at the receiving end? Language should include that the USDA inspector at the plant be present to inspect the unloading of all trucks upon arrival and retain all certificates of inspection which are to be kept by the USDA for a period of not less than two years.

Current language keeps the certificates with the driver and trucking company!

"SEC. 204. RECORDS

"(a) IN GENERAL - a person engaged in the business of transporting horses for slaughter shall establish and maintain such records, make such reports, and provide such information as the Secretary may, by regulation, require for the purposes of carrying out, or determining compliance with, this subtitle.

Current language places the responsibility and burden of "establishing and maintaining records and reports" with the trucking company. Current language does not mandate that the certificates be relinquished at the plant. States, "provide such information as the USDA MAY require for the purposes of determining compliance.."

"(2) the names and addresses of current owners and consignors, if applicable, of the horses at the time of sale or consignment to slaughter; and

Who determines if it is "applicable?" Since there are no laws demanding disclosure on the part of the intermediate handler at the time of purchase, the person who owns the horses at the time of sale to slaughter is the intermediate handler.

You might add a definition of "consignor" as any person or intermediate handler who owns the horse at the time of loading for transport to the slaughter plant.

Then language might include "*..the names and addresses of current owner/consignor and the names and addresses of previous owner selling to consignor.*"

This would be a first 'backward' step toward disclosure.

"(c) AVAILABILITY - The records shall -

"(2) be retained by any person engaged in the business of transporting horses for slaughter for a reasonable period of time, as determined by the Secretary; and

Why are bills of sale and certificates of inspection retained by the trucking company? All paperwork should be the responsibility of the USDA inspector at the plant.

"Sec. 205. AGENTS

"(b) ASSISTANCE. If a horse suffers a substantial injury or illness while being transported for slaughter on a vehicle, the driver of the vehicle should seek prompt assistance from a large animal veterinarian.

Language should read "*shall*" seek prompt assistance not "should." Language might also include "If a horse suffers a substantial injury or illness *or for any reason goes down in the truck...*

This is going to be near impossible to enforce as it takes special ramps to load these horses. Once the trucks are loaded, there is little that the trucker or a veterinarian can do about a downer which is why great care should be given to make sure the horses are fit to travel before they are loaded.

"SEC. 207. INVESTIGATIONS AND INSPECTIONS.

"(a) IN GENERAL - The Secretary shall make such investigations or inspections as the Secretary considers necessary

Investigations and inspections should not be limited to the USDA. Language should be added to allow investigations and inspections by all agencies and societies with law enforcement powers.

"SEC. 205. INTERFERENCE WITH ENFORCEMENT.

"SEC. 210. CIVIL AND CRIMINAL PENALTIES.

Separate Offenses paragraph needs to be added to Criminal Penalties and a substantial "not less than....." amount added to each offense.

"SEC. 211. PAYMENTS FOR TEMPORARY OR MEDICAL ASSISTANCE FOR HORSES DUE TO VIOLATIONS.

Sadly, there will be no enforcement of this law; therefore, there will be no sums received from penalties, fines or forfeitures to pay for the above. Better look elsewhere for monies.

BILL NEEDS TO ADDRESS CUSTODY OF ANIMALS SEIZED AND HELD AS EVIDENCE AND THEIR ULTIMATE DISPOSITION UPON CONVICTION.