

Equine Protection Network

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Indiana Senate Committee on Public Policy Hearing on SB86



Double deck trailer in New Holland, PA 1998

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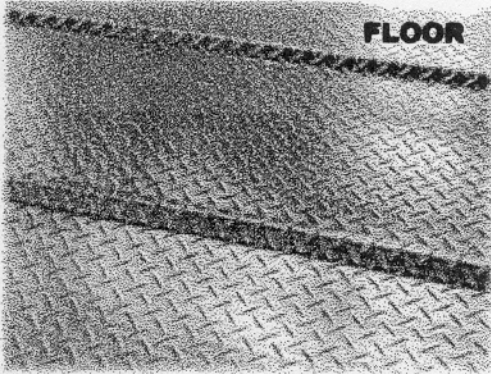
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Glossary

Diamond Plate: Metal flooring used in double deck trailers. Considered non-skid for cattle, hogs and sheep. Not accepted in the equine industry as non-skid.



H a n d s : Unit of measurement equaling four inches in height 4", at the withers of a horse.

K i l l e r B u y e r : Agent or purchaser for horse slaughterhouses. Also known as a "meat man" or "canner."

M a r e : Female horse.

G e l d i n g : Castrated male horse.

S t a l l i o n : Mature male horse.

Y e a r l i n g : Young horse between the age of 1 year and 2 years.

W e a n l i n g : Young horse of either sex that has been weaned from its mother, (dam) generally between 4 and 6 months of age and less than a year.

Introduction

Good morning. I want to thank Senator Wyss for introducing this much-needed legislation and inviting the Equine Protection Network, (EPN) to testify here today before the Indiana Senate Committee on Public Policy. Indiana Senate Bill 86 would prohibit the transportation of any equine in a vehicle with two or more levels stacked on top of each other, commonly known as “double deckers”, “possum bellies”, or “pots”. The EPN supports this legislation, which closely resembles PA’s Horse Transport Law, Act 64 of 2001.

I first became aware of this issue in 1981, after reading articles in a national horse magazine. I read with disbelief the stories of a stretch of highway in New York State, nicknamed the “Torture Trail”, given its name not because the horses were destined for slaughter, but due to the horrendous conditions under which horses were transported. In later articles, I read that NY had passed legislation in 1981 prohibiting the use of double deck trailers to transport horses. I have included the written and photographic documentation relating to these incidents for your review.

In 1996, I attended the infamous horse auction in New Holland, PA and was surprised to see 3 double deck trailers from NY, being used to transport horses. I brought this information to the attention of the New York State Police, (NYSP) who responded by stepping up enforcement of NY Agriculture and Markets Law, Section 359-a., in NY. In addition, NY State Senator John Kuhl, Chairman of the Senate Agriculture Committee, introduced legislation, that was signed into law by Governor Pataki, raising the fines and requiring courts report convictions to NY Agriculture & Markets. There have been at

least 7 stops and 85 convictions resulting in \$8000.00 in fines, since the use of the double deck trailers was brought to NYSP's attention. In addition one NYSP trooper is responsible for 2 previous convictions on almost 200 counts resulting in fines of \$21,000. The results of these enforcement efforts were that 2 of the 3 killer buyers operating in NY and PA no longer use double deck trailers in NY or PA.

The horse auction in Lancaster County, PA is known in the horse industry as a "meat sale" and is the largest weekly horse sale east of the Mississippi. It was imperative for PA to pass legislation to ban the use of double deck trailers to transport horses. The EPN accomplished that goal in June 2001 with the passage of Act 64, currently the strongest law in the United States prohibiting the use of double deck trailers to transport any horse, no matter what their final destination.

Important Points in SB86

- The offense is in the crimes code with criminal penalties, providing police officers with jurisdiction.
- Each horse is a separate offense, compounding the amount of the fine. Fines must be higher than the cost of doing business if this law is to deter the use of double deckers.
- The language is engineering based (Specific). The proposed legislation states, ***“transported a horse in a vehicle having two (2) or more levels stacked one (1) on top of another commits transportation of a horse in a cruel manner...”***
This language effectively eliminates a double deck trailer from being utilized to transport horses. Problems caused by a lack of overhead clearance and steep narrow metal ramps are also eliminated.
- No expert witnesses are needed to testify to why it is cruel to transport a horse in a double deck trailer. No trailer manufacturers or commercial horse transportation experts are needed to testify to the design of trailers, or the accepted equine industry methods used to transport horses.
- Proposed legislation does not affect Indiana horse industry due to the following facts regarding double deck trailers:
 - a. Not used by horse owners to transport horses;
 - b. Not designed, manufactured or utilized in the horse industry;
 - c. Not marketed to the horse industry by manufacturers;

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- d. Not advertised in horse publications or on display at horse trade fairs;
- e. Not used in the commercial transportation of horses, except by "killer buyers" transporting horses to slaughter.

