

2009 HOUSE AGRICULTURE

HB 1496

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1496

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: February 6, 2009

Recorder Job Number: 8930

Committee Clerk Signature

Re Mae Kueh

Minutes:

Representative Froelich, Co-Sponsor: The actions in Washington, D.C. have created a problem for horse owners not only in North Dakota but across this nation. **(Written testimony attached #1a)** There is very little value to "loose" horses. (held up list from auction with a group of horses selling from \$0-5) Also gave another example with an auction that had 30 horses they could not receive a bid. The owners did not want them back. The sale barn had to find someone to take them. **(Attached emails #1b)** Most of the emails I've received have been positive. In the packet of emails you will find what it costs to euthanize a horse. As you can see, it is not cheap. Once you do euthanize a horse, you also have to find a place to dispose of it. On the third to the last page, when Senator Miller and I introduced this legislation, I got an email (Jerry VanDamme). I had it checked out and it is legit. There is a company ready and willing to come into North Dakota to set up a plant to process horses. It will give 200 direct jobs and 200-250 subcontractor jobs.

(Amendment LC#90929.0201) We're not going to take \$100,000 out of the General Fund. We will take \$75,000 or as much as needed out of the Agricultural Fuel Tax. After consultation with other legislators, this is an Ag. problem--let's take it out of the Ag. fuel tax.

Representative Boe: The problem is they issued a ban on funding for inspections? USDA has banned funding for inspection, is that correct?

Representative Froelich: The information I've received, special interest groups started it. They didn't want Federal meat inspectors inspecting horse meat. That was a way to stop the processing of horses. There were two processing facilities in Illinois and one in Texas. The facilities said they will pay for the meat inspectors. That went on for a while. Then the States of Illinois and Texas passed their own laws that said they didn't want it in their own state. They have now shut down. So the only avenue they have now is out of this country. That is becoming more and more difficult.

Representative Mueller: If USDA won't fund inspections, could we still have horse slaughter plants for purposes other than horse meat consumption by people (dogs, cats, etc.).

Representative Froelich: North Dakota has its own meat inspection program. They are sanctioned by the Federal Government. In their sanction, horses are allowed. If we have a sanctioned ND meat inspection program, if someone from Canada wants to come in and buy that product, they will do it without being federally meat inspected. Will that satisfy the desires of international shipment? I don't know. We haven't received an answer on that. What I've been told is, Yes, we could set up a processing facility. It wouldn't even have to be State Meat Inspected. But I can't give you specifics. There is some question that what Washington is doing is infringing on state's rights and individual's rights.

Representative Boe: Even if North Dakota didn't sanction horse slaughter, what about the sovereign nations located within the boundaries of the state.

Representative Froelich: That question has come up many times. Nobody can give me a definite answer. This study needs to find that out.

Representative Mueller: The zeros listed on the auction sheet, they are worthless horses. What does happen to them today?

Representative Froelich: I asked the sale barn operator. "What happened to those 30 head of horses?" They found a guy that would take them. Now whether he put them down, I don't know. But that individual would not take any more. If we euthanize them and throw them in a pit, that's immoral too, if someone could be using them.

Senator Miller, Co-Sponsor: (Written testimony attached #2a) Currently in Congress we have HB 503 and HB 305 that ban the slaughter of horses for human consumption and ban the transportation of horses for the purpose of slaughter, respectively. Referred to **(Attachment #2b)** releasing horses into the wild. Even anti-slaughter groups recognize that there is a problem here. Also included are the bills before Congress along with the Forum article on malnutrition in farm horse deaths. Continuing on is an article on unwanted horses and testimony from two horse breeders in my district. The last page is an email from a single mother who has two children and has horses. She used to make a living from her horses. Horses live for a very long time—up to 40 years. It's not like a dog or a cat that's going to die when it's 12. I also have a book—it's a USDA study on what to do with unwanted horses. USDA does not want to slaughter horses. There's a page that says, "Slaughter is not an option." You can put horses into a retirement farm. But they are still going to get old and arthritic.

Representative Wall: What happens if HB 503 or 305 passes Congress?

Senator Miller: There is a definite problem in the government deciding they are going to regulate the transport of one particular type of livestock. I've been hearing it's possibly illegal. It's definitely a states' rights issue. With HB 503, they are trying to define a horse as a companion animal. You can have a horse as a pet but in order to continue to have horses as

pets, you need to have breeders. Breeders need options. They need to be able to cull out their herd. Horses eat a lot. To maintain the integrity of the herd, we have to be able to slaughter.

Allen Lund, Secretary of Independent Beef Assn. of ND: (Written testimony #3 attached)

Our policy states that "We oppose any legislation or regulations that prohibit the humane harvest of equines."

Todd Hall, Dunn County Rancher: (Written testimony #4 attached) Also referred to his student in school receiving TIME for Kids. Article says "Kids say no to meat." The reason is they have compassion for animals. I believe this is propaganda not educational. That's where the opposition to this bill is coming from. It's a direct attack to our Ag Industry. A friend in California told me it is so bad that we can't even gather eggs out here. Quoting William Jennings Bryan in a July 9, 1896 speech: "We reply that the great cities rest upon our broad and fertile prairies. Burn down your cities and leave our farms alone and your cities will spring up again as if by magic. But destroy our farms and the grass will grow in the streets of your cities."

Representative Mueller : Do you raise horses?

Todd Hall: Yes I do. I raise commercial cattle and registered quarter horses.

Representative Mueller: Have you or anyone you know raised horses for the specific purpose of slaughter.

Todd Hall: I don't raise horses for the specific purpose of slaughter. But sometimes when a horse is unusable or unsafe to other people, there is no other option but to sell a horse to one of the buyers.

Patrick Lee Becker, Sioux Co. Rancher: I support this bill. There is a real opportunity for the state.

Representative Rust: Do you raise horses?

Patrick Becker: I don't raise horses. I use them in our ranching operation.

Representative Rust: Have you experienced any horses in the wild?

Patrick Becker: Yes, I don't know if they're turned loose but they're not being taken care of properly. Probably with this winter they don't have the feed to take care of them.

Dr. Gerald Kitto, Veterinarian from McClusky: There is an estimate of 9 million horses in the United States today. The Veterinary Equine Assn. has found that there is a minimum of 170,000 unwanted horses. They looked at the slaughter numbers from 2007 before the plants closed. They also looked at the number of unwanted horses that are wandering on the BLM lands. What is unwanted? The American Assn. of Equine Practitioners has come up with this definition: Horses no longer wanted by their current owner because they are old, injured, sick, unmanageable, or fail to meet their owners' expectations. I'd like to clarify "owners' expectations." This is unattractive, nonathletic, unmarketable, wrong color, or costs too much to care for. The AAEP says it costs around \$2,340 per year to keep a horse. That includes hay, grain, water, vaccinations, worming, hoof care and lodging. Nationally that's the figure they come up with. Many don't realize what it costs so they get into this Catch 22. They own a horse. Now what am I going to do with it. Unwanted horses in Kansas this last year in good flesh brought \$250 or less. Unwanted horses at Ft. Collins, Colorado not in good flesh and were thin brought less than \$50 and this included yearlings. The disposal cost is about \$186 to dispose of a horse. That doesn't include the veterinarians cost to euthanize the horse. A bottle of euthanasia solution which is 100 CC's costs now around \$100. It takes that amount to euthanize one horse plus you have the veterinarian's fee and the drive to the farm. I don't like to euthanize horses. I am getting more and more calls to do it. The fringe groups who

were against the slaughter bill operate by money. They find someone like Bo Derek who doesn't care about a horse at all. We don't have the resources to fight them.

I want to show you some pictures. I recently had to go out and look at this abandoned horse with the sheriff. Someone drove away and left the horse there. Right before we got there they dropped some hay. If you can see the body condition of this animal, he was about this wide from the top of his back to his groin area. He was allowed to starve to death. I'm not saying the guy didn't do wrong. He did and is going to be prosecuted. If he'd had an alternative, maybe something could have been done.

Representative Rust: How many horses have you euthanized in 10 years?

Dr. Kitto: I have been in practice for 34 years. Probably for the first 25 years I never euthanized a horse. The last 10 years I've probably done 20-30 per year.

Representative Holman: After you euthanize a horse, what is the current disposal method?

Dr. Kitto: Sometimes I take them. I have a burial pit. We try to burn that pit and cover it with dirt. It costs \$200 to dig the pit and \$100 to have it covered. So I have to charge every owner that I dispose of the horse for them.

Representative Froelich: When they pull the BLM horses off the ranges, they stockpile them in facilities. Do you know the number and the cost to taxpayers to keep them there?

Dr. Kitto: (Had article from magazine but couldn't find the exact number.) There is a budget shortfall. The adoption percentages are going down for wild horses because people can't afford it. The amount of work that it takes to get a wild horse calmed down is tremendous.

Representative Froelich: Could you gather that information for the committee?

Dr. Kitto: Yes.

Representative Boe: When horses are released to fend for themselves, with the severity of our winter, what are the odds of them seeing spring?

Dr. Kitto: Almost nill. I've never investigated so many cases as I have this year.

Dr. Gail Landgren Carlson, DVM, Practice dealing with equine teeth, Sheyenne, ND:

(Written testimony #5 attached) The article that he showed, I have the website. Also www.AAEP.org gives information about the unwanted horse committee set up to deal with this across the country. I wrote to our U.S. Senators and Representative in Congress. I got positive feedback from all three of them even though the bill went the wrong way. It is now a law to shut down the slaughter houses in this country.

Representative Mueller: In a number of the many emails I received about this issue from outside our state, there were statements made about how horses were slaughtered when those slaughter plants were in business. They inferred that it's a very inhumane process. Are you familiar with how that worked and what they actually did there?

Dr. Carlson: No, I don't have any direct experience with slaughter plants. From AAEP.org you could get some feedback from what they know. This article talked about Canada and Mexico. They have several different levels. The problem we see now with the bills in Congress is as I understand it that they are going to make it a felony if I want to send a load of horses for slaughter to Mexico or Canada. I will be a felon. That's not right. It's animal rights groups that are running this. It's not the majority. It's an emotional issue. We need the study so we can do it right here in North Dakota.

Greg Brokaw, Horse Trainer & Breeder for 40 years, Ashley, ND: (Written testimony #6a attached)

Gene Hetletved, Breeder: We have a sale every year. The market is taken away from us for the cull horses. If people could sell the horses they don't want, they could come back and buy a horse that would fit them.

Julie Ellingson, ND Stockmen's Assn.: (Written testimony #6b attached) When animal owner's have not been identified after a certain amount of time, the animal is marketed. The proceeds are held in a special account until the owners can be found. In one recent stray case the value of a horse after the market and yardage and commission was a whopping 64 cents that we are holding in the stray account. In another case there will be a negative \$94 in the account because of the low value of the horse. Our chief brand inspector's estimate is that the stray horse cases have tripled over the last three years. Horses have helped build the U.S. Beef Industry to what it is today.

Brian Kramer, ND Farm Bureau: (Written testimony #7 attached) If the Federal government doesn't want to support inspection, we believe that the State should. We also have policy that talks about the transportation of these animals. There is a move to stop transportation within the country and out of the country and we have policy against that. At a recent conference, we had a young couple that spoke on the enemies of agriculture. The young lady was telling about a meeting she was at in which the head of the Humane Society of the U.S. was in attendance. Following his presentation she talked to him about horse slaughter. He told her that if people can afford to keep a horse, they can afford to shoot them.

Lee Hetletved, Boarding Facility Owner, North of Bismarck: I am also a producer, breeder, trainer. I teach agriculture education in the Bismarck School District. We hold a sale annually. These are performance sales and not intended for slaughter. If we don't have a place for people to get rid of old unwanted horses, that takes the bottom out of our sale. We sell between 120 to 150 horses at a two-day sale. Fifty-eight percent of those horses go out of state. Our buyers come to our state, stay in motels, eat at restaurants, buy fuel, and help stimulate the economy. This is having a ripple effect throughout the industry. I don't want to see the horse industry leave the middle class. The welfare of horses is a choice. If people

want to feed their horse and take care of them until the last day, that is their choice. What about the choices for the rest of the people. The U.S. Congress took our choices away.

Opposition: None

Representative Belter: I had the opportunity to sit beside a rancher from Wyoming on the airplane and he mentioned that near his ranch in BLM land, the federal government wanted to graze 700 horses. They rounded them up and ended up with 7,000 horses. I don't know what they did with 7,000 horses but it is an example of how huge this problem is.

Representative Rust: HB 1496 is to do a study. Why would anyone be opposed to a study?

Chairman Johnson: We do the study to justify and answer all the questions. When it makes it to the Senate the room might be fuller.

Vice Chairman Brandenburg: We need a study to show the positive effects to offset the other negative reports. We have to have the same amount of paper.

Representative Rust: Why oppose? It would kill the possibility of solving the problem.

Representative Mueller: Moved to adopt the amendment LC#90929.0201

Vice Chairman Brandenburg: Seconded the motion.

Voice vote taken. Passed.

Vice Chairman Brandenburg: Moved Do Pass and refer to appropriations.

Representative Schatz seconded.

Representative Froelich: We need to send a message to Washington that in North Dakota we value agriculture.

A Roll Call vote was taken. **Yes: 13, No: 0, Absent: 0.**

Representative Boe will carry the bill.

90929.0201
Title.0300

Prepared by the Legislative Council staff for
Representative Froelich
January 29, 2009

VR
2/6/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1496

Page 1, line 22, replace "general" with "agricultural fuel tax" and replace "\$100,000" with
"\$75,000"

Renumber accordingly

Date: 2/6/09

Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. _____

House Agriculture Committee☐ Check here for Conference CommitteeLegislative Council Amendment Number ~~902~~ 90929.0201Action Taken ☐ Do Pass ☐ Do Not Pass ☐ AmendedMotion Made By Rep. Muller Seconded By Rep. Brandenburg

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair			Tracy Boe		
Mike Brandenburg, Vice Chair			Rod Froelich		
Wesley R. Belter			Richard Holman		
Joyce M. Kingsbury			Phillip Mueller		
David S. Rust			Benjamin A. Vig		
Mike Schatz					
Gerry Uglem					
John D. Wall					

*Vote
Amendment
passed*

Total (Yes) _____ No _____

Absent _____

Bill Carrier _____

If the vote is on an amendment, briefly indicate intent:

*Reduce \$100,000 to \$75,000
 Take money from agricultural fuel tax
 ↓ instead of
 General fund*

Date: 2/6/09Roll Call Vote #: 12009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1496House Agriculture Committee☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ AmendedMotion Made By Rep. Brandenburg Seconded By Rep. Schatz

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	✓		Tracy Boe	✓	
Mike Brandenburg, Vice Chair	✓		Rod Froelich	✓	
Wesley R. Belter	✓		Richard Holman	✓	
Joyce M. Kingsbury	✓		Phillip Mueller	✓	
David S. Rust	✓		Benjamin A. Vig	✓	
Mike Schatz	✓				
Gerry Uglem	✓				
John D. Wall	✓				

Total (Yes) 13 No 0Absent 0Bill Carrier Rep. Boe

If the vote is on an amendment, briefly indicate intent:

Refer
to
Approp.

REPORT OF STANDING COMMITTEE

HB 1496: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1496 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "general" with "agricultural fuel tax" and replace "\$100,000" with "\$75,000"

Renumber accordingly

2009 HOUSE APPROPRIATIONS

HB 1496

2009 HOUSE STANDING COMMITTEE MINUTES

HB 1496

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 13, 2009

Recorder Job Number: 9480

Committee Clerk Signature

Carmen Hart

Minutes:

Rep. Johnson approached the podium and explained HB 1496. It came to our committee at \$100,000. We put it back to \$75,000. It is monies that come from the fuel tax fund or the APUC Fund. His committee heard no opposition to the bill which deals with equine processing facility feasibility study. Horses are being left to roam. Horses are being processed in Mexico and processing has been virtually stopped by the Humane Society in the United States. When the day comes that we do this we will get opposition from groups from California, Missouri, and New York so we want to get the research done.

