

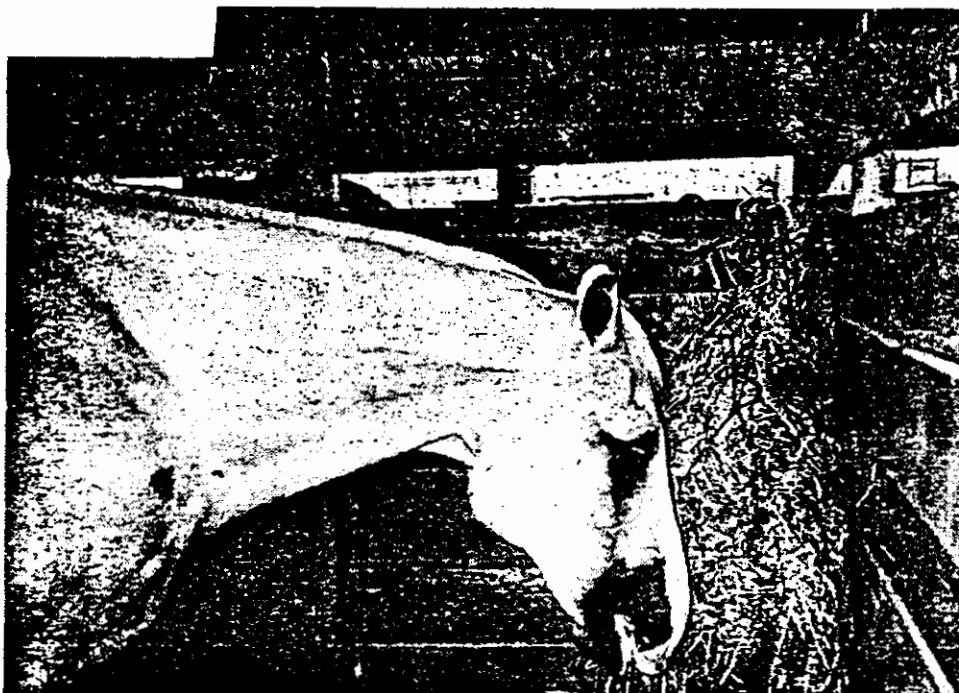
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—K.B.

Setting the floor for horse haulers

WASHINGTON, D.C.—Just days ago S1283/HR2433, the Safe Commercial Transportation of Horses for Slaughter Act of 1995, was rated the one humane bill with a chance to clear the present Congress.

Introduced by Senator Mitch McConnell (Kentucky) and Representative Bill Goodling (Pennsylvania), both members of the Republican majority, S1283/HR2433 was jointly endorsed by the leading horse industry group, the American Horse Council; the American Horse Protection Association; the Humane Society of the United States; the American Association of Equine Practitioners; the American Humane Association; and the American SPCA.

Then Cathleen Doyle of the California Equine Council saw the text.

"S1283/HR2433 as currently drafted fails to accomplish its goal," Doyle charged in a seven-page November 1 memo, "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."

Acknowledging that S1283/HR2433 would set minimum standards for horse care *en route* to slaughter, where at present none exist, Doyle argued that the current language of the bill sets the floor so low as to change little or nothing about present practice. S1283/HR2433 stipulates, for instance, that, "No horse for slaughter shall be transported for more than 24 hours without being allowed

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to rest for at least eight consecutive hours and given access to adequate quantities of wholesome food and potable water."

Returned Doyle, "That horses are currently being transported for over 34 hours without water, food, or rest does not make 24 hours acceptable."

Doyle noted vague and therefore potentially unenforceable language throughout S1283/HR2433, allowing legislative intent to be undone by weak implementing regulations. She wondered why, for example, a requirement that the interiors of horse-hauling vehicles should "be maintained in a sanitary condition" didn't state in clear black-and-white that, "Between turnarounds, interiors of vehicles shall be cleaned, washed, and dry," the latter to prevent slipping hooves, "before loading."