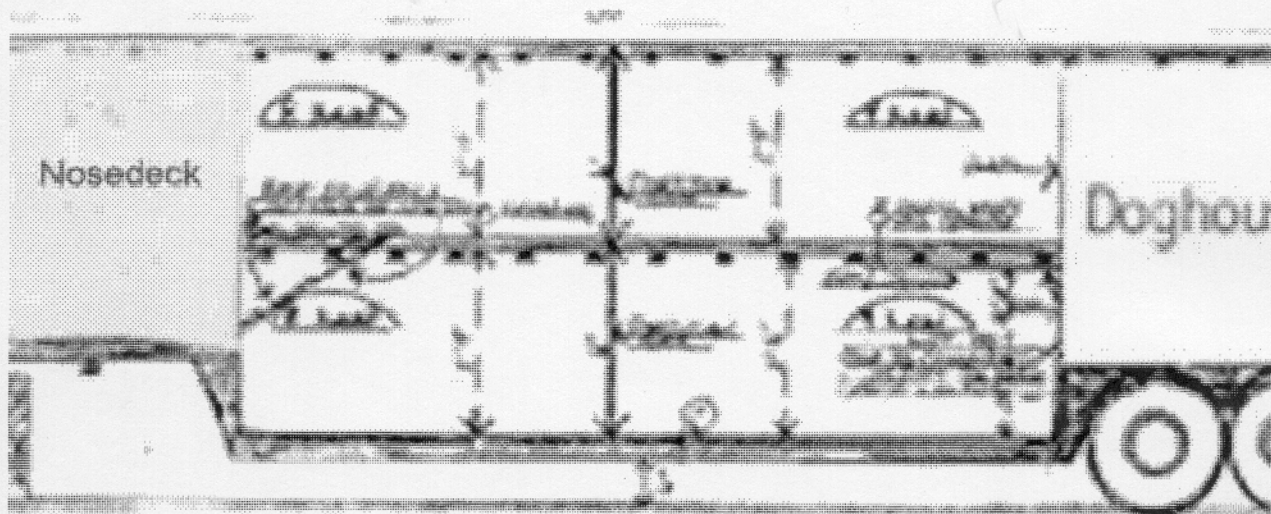
transported for the purpose of watering and haying the horses. Commercial vans carrying more than 6 horses are usually equipped with air ride.

Tractor-trailers designed to carry horses can transport between 10 and 15 horses, depending on the size of the horses, length of trip, and destination. Larger horses, such as draft horses, thoroughbreds, and warmbloods are shipped in a stall and a half, allowing 10 horses to be transported. Smaller horses are shipped in single stalls with a capacity of 15 horses. During hot weather, the more horses inside the van, the more difficult it is to keep the horses from overheating, as well as provide adequate ventilation. A lack of ventilation inside trailers can cause horses to develop respiratory infections.

Horses are generally led onto trailers using halters and lead ropes. Lights are turned on inside the trailer during loading at night and remain on during nighttime transportation. There are many varied methods used to load difficult horses onto trailers. The use of electric cattle prods, often employed by "killer buyers", is not one of them. These practices are employed in the horse industry to prevent injury to the horses being transported. Every effort is made to ensure that the horses being transported arrive in the best possible condition. Horse transportation companies that deliver horses that are sick, injured, or dehydrated, will not stay in business for long.

Double Deck Trailers

Double deck trailers are comparable to a two-story house with one deck stacked on top of the one below it. The compartments at the front, called the nose deck or the 5th wheel, and the compartment at the back, often called the doghouse, are one level. Double deck trailers are designed for cattle, hogs, and sheep; animals with legs and necks much shorter than horses. These animals do not raise and lower their heads and necks in the same manner as a horse. Double deck trailers used to transport horses have been measured with ceiling heights as low as 5'7". In addition, there are solid 3" I beams supporting the top deck every 12" on center.



It is impossible to construct a trailer that would comply with federal height regulations, be able to negotiate highway underpasses, *and* still provide two levels on top of one another with interior heights of 7'. Adding 6" of ground clearance and 3" for the I beams that support the top deck, the trailer would now be 14'9" high loaded with horses

that have a much higher center of gravity than cattle and pigs. The trailer would be prone to tipping and a public safety hazard.