Chm. Svedjan: What is the resistance to processing horses?

Rep. Johnson: Horses live to be 40 years old. People raise horses and they have a mean one. They certainly don't want to sell that one on to somebody else. Right now the National Humane Society has virtually shut down.

Chm. Svedjan: But why, that is what I want to know?

Rep. Johnson: We follow this back a little bit. There is a processing plant in Nebraska that puts together horse meat for zoos like right here in town. I called back and asked where did you get your horse meat? It comes out of a processing plant in Canada. The process is still going on. It just shut us down here in the states.

Rep. Bellew: Why would the study be done by the Dept. of Commerce?

Rep. Johnson: That's where the money is coming from? I think they want the documentation of the business end of it.

Rep. Bellew: And LC will get a report?

Rep. Johnson: I would imagine, yes.

Rep. Skarphol: What is the status of the agricultural fuel fund? It is used to fund APUC as I understand it. What other revenue comes out of it, and is it in good enough financial shape to take care of the \$75,000?

Rep. Johnson: The sponsor of this bill is gone and I'm trying to find out from him.

Rep. Skarphol: Maybe Joe can answer.

Rep. Wald: Rep. Froelich asked me what the funding source would be. I said don't take it out of the not so permanent oil trust fund. I suggested maybe taking it from APUC rather than general fund and make it an easier sell. I think you amended the bill in committee to go from the general fund to APUC fund. Am I not correct? Regarding the hang up with processing horses, I don't get it either. What do you do with horses that are roaming?

Rep. Nelson: I am concerned about the legislature appropriating money out of the APUC. APUC was put into position to prioritize agricultural grants, and I am a little concerned that we are superseding their authority. Obviously, this horse equine slaughtering plant could have gone before APUC without a bill, and a decision would have been on this __. Was that talked about in your committee, going over the heads of APUC?

Rep. Johnson: This is the last 11th hour source of where the monies could come from. I just found out now where that idea probably originated.

Rep. Delzer: I am not sure but it seems to me when we worked on the ethanol subsidy bill, any of the extra money from the agricultural fuel tax refund was all siphoned off for that. What

did commerce say about doing this study? If commerce doesn't want it, I don't know that it is going to be very good.

Rep. Johnson: Representatives from Commerce were at the hearing but did not testify. They think it is a good idea but there is nothing on record from the Department of Commerce.

Rep. Kempenich: APUC was part of that fuel tax.

Rep. Berg: Is this legal?

Rep. Johnson: It is right now. How they back door this is they pass legislation that you could have federal inspectors at these plants. The last plants surviving were one in Texas and two in Illinois. They moved Florida state inspectors until the pressure they finally shut down.

Rep. Berg: If they don't have inspectors they have to shut down?

Rep. Johnson: With the federal inspectors they can sell horse meat for human consumption.

When they disallowed federal inspectors, it is all animal food. That's allowed right now.

Rep. Berg: I think this is a good idea but may be set up wrong. APUC is set up to have private sector people kind of come there and say we have this idea and we would like to do a study and APUC kind of up fronts money so these private people can do the study. I have a concern with Commerce doing a study or any agency doing a study saying we will do the study but it may not be driven to taking the next step. My thought would be if we set money aside for this study and there are some people out there that want to develop a processing plant that they could access this money to complete their study. Unless you have someone that is willing to take it to the next step and actually build a plant, I think it is kind of fruitless to spend any money on the study. I am not quite sure where I am going here, but it might be simply to carve out \$75,000 in the APUC or take \$35,000 some general fund money and say if someone comes forward we would match 35 with APUC with this 35 general fund. The nice thing about

APUC is someone has to present a plan that makes sense that it is going to take it to the next level and get something done.

Rep. Johnson: Part of this study will show this, but there are some processing plants or these types of facilities sitting idle right now that probably could be converted that may have APUC money in them already.

Rep. Meyer: There are people I believe that are willing to do this but why they want the study? They don't want to make the investment and do it and come to find out that there is going to be federal prohibitions against it. They thought if the study was enacted first where they could have the laws reviewed, because it has always been geared toward human consumption. A lot of this is looking like even here in North Dakota where we could have more of a zoo type structure where we could have a meat for the zoo. A lot of the zoos in the United States only use fresh horsemeat, and they are importing that from Canada and from Mexico. We can't utilize that market at all because ours has always been geared toward human consumption. That's basically why they need the study before they start.

Rep. Delzer: How did you come up with the \$75,000? Do you have any kind of budget on that?

Rep. Johnson: We started out at \$100,000 and kind of stopped at \$75,000 hoping it wouldn't get chopped. As far as what this money is going to be budgeted with, I haven't seen a budget of how \$75,000 is used for a study, no. (15:30)

Rep. Berg: I am kind of familiar with APUC. They have a study request for \$125,000 for the same thing for a beef processing that is coming up at their next meeting. I think the private sector is putting in \$75,000 or something so for that particular thing it is \$200,000. I agree with

Rep. Meyer in that I would like to see those people that want do a facility driving the study so to make sure that what they would need to study gets done rather than having Commerce. I

guess I can't make any motions. What I would like to do to just simply move this along is let's put some money here and then require it be matched by APUC, not requiring that they have to match it, but if there is a proposal that makes sense to APUC, they would leverage this money and award the study to whomever wants to build the processing plant. That would be the crux of where I think we could go with this to insure to get the right kind of study done.

Chm. Svedjan: You are suggesting possibly designating a sum of the General Fund dollars to be matched 1:1 with APUC.

Rep. Berg: If there is a study they would approve.

Rep. Meyer: Your ag fuel tax funds APUC, right? These are two separate things?

Rep. Berg: Let's take \$50,000 from gf, put in here, and if APUC has the study that they think is viable, we would match their study dollar for dollar up to \$50,000 so a study would have a \$100,000 to go forward. It gets complicated with APUC. Most of their benefits are smaller.

Rep. Skarphol: I think a private sector should match the money rather than APUC.

Rep. Berg: That's a good point. Typically APUC requires some sort of local participation or match before they grant any money. My thought would be that a) it is has to be something they think is worthy because they used \$50,000 out of their \$400,000 or whatever. I don't want to force them to, the match they put on say is whatever proposal comes in, it stands on their own. If they make a decision they could leverage this in the private sector. I would guess it is going to cost more than \$100,000 to do a full study.

Chm. Svedjan: APUC requires a private sector participation in this. It is typically a dollar for dollar?

Rep. Berg: There's no set standard. Their grants are anywhere from \$5,000 to \$150,000.

Chm. Svedjan: If we do it the way you suggest, they would end up with more than \$100,000 depending upon what the private sector would be asked to put into this?

Rep. Berg: Yes.

Chm. Svedjan: \$50,000 to be matched dollar for dollar through APUC up to \$50,000, and then APUC would work it out with the private party to determine how much additional they would put in. It is possible it could be up to 100 and some thousand.

Rep. Nelson: I would be careful about putting GF money into APUC. It sets a precedence that we are going to see groups come into the legislature for this supplemental APUC funding from here until the end of time. Once we start going down this road if we are going to do this, we should fund APUC in my opinion from a general fund standpoint every biennium and let them go through the system. I don't think this bill even needs to be here. The people who want this bill can go to APUC. The people who have ownership are the ones that want the study.

Chm. Svedjan: (To Joe Morrisette) Did you find anything?

Joe Morrisette: No, I did not.

Rep. Kaldor: I tend to agree with Rep. Nelson. I'm in support of the study, but I think it should be privately driven. A business plan would identify and answer those issues.

Chm. Svedjan: It seems there is strong support for this concept. It is just a matter of how we hammer out the dollars.

Rep. Johnson: The testimony given stated that all the reasons we do need this is we didn't have the private sector that say we need help to develop this.

Chm. Svedjan: Another question I have has to do with the urgency of this. If we study this and they report back, it doesn't get going for at least two and a half years.

Rep. Wald: Anybody who would be interested in taking over an existing vacant plant or starting a new one kind of wants the blessing and the impetus from state government to wet somebody's appetite in the private sector to go ahead and do this. It would appear at least to the public that yes, there is a need for this, and yes, the legislature spoke so let's do the study

and I think you may have people come out of the woodwork who want to do this. I agree somewhat with Rep. Berg that it might be a combination of APUC funds and general fund money, maybe \$50,000 from each one for a total of \$100,000 and get moving.

Rep. Berg: If you want to get moving and roll ahead, then I can make that a motion.

Rep. Klein: I would second.

Chm. Svedjan: 23:53 The motion would be to have an amendment drafted for us that would take \$50,000 of general fund money that would be matched dollar for dollar up to \$50,000 with APUC funds based on their analysis of a proposal or a request that comes to them that could also require some private sector investment based on APUC's procedures. Is that essentially what you are saying?

Rep. Berg: Absolutely. What I am looking at is really supporting the role of APUC, not trying to undermine the role of APUC, and if they don't have a proposal that comes to them of value, they are not going to put a nickel in and this money wouldn't come in. A proposal comes to them that they say okay this is a good proposal. We like it. Then what we are saying is we would match their investment dollar for dollar with this fund.

Chm. Svedjan: Roxanne, do you have the gist of what we are requesting here? Okay.

Rep. Klein: There is a facility setting empty up there in Harvey that used to be in the processing business.

Rep. Delzer: I have the same reservations about taking money from the general fund. I am concerned about the Commerce doing this. I would feel better if LC did the study. The problem is the biggest thing that everybody is worried about here is trying to get the state support and to find out what kind of federal regulation you have to meet to do this. Other than that I think everything else is there that it could be done.

Chm. Svedjan: Rep. Johnson, you said the Commerce Department didn't testify against this.

Rep. Johnson: I had no opposition in committee, and I have had several calls since the hearing saying they weren't of the hearing and want to know what they can do to support this effort. I told them when it passes to the senate you can come down then and testify.

Rep. Nelson: We will fund this study with APUC money and gf money and when someone comes out of the woodwork and they will go to APUC for a business plan. APUC will fund this project twice. We know we can do this now. I just don't know what we are going to get out of this study that we don't already know.

Chm. Svedjan: It seems to me with the passage of this bill, an interested party will go to APUC with the interest of pursuing this. APUC would review the plan presented to them and they would give the red light or green light. If they give the green light, they will tell the interested party and APUC will go to \$50,000 and the gf would match for that study. That's how I would see this working based on the amendment that has been proposed. I don't know where this second study would come in.

Rep. Nelson: I'm reading from the bill. You are saying the preliminary study would come after the interested party approaches APUC. My issue is still with the general fund.

Rep. Meyer: I realize that except that this is a unique situation. There are horses dying. We have no rendering plants, slaughtering facilities. We can't bury them. We can't euthanize them. This is a problem that is going to snowball. The funding mechanism, I don't know. We need to do something.

Roxanne Woeste: We would also need to change Section 1 of the bill. That requires the Department of Commerce to study it. I believe now we are letting APUC decide whether or not the study should occur...

Rep. Berg: My mic was off when I made the first part of that motion. We are not going to require the Department of Commerce to study.

A voice vote was taken on the amendment. Motion carries.

Rep. Wald moves a **Do Pass**. Rep. Klein seconded the motion.

DO PASS AS AMENDED. 18 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING. Rep. Wald is
the carrier.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1496

Page 1, line 1, remove "the department of commerce to conduct"

Page 1, line 4, replace "**DEPARTMENT OF COMMERCE**" with "**EQUINE PROCESSING
FACILITY FEASIBILITY**"

Page 1, line 5, replace "department of commerce" with "agricultural products utilization
commission" and replace "conduct" with "consider providing a grant for a proposal to
conduct"

Page 1, line 7, replace "The feasibility study" with "Any proposal to be considered by the
agricultural products utilization commission"

Page 1, line 18, replace "The department of commerce shall report its" with "If the agricultural
products utilization commission provides a grant for a study it shall report the"

Page 1, line 22, replace "agricultural fuel tax" with "general" and replace "\$75,000" with
"\$50,000"

Page 2, line 1, replace "conducting" with "providing a grant for"

Page 2, line 2, after the period insert "The department may only spend the funding from the
general fund to the extent matching funds are provided on a dollar-for-dollar basis."

Renumber accordingly

VR
2/16/09

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1496

Page 1, line 1, remove "the department of commerce to conduct"

Page 1, line 4, replace "**DEPARTMENT OF COMMERCE**" with "**EQUINE PROCESSING FACILITY FEASIBILITY**"

Page 1, line 5, replace "department of commerce" with "agricultural products utilization commission" and after "shall" insert "consider providing a grant for a proposal to"

Page 1, line 7, replace "The feasibility study" with "Any proposal to be considered by the agricultural products utilization commission"

Page 1, line 18, replace "The department of commerce shall report its" with "If the agricultural products utilization commission provides a grant for a study, the commission shall report the"

Page 1, line 22, replace "agricultural fuel tax" with "general" and replace "\$75,000" with "\$50,000"

Page 2, line 1, replace "conducting" with "providing a grant for"

Page 2, line 2, after the period insert "The department may only spend the funding from the general fund to the extent matching funds are provided on a dollar-for-dollar basis."

Renumber accordingly

Date: 2/13/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1496

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken amend as indicated below

Motion Made By Berg Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. Wald

If the vote is on an amendment, briefly indicate intent:

\$50 from G.E. to be matched 1:1 w/ APUC funds

Vote - carries

Date: 2/13/09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1496

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass as Amended

Motion Made By Wald Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer		✓	Rep. Glassheim		✓
Rep. Thoreson		✓	Rep. Kaldor		✓
Rep. Berg	✓		Rep. Meyer	✓	
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom	✓	
Rep. Bellew		✓	Rep. Kerzman	✓	
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson		✓			
Rep. Wieland	✓				

Total (Yes) 18 No 6

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1496, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (18 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1496
was placed on the Sixth order on the calendar.

Page 1, line 1, remove "the department of commerce to conduct"

Page 1, line 4, replace **"DEPARTMENT OF COMMERCE"** with **"EQUINE PROCESSING
FACILITY FEASIBILITY"**

Page 1, line 5, replace "department of commerce" with "agricultural products utilization
commission" and after "shall" insert "consider providing a grant for a proposal to"

Page 1, line 7, replace "The feasibility study" with "Any proposal to be considered by the
agricultural products utilization commission"

Page 1, line 18, replace "The department of commerce shall report its" with "If the agricultural
products utilization commission provides a grant for a study, the commission shall
report the"

Page 1, line 22, replace "agricultural fuel tax" with "general" and replace "\$75,000" with
"\$50,000"

Page 2, line 1, replace "conducting" with "providing a grant for"

Page 2, line 2, after the period insert "The department may only spend the funding from the
general fund to the extent matching funds are provided on a dollar-for-dollar basis."

Renumber accordingly

2009 SENATE AGRICULTURE

HB 1496

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1496

Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 5, 2009

Recorder Job Number: 10292

Committee Clerk Signature

Assu Krol

Minutes:

Sen. Flakoll opened the hearing on HB 1496, a bill to provide for an equine processing facility feasibility study. Members present (6) absent (1)-**Sen. Taylor**.

Sen. Miller, district 16, testified in favor of the bill. See attached testimony, attachment #1.

Rep. Froelich, district 31, testified in favor of the bill. See attached testimony, attachment #2.

Allen Lund, secretary of the Independent Beef Association of ND, testified in favor of the bill.

See attached testimony, attachment #3.

Todd Hall, Rancher, testified in favor of the bill. See attached testimony, attachment #4.

Julie Ellingson, ND stockmen's association, testified in favor of the bill. See attached testimony, attachment #5.

Sen. Flakoll- what is the brand inspection fee for horses?

Julie Ellingson- it is \$0.75.

Lee Hetletved, LH Equine Center located in Bismarck, testified in favor of the bill. See attached testimony, attachment #6

Dr. Gail Carlson, equine dentist, testified in favor of the bill. See attached testimony, attachment #7.

Brain Kramer, ND Farm Bureau, testified in favor of the bill. See attached testimony, attachment #8.

Opposition to the bill.

Jane Marum, read testimony on behalf of Connie Peterson in opposition to the bill, see attached testimony attachment #9.