Doyle also wondered why the recommending word "should" was used instead of the prescriptive "shall" in a clause stating that, "If a horse suffers a substantial injury or illness while being transported for slaughter, the driver of the vehicle should seek prompt assistance from a large animal veterinarian."

Doyle questioned paperwork requirements that left essential documents with trucking companies instead of with USDA slaughter plant inspectors. Further, she argued, "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."

Further, Doyle stated, "S1283/HR2433 needs to address the custody of animals seized and held as evidence," in event of a prosecution.

Castration

The kicker was section (5)(B): "Stallions shall be segregated from other horses."

"Haulers are castrating stallions on the auction floor so as to circumvent this law," Doyle charged, as some states apparently have similar legislation in effect—the intent of which is to prevent horses from fighting in transit. If S1283/HR2433 passes without amendment, Doyle asserted, "Stallions will be castrated, many without anesthesia; will be held for a couple of days; and will then be loaded, as holding them longer would not be cost-effective, and would not meet the seven-day time limit" the bill sets on certifications of fitness for transport, which are to be issued by a veterinarian. "Hormonally, a freshly castrated stallion will be unchanged for several months. Udder pain and suffering could be inflicted upon stallions, by regulation, just to kill them."

Amendments

Doyle argues that six amendments to S1283/HR2438 are essential:

- The hauling area of vehicles transporting six or more horses to slaughter (the smallest number likely to be hauled a long distance by a killer/buyer) must be a minimum of seven feet high, so that horses can stand comfortably upright.

- Horses should not be hauled in double-decked vehicles, in which they defecate and urinate on one another.

- Vehicles transporting six or more horses to slaughter should not be allowed to carry other species.

- Horses must be unloaded, fed, and watered every 10 to 12 hours. "If they aren't hauled in cattle trucks," Doyle notes, "unloading and reloading horses," to avoid the potential hazards of feeding and watering aboard a truck, "is not a serious problem."

- The stallion segregation policy must be redefined to discourage point-of-sale castrations.

- Foals weighing less than 600 pounds should not go to slaughter at all.

Aligned with CEC are the California State Horsemen's Association, an affiliate of the American Horse Council; Friends of Animals; the Humane Farming

Association; and Project Equus.

Offered AHA legislative director Adele Douglass, "We think these are good comments, and we will be looking into them."

Defense

Not surprisingly, original backers affiliated with the horse industry generally like S1283/HR2433 as written.

"Senator McConnell introduced a similar bill at the end of the last Congress," notes American Horse Council president James J. Hickey Jr. "The present legislation is stronger than the original bill. We believe it addresses most of the problems, and is strong, practical, and passable."

American Association of Equine Practitioners executive director Gary Carpenter is a bit more cautious. "This legislation will greatly improve the conditions with which horses must live while being transported to processing facilities," he says. "However, since this particular measure is still being discussed in the Senate, it is too early to comment on its effectiveness or other variables which are sure to arise."

"Without exception," says AHPA executive director Robin Lohnes, "all of the concerns that Ms. Doyle has expressed have been thoroughly considered and debated by the initial drafters of the legislation during the past three years. Many issues were difficult to address. Reaching consensus among equine professionals, the veterinary community, and humane organizations as to proper equine husbandry practices is a complex process. For example, to date, there is no conclusive scientific data specifically relating to the length of time a horse can go without water. The current language is based on a consensus of professional opinion taking into consideration a variety of factors."

Robin Duxbury of Project Equus challenges that claim. "HSUS, AHA, and the ASPCA are all on record as considering the practice of limiting water intake by pregnant mares on urine farms inhumane," Duxbury notes. "Yet the *Recommended Code of Practice for the Care and Handling of Horses in PMU Operations*, distributed by Ayerst Organics Ltd., which is the company that uses the pregnant mare's urine to make the hormone drug Premarin, states that 'Water should be offered at least twice a day.' If that standard is unacceptable to those humane groups, how can they accept a lesser standard applied to horses in transport?"

Lohnes also argues that putting prescriptive language into a federal bill would be improper. "It is important to distinguish between legislation and its enforcement arm, regulation," she explains. "Prescriptive language generally falls within the regulatory process. Neither the Senate nor the House Agriculture Committees, to which S1283/HR2433 have been referred, are receptive to language that is regulatory in nature."

