

Can Congress save these horses?

Horse welfare groups are tackling the sensitive issue of slaughter horse transport with federal legislation

Article by Myron Johnson

At first, the horses look like any other mixed group at a public stable. Leaning on the fence in the afternoon sun, talking with the broker, it takes a while for it all to sink in . . . these are the throwaways, and they are at the beginning of a conveyor belt pointed straight toward a slaughter plant in Texas.

The Pinto with no Pinto markings save for a small splash of white near the flank; the Appaloosa with the body of a 16-hand horse and the legs of a pony; the mongrel colt, maybe a yearling, with the kind eye and the slow, halting walk. Off by herself is the outcast mare with wild eyes and pinned ears.

Picked over, there is little chance that these 40-some odd remnants will escape their fate. "I had two go for saddle horses this morning, they'll probably be the last," says the broker, who has a reputation for working to place horses.

Within the next evening or so, the cattle transporter looking for a backhaul load to pay for the return trip to Texas will call, and the loading of the throwaways will begin.

A day and a half later, their journey will end at the processor, there to be killed, butchered, packaged, and shipped to countries where horse meat is as much a dietary staple as chicken, beef, and pork are to Americans.

All this soon could change, as the handling and transportation of slaughter-bound horses will soon be taken up in Congress. On October 6, with the blessing of the American Horse Council, Sena-



tor Mitch O'Connell of Kentucky introduced Senate Bill 2522, the "Humane and Safe Commercial Transportation of Horses for Slaughter Act of 1994."

In a counter-move, the Humane Society of the United States is poised to introduce far more restrictive legislation that is already drawing fire from the slaughter horse industry and the Thoroughbred racing community.

Horsemen's state of denial

The idea of killing horses for meat is disturbing to many within the horse community, and rather than cope with it, a significant number of horse people maintain a "state of denial" about the subject. Since equines are not currently processed in California, the actual slaughtering takes place out of state. Three of the nine major processors are in Texas, with the rest scattered about the Mid-West and eastern United States. The nearest is a smaller operation in Oregon.

Owners of candidates for the killing floor are insulated by brokers who implicitly hold out the promise of a "good home." Elsewhere, the auctioneer's call "sold to number..." keeps the owner from knowl-

edge of the horse's ultimate fate. It is a rare horse owner who can actually look both the animal and a slaughter buyer in the eye and discuss the end result of the sale. And while the horse industry averts its gaze, a multi-million dollar industry (slaughtering more than 240,000 horses

little-enforced federal "28 hour maximum time in transport" law this part of the system has drawn plenty of scrutiny. Paddocks full of starving culls, forced loading of cripples, taping stallion's muzzles closed, separating mares and foals, overcrowding, truck wrecks due to

Local and state laws have done little to assuage the mounting anger. The AHC and HSUS hope to change that with their sweeping legislative attempts.

in 1992) ships horse meat to overseas consumers, with Europe, French Canada, and Japan the largest destinations.

Slaughter plants operate under the auspices of the United States Department of Agriculture, and even with the occasional incidents of feedlot abuse and incomplete kills, are generally reported to be well-run and efficient businesses. The collection and transport of equines is another matter.

Generally unregulated except for a

overloads: all have been documented in gory detail by animal welfare group publications, and occasionally the mainstream media. Local and state laws, if there are any, have done little to assuage the mounting anger of equine advocates. The AHC and HSUS hope to change that with their sweeping legislative attempts.

Comparing the bills

At first glance, both organization's bills appear to mirror the structure of

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existing California statutes, focusing on issues such as trailer type and construction, overcrowding, segregation by size and sex, and food, water, and rest (see Comparing the bills, next page). The bills also mirror the organization's agendas. While both are pro-horse agencies, they are widely differing in their ideals.

The American Horse Council is an alliance of various horse interest groups that acts to "promote, protect, and unite" the horse industry on a national basis. The Humane Society of the United States is a broad-based animal welfare group, advocating the pro-active protection from inhumane treatment of all animals.

At the core of the HSUS' proposed bill is a ban on double deck trailers, a 7-foot minimum headroom, and a load limit of 15 equines, compared to the current loads of 35 to 45 horses. Since larger loads mean more money at the slaughter house, these limits draw instant and vocal criticism from everyone involved in the slaughter trade.

The AHC's proposals are "kinder" to the transporters, since double decks are not specifically prohibited, and it states only that the "trailer shall be appropriate for the number of equines to be carried." Transporters, however, are not exactly thrilled with the AHC bill's supposedly more liberal 6-foot, 6-inch minimum headroom, as the center compartments of double deck trailers are usually about 5-foot, 10-inches in height.