Stephanie Meryl, Bismarck area, testified in opposition to the bill.

Stephanie Meryl- I think that we need education for some of these breeders that are trying to make money that are not breeding great horse. I don't want to waste ND tax payer money on this study, there is not hard evidence that this would help the equine industry in this great state. It is very inexpensive to feed a horse in our state. Why not just build a facility that inmates can work at that we can just send our horses to if we do not want them. I request you to vote no on this.

Karen Thunshelle, horse owner from Minot, testified in opposition to the bill. See attached testimony, attachment #10.

Carol Two-Eagle, horse owner, testified in opposition to the bill.

Carol Two-Eagle- I do not agree with this bill. There is something about the outside of the horse that is tremendous for the inside of a human. We are all related and this includes the horse, they are our relatives. I just want you to give that thought when you are studying this.

Sherry Coleman, representing self, testified in opposition to the bill.

Sherry Coleman- I have a farm and horses. I am fiscally responsible for my horses. Some of you think that this will be benefiting ND, in the long wrong it is not, it is a slap in the face.

Please be responsible and vote against this bill.

Jeff Larson, representing self, testified in opposition to the bill.

Jeff Larson- I stand in strong opposition to this bill I think this is murder.

Allison Smith, representing self, testified in opposition to the bill.

Allison Smith- I too just want to stand and say that I stand in opposition to this bill.

Other testimony in favor and in opposition to the bill was also submitted see attachments

#11,12,13,14,15,16 and 17.

Sen. Flakoll closed the hearing.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1496

Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 5, 2009

Recorder Job Number: 10384

Committee Clerk Signature

Passerone

Minutes:

Sen. Flakoll opened discussion on HB 1496, all members (7) were present.

Sen. Miller proposed amendments 90929.0403 to the committee and went over them 1:57-6:53.

Rep. Froelich, district 31, talked with the committee as well about the amendments that were at the request of the commerce department 7:40-9:01.

Sen. Wanzek- the \$50,000 in this bill is set aside for APUC to use?

Rep. Froelich- this bill has been engrossed a few times and it is asking APUC to match the general funds money. APUC does not have to do it but we have asked them and they said yes.

Sen. Wanzek- so basically we are just establishing laws and we are going to see if they work for us or if they don't and what kind of changes we can make.

Sen. Flakoll- if there is a federal change pending does that make it that you can go forward on that issue?

Sen. Miller- I can't say that this bill would really prohibit anything from moving to phase 2, I think whoever can determine whether they will continue if they have a company providing a private matching grant.

Sen. Wanzek- if it says a study couldn't it mean that the study may proceed as to may not proceed? Is that the sponsor's intent?

Sen. Flakoll- I think that we have to get this bill in as good of shape as possible if we want to get support on this bill.

Sen. Flakoll- I think that the intent of the sponsors is to make sure that they not only look at a feasibility study but from a legal stand point as well.

Sen. Miller- I don't see any sense on wasting state money on something that we can't do.

Anita Thomas, Legislative Council went over amendments with committee 27:13-32:16.

Sen. Miller motioned to adopt amendments 90929.0403 and was seconded by **Sen. Klein**, roll call vote 6 yea 1 nay 0 absent.

Sen. Flakoll presented amendments 90929.0402 to committee, went over with committee 33:53-36:10.

Sen. Flakoll motioned to move amendments and was seconded by **Sen. Miller**, roll call vote 7 yea 0 nay 0 absent.

Sen. Flakoll presented amendments 90929.0401(43:12- 50:46)

Sen. Wanzek, vice-chair, closed the discussion.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1496

Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 6, 2009

Recorder Job Number: 10385

Committee Clerk Signature Cassie Krohn

Minutes:

Sen. Flakoll opened the discussion on 1496. All members (7) were present.

Sen. Flakoll motioned to move amendments 90929.0402 and was seconded by **Sen. Miller**, roll call vote 7 yea 0 nay 0 absent.

Sen. Klein motioned to move amendments 90929.0404 and was seconded by **Sen. Miller**, roll call vote 7 yea 0 nay 0 absent.

Sen. Taylor motioned to move amendments 90929.0401 and was seconded by **Sen.**

Heckaman, roll call vote 7 yea 0 nay 0 absent.

Sen. Miller motioned for a do pass as amended and to rerefer to appropriations and was seconded by Sen. Klein, roll call vote 7 yea 0 nay 0 absent. **Sen. Miller** was designated to carry the bill to the floor.

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1496

Page 1, line 1, after "study" insert "and create an advisory committee"

Page 1, line 8, remove "2."

Page 1, line 9, after "must" insert "begin with a review of federal laws, regulations, policies, and guidelines regarding equine processing and evaluate the potential for amendments and modifications. If an equine processing facility is determined to be permissible under existing laws, the study may proceed to"

Page 1, line 15, after the semicolon insert "and"

Page 1, remove lines 16 and 17

Page 1, line 18, replace "e." with "d."

Page 1, line 20, replace "3." with "2."

Page 1, after line 23, insert:

"SECTION 2. Advisory committee - Reimbursement for expenses. The department of commerce may appoint a five-member committee to provide advice and guidance to the department regarding the feasibility study provided for in section 1 of this Act. The department may use up to five thousand dollars of the amount appropriated under section 3 of this Act to provide reimbursement for expenses, as allowed by law for state officers, to any member of the advisory committee who does not serve on the committee by virtue of the individual's public office or public employment."

Renumber accordingly

Date: 7/11/2011
Roll Call Vote #:

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Agriculture

☐ Check here for Conference Committee

Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

[illegible]

Total (Yes)

No

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

March 4, 2009

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1496

Page 1, line 1, after "study" insert "; to require a bond"

Page 1, after line 23, insert:

"SECTION 2. Initiation of legal action - Bond - Liability for fees and costs.

1.
 - a. If a person files an action seeking to stop or otherwise delay the construction of an equine processing facility, the court shall require the person filing the action to post a surety bond in an amount at least equal to twenty percent of the estimated cost of constructing the facility.
 - b. If the person bringing the action does not ultimately prevail, that person is liable for all financial losses incurred by the facility during the time the action was pending and all attorney's fees and costs incurred by the facility in defending the action.
 - c. For purposes of this subsection, construction includes the purchase and remodeling of an existing structure to serve as an equine processing facility.
2.
 - a. If a person files an action seeking to estop the operation of an equine processing facility, the court shall require the person filing the action to post a surety bond in an amount at least equal to twenty percent of the estimated cost of operating the facility during the time the action is pending.
 - b. If the court issues an injunction that estops the operation of the facility while the action is pending and if the person bringing the action does not ultimately prevail, the person bringing the action is liable for all financial losses incurred by the facility during the time the action was pending and all attorney's fees and costs incurred by the facility in defending the action.
3. If a person required to post a bond under this section does not do so within thirty days of filing the action, the court shall dismiss the action."

Renumber accordingly

Roll Call Vote #:

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Agriculture

☐ Check here for Conference Committee

Committee

Legislative Council Amendment Number

Action Taken More Amendments 90929.0402
Motion Made By Flakoll

Motion Made By Flakoll

Seconded By Miller

[illegible]

Total (Yes) 7 No 0
Absent 0

Absent 0 No 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

March 5, 2009

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1496

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for an equine processing facility feasibility study and create an advisory committee; to provide an appropriation; and to provide for legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. EQUINE PROCESSING FACILITY FEASIBILITY STUDY.

1. During the 2009-10 interim, the department of commerce shall conduct an equine processing facility feasibility study. The study must begin with a review of federal laws, regulations, policies, and guidelines regarding equine processing and an evaluation of the potential for amendments and modifications. If an equine processing facility is determined to be permissible under existing laws, the study may proceed to:
 - a. Address the cost of constructing a new equine processing facility in this state;
 - b. Determine whether any existing structures could be converted to an equine processing facility and the cost of converting the structures;
 - c. Determine the nature and scope of existing and potential markets, both domestic and international, for equine meat and other byproducts of equine processing; and
 - d. Examine the potential for obtaining loans, grants, and other incentives in order to further the development of an equine processing facility.
2. The department shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 2. ADVISORY COMMITTEE - REIMBURSEMENT FOR EXPENSES. The department of commerce may appoint a five-member committee to provide advice and guidance to the department regarding the feasibility study provided for in section 1 of this Act. The department may use up to \$5,000 of the amount appropriated under section 3 of this Act to provide reimbursement for expenses, as allowed by law for state officers, to any member of the advisory committee who does not serve on the committee by virtue of the individual's public office or public employment.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of conducting the equine processing facility feasibility study as provided under section 1 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department may expend the moneys appropriated under this section only if matching funds are obtained on a dollar-for-dollar basis.

SECTION 4. LEGISLATIVE INTENT - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION - CONSIDERATION OF GRANT PROPOSAL. It is the intent of the legislative assembly that the agricultural products utilization commission

consider making a grant available under section 4-14.1-03.1 to assist with the requirement for matching funds as provided under section 3 of this Act."

Renumber accordingly

Date: May
Roll Call Vote #: 3

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1121

Senate Agriculture

☐ Check here for Conference Committee

Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

[illegible]

Total (Yes) 7

Absent 0 No 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

March 4, 2009

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1496

Page 1, line 1, after "study" insert "; to create and enact a new section to title 36 of the North Dakota Century Code, relating to an equine assessment; to provide an appropriation" and replace the third "an" with "a continuing"

Page 1, after line 23, insert:

"SECTION 2. A new section to title 36 of the North Dakota Century Code is created and enacted as follows:

Assessment - Continuing appropriation - Provision of grants. For each equine processed at an equine processing facility in this state, the owner of the facility shall submit to the agriculture commissioner, at the time and in the manner directed by the commissioner, an assessment in the amount of ten dollars. The commissioner shall forward the assessment to the state treasurer for deposit in the equine processing fund. All moneys in the equine processing fund are appropriated on a continuing basis to the agriculture commissioner to be used as follows:

1. The agriculture commissioner shall return to the funding source, whether that be the state general fund or to any other special fund in the state treasury, an amount equal to that appropriated for the feasibility study under section 3 of this Act.
2. Upon completion of the requirement set forth in subsection 1, the commissioner shall:
 - a. Provide an annual grant equaling forty percent of any assessments collected to Dickinson state university in support of the equine management program;
 - b. Provide an annual grant equaling forty percent of any assessments collected to North Dakota state university in support of the equine studies program; and
 - c. Provide an annual grant equaling twenty percent of any assessments collected to public or private entities conducting equine research or offering hippotherapy to individuals with disabilities."

Renumber accordingly

Roll Call Vote #: 4

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 11912

Senate Agriculture

☐ Check here for Conference Committee

Committee

Legislative Council Amendment Number

Action Taken More amendments 040
Motion Made By Taylor

Motion Made By Taylor

Seconded By Hecraman

[illegible]

Total (Yes) 7 No 0
Absent 0

Absent 1 No 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Roll Call Vote #:

1496

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as amended refer to Apps.
Motion Made By Miller Seconded By Kin

Motion Made By Miller

Seconded By Klein

[illegible]

Total (Yes) 7 No 0

Absent 0 No 0

Floor Assignment Sen. Miller

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)

March 10, 2009 2:47 p.m.

Module No: SR-40-4498

Carrier: Miller

Insert LC: 90929.0405 Title: .0500

REPORT OF STANDING COMMITTEE

HB 1496, as reengrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1496 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to title 36 of the North Dakota Century Code, relating to an equine assessment and to require a bond; to provide for an equine processing facility feasibility study; to create an advisory committee; to provide an appropriation; to provide a continuing appropriation; and to provide for legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to title 36 of the North Dakota Century Code is created and enacted as follows:

Initiation of legal action - Bond - Liability for fees and costs.

1. a. If a person files an action seeking to stop or otherwise delay the construction of an equine processing facility, the court shall require the person filing the action to post a surety bond in an amount at least equal to twenty percent of the estimated cost of constructing the facility.
- b. If the person bringing the action does not ultimately prevail, that person is liable for all financial losses incurred by the facility during the time the action was pending and all attorney's fees and costs incurred by the facility in defending the action.
- c. For purposes of this subsection, construction includes the purchase and remodeling of an existing structure to serve as an equine processing facility.
2. a. If a person files an action seeking to estop the operation of an equine processing facility, the court shall require the person filing the action to post a surety bond in an amount at least equal to twenty percent of the estimated cost of operating the facility during the time the action is pending.
- b. If the court issues an injunction that estops the operation of the facility while the action is pending and if the person bringing the action does not ultimately prevail, the person bringing the action is liable for all financial losses incurred by the facility during the time the action was pending and all attorney's fees and costs incurred by the facility in defending the action.
3. If a person required to post a bond under this section does not do so within thirty days of filing the action, the court shall dismiss the action.

SECTION 2. A new section to title 36 of the North Dakota Century Code is created and enacted as follows:

Assessment - Continuing appropriation - Provision of grants.

1. For each equine processed at an equine processing facility in this state, the owner of the facility shall submit to the agriculture commissioner, at the time and in the manner directed by the commissioner, an assessment in the amount of five dollars. The commissioner shall forward the assessment to the state treasurer for deposit in the equine processing fund.
2. All moneys in the equine processing fund are appropriated on a continuing basis to the agriculture commissioner to be used as follows:
 - a. The agriculture commissioner shall return to the state general fund the fifty thousand dollars appropriated to the department of commerce for the equine processing facility feasibility study.
 - b. Upon completion of the requirement set forth in subdivision a, the commissioner shall:
 - (1) Provide an annual grant equaling forty percent of any assessments collected to Dickinson state university in support of the equine management program;
 - (2) Provide an annual grant equaling forty percent of any assessments collected to North Dakota state university in support of the equine studies program; and
 - (3) Provide an annual grant equaling twenty percent of any assessments collected to public or private entities conducting equine research or offering hippotherapy to individuals with disabilities.

SECTION 3. EQUINE PROCESSING FACILITY FEASIBILITY STUDY.

1. During the 2009-10 interim, the department of commerce shall conduct an equine processing facility feasibility study. The study must begin with a review of federal laws, regulations, policies, and guidelines regarding equine processing and an evaluation of the potential for amendments and modifications. If an equine processing facility is determined to be permissible under existing laws, the study may proceed to:
 - a. Address the cost of constructing a new equine processing facility in this state;
 - b. Determine whether any existing structures could be converted to an equine processing facility and the cost of converting the structures;
 - c. Determine the nature and scope of existing and potential markets, both domestic and international, for equine meat and other byproducts of equine processing; and
 - d. Examine the potential for obtaining loans, grants, and other incentives in order to further the development of an equine processing facility.
2. The department shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 4. ADVISORY COMMITTEE - REIMBURSEMENT FOR EXPENSES. The department of commerce may appoint a five-member committee to provide advice and guidance to the department regarding the feasibility study provided for in section 3 of this Act. The department may use up to \$5,000 of the amount appropriated under section 5 of this Act to provide reimbursement for expenses, as allowed by law for state officers, to any member of the advisory committee who does not serve on the committee by virtue of the individual's public office or public employment.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of conducting the equine processing facility feasibility study as provided under section 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department may expend the moneys appropriated under this section only if matching funds are obtained on a dollar-for-dollar basis.

SECTION 6. LEGISLATIVE INTENT - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION - CONSIDERATION OF GRANT PROPOSAL. It is the intent of the legislative assembly that the agricultural products utilization commission consider making a grant available under section 4-14.1-03.1 to assist with the requirement for matching funds as provided under section 2 of this Act."

Renumber accordingly

2009 SENATE APPROPRIATIONS

HB 1496

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1496

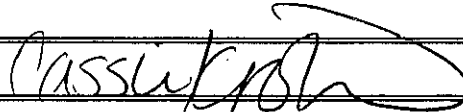
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: March 17, 2009

Recorder Job Number: 11113

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee hearing to order on HB 1496 which is to conduct an equine processing feasibility study.

Rod Froelich, District 31, testified in favor of HB 1496 and provided written testimony, see attachment # 1. You all know what this bill is about and I am here to support it and will stand for any questions.