Due to the fact that these trailers are designed for cattle and hogs, they lack the necessary safety features to protect horses from injury. The narrow doorways cause horses to bang their hips as they are loaded. The low ceilings cause head and back injuries. The small openings the horses are forced to negotiate to enter and exit the decks of the trailer, also cause injury to the horses. The overhead tracks for the ramps necessary to load the nose section and the top deck cause head and eye injuries

The diamond plate metal floors cause the horses to slip and fall. Due to overcrowding, horses can go down never to rise again. Instead they are urinated and defecated upon by other horses. Horses have been trampled to death under these conditions.

The ramps are made with diamond plate and do not provide secure footing for horses. The question could be raised that if diamond plate was accepted equine industry standard for horse trailer ramps, then why are all horse transportation companies investing in rubber matting and cocoa mats for their ramps? The ramps in double deck trailers are narrow and steep, designed for animals with much shorter legs than horses.

Horses are not used to being loaded into these trailers and will balk at being loaded. Whips, canes, and electric cattle prods are used to force the horses into the trailers. I have witnessed horses being brutally whipped in the face and eyes. I have witnessed the use of cattle prods to force horses into these trailers. I have watched horses forced at a gallop through the auction alleyways into these trailers. I have watched and listened as horses slipped and fell, or crashed into the bottom deck of these trailers. I have watched the horses forced into these trailers at night with no lights on inside the trailer. Horses are instinctively wary of entering dark structures due to the fact that they are prey, not predators.

I have transported horses throughout the US and Canada. I have watched and participated in the loading of hundreds of horses in one day at legitimate horse sales and horse farms. I have never witnessed professionals in the horse transportation business or any other horse owner for that matter, use any of these methods that I have observed used on horses being forced into double deck trailers.

I have a short video I would like to share with you, showing horses being forced into a double deck trailer and jumping down into the lower deck.

The "killer buyers" know what they are doing is not acceptable. They load horses after the sale is over and they cannot be observed. They often load under the cover of darkness. Threats and intimidation tactics are common against people who try to expose what they are doing. They do not want their actions caught on camera.

Opposition Arguments Against Laws Banning Double Deck Trailers

Opponents may point to the regulations of the 1996 Commercial Transportation of Horses to Slaughter Act, that will take effect in February 2002. Under these regulations double deck trailers will become illegal in February 2007. The penalties are civil and enforcement is to be conducted by the United States Department of Agriculture (USDA), at slaughterhouses. We strongly believe that double deck trailers need to be banned for the transportation of horses in Indiana *now*, not 5 years from now. Each month hundreds of horses in Indiana are forced to suffer a terrifying and cruel final ride in these trailers designed for cattle and hogs. Allowing this inhumane treatment of horses to continue so that a handful of people can put more money in their pocket is wrong.

Opponents may suggest building an equine slaughterhouse in Indiana, as a solution to the transport problem. In recent years the United States has gone from 14 equine slaughterhouses to 3. Connecticut passed their transport law in 1976 due to the now closed slaughterhouse in their state. The horses leaving Indiana for slaughter have come from various states, not just Indiana. Building a slaughterhouse in the state would increase the transport problem, not decrease it. Residents and horse people in Illinois have repeatedly opposed expansion of the equine slaughterhouse owned by Cavel International in DeKalb, IL. Slaughterhouses are a quick and easy means of disposing of stolen horses. As horsemeat prices rise, so does horse theft, increasing the risk of horse theft to Indiana residents. Slaughterhouses do not look for stolen horses, and all the evidence of the crime can be disposed of in a matter of hours.

Summary

The Pennsylvania and New York Legislatures passed their Horse Transport Laws in 90 days. This year we hope the State of Indiana joins the states of California, Connecticut, Massachusetts, Minnesota, Vermont, and Virginia, as well as Pennsylvania and New York, in banning the use of double deck trailers to transport horses. Several of these states have had their laws on the books for 20 years.

Governor Tom Ridge signed the PA Horse Transport Law on June 25, 2001. On September 4, 2001 ten days after the law went into effect, Sugarcreek Livestock Trucking, Incorporated, Sugarcreek, Ohio was arrested with 31 horses on a double deck cattle trailer in Lancaster County, PA. In December 2001, the company pled guilty to 31 counts of the PA Crimes Code, Title 18, Section 5511(e.1). The company was fined \$1600.00 and the 31 horses were forfeited.

The issue of horse slaughter can be a very emotional and controversial issue, but when it comes to the point of whether or not horses fit into double deck trailers, it is a no brainer. If horses fit into double deck trailers, the commercial horse transportation industry would be using them. Double deck trailers are used by a handful of “killer buyers”, some of who already own single tier trailers, which would remain legal. In NY and NJ “killer buyers” who previously used double deck trailers, continued to use them until they received stiff fines. They have switched to single tier trailers and continue to be in business several years later.