The allowable "transport time" of both bills seem similar, but the intent is not. The AHC bill provides for 24 hours of continuous travel, and then an eight hour layover where adequate quantities of food or water must be provided. In contrast, the HSUS wants an 18 hour maximum transport time (with food and water every six hours) from point of origin to "slaughterhouse or feedlot." When asked if this meant total transport time with no layovers, Marc Paulhus, Director of Equine Protection for the HSUS, replied in the affirmative. This section alone would probably kill off transport of horses from California to Texas, as the trip is a 24 to 32 hour venture. The alternative, already suggested by one transporter, is "creative consigning," in which the ultimate destination and fate of the load is concealed.

The HSUS' documentation requirements are stiff, calling for a veterinary certificate of travel, the origin and destination of the equine, and the name, address, phone and driver's license numbers of the seller to accompany each animal. It is unclear whether the term Ride! Magazine • November 1994

"seller" would apply to the original owner of the animal, or the broker/consigner. The AHC's requirements are less stringent, and do not require the expense of a vet's clearance.

In addition to requiring sales and auctions to be posted as to possible slaughter buyer activity, the HSUS bill

true, as both bills would affect the "transportation of horses to slaughter, and for other purposes."

One observer sees this as allowing the regulation of any equine hauling, and points out that haulers routinely ship bloodstock between Kentucky and California in journeys exceeding 18 hours, rodeos

start of a large-scale plan to eliminate the slaughter of horses for human consumption." Of more concern to the TRC is the inference that the racing industry is the major contributor of animals to the slaughter trade.

In this case, statistics would appear to support the TRC. Given that the annual number of registered (raceable) Thoroughbreds foaled has declined from more than 50,000 to nearly 30,000 in the past few years, race-horses should only make up about a quarter of the slaughter horse "mix."

Killer buyers claim that a sizable number of slaughtered horses are unwanted backyard "pleasure" horses, given up by owners tired of upkeep, or whose attention has turned to other types of recreation. Another major force in the expansion of the available pool of prospective slaughter horses over the past several years were the "go-go" investment and tax shelter schemes that afflicted all breeds, particularly Arabians.

This "bubble" of venture horses from the 1980s has passed through the system, as evidenced by across-the-board declines in foal crops of all breeds. This decrease is showing up in the number of "kills" at processors. Brent Heberlein of Bel-Tex, a large processor in Ft. Worth, TX, estimates that compared to the quoted figure of 243,000 horses slaughtered in 1992, that probably only 150,000 will be slaughtered this year.

Comparing the bills

ISSUE	HUMANE SOCIETY	HORSE COUNCIL
Double deck trailers	Prohibited	Not prohibited
Number of horses	15	Trailer appropriate for number of horses carried
Interior safety	Non-skid floors	Non-skid floors, free of protrusions, sharp edges
Segregation of horses	Size and age; stallions and mares with unweaned foals in individual stalls	Sex and size
Travel time	18 hours total	24 hours before 8 hour layover
Food and water	Every six hours	Adequate quantities at layover
Penalty	Up to \$5,000 and two years in jail	Up to \$2,000 and one year in jail
Funding	Per head assessment on buyer and seller	General funds
Where to write	Humane Society of the United States Attn: Federal Legislative Affairs Department 2100 L Street, NW, Washington, DC 20037 Phone: 202-452-1100 Fax: 202-778-6132	The American Horse Council 1700 K Street, NW Suite 300 Washington, DC 20006 Phone: 202-296-4031 Fax: 202-296-1970

also addresses charreadas (Mexican rodeos), although not by name, by banning the tripping of horses for entertainment or sport. Additional language would prohibit the leasing, renting, loaning, or reselling of horses for any commercial event after having been sold for slaughter. This section would seek to curb the practice of using slaughter-consigned equines at charreadas.

Both bills would provide for stiff penalties consisting of fines and jail time: the HSUS bill calls for a maximum \$5,000 as a fine and two years in jail; the AHC bill has limits of \$2,000 and one year of jail time. Funding for the HSUS bill would be from an unstated "per head" fee levied against both the seller and buyer. Money to enforce the AHC bill would come from general funds. Both programs would be under the auspices of the Secretary of Agriculture, using local law enforcement where necessary.

Slaughter industry spokesmen are quick to charge that the HSUS bill is unfairly directed at their industry, since it supposedly omits other types of equine transportation. This may or may not be

ship horses all over the western states in low-headroom stock trailers, and many private trailers fail one or both bills' height tests.

Thoroughbred racing linked

Of further concern, particularly to the Thoroughbred racing industry, are the HSUS' press releases in support of its bill. Rather than focus solely on the bill's content, which is transportation, the release contains language that not only appears to call into question the slaughter horse industry itself, but portrays Thoroughbred racing as a willing participant.