V. Chair Grindberg- if this bill doesn't pass can someone put in for a group can this happen without the funding? You mentioned there is people ready to go. Why do we need to do a study if they are ready to go?

Froelich- I believe there is a companion resolution. We have state meeting across ND concerning equines, I don't know all the details. That is why we need the study.

Senator Krauter- what version do we have cause I believe that there was amendments that were made on the senate floor.

Chairman Holmberg- we have plenty of them here. The section was taken out, section one of what you should have, starts with the assessment and continuing appropriation. This is the correct version 90929.0406 title .0600.

Sen. Joe Miller, District 16 testified in favor of HB 1496 and provided written testimony, see attachment # 2. It is important for the state to address this concern, it is our opportunity to stand up and say that we want to help animal agriculture.

Julie Ellingson, ND Stockmen's association, testified in favor of HB 1496 and provided written testimony, see attachment # 3.

Senator Christmann- are horses slaughtered in other countries like Canada and Mexico for other reasons than human consumption?

Julie- yes right now in America there are no horse slaughter facilities except for Canada and Mexico do have centers for food and pet food but not here.

Doug Plummer, been involved with horses all his life, testified in support of the bill.

Doug- I am in support of this bill, I think that it is a step in the right direction. Since the slaughter plants have been shut down the horse market and the whole industry has been turned upside down, we can't move the horses. They would be much better through a slaughtering plant than starving and dying. I think that this is needed and we need to take a stand. If you take animal agriculture out of ND you are putting a terrible hole in our economy.

Brian Kramer, ND Farm Bureau, testified in favor of the bill.

Brian- We stand in support this bill and support the amendments, we believe that this is a good way for a study to be financed and that it would be no harm to the state or the states budget.

Opposition to the bill.

Lynn Larson, resident of ND, testified in opposition to the bill.

Lynn- This is one of the reasons that the people that abuse animals want to have this horse slaughter so that they can get the starving animals out of the pastures. This money is coming out of our tax payer dollars. This is not humane. The first horse slaughter in the US was

started in ww2 because our troops were starving and there wasn't enough food to feed them, after the war there was no need for it. I ask you to kill this bill.

Senator Christmann- do you look at cattle slaughter differently than horse slaughter? Are you opposed to all of them?

Lynn- I am a hypocrite, I investigate abuse of animals, I love animals. So I am an advocate for that. But I love hamburger, steak and get my food from a rancher. I believe that hunting is necessary because the animals will die from starvation. I am not against eating meat.

Beverly Lappell, Minot resident, testified in opposition to the bill.

Beverly- I am not associated with any animal rights group, I come here on my own because it sparked my interest. I was under the impression that there was no horse slaughter in the united states any longer as of 2007. United States horses are being slaughtered right over our borders. Most of horse slaughter meat is used for the European and Japan market, so I ask you what in the world would ND do with all of its horse meat even if we did and were able to open one? I find that the only fact that I can think of is the unwanted horse theory which is not true. There are groups dedicated to this because it is so maddening. When the same number of horses are being slaughtered today as back in 2007 how is the market being affected if the numbers are the same? I think that the states are trying to rally support on the national level, so that also lead me to wonder why ND is being asked to pay \$50,000 of taxpayer dollars for a fight on the national level with something that is currently illegal in our state? Don't you think that it would be more feasible to just study this when it is actually legal when it is operating in our state? I want to ask everyone here to look within yourself and do not rely on what anybody else tells you.

Senator Krauter- I think the way I read the bill there is a lot of safeguards in there. It says, the study must begin with the review of fed law (see the bill) may proceed. Do you not see the safeguards in there?

Beverly- no I do not see that.

Karen Thunshelle, testified in opposition to the bill, see attached testimony attachment #4. .

V. Chair Bowman- we are looking at a study where everyone can be involved and decide whether it is a good or bad idea but you make the decision based on facts and not feelings. I grew up around horses, I grew up on a ranch. I know where you are coming from but there is another side to this story that has to be told.

Karen- I agree, I am just presenting just facts.

Chairman Holmberg closed the hearing.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1496

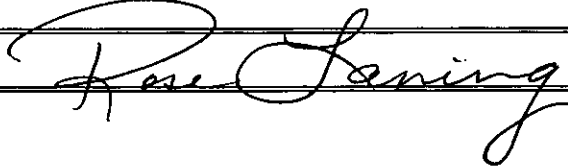
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: March 20, 2009

Recorder Job Number: 11336 (starting at 15:03)

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee hearing to order on HB 1496 which is to conduct an equine processing feasibility study.

V. Chair Bowman moved Do Pass on HB 1496.

Senator Krauter seconded.

Senator Warner: I'd like to suggest a possible amendment. Earlier in the session, we had a rather controversial dam built where we appropriated money in a direction in which it may not even be possible to spend. I'm talking about Beaver Creek. The only issue I have is that we may be spending money in an area where we may not be able to reach a conclusion. Would there be any interest in putting a limit here? With the expenditures and planning and still tending to signal that we put policy by putting a limit on the dollars until there is some indication that there would be a federal allowance for the use of horsemeat for human consumption. I don't know that there is any particular controversy of using it for animal consumption as in pet food. Any interest on putting a limit on the expenditure of funds until there is indication or direction from the federal government?

V. Chair Bowman: One thing that I could see with this is that marketing is going to be an important part of this no matter what they do. The study is going to have to look at, you know,

you can build a facility but where do you market what you're processing? If some of the poor cuts are put into dog food or cat food, that's part of a marketing plan. I think Minnesota has a pet food facility down there that they process different things. Then they have to market the meat itself and we know the majority of that meat is going to go to Europe. I think it's important to talk to the people in Montana, South Dakota and Wyoming, because these states have a lot of horses and need to get rid of some of them. It would be inclusive to try and include them in this study to see if one plant could take care of the four state needs.

Chairman Holmberg: The bill says that "the feasibility study shall proceed during the coming interim. The study must begin with a review of federal laws, regulations, policies and guidelines regarding processing. If an equine processing facility is determined to be permissible under existing law...." So wouldn't that hold them from spending the money until they had first done a study of the laws because that's what you're asking for, right?

Senator Warner: That's exactly what I was talking about. It's already in the bill.

Chairman Holmberg asked for a calling of the roll on HB 1496.

A Roll Call vote was taken. Yea: 11 Nay: 3 Absent: 0

The bill will go back to the Agriculture Committee and Senator Miller will carry the bill.

REPORT OF STANDING COMMITTEE (410)
March 20, 2009 11:28 a.m.

Module No: SR-51-5457
Carrier: Miller
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1496, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1496, as amended, was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1496

TESIMONY BY REPRESENTATIVE ROD FROELICH
DISTRICT 31

Good morning Mr. Chairman and members of the Agriculture Committee. For the record I am Representative Rod Froelich, District 31. District 31 is in South Central North Dakota west of the Missouri River. I have the pleasure to serve this District. In this district there are a large number of livestock ranchers.

Mr. Chairman, at the request of a few special interest groups and the Federal government's response to those groups, we in this nation now have a huge problem.

My constituents, and people from all across the U.S.A., are requesting help. Mr. Chairman, Senator Miller and I are attempting to offer a solution.

Mr. Chairman, members of this committee, Senator Miller and I are going to talk to you today about the "chauka-wakan" in the Lakota language, "Howduktae" in the Arikara language, or the horse in the English language.

Mr. Chairman and members, I need to give you some background history of my knowledge of the Howduktae –horse.

My grandfathers started farming and ranching in North Dakota in the early 1900's. My grandfather started a legendary journey. He raised horses for farming and ranching. My father acquired my grandfathers' ranch in the 1940's. My father started raising quarter horses at the time. In the 1970's, I purchased my father's ranch and have continued to raise quarter horses. My brother lives across the road from me, my son lives on another part of our ranch. We are all heavily involved in the raising of quarter horses. I believe we are one of the largest and oldest ranches raising quarter horses in North Dakota.

We have an annual sale (40th year) at our ranch. I believe over the years we have sold horses to people from 45 states, Mexico and Canada. At the present time there are over 150 head of horses on our ranch. We have over 100 head of broodmares alone.

When I was a babe, I became very ill; my grandmother feed me horse milk. I grew up on the back of a horse. I furnish you this information because I would like you to know I have some knowledge of horses.

Mr. Chairman, members of committee, our ranch does not sell a very great number of horses into the "loose horse" market. But the price of "loose" horses has an indirect impact on our ranch.

The actions in Washington D.C. have created a problem for horse owners not only in North Dakota but across this nation. I offer you information from a couple of recent sales at a Loose Auction market. As you can see, there is very little value to 'loose' horses.

Senator Miller is going to discuss with you the unwanted horse issue.

Senator Miller and I have done some research into the problem with our limited time. We have discussed some interesting things.

Discuss:

Pet food – emails

Jerry Van Damore – email

There was an elderly man who knew his time was limited. He spoke with St. Peter and asked if he could have a glimpse of Hell. St. Peter said, "Okay" and he took him into a room where the

HB 1496

elderly man saw another elderly man with a beautiful woman sitting on his lap. The man said to St. Peter "Well this surely does not look like Hell". St. Peter said, "It is for her".

This is an example of how perspective is viewed depending on where you are sitting. We need to be open to the idea that there are always two sides to every issue.

Like in the story I am here to give one perspective. If someone has a solution to the problem, where horse owners could get an economic return for their animals, I ask them to step up to the plate.

1496 #16

2/6/09

Rep. Froelich

Froelich, Rodney

From: Grondahl, Andrea L.
Sent: Thursday, January 29, 2009 12:33 PM
To: Froelich, Rodney
Cc: Wagner, Garry W.
Subject: Meat used in pet food

Representative Froelich,

I did get your message regarding the possibility of using horse meat for pet food. I am not familiar with the requirements for the meat going into pet food because this is under FDA rather than USDA. I did find the following paragraph below, which seems to indicate that the requirements are not very stringent and there may be some possibilities.

I put a call into the Minneapolis district office and will let you know if I get more information. Also, Gary Wagner is in charge of feeds and he may have some additional information so I've included him in the email.

There is no requirement that pet food products have premarket approval by the FDA. However, FDA ensures that the ingredients used in pet food are safe and have an appropriate function in the pet food. Many ingredients such as meat, poultry, grains, and their byproducts are considered safe "foods" and do not require premarket approval.

Andrea L Grondahl, DVM
ND Department of Agriculture
600 E Boulevard Ave, Dept 602
Bismarck, ND 58504
(701) 328-4762

Froelich, Rodney

From: Terry Lincoln [director@dakotazoo.org]
Sent: Tuesday, January 27, 2009 2:23 PM
To: Froelich, Rodney
Subject: Dakota Zoo

Hello Mr. Froelich,

It was a pleasure speaking with you earlier about the proposed legislation regarding a horse slaughtering facility in North Dakota and would offer the following information for your consideration.

Zoos across the country have fed horse meat to their animals for many years. It is a good muscle meat for carnivores and is very good for animals. Before federal legislation prohibited the slaughtering of horses in the United States, there were several facilities in the United States and Canada which slaughtered and processed horse meat for animal consumption. (I don't know much about human consumption.)

To my knowledge, there is only one facility in the United States that sells processed horse meat for animal consumption at this time. This facility is located in North Platte, Nebraska (Nebraska Brand) and it is my understanding that they import frozen horse meat from a slaughterhouse in Canada, process the meat, then ship it out to zoos across the United States.

Our zoo is currently buying a beef-based diet out of Colorado due to the higher cost of horse meat caused by the necessity of the importation of whole meat from Canada.

I hope that you will find this information useful. If I can provide additional assistance please don't hesitate to call.

Sincerely,

Terry K. Lincoln
Zoo Director
Dakota Zoo
P.O. Box 711
Bismarck, ND 58502
701-223-7543
Fax: 701-258-8350
E-mail: director@dakotazoo.org

Froelich, Rodney

From: Wanda Lennick [wandalennick@hotmail.com]
Sent: Monday, January 19, 2009 1:19 PM
To: Froelich, Rodney
Subject: euthanizing horse expense

Cost of euthanizing a horse at New Salem Veterinary clinic:
Farm call: \$50.00 depends on milage
Cost of euthanizing: \$100-\$120
Disposal: Bismarck land fill \$15-\$20
Milage for hauling horse to landfill: \$60 agains depends on milage.

Any further questions please feel free to contact us.

Windows Live™: Keep your life in sync. [See how it works.](#)

Froelich, Rodney

From: Jerry Van Damme [jerry.van.damme@velda.be]
Sent: Tuesday, January 27, 2009 9:34 AM
To: Froelich, Rodney
Subject: investing in north dakota

*Same given to senate
approps*

dear sirs,

it is brought to my attention by my staff that north dakota is looking in the option to be pro horse slaughter .

my company is the biggest horse- meat company in the world and was also operating the plant in illinois.

our company is operating horse slaughter plants in canada and many other countries ect...

we have a world wide market for this.

if north dakota would be pro horse slaughter we would be interested to look in to the options to invest in this or these project.

it also would direct revert in jobs and subcontract jobs for north dakota,

to give you an idea it would be around 200 direct jobs and 200 to 250 subcontract jobs , feedlot and farm supply and ect...

so if you are looking in to this we would definitely be interested to look into this with you

so please keep us informed on this

best regards

jerry van damme

velda-group

Kilichowski, Robert J.

From: Senator Frank Kloucek [fkloucek@hotmail.com]
To: Friday, February 06, 2009 7:11 AM
Subject: Kilichowski, Robert J.
horse PLant

Rich want is going on in North Dakota concerning a horse plant. If you need anyu help please let me know. Here is our resolution in support of federal inspection that passed both houses. You may want to consider something similar. Senaotr Frank

State of South Dakota

**EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009**

237Q0503

SENATE CONCURRENT RESOLUTION NO. 2

Introduced by: Senators Kloucek, Gray, Howie, Maher, and Turbak Berry and Representatives Lucas, Boomgarden, Feickert, Frerichs, Greenfield, Jensen, Nygaard, Olson (Betty), Schrempp, Sorenson, and Street

A CONCURRENT RESOLUTION, Urging the reinstatement and funding of a federal inspection program governing horse slaughter and euthanasia facilities.

WHEREAS, in recent years, the slaughter and processing of horses has become a controversial and emotional issue which has resulted in the recent closing of the last horse processing and slaughter facility in the United States; and

WHEREAS, thousands of unwanted horses annually are exposed to potential abandonment and neglect because of the cessation of horse slaughter in the United States, and efforts to prohibit the transport and export of horses for slaughter purposes only exacerbate this problem. These additional unwanted horses each year compete for adoption with the wild horses that are fed and sheltered at public expense; and

WHEREAS, the nation's inadequate and overburdened horse rescue and adoption facilities cannot begin to handle the influx of additional unwanted and abandoned horses each year that result from the cessation of equine slaughter, processing, and transport activity; and

WHEREAS, in the United States the harvest of animals under federal inspection is highly regulated to provide for humane handling of the animals as well as for a safe and wholesome product. Horse processing in the United States was the most tightly regulated of any animal harvest, and the horse is the only animal whose transportation to processing was regulated; and

WHEREAS, equine slaughter in many foreign facilities is not held to the standards for humane handling and euthanasia required in the United States and often involves practices that would not be tolerated in this country; and

WHEREAS, there is a critical need for humane horse processing facilities in the United States to reduce the suffering inflicted on unwanted and abandoned horses and to meet overseas export markets for horsemeat in a humane manner; and

WHEREAS, horse processing facilities cannot be established in the United States unless federal inspection for such facilities is funded and reinstated:

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-fourth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the South Dakota Legislature urges the Congress and the United States Department of Agriculture to reinstate and fully fund USDA's inspection program for horse euthanasia and horse slaughter facilities and to enact legislation to authorize the establishment of horse slaughter facilities in the United States.

2/6/09

#2a
Sen. Miller
1496

Testimony before the House Agriculture Committee on

1496 Economic Study of Equine Processing

Senator Joe Miller

Park River - District 16

Mr. Chairman and members of the House Agriculture Committee, I am Senator Joe Miller of District 16, Park River, North Dakota. I certainly am glad to be here this morning to be a part of shouldering this effort to stand up for agriculture, particularly animal agriculture.