This is because these committees are dominated by politicians beholden to agricultural interests, which are not eager to be closely regulated. But the horsemeat industry is minuscule relative to other branches of animal agribusiness, and the current House has included prescriptive language in virtually every bill it has approved. To be sure, such language has often held up bills in the Senate, and/or provoked threats of Presidential veto.

Compromise?

"To those who oppose S1283/HR2433 on the grounds that it sanctions horse slaughter," Lohnes adds, "although AHPA does not condone horse slaughter, its ultimate responsibility is to all horses—which unfortunately does include horses destined for slaughter."

The degree to which the humane community is willing to compromise with industry may determine the fate of S1283/HR2433.

"The horsemeat industry in this country is legally suspect and un-American,"

opines Doyle. "Americans do not eat horsemeat and find the practice offensive. Equines in the U.S. are not classified as agricultural commodities. Equines are taxed as luxury animals, not livestock."

In California, Doyle continues, equines were once considered livestock, but their legal status was recently changed to "companion animal," and as the points out, "Pets and other companion animals are protected from slaughter for food."

Finally, Doyle says, "The Department of Agriculture and Department of Commerce neglected to get the American people's permission to blatantly violate the covenant established by our forefathers to favor equines and protect them from use as meat animals. Accordingly, the foreign-owned and driven horse slaughter industry operates without disclosure to either the seller or the public. Thus far," Doyle finishes, "the horsemeat industry has operated like a salvage business. They don't raise their own stock, but instead covertly prey on people's companion animals. They cram horses onto cattle vehicles so they can cut transport costs in half by doing turnarounds with the hog industry. Horses commonly travel 30 hours straight because they have never provided feedlots for rest, food, and water. Let's put an end to their free ride, and demand that they function as a legitimate business."

Says FoA president Priscilla Feral, taking a harder line still, "We are not interested in regulating a business that should be abolished. S1283/HR2433 would legalize and regulate a heinous industry. FoA will not support this bill. Instead, we'll keep working to put the entire industry out of business."

But the horsemeat industry isn't the branch of the horse business with the most to say about whether or not S1283/HR2438 passes. Horseflesh is of declining importance to pet food makers, with the recent growth of poultry and hog production; and the glue factory these days is mainly a metaphor, as rendering horses other than for pet food long since ceased to be greatly profitable. Yet the horse racing, saddlehorse, and PMU industries still have hundreds of thousands of displaced or "retired" horses to dispose of each year. The horsemeat market is the only major disposal venue to show increased demand and profitability over the past 10 years.

Back at the ranch

Meanwhile back at the ranch, it's business as usual, as alleged in a recent HorseAid representative's field report. The representative traced a pair of sorrel mares deemed good rescue prospects to "Slim Hart's ranch in Corona. Mr. Hart," she explained, "is a heavy buyer of slaughter horses from Mike's Auction," in Mira Loma, California. At the Hart ranch, the representative observed "A bay mare with a broken leg. She had bones protruding from the skin through a hole about the size of a grapefruit. Mr. Hart was hiding the horse on the rear to get her to move toward an open trailer. The mare took a few steps, got fairly close to the trailer, then collapsed. Mr. Hart and two other people tried to get her up without success. At that point," the representative continued, "I asked Mr. Hart if I could purchase the mare from him and get a veterinarian out to put the horse down. He said no." The mare was eventually dragged aboard the truck at the end of a rope, pulled by another truck, then hauled to her death.

Based on the HorseAid representative's deposition, the Pomona Humane Society later cited Hart and a female assistant for cruelty. As ANIMAL PEOPLE went to press, however, the local district attorney had not yet decided to prosecute.

[Letters addressing S1283/HR2433 should be sent to your own Senators and Representative, with copies to Senator Mitch McConnell, 361-A Russell Senate Office Building, Washington, DC 20510, and Rep. Bill Goodling, 2243 Rayburn House Office Building, Washington, DC 20515.]