By tossing out terms such as "owner apathy," and "owner greed," and asserting that "rarely do Thoroughbred owners care about the fate of their animals once (they) no longer hold a profit potential on the track," the HSUS has angered the Thoroughbred Racing Communications, Inc. (TRC), the public relations arm of the Thoroughbred Racing Association, a nationwide organization of track owners and managers.

In a recent memo, the TRC asserts that the HSUS action "appears to be the

Utterior motives

Both bills' authors have also come under attack as having hidden agendas that go beyond the actual language. Opponents of the HSUS bill claim the ultimate intent is to shut down the slaughter horse trade, with no consideration given to the end result: thousands of unwanted horses with no place to go.

Animal welfare advocates counter that the time has come to clamp down on an industry that refuses to address even the most blatant cases of abuse within its own ranks. The issue even has both associations sniping at each other. In rejecting the AHC bill, Brooke Sabin of the HSUS's Washington, DC office says it "doesn't quite address the concerns that we would like to have addressed."

Yet while the timing of the AHC bill would appear to have been a calculated effort to get a "slaughter friendly" bill at the forefront, the industry itself seems to take a dim view of both it and the HSUS bill. Heberlein considers the AHC effort to

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be nothing more than a reaction to the HSUS bill. "I think that the AHC would even admit to this: they feel stampeded by the Humane Society of the United States," he says.

California's transport laws

As previously mentioned, there are currently no plants in California devoted to slaughtering horses for human consumption. This is not to say slaughter is illegal in the state—it is not—and rumors

Assemblyman Jack O'Connell (D-35, Santa Barbara), AB-2039 in 1993, did not prohibit double decks, and was successful. The new law addresses head room, non-skid surfaces, ventilation, and interior construction, along with requirements for the segregation of stallions. It also prohibits the shipment of unweaned foals, mares in the last trimester of pregnancy, and diseased, sick, blind, dying, or other disabled equines.

Another 1993 bill, AB-477 (Paul Horcher, R-60, West Covina), prohibits the loading and transportation of equines

anonymous broker. Since the inspections are optional, the truck then departs without examination.

As for the cripples, the combination of the new laws and a recent, drawn-out, Fresno County court case involving the loading of disabled horses has convinced transporters they are not worth the "hassie." As a result, disabled equines are either not bought, or if they do find their way into the system, are being euthanized and sent to rendering plants.

To those who have worked in Sacramento to regulate slaughter horse transportation, one of the most irritating aspects has been that California's laws stop at the border. Although the spotty enforcement efforts have some effect on the composition of the loads departing from California, the most extensive part of the journey takes place out of the state.

A processors view

The trip from California to Texas crosses the southwest desert, and animal welfare advocates zero in on the lack of water, feed, and rest during this period. In response, the HSUS bill specifies that water and two flakes of hay shall be given to each horse every six hours.

This draws incredulous reactions from transporters, who claim that horses, at least those in loose loads such as double decks, can not be watered or fed while loaded, and any attempt to do so would endanger both horses and drivers. The HSUS legislation would, of course,

counter this argument by banning double decks and limiting loads to a more manageable 15 horses.

Slaughter industry spokesmen, reacting to the possibilities of closer regulations of their activities, are quick to point out that economics play a large part in their self-regulation of transporters. According to Heberlein, "If horses are bruised or cut up, the broker will not get as much money out of them." And as far as a death, Heberlein says, "You talk to a (driver) who lost a horse on the trailer, and he is pretty upset. For the most part, the drivers are pretty darn good."

Transporters consider themselves professionals, and take pride in their ability to load a double deck trailer effectively by size, type, and condition of the equines.

Pointing out that the standard double deck trailer has six compartments of varying heights from 5-foot, 10-inches to 8 feet, one broker notes that he loads small horses and ponies in the "belly" of the trailer, and large ones in the "nose and doghouse" (front and back).

Drivers often make the trip in pairs, to minimize travel time and thereby reduce the 50 to 100 pounds that a slaughter horse may lose during the journey. Since prices paid for condition at the slaughter house can vary from 40 to 70 cents a pound, brokers may lose considerable amounts of money for a load that has a difficult trip.

Given their choice, transporters believe that economics can accomplish

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have circulated for years that a processing plant may someday be built near the Nevada border.

In the past, animal welfare advocates have had to content themselves with state regulation of slaughter-bound horses. Previous efforts to establish transportation and handling standards included Assemblyman Sam Farr's (D-27, Monterey) ill-fated AB-500 in 1991, which was vetoed by Governor Pete Wilson for its prohibition on double-deck trailers.

The next attempt by Farr, with fellow

with broken limbs, and those with an inability to stand or walk adequately, or otherwise severely injured.