It seems, Mr. Chairman, that in our society today we see a continued disconnect between rural and urban, and between city and farm. Those in the equine industry are deeply compassionate and devoted people. It's these people that know the industry and know that the overall health of the industry is dependent on a slaughter market to provide a floor price for their product.

In the packet of information I have handed out to you I provided testimonies from constituents of mine that are breeders. I also have provided other information to paint a picture of the urgency of the situation. I will walk through some of these pieces later on.

The real question today is why do we need a study on this issue?

It is important that we acknowledge the challenges and regulations involved in an equine processing facility. Over the past few years, there have been many efforts at the federal level to stop this industry cold. Currently we have HB 503 and HB 305 in Congress that ban the slaughter of horses for human consumption and ban the transportation of horses for the purpose of slaughter, respectively. It's these federal issues that concern those in the industry, and it's this reason that we need this study.

It is my belief that the Commerce Department has the capacity and the ability to examine the challenges of building a slaughter facility in North Dakota. It's no doubt that the rural nature of our state has its advantages to such a facility, but North Dakota's proximity to markets creates the real challenge. The purpose of this bill will be to help plan out a cost effective path that leads to an equine processing facility.

The immense cost of creating a humane plant that is capable of turning a profit can deter potential investors, but add to that a minority of persons that are hell bent on stopping the industry simply because of an emotional attachment can make it financially unworkable. Mr. Chairman, the industry needs our help.

It is Rep. Froelich and my vision that the Commerce Department will be able to put together the package for the prospective processor. We have no intention of giving free handouts, but utilizing existing loan programs, laws and the horse producers in the state to create a foundation and move forward from there.

This isn't as simple as a college graduate study. There are complex laws and politics involved. This will take money, this will take effort, and this will take the commitment state. We need to show that we are resolved in helping preserve the right of animal agriculture in North Dakota.

Why is this so important and so urgent of a problem? Even the Animal Welfare Institute and other anti-slaughter groups acknowledge there is a problem with unwanted horses. This problem has greatly escalated since the closure of the plants in Chicago and Texas. It is estimated that there are over 100,000 unwanted horses in the U.S.

It is becoming financially impossible for some to maintain their horses. Recently, we have seen the consequence of no market on the pages of North Dakota newspapers. On a farm near Edgeley, thirty-five horses were seized due to malnutrition. This may or may not be directly related, but it is no secret that these instances will increase without any market or ability cull herds.

I have also heard of instances of all around the country and even in North Dakota of people releasing horses into the wild or leaving them at sales barns after not

being able to sell them. There have been efforts use rescue or retirement facilities, but there is a tremendous cost involved and one must still deal with the issue of capacity and health of the horse.

Mr. Chairman, I do fully believe that providing a humane manner of slaughter will be in the best interests of the horse and horse owner. This bill provides an option for a new badly needed industry in North Dakota that will allow for the continuation of the rich heritage of the family-owned ranch, and provide jobs and growth for rural America.

Thank you and I would gladly take any questions.

For Immediate Release

ANIMAL WELFARE INSTITUTE ESTABLISHES ABANDONED HORSE REWARD FUND

Washington, DC (January 29, 2009) – The Animal Welfare Institute (AWI) announced today the establishment of the "Animal Welfare Institute Abandoned Horse Reward Fund." Under the program, individuals providing information leading to the arrest and conviction of anyone who abandons a horse in violation of state law will be rewarded with up to \$1,000 by AWI. "We've heard time and time again from those defending horse slaughter that our fight to end this cruel practice has led to an increase in abandoned horses. The truth is that the number of American horses going to slaughter now is the same or higher than before the domestic plants closed under state law. In fact, killer buyers seem to be buying more horses than when the plants were open," said Chris Heyde, AWI's Deputy Director of Government and Legal Affairs.

Under the program, individuals with evidence should first contact their local police department, provide as many details as possible about the horse abandonment situation and let the department know about the Animal Welfare Institute Abandoned Horse Reward Fund. In such cases, eligibility for rewards and specific reward amounts will be determined by AWI. For complete terms and conditions of this reward fund, please go to www.awionline.org.

"If horses are being neglected or abandoned and the law is being violated, individuals need to be held accountable. Caring for a horse or any animal is a lifelong responsibility and not something you toss aside when inconvenient. We hope our reward fund will assist in bringing criminals to justice," said Chris Heyde.

The Animal Welfare Institute has been at the forefront of efforts to pass a federal law to end horse slaughter. While the few remaining horse slaughter plants operating in the US were shut down in 2007 under state law, the absence of a federal law means that American horses are still at risk of being slaughtered for human consumption, and more than 100,000 horses were exported to Mexico and Canada in 2008 for that purpose. In Canada, horses are often shot to death while in Mexico some plants still use the "puntilla" knife to stab the horse into a state of paralysis prior to being slaughtered while still fully conscious. The meat is then sold to high-end consumers in Europe and Asia. Congress is currently considering the Prevention of Equine Cruelty Act (H.R. 503), which will protect American horses from this brutal trade.

##30##

From Animal Welfare Institute

http://www.awionline.org/news/2009/report_animal_abuse.htm

Extracted Feb. 4th, 2009

HR 503 IH

111th CONGRESS

1st Session

H. R. 503

To amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

IN THE HOUSE OF REPRESENTATIVES**January 14, 2009**

Mr. CONYERS (for himself, Mr. BURTON of Indiana, Mr. ACKERMAN, Ms. BERKLEY, Mr. BILBRAY, Mrs. BONO MACK, Ms. BORDALLO, Mr. BROWN of South Carolina, Mr. CAPUANO, Mr. CASTLE, Mr. COHEN, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. GALLEGLY, Mr. GERLACH, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HINCHEY, Mr. INGLIS, Ms. JACKSON-LEE of Texas, Mr. JONES, Mr. KING of New York, Mr. KIRK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. MITCHELL, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. NADLER of New York, Mr. PAYNE, Mr. PLATTS, Mr. RAHALL, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SMITH of New Jersey, Ms. SUTTON, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEXLER, Mr. WHITFIELD, Ms. WOOLSEY, Mr. WU, and Mr. YOUNG of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Prevention of Equine Cruelty Act of 2009'.

SEC. 2. SLAUGHTER OF HORSES FOR HUMAN CONSUMPTION.

(a) In General- Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

'Sec. 50. Slaughter of horses for human consumption

' (a) Except as provided in subsection (b), whoever knowingly--

' (1) possesses, ships, transports, purchases, sells, delivers, or receives, in or affecting interstate commerce or foreign commerce, any horse with the intent that it is to be slaughtered for human consumption; or

' (2) possesses, ships, transports, purchases, sells, delivers, or receives, in or affecting interstate commerce or foreign commerce, any horse flesh or carcass or part of a carcass, with the intent that it is to be used for human consumption;

shall be fined under this title or imprisoned not more than three years or both.

' (b) If--

' (1) the defendant engages in conduct that would otherwise constitute an offense under subsection (a);

' (2) the defendant has no prior conviction under this section; and

' (3) the conduct involves less than five horses or less than 2000 pounds of horse flesh or carcass or part of a carcass;

the defendant shall, instead of being punished under that subsection, be fined under this title or imprisoned not more than one year, or both.

' (c) As used in this section, the term 'horse' means any member of the family Equidae.'

(b) Clerical Amendment- The table of sections for chapter 3 of title 18, United States Code, is amended by adding at the end the following new item:

' 50. Slaughter of horses for human consumption.'

END

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HR 305 IH

111th CONGRESS

1st Session

H. R. 305

To amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.

IN THE HOUSE OF REPRESENTATIVES**January 8, 2009**

Mr. KIRK (for himself, Mr. COHEN, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Horse Transportation Safety Act of 2009'.

SEC. 2. TRANSPORTATION OF HORSES.

(a) In General- Chapter 805 of title 49, United States Code, is amended by adding at the end the following:

'Sec. 80505. Transportation of horses

'(a) Prohibition- No person may transport, or cause to be transported, a horse from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession of the United States in a motor vehicle containing two or more levels stacked on top of one another.

'(b) Civil Penalty- A person that knowingly violates this section is liable to the United States Government for a civil penalty of at least \$100 but not more than \$500 for each violation. A separate violation occurs under this section for each horse that is transported, or caused to be transported, in violation of this section. On learning of a violation, the Attorney General shall bring a civil action to collect the penalty in the district court of the United States for the judicial district in which the violation occurred or the defendant resides or does business.

'(c) Motor Vehicle Defined- In this section, the term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

'(d) Relationship to Other Laws- The penalty provided under this section shall be in addition to a penalty or remedy available under any other law or common law.'

(b) Conforming Amendment- The analysis for such chapter is amended by adding at the end the following:

'80505. Transportation of horses.'

END

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RUMORS

RESULTS

www.inforum.com

MALNUTRITION CITED IN FARM HORSE DEATHS

Judge: Horses
'unjustifiably
exposed'
to elements

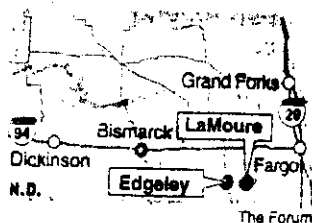
By Dave Olson
dolson@forumcomm.com

About 35 horses and two donkeys were recently taken into protective custody from an Edgeley, N.D., farm where at least half a dozen horses were found dead.

Three confiscated animals had to be euthanized, according to a veterinarian working with authorities on the case.

A judge ruled that horses on the Richard Musland farm in rural Edgeley were "unjustifiably exposed to cold or inclement weather" and fed hay with low nutritional value, some of which was rotting.

At a hearing late last week, Southeast Judicial District Court



Judge Daniel Narum also ruled the animals did not have access to water, other than snow on the ground.

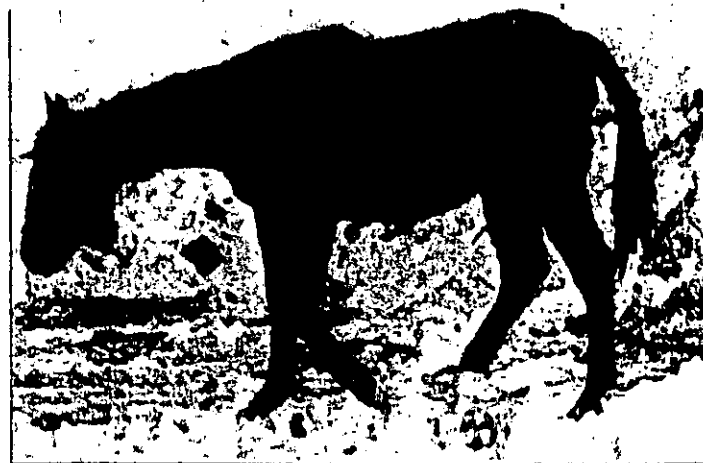
Narum issued an order that keeps the horses in county custody for the time being.

According to information contained in court documents:

The LaMoure County Sheriff's Department received an anonymous call Jan. 8 stating that a number of horses belonging to Musland had died.

A deputy attempted to take pictures of surviving animals the next day, but because of snowfall he wasn't able to reach them.

DEATHS: Back Page



Special to The Forum

Photographs taken by a LaMoure County sheriff's deputy were introduced at a recent court hearing to support the county's confiscation of dozens of horses from an Edgeley, N.D., farm.

DEATHS: Horses found in snow

From Page A1

A deputy took photos of the horses Jan. 14 and spoke with Musland, who told the deputy three horses had died from ringworm, but the surviving animals were fine.

On Jan. 20, photos of the surviving horses were shown to Dr. Sara Fridrych, a Lisbon, N.D., veterinarian working as an agent for the state veterinarian's office.

Fridrych and a deputy visited Musland's property, and Fridrych told the deputy two of the horses were sick and needed to be put down.

She said the rest needed to be removed because they were in need of care.

LaMoure County Sheriff Robert Fernandes and the county state's attorney's office told the deputy to take custody of the animals and 37 were placed with another farmer for safekeeping, according to court records.

An autopsy on one of the dead horses indicated malnutrition, according to court documents.

The records show a number of dead horses were found under piles of snow.

Fridrych said Monday that 10 horses died, including two that were euthanized around the time the confiscation took place, and a third that was euthanized later.

No charges have been filed.

Fernandes and LaMoure County State's Attorney Kimberly Radermacher did not return messages

11

We always have inhumane treatment of animal complaints going on, especially this winter. It's been a harsh winter in some areas.

Dr. Susan Keller
State veterinarian

when reached by phone Monday.

Dr. Susan Keller, state veterinarian, said her office is involved in the investigation, but she declined to discuss details.

"We always have inhumane treatment of animal complaints going on, especially this winter," she said. "It's been a harsh winter in some areas."

She said the Edgeley matter is the most severe case her office is dealing with.

"If animals are dying, you have to figure out: Was it because of the winter, or is it because of lack of care?" Keller said.

When temperatures fall like they have this winter, owners need to make sure livestock are getting adequate amounts of quality food, she said.

"People may not be aware that what they are feeding is not enough to keep energy in those animals."

On The Frontline ~ The Issue ~ The Organization ~ Take Action ~ Home

The Issue of Unwanted Horses

It is a troubling issue for people who care about horses.

While exact numbers are difficult to pin down, there are as many as 100,000 unwanted horses in our country each year, and not enough homes or rescue facilities to care for them.

Where will these horses go? Who will take care of them?



*August, 2008: Eleven horses, obviously neglected, are abandoned along a road in Clackamas County, Oregon. Who did it? Authorities say it's a mystery: their only clue was the green tags attached to the horses' hips. **Click Here to find out how their story ended.***

Our **News From The Front** page and our **Issue** page have many more current reports and commentaries about the growing crisis of horse abandonment across the country.

A humane and federally-regulated euthanasia option for owners of unwanted horses was taken away when the last U.S. slaughter facility closed its doors. Horse rescue facilities are full, with longer and longer waiting lists. With each passing week comes another story about unwanted horses being turned out to fend for themselves, or slowly dwindling from neglect and starvation. Other horses are condemned to suffer long journeys to processing facilities outside our borders, where the end may be prolonged and painful.

The animal rights movement led the charge to close U.S. slaughter plants. These folks probably meant well, but they're not horsemen. Instead of saving horses, these groups have only intensified their suffering.

The **United Horsemen's Front** promotes horse welfare and the health of the horse industry by providing accurate, timely information about the unintended consequences of the ban on equine slaughter in the United States. The United Horsemen's Front seeks to unify our country's horsemen and -women in our common goal: achieving humane and realistic solutions to the unwanted horse problem from the perspective of experienced horse people who have the best interest of the horse at heart.

Our lawmakers need to hear from people who know what's best for horses: the horsemen and -women who own, ride, train, and raise them. The animal rights movement is uninformed on this issue,

*Some
Testimony
Given to
House and Senate
Ag Committee
and to
Sen. Affairs*

HB 1496

Testimony of Karen Cudmore

Mr. Chairman and Members of the Agriculture Committee:

I have had horses all of my life. I raise Foundation bred Quarter Horses. I believe in preserving foundation bloodlines. When started breeding, I was able to average \$700.00 for the foals off of the mares. At that time it was better than raising calves. I continued to expand my breeding program.

I kept the breeding program to compensate my income. It was ideal for my young son and me. I didn't need to take an extra job (off the farm) which would take me away from my son.

I am concerned about losing the diversity of the bloodlines within the horse breeds. Small breeders (10-15 mares) such as me are cutting back on breeding our mares or are TRYING to get out of the business. We care about our stock and are having a hard time finding an outlet for these animals.

When there is a BASE price for these animals, it is easier to find someone willing to speculate on an older animal (possibly to get some foals or just to have as a pet). However, we are seeing with the lack of a base price, no one wants them.

There is the problem of the lack of horse sales in the area. Many horses brought little to nothing at the sales barn and some owners didn't bother to pick up the horses that didn't sell. I was fortunate to sell 2 Young horses (a registered yearling and a 2 yr. old) last fall for \$80.00/ horse. There was nothing wrong with either of these animals. My take home was \$60.00/ horse. There wasn't much left with the high cost of fuel, time, and feed.

I know of people whose income was dependent upon the sales of their horses. They are in need of help. These people don't have just a few animals. They need to purchase feed for them with money that they don't have because they can not sell the horses. We are getting to a STATE OF EMERGENCY.

With this bill, we must keep in mind that HORSES ARE LIVESTOCK.

I love my horses as much as any caring person with livestock but I am realistic. We need to have processing plants centrally located to cut back on the stress of the animals. We need to keep these processing plants functioning at high standards.

Since the closing of the processing plants, there has been a decline in the amount of care these animals are receiving.

Please, help us with this HB 1496 and help the animals.

Thank you for your consideration.

Karen Cudmore
Park River, ND
701-284-7420

We have been raising Appaloosa Horses since the 1970's.

*Same
destiny to
grow both App
Comes*

We have been through the lows, highs and now back to the lows. I made my start buying grade Colts and cheaper horses in the 70's. I broke them and resold them for more money, reinvested in better quality registered stock. I have always worked on better quality, and a wide range styles to fit many disciplines. I enjoyed and did many different activities with them. I educate Kids through 4-H and school Kids on my farm. I ran into some bad deals that the horses weren't sound, liked to kick, or couldn't get in foal. These I would sell and buy back better. This was operated as a Business, Standing Stallions, Raising and Training Foals. I've had an average of 20-30 horses. The market has given me a base or bottom line.

My start was buying \$50 Foals and \$300 Horses in the 1970's resold for \$500 to \$1000.

The 1980's I was Selling foals for \$500- \$1000. Mares were at \$700 -\$1000.

The 1990's I was buying Mares at \$1000-\$2000. My foals were averaging \$1000 selling some as much as \$2500. Things were rocking and rolling, Canada was selling their horses down here for the good prices and exchange was great and they flooded our market with their horses.

The 2000's I sold 2 foals in 2001 for \$5000 each. Others averaged \$1200. I sold one Colt for \$2500, promoted him and showed him at the World Show. 911 hit, that was same month and the prices plunged. He was sold at the world sale for \$1650.

PMU lines started getting closed down, flooding the market with more horses. My averages have been cut by half in the last 2 years. This last Fall I sold Foals at \$125 - \$400. One sold off the farm for \$750 that would have brought \$5000 in earlier years. My mares that I bought for \$1500 I sold last fall for \$300 - \$700. I sold horses at low prices plus paid Gas, Room and Selling Fees. It didn't pencil out. A month later I saw Foals sell for under \$20 and it cost \$25 to sell them and broke horses didn't bring \$200.

Today, I know of many Good Horses for sale and no one dares buy them. I have people offering me to take the horses for free. I had a stallion that nearly killed me several times, broke my finger. He kicked me 3 times at the Sale I took him too; He was a killer horse in 2 ways. There was a market for him, and I'm sorry people eat horse meat and that doesn't bother me. We should be able to monitor the Transporting and Kill methods.

"Open the Slaughter plants."

Thank You

River Bend Appaloosas
Joleen Swartz
Park River, ND

Miller, Joe T.

From: BAYNICKSMOMMA@aol.com
Sent: Friday, February 06, 2009 8:27 AM
To: Froelich, Rodney; Miller, Joe T.
Subject: rkilichowski@nd.gov

To whom it may concern,

As a concerned horse owner, I am writing to you in a plea for help. At one point in time I was against the whole slaughter industry but in recent times, I am seeing a true need for the slaughter industry. Well, I take in what I can I know I can't save every horse from the pain and suffering that some are enduring. I have seen and heard stories of horses that are sitting in pastures with little or no food due to improper care. Economic times are hard and of course, some of these animals are being neglected due to lack of money on the owners behalf and some are just plain being neglected. Others have injuries that were improperly treated from the get go and have to live lives of suffering beyond our belief.

I must say, I am a single mom of 2 and I manage to do what I can to support the 9 horses that live on my farm, of which a few I have rescued. I'm not into the horse business for money at all. My heart goes out to these animals. I know some people might look at it as a way of bringing the price of horses back up but I guarantee you that there are more people out there that are looking at things from the point of the horse and how much they are suffering. Yes, there might be a few good horses that might end up at the slaughter house due to some person's stupidity but I'd rather sacrifice a few good horses than to see the many, many horses that are getting hit on roads due to owners turning them loose, suffering due to malnutrition, suffering due to lack of treatment/care, etc. I'm sure most horse owners are in support of this too or at least most that I've talked to.

It is my plea to you that this country be able to re-open or start a slaughter facility with humane slaughter regulations followed. Please think of the "HORSE" first. Put yourself in their shoes for a few seconds and think about it.

Sincerely,
Misty Roush
Concerned Horse Owner in PA

Great Deals on Dell Laptops. Starting at \$499.

February 6, 2009

Selfridge, ND 58568

Mr. Chairman and honorable members of the committee,

#3
1496
Allen Lund
2/6/09

My name is Allen Lund. I own and operate a cow/ calf operation located by Selfridge, North Dakota.

I rise in favor of House Bill 1496

I am currently serving as secretary of the Independent Beef Association of North Dakota (I-BAND) and am speaking on behalf of the Association. Our organization represents the interests of livestock producers across the state of North Dakota.

Our policy states that **"We oppose any legislation or regulations that prohibit the humane harvest of equines"**.

To the best of my knowledge, the United States currently does not have an equine processing plant. Currently horses are being shipped to Canada and Mexico for processing.

I believe it would be in the best interests of North Dakota to complete a feasibility study and work towards implementation of an equine processing plant in our state. A sound business opportunity is to provide a service that is needed and void in a community. I believe a processing plant would provide such a service.

Again, I ask you to vote in favor of HB 1496.

Thank you,

Allen Lund
1967 Hwy 24
Selfridge, ND 58568

Testimony for
House Bill No. 1496
61st Legislative Assembly
of North Dakota
by
Todd Hall
Killdeer, ND
February 6, 2009

#4
Todd Hall
1496
2/6/09

My name is Todd Hall, I am a rancher in Dunn County, North Dakota. I am here today to speak in support of House Bill number 1496. Before I start I need to state that horses are livestock and that's what we're talking about here today.

This bill will allow the Department of Commerce to explore whether or not it would be feasible to further pursue an Equine Processing facility in our State.

It is my estimation that this bill and its findings will not only benefit our state, but the entire nation. It will more than likely find that such a facility will be highly profitable, promote trade, further diversify the Ag sector in our state, and create jobs.

For example, some statistics of the plant owned by Caval International in DeKalb, Illinois are:

- The cost of the building – 5 million dollars
- Processed 1100-1200 animals per week
- Employed 3 office, 60 plant workers, had 6-7 trucks with drivers
- Processed Plain, partially frozen or fresh meat products
- Had an annual net profit of 1 million dollars.

This bill also pushes the common sense approach to animal welfare, due to the fact that the processing of horses is a well-regulated and extremely useful management option to keep horses from suffering, starving, and being mistreated. It's not the only option, but one amongst many. Those who choose not to sell their horses in this manner don't have to.

Indirect benefits of this bill will be that it will promote and protect property rights of citizens. How does it do that, you say? Well, it will start the push; back towards those special interest groups and urban legislators that have begun to strip our rights by pushing for an all out ban of meat harvest.... Not for the health and well being of a species...but to promote their own groups' agendas. Horses were chosen first because they have the best personalities. They are

also using our schools to press their agendas (reference TIME for Kids, Jan. 23, 2009 issue, that is not educational it is propaganda).

That's where the opposition to this bill will be coming from. But if there is a State in this Union to say to that type of rhetoric "Enough is enough!!" it is the Great State of North Dakota.

In conclusion, many other bills similar to this one have been introduced and passed to do similar studies which have explored ways to benefit the North Dakota Agriculture. This bill is no different.

Please recommend a DO PASS on House Bill No. 1496.

HB 1496

#5
2/6/09
Dr. Gail Carlson

Chairman and members of the Agriculture committee:

In my mobile, equine dental practice, I examine and treat horses that are near the end of their useful lives. As a horse gets old, their teeth are all used up and they have little or nothing with which to chew feed. Their owners need to make some tough decisions.

The AAEP (American Association of Equine Practitioners) defines the "unwanted" horse as horses no longer wanted by their current owner because they are old, injured, sick, unmanageable, or fail to meet their owners' expectations. Many suffer from chronic pain that is not easily alleviated.

The problem of the unwanted horse has accelerated since the passage of the ban on slaughterhouses by the US Congress. This was done despite the action taken against the ban by the AAEP, AVMA (American Veterinary Medical Association), and the AQHA (American Quarter Horse Association). Mexico and Canada, a long trip away from most except border states, still have processing plants for human consumption.

To make matters worse, the US Congress is now considering a bill which would prohibit transport, sale, delivery, or export of horses for slaughter for human consumption. While the AAEP has formally stated that it "is not

pro-slaughter,” but believes that “until the unwanted horse issue can be resolved, euthanasia at a federally regulated processing plant is an acceptable alternative to abuse, neglect or abandonment.”¹

Facilities are needed where euthanasia and carcass disposal may be carried out as humanely and economically as possible.

Thank you. Please feel free to contact me for further questions. And for more up-to-date information on this topic, please check the internet address below.

¹Lewis, James M, “Unwanted horses—an epidemic”, DVM Newsmagazine, pp. 18-19, Jan. 2009 or www.DVM360.com

Gail Landgren Carlson, DVM

3452 73rd Ave. NE, Sheyenne, ND 58374

701-996-4505 (H); 701-739-9021 (C)

carlsonranch@gondtc.com

2/6/09

#60
1496

Greg Brokaw

Mr. Chairman and members of the Committee thank you for allowing me to offer my views on why I support the bill offered by Rep. Froelich and Sen. Miller. My name is Greg Brokaw. I own and operate a training facility and have been training horse for 40 years.

My primary motive for supporting this bill is:

1. Safety.
2. Responsible control of the horse population.
3. Responsible end use of a resource.

As this debate rages, it has been a popular tactic to insinuate that breeders are raising horses for the express purpose of sending them to a slaughter plant. This is an absolute impossibility. During the '80's, more than 300,000 horses were processed annually and by 2006 the number had declined to 105,000. Not enough proof, well, let's take a look at what it costs taxpayers to feed a horse. Taxpayers are feeding 38,000 horses, from BLM rangeland, in feedlots at a cost of nearly 17.5 million dollars per year or \$456 per year per horse. These numbers represent feed costs. They do not include salaries, maintenance expenses, and other miscellaneous costs.

A simple search of prices paid for cull horses will reveal that the feed cost alone would make raising horses for slaughter an impossible business proposition. You should also know that you, the taxpayer, have at least 33,000 more of these horses on BLM rangeland. The BLM will allow many of these horses to be adopted by unsuspecting amateurs. The new owners of a vast majority of these horses realize their mistake and soon look to get rid of them. Some found their way to slaughter, but today many are starving, being dumped on federal, Tribal, and private rangeland.

If the present method for culling horses is outlawed, it is my opinion that an undue hardship will be administered to many responsible horse owners and breeders.

Greg Brokaw Training Stables
9231 Hwy 56
Ashley, ND 58413
Phone: 701-357-8531
Cell: 701-226-5627
gbrokaw@drtelwb.net

Order Code RS21842

Updated September 30, 2008

CRS Report for Congress

Horse Slaughter Prevention Bills and Issues

Geoffrey S. Becker

Specialist in Agricultural Policy

Resources, Science, and Industry Division

Summary

In 2006 two Texas plants and one in Illinois slaughtered nearly 105,000 horses for human food, mainly for European and Asian consumers. In 2007, court action effectively closed the Texas plants, and a new state ban in Illinois closed that plant. Meanwhile, activists continued to press in the 110th Congress for a federal ban. Appropriators prohibited use of funds or user fees for inspection of horses for human food in 2008, and continuing appropriations for 2009 (H.R. 2638) appear to do the same. Meanwhile, H.R. 503 and S. 311 would have imposed a permanent ban, as would H.R. 6598.

Overview

Nearly 105,000 horses were slaughtered for human food in 2006, all in two foreign owned

Texas plants and a third foreign plant in Illinois, according to the U.S. Department of Agriculture (USDA). Virtually all the meat was for export, the largest markets being France, Belgium, Switzerland, Italy, Japan, and Mexico. The United States exported more than 17,000 metric tons of horse meat valued at about \$65 million in 2006. Most of these horses were raised for other purposes, like riding, but were no longer wanted by owners. Dealers collected them for the plants from auctions, boarding facilities, and elsewhere. Although U.S. horse slaughter had been rising since 2002 — before a recent series of court actions closed the three plants — it remained below levels of the 1980s, when more than 300,000 were processed annually in at least 16 U.S. plants.

Although U.S. slaughter has ended for the present, advocates continue to support federal legislation to ban it permanently. They — and those who have opposed a permanent ban — also express concern about the shipment of more U.S. horses to Canada

and Mexico, where plants can still slaughter them for food.

Legal Authorities

Federal Law. Prior to the passage of recent appropriations measures, federal laws neither banned the use of equines for food nor set on-farm care standards. Protection

Nearly 105,000 horses were slaughtered for human food in 2006, all in two foreign owned

Texas plants and a third foreign plant in Illinois, according to the U.S. Department

of Agriculture (USDA). Virtually all the meat was for export, the largest markets being France, Belgium, Switzerland, Italy, Japan, and Mexico. The United States exported more than 17,000 metric tons of horse meat valued at about \$65 million in 2006. Most of these horses were raised for other purposes, like riding, but were no longer wanted by owners. Dealers collected them for the plants from auctions, boarding facilities, and elsewhere. Although U.S. horse slaughter had been rising since 2002 — before a recent series of court actions closed the three plants — it remained below levels of the 1980s, when more than 300,000 were processed annually in at least 16 U.S. plants.

Greg Brokaw Training Stables
9231 Hwy 56
Ashley, ND 58413
Phone: 701-357-8531
Cell: 701-226-5627
gbrokaw@drtelwb.net

①

2/6/09

1496

#6B

Julie Ellingson

HB 1496

Good morning, Chairman Johnson and members of the House Agriculture Committee.
For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

The North Dakota Stockmen's Association stands in ~~strong~~ support of HB 1496, since it will provide the framework for North Dakota to address the critical situation the horse industry ^{is in} ~~has been in ever since the nation's three horse processing facilities were closed~~ ~~due to the horse slaughter ban put in place a few years ago~~. The ban has stripped horse owners of their property rights, crippled the domestic horse market, skyrocketed the number of abandoned animals and, overall, diminished, not improved, the plight of animals.

There are plenty of reasons why the practice should be preserved and this feasibility study should be conducted:

As we've heard,

First off, ~~and like it or not~~, some horses must be eliminated because the animals are unruly ~~or~~ unmanageable; lame; or sick. A horse slaughter facility ~~a reasonable distance away~~ would give horse owners the ability to market their animals and recapture some value out of their animals. With no horse processing plants operating in the U.S., horses must leave the country ~~and go to Canada or Mexico~~ for processing.

This has dramatically decreased the value of horses at market. It is not uncommon to hear of horses selling for \$5, \$10 or \$15 ^{not even getting a bid} ~~or even given away~~. In some cases, it costs more to get the animals to the market than they bring when they are sold, ~~which is like a~~ ~~flashback to the Great Depression.~~

170,000
unwanted
horses

\$2340 to
keep a horse
each year

horses run out
of teeth -
out of meat

2

Here's another example of ~~the impact on the current horse market~~: By legislative decree, the North Dakota Stockmen's Association manages the state's estrays, or animals whose owners haven't yet been identified. If an animal's owner cannot be identified after a certain amount of time, the animal is marketed and the proceeds are held in a special account until the owners can be found. In one recent stray case, the value of the horse after the market yardage and commission was a whopping 64 cents. The NDSA Brand Board pays some feed and mileage claims to folks who care for and transport estrays to the market. In one pending case, there will be a -\$94 net because of the low value of the horse!

Our chief brand inspectors estimate that the # of horse stray cases have tripled over the last 3 yrs!