According to one slaughterhouse broker, the new regulations have yet to show much impact, except in curbing the shipment of severely disabled equines. Part of this can be blamed on the lack of experienced enforcement personnel, a situation that may also occur with federal legislation.

"We call for an inspection, and most of the time no one shows up," states an

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more than laws, and that overly strict regulations will have unintended consequences that will eventually harm the horses.

"If it becomes uneconomical to ship horses to slaughter, they will suffer," points out the anonymous broker. He foresees abandoned horses as owners are unable to dispose of unwanted stock.

Some animal welfare advocates suggest euthanasia as an option, but to anyone who has ever had to dispose of a dead or dying horse this can be a nerve-racking and expensive experience. Although often performed by brokers in remote locations, very few owners are willing or able to lay a horse down with a firearm, even when permitted by local regulations. The alternative is lethal injection, invariably by a veterinarian, an expense that can run from \$100 to \$200.

The next problem is disposal of the carcass. Fewer and fewer rendering companies process dead animals, and what used to be a free pickup can now run in excess of \$50, and is subject to time-tables and delays. It is clear that euthana-

The fight begins

Although the AHC bill was submitted for consideration, it will probably go nowhere when Congress returns after Thanksgiving recess to finish up the 1994 session. Look for its continuation, and the unveiling of the HSUS bill, early in 1995.

The HSUS bill is still in the draft stage, and may undergo some alteration prior to achieving its final form, but little change is expected. Slaughter horses and their transportation are a hot-button issue with animal welfare organizations, and a lot of effort and money is earmarked for the national effort. The competition between the HSUS and the AHC to see who will carry the banner is keen, and the HSUS will be loathe to give up any ground lest it be accused of consorting with the enemy.

The slaughter horse industry, under more or less constant attack by animal welfare and rights groups for several years, will continue to present itself as a legitimate business operating under federal guidelines. It will emphasize its necessity as a disposal system for unwanted

both bills would impact the quantity and price of the horses delivered, the slaughterers will be forced to participate in the legislative process.

In the middle ground is the AHC bill. Although looked upon as "industry friendly" by animal rights advocates and unwanted regulation by the industry itself, it may end up being the basis for compromise. Of the two bills, it is the

horses needs to be confronted head-on, and an alternative system be developed to care for, or dispose of, hundreds of thousands of unwanted equines.

At this stage, it is hard to tell what will happen. Many factors are in flux: the makeup of the House of Representatives and Senate after the November election, the lobbying efforts of the groups involved, and the effect of behind-the-

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sia, a process that works with cats and dogs at the local shelter, does not lend itself to the easy disposal of an unwanted equine. To some in the slaughter horse trade, euthanasia as a solution to the disposal of horses on a mass basis would be totally unworkable. Others suggest that animal rights groups spend their own money to buy unwanted horses.

"I'd love for them to walk in here with a bag of money and take these horses off my hands," one broker says. "Then they could figure out what to do with them."

horses, along with the economic benefits it generates.

Although there is little or no market in the United States, exported horse meat annually contributes millions of dollars to the positive side of the balance of trade equation. The slaughter companies will probably try to distance themselves from the actual transportation of equines, over which they claim no control.

This will be a difficult position to defend, as an incoming stream of horses is vital to their continued operation. Since

closest to California law, which would indicate that it could probably survive the trip through Congress intact. Its major sticking point will be the lack of a double deck trailer ban, the welfare advocates' touchstone. The 6-foot, 6-inch height limitation, which would effectively limit the use of most double decks, may or may not be an acceptable alternative.

Almost all those involved in the slaughter horse trade agree that abuse of animals is both "not right" and economically unsound behavior. The question is, how can the documented cases of abuse best be curbed?

Given the lack of national craving for horse meat, and the esteem with which horses are held in our society, the slaughter horse industry may be in for a dose of federal regulation. However, the animal rights groups need to be up-front about their real agendas. Although denying their bill is an attempt to shut down processors, Paulhus of the HSUS readily admits that their group has "historically opposed the slaughter of horses," and their bill shows it. If the regulations it contains are rigidly enforced, the slaughter of horses would probably cease. If this is to be the end result, then the issue of slaughtering

scenes maneuvering in Congress.

Other livestock interests are expected to take part, concerned about the "spill-over" of equine transport legislation into that of cattle, sheep, swine, and poultry. As usual, the same forces that were at work in Sacramento will continue on a larger scale.

In the meantime, those within the horse industry would be wise to wake up to the possibilities contained in national slaughter horse legislation. The unwillingness of the slaughter horse industry to clean up cases of abuse, coupled with the hesitancy of horsemen to openly address these issues has left a vacuum that may soon be filled by Congress.

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