Since the American ~~horse~~ processing facilities have closed, the number of reports of abandoned horses our inspection team has been asked to respond to has gone up dramatically, which we attribute to the current economics condition ~~of the state~~. With the high cost of fuel and feed and the low market value of horses, some folks decide it's not worth the trip to town and instead "let the problem take care of itself." It's a phenomenon our counterparts in western brand states have also seen. ^{There,} horses are being dumped off ~~to parks and public pastures~~ and left to starve ~~or suffer from~~ discomfort and pain, ^{which is} ~~Both starvation and a life of pain~~ are much worse than humane euthanasia at processing.

Some argue that horse adoption or rescue facilities are the answer, but these types of facilities do not have the resources or capabilities to care for the number of horses that are affected, especially during times of shrinking budgets and underfunded programs. ^{on the federal side.}

Carcass disposal is another issue that has emerged in this debate and that can be addressed with a proper processing facility.

Horses, ~~as you know~~ have been an extremely important part of ranching and have helped build the U.S. beef industry into what it is today. Horses continue to play an important role on many operations and, as such, livestock producers want to see these animals treated humanely and given the proper care throughout their lives.

The horse slaughter ban in the United States has diminished, not enhanced, the quality of life for many horses, leaving thousands needing care, food and shelter. It has created an economic woe in a formerly flourishing industry and has been set forth for reasons other than science, safety or public health.

North Dakota can be part of the solution to these problems. The North Dakota Stockmen's Association supports the study called for in HB 1496 and asks for your favorable consideration of the bill.

2/6/09

#7
1496
Brian Kramer



**North Dakota
Farm Bureau**

Bringing ag home

1101 1st Ave. N., Fargo, ND 58102
P.O. Box 2064, Fargo, ND 58107-2064
Phone: 701-298-2200 • 1-800-367-9668 • Fax: 701-298-2210

4023 State St., Bismarck, ND 58503
P.O. Box 2793, Bismarck, ND 58502-2793
Phone: 701-224-0330 • 1-800-932-8869 • Fax: 701-224-9465

North Dakota Farm Bureau Testimony on HB 1496

Presented by

Brian Kramer, Public Policy Director

February 6, 2009

Good morning Chairman Johnson and members of the House Agriculture Committee. My name is Brian Kramer and I am representing North Dakota Farm Bureau in support of House Bill 1496.

This bill provides for a study of the feasibility of an equine processing facility in North Dakota. While there are many hurdles that will need to be overcome if such a facility is to ever be built in our state, the need is evident.

Federally regulated horse processing facilities has been abandoned. The unintended consequences of this action are now being endured. The abandonment of horses by owners who no longer want or have any use for their equine is on the rise. These animals are winding up at sale barns, in neighboring pastures, on public access land and elsewhere.

The welfare of these animals and the hardships they must endure are certainly more egregious than humanely processing them into useful meat products.

If our state can develop a horse processing facility, it will be a much-needed alternative to slowly starving or dying of thirst. These animals can and do present a safety hazard if they stray onto roads and cause accidents.

Studying the possibility and feasibility of constructing a facility is in the best interest of the public from a safety standpoint and is in the best interest of the horse from a humane treatment perspective.

We encourage you to give HB 1496 a 'do pass' recommendation.

I thank you for your time and would try to respond to any questions you may have.

Testimony before the Senate Agriculture Committee on

1496 Economic Study of Equine Processing

Senator Joe Miller

Park River – District 16

Mr. Chairman and members of the Senate Agriculture Committee, I am Senator Joe Miller of District 16, Park River, North Dakota.

It seems, Mr. Chairman, that in our society today we see a continued disconnect between rural and urban, and between city and farm. Those in the equine industry are deeply compassionate and devoted people. It's these people that know the industry and know that the overall health of the industry is dependent on a slaughter market to provide a floor price for their product.

In the packet of information I have handed out to you I provided testimonies from constituents of mine that are breeders. I also have provided other information to paint a picture of the urgency of the situation. I will walk through some of these pieces later on.

The real question today is why do we need a study on this issue?

It is important that we acknowledge the challenges and regulations involved in an equine processing facility. Over the past few years, there have been many efforts at the federal level to stop this industry cold. Currently we have HB 503 and HB 305 in Congress that ban the slaughter of horses for human consumption and ban the transportation of horses for the purpose of slaughter, respectively. It's these federal issues that concern those in the industry, and it's this reason that we need this study.

It is my belief that the Commerce Department has the capacity and the ability to examine the challenges of building a slaughter facility in North Dakota. It's no doubt that the rural nature of our state has its advantages to such a facility, but

North Dakota's proximity to markets creates the real challenge. The purpose of this bill will be to help plan out a cost effective path that leads to an equine processing facility.

The immense cost of creating a humane plant that is capable of turning a profit can deter potential investors, but add to that a minority of persons that are hell bent on stopping the industry simply because of an emotional attachment can make it financially unworkable. Mr. Chairman, the industry needs our help.

It is Rep. Froelich and my vision that the Commerce Department will be able to put together the package for the prospective processor. We have no intention of giving free handouts, but utilizing existing loan programs, laws and the horse producers in the state to create a foundation and move forward from there.

This isn't as simple as a college graduate study. There are complex laws and politics involved. This will take money, this will take effort, and this will take the commitment state. We need to show that we are resolved in helping preserve the right of animal agriculture in North Dakota.

Why is this so important and so urgent of a problem? Even the Animal Welfare Institute and other anti-slaughter groups acknowledge there is a problem with unwanted horses. This problem has greatly escalated since the closure of the plants in Chicago and Texas. It is estimated that there are over 100,000 unwanted horses in the U.S.

It is becoming financially impossible for some to maintain their horses. Recently, we have seen the consequence of no market on the pages of North Dakota newspapers. On a farm near Edgeley, thirty-five horses were seized due to malnutrition. This may or may not be directly related, but it is no secret that these instances will increase without any market or ability cull herds.

I have also heard of instances of all around the country and even in North Dakota of people releasing horses into the wild or leaving them at sales barns after not being able to sell them. There have been efforts use rescue or retirement facilities, but there is a tremendous cost involved and one must still deal with the issue of capacity and health of the horse.

Mr. Chairman, I do fully believe that providing a humane manner of slaughter will be in the best interests of the horse and horse owner. This bill provides an option for a new badly needed industry in North Dakota that will allow for the continuation of the rich heritage of the family-owned ranch, and provide jobs and growth for rural America.

Thank you and I would gladly take any questions.

FARM Alert



Join Our Prop 2 Follow-Through Campaign

We invite your generous support for our "Operation Prop 2 Follow-Through" to promote a vegan diet in California.

The Campaign was launched by us with a coalition of five organizations to take advantage of the public awareness of factory farming atrocities and the large number of activists created by last November's Proposition 2 initiative. The Proposition requires that farmed animals have space to turn around and spread their wings.

But, the new law still tolerates deprivation, mutilation, suffocating of newborn male chicks, and other atrocities of factory farms. It permits the hauling of helpless animals for days, exposed to extreme weather conditions, without food and water. It does not protect them from being gutted, dismembered, and skinned while still conscious at the slaughterhouse.

The only effective long-term solution to animal abuse is a vegan diet.

This is what your generous support is accomplishing for these innocent animals:

- Launching the LiveVegan.org website that documents in detail the atrocities and the many benefits of a vegan diet and provides links to other resources
- Placing ten billboards in Sacramento, San Francisco, Los Angeles, San Diego.
- Placing 700 bus display cards in SF, LA, SD, plus Orange County.
- Printing 20,000 cards touting the many benefits of a vegan diet
- Sending letters to newspaper editors and news releases to California media.
- Conducting massive leafleting and tabling in Los Angeles, Orange, and San Diego counties, as well as the SF Bay area ([see details](#))



Please charge your donation on-line or by phone at 800-632-8688. You can also mail a check to FARM, 10101 Ashburton Ln, Bethesda, MD 20817.

Thank you for all your care and compassion,

Alex Hershaft, Founder/President, FARM
Dawn Moncrief, Executive Director, FARM

The sponsoring organizations include FARM, In Defense of Animals, Animal Protection and Rescue League, Mercy For Animals, and Vegan Outreach.



To unsubscribe or change your profile, click [here](#)

FARMUSA.org 10101 Ashburton Lane, Bethesda MD 20817 888-FARMUSA

Miller, Joe T.

From: Terri Thiel [territ@ndsupernet.com]
Sent: Wednesday, March 04, 2009 11:19 PM
To: Miller, Joe T.
Subject: HB 1496

Some given to some appropriate

Dear Senator Miller,

I am not able to attend the committee hearing relating to HB 1496, please accept my email testimony.

As an equine owner, my responsibility includes nutrition, health care, shelter and exercise for my horses. As a responsible horse owner and a licensed ND Veterinary Technician, I support HB 1496.

Because of the closure of the US slaughter plants that once accepted horses, horses are now being shipped on lengthy trips to Mexico. The trip becomes an excessive haul for them, being unloaded at a facility that is the outside US Humane Slaughter Act.

Slaughter procedures in Mexico include stabbing. The closure of the plants removed any reasonable means for horses to be moved toward humane slaughter.

Many parts of the nation are already seeing horses abandoned. In a perfect world, we'd have plenty of safe, affordable, environmentally sound methods of "warehousing" or disposing of horses that no one wanted. There are a few sanctuaries, but far, far fewer than what would be required to fill the need.

Some may ask about simply having the vet euthanize the horse? It is an option for some, but it's not as easy or inexpensive as people might think. How do you dispose of such a large animal safely? What do horse owners do if they are urban residents and yet border their horse and are faced with this situation?

Some groups may feel "emotional" about this subject. First off, in my mind, this conversation should include only horse owners, not groups who watch Trigger on TV. One needs to come back to the practical side of what anti-legislation will do - many horses not properly cared for, with no where to go. Because that's emotional too.

Please support HB 1496.

Sincerely,

Terri Thiel
territ@ndsupernet.com
10388 35th St. SW
Dickinson, ND 58601
701-225-7809

Miller, Joe T.

From: Joe & Paula Hickel [hickel@gondtc.com]
ent: Wednesday, March 04, 2009 1:47 PM
o: Miller, Joe T.
Subject: HB 1496 and SB 4021

3/4/09

To: North Dakota State Senator Joe
Miller

From: Joseph Hickel
9222 45th St. NE
Crary, ND 58327
(701)398-3099
hickel@gondtc.com

Dear Senator,

The issue of Horse Slaughter is not one most of us would like to touch with a 10 foot poll. Those for the ban on this topic have tried to make those of us in the horse business out to be animal haters. I assure you we are not! I know, I personally did not get into the business thinking that I would raise horses for slaughter. It simply becomes a necessary factor of the business. Those of us in the horse business would not have chosen to have these wonderful animals if we were only in it for the monetary gain generated from slaughter. Horses are livestock and even as beautiful as they are, and can be, we need to keep this in mind. All horse owners have the option when that time comes of having any horse that needs to euthanized or put down, they do not have to sell them for slaughter. It is a personal choice and should be left as such. I personally feel that if a horse is old, fractious/dangerous, or has no useful purpose we need to have slaughter as an option. I have found that the monetary gain, no matter how big or small, of selling a horse in such a situation allows me more finances to take better care of the animals I do keep.

As someone heavily involved in the horse business as a breeder, consignment sale owner/manager, and auctioneer I have had the opportunity to see how this affects not only me personally, but all of the people involved in the horse industry. Farm and ranch supply stores, feed stores, tack stores, sale barns, veterinarians, farriers, and auctioneers just to name a few. Without any true way to set a bottom to the market the horse industry is going to suffer for a long time to come. I feel, the affects of not having a slaughter market and the damage it could cause will create not yet seen, irreversible problems down the road. I urge you to support HB 1496 and SB 4021. I have always felt proud to be a open minded and reasonable thinking native born North Dakotan. Lets prove this to ourselves and the rest of the nation on this issue. Thank you for reading my email and if you have any further questions or discussion on this matter please feel free to contact me.

Sincerely,
Joseph Hickel

Idaho News

Dead horses found dumped with brands cut off

05:21 PM MST on Thursday, February 5, 2009

KTVB.COM



Horse owners can't afford to feed them

BOISE - Someone is leaving domestic horses on public land, without a way for the animals to eat or survive.

The latest case involved 15 dead horses dumped on Bureau of Land Management property in Gem County in the past few weeks. BLM officials say the animals were found dead about six miles southwest of Emmett near County Line Road. The animals were found with the brand cut off the carcasses so their owner could not be identified.

Overall, the BLM says 32 horses have been left dead or let loose on public land across southwestern Idaho recently. A BLM law enforcement ranger speculated that increasing hay prices and decreased demand for horses have left owners unable to pay to feed the horses, and unable to sell them - so instead they are illegally releasing them on public land.

"It's kind of a hard time for some individuals... with the price of hay even though it's starting to go down," BLM Law Enforcement Ranger Lee Kliman said. "The economic times are harder, it's hard to sell horses, it's hard for a lot of individuals to find homes for horses."

The horses are domesticated and cannot fend for themselves in the wild.

Anyone found responsible could be charged on the federal level with unlawful commercial dumping, and on the state level with dumping of horses. The charges come with a \$100,000 fine.

In the Gem County case, the Bureau of Land Management is working with the Gem County Sheriff's Office to determine who is responsible for the illegal dumping.

-With NewsChannel 7's Ysabel Bilbao

Testimony before the House Agriculture Committee on

4021 Resolution to Congress on Equine Processing

Senator Joe Miller

Park River - District 16

Mr. Chairman and members of the House Agriculture Committee, I am Senator Joe Miller of District 16, Park River, North Dakota.

As you know, Rep. Rod Froelich and I have introduced a House Bill 1496 in an effort to respond to the growing need for a processing facility for horses in the United States. At the House Agriculture hearing on 1496, there were several ranchers and veterinarians present to express their need for such a facility.

This resolution is aimed at addressing another component to the problem and that is pressure by Congress to completely outlaw horse slaughter in America and to stop the transportation of Horses across international and state borders. I believe that we need to send a message to Congress that this problem is growing and at the very least Washington should not make it worse.

National animal rights groups are tirelessly working to not only stop the Horse industry, but also end animal agriculture in general. Recently a proposition passed in California that was pushed by animal rights groups will likely result in the shut down and exit of the Egg production industry in that state.

Mr. Chairman, this resolution will send the message to Washington that North Dakota believes in animal agriculture, North Dakota stands up for its industry and North Dakota will not be dictated to by out-of-state interests. We cannot allow emotions to ruin an industry and a way of life for hundreds of North Dakotans.

Mr. Chairman, I ask this committee to consider this and support Animal Agriculture. Thank you.

HB 1496

TESIMONY BY REPRESENTATIVE ROD FROELICH DISTRICT 31

Good morning Mr. Chairman and members of the Agriculture Committee. For the record I am Representative Rod Froelich, District 31. District 31 is in South Central North Dakota west of the Missouri River. I have the pleasure to serve this District. In this district there are a large number of livestock ranchers.

Mr. Chairman, at the request of a few special interest groups and the Federal government's response to those groups, we in this nation now have a huge problem.

HB 1496

My constituents, and people from all across the U.S.A., are requesting help. Mr. Chairman, Senator Miller and I are attempting to offer a solution.

Mr. Chairman, members of this committee, Senator Miller and I are going to talk to you today about the “chauka-wakan” in the Lakota language, “Howduktae” in the Arikara language, or the horse in the English language.

Mr. Chairman and members, I need to give you some background history of my knowledge of the Howduktae – horse.

My grandfather started farming and ranching in North Dakota in the early 1900's. My grandfather

HB 1496

started a legendary journey. He raised horses for farming and ranching. My father acquired my grandfathers' ranch in the 1940's. My father started raising quarter horses at the time. In the 1970's, I purchased my father's ranch and have continued to raise quarter horses. My brother lives across the road from me, my son lives on another part of our ranch. We are all heavily involved in the raising of quarter horses. I believe we are one of the largest and oldest ranches raising quarter horses in North Dakota.

We have an annual sale (40th year) at our ranch. I believe over the years we have sold horses to people from 45 states, Mexico and Canada. At the present time

there are over 150 head of horses on our ranch. We have over 100 head of broodmares alone.

When I was a babe, I became very ill; my grandmother feed me horse milk. I grew up on the back of a horse. I furnish you this information because I would like you to know I have some knowledge of horses.

Mr. Chairman, members of committee, our ranch does not sell a very great number of horses into the "loose horse" market. But the price of "loose" horses has an indirect impact on our ranch.

The actions in Washington D.C. have created a problem for horse owners not only in North Dakota but across this nation. I offer you information from a couple

of recent sales at a Loose Auction market. As you can see, there is very little value to 'loose' horses.

Senator Miller is going to discuss with you the unwanted horse issue.

Senator Miller and I have done some research into the problem with our limited time. We have discovered some interesting things.

Discuss:

Pet food – emails

Jerry Van Damore – email

There was an elderly man who knew his time was limited. He spoke with St. Peter and asked if he could have a glimpse of Hell. St. Peter said, "Okay" and he took

him into a room where the elderly man saw another elderly man with a beautiful woman sitting on his lap. The man said to St. Peter "Well this surely does not look like Hell". St. Peter said, "It is for her".

This is an example of how perspective is viewed depending on where you are sitting. We need to be open to the idea that there are always two sides to every issue.

Like in the story, I am here to give one perspective. If someone has a solution to the problem, where horse owners could get an economic return for their animals, I ask them to step up to the plate.

Anti-Meat Crusaders Read Myths, Distortions

Editor's note: This is the second installment in a four-part series identifying falsehoods regarding the consumption and production of beef. The series exposes a classic "scare campaign" designed to manipulate public opinion and force changes in government policy.

By Alan Caruba

As the vast global warming hoax begins its inexorable death, an equally enormous campaign against the raising of livestock and the consumption of meat continues. It is led by People for the Ethical Treatment of Animals (PETA) and supported by the propaganda machinery of the United Nations through its Food and Agriculture Organization (FAO) and Intergovernmental Panel on Climate Change (IPCC), and the World Health Organization (WHO).

Abandon Anti-Meat Claims

The assertion that the raising of livestock worldwide is contributing to global warming is so obviously absurd one might easily and quickly dismiss it, but it continues to be the cornerstone of a campaign to end the consumption of beef by more than six billion people around the world.

Dating back to the prehistory of man, meat has been part of the human diet. In February 2005, I wrote about "The War on Meat," noting humans have 20 teeth devoted to eating meat but only 12 for fruits and vegetables. Moreover, the human stomach is designed primarily to digest lean meat, while the small intestine, pancreas, and liver are mainly herbivorous, designed to digest vegetables, fruits, fats, and farinaceous (starch) foods.

On the PETA Web site you will find a page titled "Meat and the Environment," which cites a 2006 FAO report accusing the meat industry of being "one of the top two or three most significant contributors to the most serious environmental problems at every scale from local to global."

Growers of livestock are accused of land degradation, climate change, air pollution, water shortage and water pollution, and the loss of biodiversity. A number of environmental organiza-

Society, Sierra Club, and Environmental Defense, have joined in this Big Lie.

Hypocrisy of U.N., PETA

Little-known to the public, however, is that PETA—which campaigns against the raising and processing of livestock for food, targeting restaurants, grocers, ranchers, and others—routinely kills animals, primarily pets, entrusted to its care. The same holds true for other allegedly "humane" organizations.

In 2007 PETA killed more than 19,200 dogs, cats, and other "companion animals." Over the past five years it killed more than 90 percent of the animals it took in. PETA receives nearly \$30 million a year from people who erroneously think the organization is working to protect animals.

The truth is very different from the lies of the U.N.'s Food and Agriculture Organization, an agency that receives very little scrutiny from the world's press. Founded in 1945, the FAO was intended to help expand the world economy by promoting sustainable rural development with an emphasis on the poorest farmers, promoting food production and self-reliance, and raising the level of nutrition of the world's population.

Fortunately for mankind, it has no mandatory powers and relies instead on the promulgation of bogus reports such as "Livestock's Long Shadow."

Benefits of Cattle-Raising

Charges of beef production being responsible for a score of threats to the environment are easily refuted when one considers more than half the agricultural land in the United States is unsuitable for crop production, and grazing animals on this land more than doubles the land area that can be used to produce food in the United States.

In addition, instead of creating erosion, foraging animals such as cattle help



growth of grasses.

Despite these obvious benefits, U.N. agencies continue to urge policies that do nothing to alleviate hunger but instead further an agenda for the socialist redistribution of wealth common to communist regimes. U.N. agencies have consistently sought to ban pesticides and herbicides that protect crops, animals, and humans and have worked to thwart the development of gene-splicing technology that enhances crop production.

"The assertion that the raising of livestock worldwide is contributing to global warming ... continues to be the cornerstone of a campaign to end the consumption of beef by more than six billion people around the world."

Benefits of Meat

A three-ounce serving of lean beef is an excellent source of protein, zinc, vitamin B-12, selenium, and phosphorus and is a good source of niacin, vitamin B-6, iron, and riboflavin.

In essence, the campaign against beef production and consumption is a campaign against the health of all who enjoy its benefits. Along with efforts to curb all forms of energy use, the anti-meat campaign constitutes an insidious war on the welfare of the world's population and economy.

[The third installment of this series will explain why eating beef is one of the best choices you can make for your health.]

Alan Caruba (acaruba@aol.com) writes a weekly column for the Web site of The National Anxiety Center (<http://www.anxietycenter.com>).

March 5, 2009

Mr. Chairman and honorable members of the committee,

My name is Allen Lund. I own and operate a cow/ calf operation located near Selfridge, North Dakota.

I'm also secretary of the Independent Beef Association of North Dakota (I-BAND) and am speaking on behalf of the association. Our organization represents the interests of North Dakota livestock producers.

I rise in favor of House Bill 1496.

Our policy states that **"We oppose any legislation or regulations that prohibit the humane harvest of equines"**.

I believe it would be in the best interests of North Dakota to complete an EQUINE PROCESSING FACILITY FEASIBILITY STUDY and work towards implementation of an equine processing plant in our state. It would open up avenues to economic development in our state and benefit horse owners by providing them with a humane market for their old and unusable horses. As the old saying goes; build it and they will come.

Again, I ask you to vote in favor of HB 1496.

Thank you,

Allen Lund
1967 Hwy 24
Selfridge, ND 58568

Testimony for
House Bill No. 1496
61st Legislative Assembly
of North Dakota
by
Todd Hall
Killdeer, ND
March 5, 2009

My name is Todd Hall, I am a rancher in Dunn County, North Dakota. I raise commercial cattle and American Quarter Horses. I am a member of the American Quarter Horse Association, the Professional Rodeo Cowboys Association as well as other livestock and/or horse related organizations. I am not here to represent those organizations, and the following testimony is my own. I do mention them however, because these are credible Associations which hold animal welfare to the highest standard and I am proud to be a part of each. My life revolves in and around the horse and other livestock. Therefore, you can be assured that I am a credible witness to the subject matter at hand.

I am here today to speak in support of House Bill number 1496.

This bill will allow the Department of Commerce to explore whether or not it would be feasible to further pursue an Equine Processing facility in our State.

It is my estimation that this bill and its findings will not only benefit our state, but the entire nation. This study will more than likely find that such a facility will be highly profitable, promote trade, further diversify the Ag sector in our state, and create jobs.

For example, some statistics of the plant owned by Caval International in DeKalb, Illinois are:

- The cost of the building – 5 million dollars
- Processed 1100-1200 animals per week
- Employed 3 office, 60 plant workers, had 6-7 trucks with drivers
- Processed Plain, partially frozen or fresh meat products
- Had an annual net profit of 1 million dollars.

This bill also pushes the common sense approach to animal welfare, due to the fact that the processing of horses is a well-regulated and extremely useful management option to keep horses from suffering, starving, and being mistreated. Often times, animals which have no

other option or use and may be in danger of being maltreated; are purchased, sent to a feedlot, given proper health care, fed well, and probably treated better than they ever have before being given a dignified end. I define a "dignified ending" as that which they may feed the hungry, or have other uses after they are gone.

It's not the only option, but one amongst many. Those who choose not to sell their horses in this manner don't have to. But having a facility in North Dakota will allow us as horse owners, and horse lover's to insure that these animals are treated humanely.

Indirect benefits of this bill will be that it will promote and protect property rights of citizens. How does it do that, you say? Well, it will start the push; back towards those special interest groups and urban legislators that have begun to strip our rights by pushing for an all out ban of meat harvest.... Not for the health and well being of a species...but to promote their own groups' agendas. **(When I refer to urban legislators; I do not mean the fine men and women of our state that serve. I am referring to those in Washington DC that refer to themselves as the "Washington elite" and refer to my home state as "fly over country")** These groups are after a ban on all livestock uses, horses were chosen first because they have the best personalities. Cattle, sheep, swine, and poultry are sure to follow. They are also using our schools to press their agendas (reference TIME for Kids, Jan. 23, 2009 issue, that is not educational it is propaganda).

That's where the opposition to this bill will be coming from. If there is a State in this Union to say to that type of rhetoric "Enough is enough!!" it is the Great State of North Dakota.

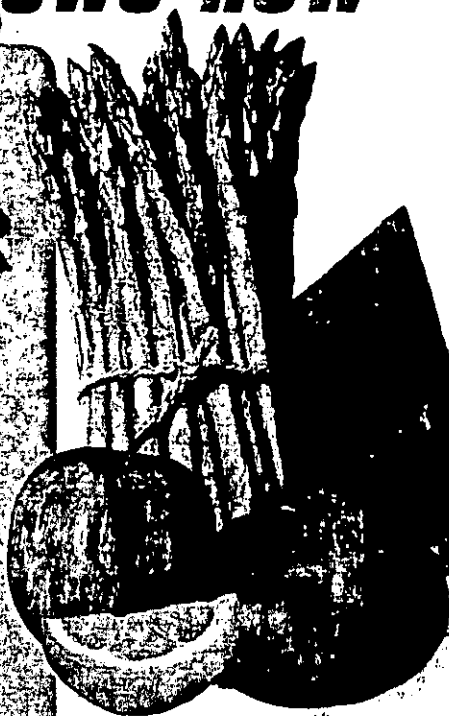
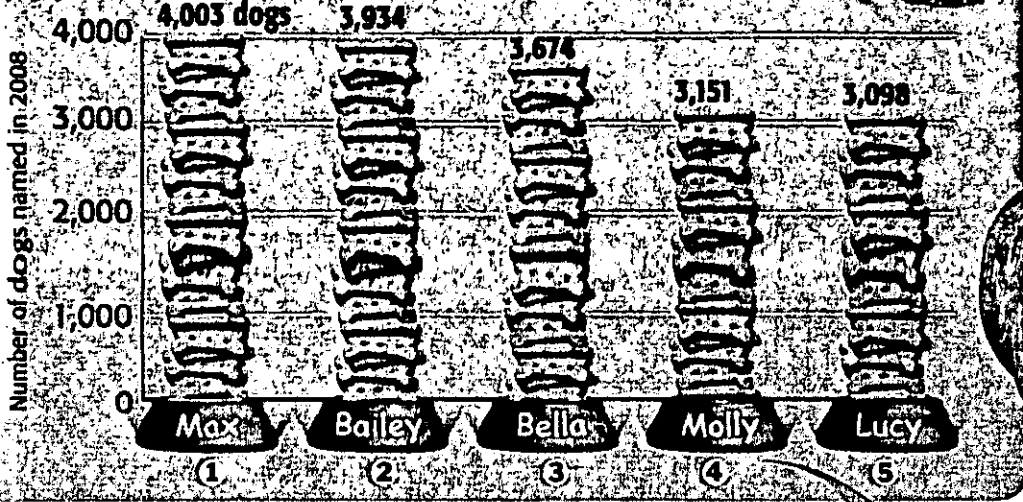
In conclusion, many other bills similar to this one have been introduced and passed to do similar studies which have explored ways to benefit the North Dakota Agriculture. This bill is no different. This bill promotes commerce and strives to protect the North Dakota family farm and ranching livestock producer.

With that in mind, and given today's economic atmosphere of our nation, I would like to quote an excerpt of a speech given by William Jennings Bryan on July 9th, 1896, it goes "we reply that the great cities rest upon our broad and fertile prairies. Burn down your cities and leave our farms, and your cities will spring up again as if by magic; but destroy our farms and the grass will grow in the streets of every city in the country".

Please let this "country wisdom" guide your vote and recommend a DO PASS on House Bill No. 1496.



news now



Many American kids are choosing not to eat meat.



PALEONTOLOGY

How a Dino Soared

Millions of years ago, huge flying creatures called pterosaurs (teh-uh-sawrs) ruled the skies. How did the giant creatures get off the ground? A new study says they took flight by leaping from all four legs.

Until now, scientists had believed that pterosaurs lifted off into the air much like birds do. A bird lifts off using its two hind legs. But the 500-pound pterosaurs were too heavy to do that, explains Mike Habib, author of the study. They needed the power of all four limbs to take off. "It was a lot like leap-frog," he says.

Habib developed the theory by comparing the bone strength of several species of birds and pterosaurs. Pterosaurs appeared 230 million years ago. They died out with the dinosaurs 65 million years ago.

Kids Say No to Meat

NUTRITION

How many kids these days are choosing leafy greens over meaty hamburgers? About 367,000, a new government survey reveals. Parents and other adults were asked about the eating habits of children in their care. The study is the first survey of its kind in the nation. The study did not ask why kids chose to be vegetarians.

Researchers say some kids may be avoiding meat because of concern for animals. "Compassion for animals is the major, major reason," says Richard Schwartz, president of a vegetarian organization.

North Dakota



STOCKMEN'S ASSOCIATION

407 SOUTH SECOND STREET
BISMARCK, NORTH DAKOTA 58504
Ph: (701) 223-2522
Fax: (701) 223-2587
e-mail: ndsa@ndstockmen.org
www.ndstockmen.org

HB 1496

Good morning, Mr. Chairman and members of the committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

The Stockmen's Association supports HB 1496, as it will provide the framework for North Dakota to address the critical situation the horse industry has been in since the nation's three processing facilities were closed. The processing ban has stripped horse owners of their property rights, crippled the domestic horse market, skyrocketed the number of abandoned animals and, overall, diminished the plight of animals.

There are plenty of reasons why the practice should be preserved and this feasibility study should be conducted:

First off, some horses simply must be eliminated because they are unruly, unmanageable, lame or sick. A horse slaughter facility a reasonable distance away would give horse owners the ability to market their animals and capture some value from them. With no horse processing plants in the U.S., horses must leave and go to Canada or Mexico.

This has dramatically decreased the value of horses at market. It is not uncommon to hear of horses selling for \$5 or \$10 or even given away. In many cases, it costs more to get them to market than they bring when they are sold.

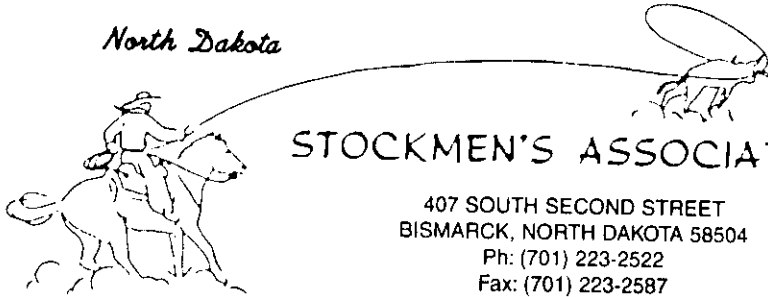
We see this at the Stockmen's Association too. By legislative decree, our organization manages the state's estrays, or animals whose owners haven't been identified. If an animal's owner cannot be identified after a certain amount of time, the animal is marketed and the proceeds are held in a special account until the owners can be found. In some recent cases, the value of the horses after yardage and commission is either a matter of cents, or there is a negative balance that would be due if the owners are ever found.

Since the American horse processing facilities have closed, the number of reports of abandoned horses our inspection team has been asked to respond to has gone up dramatically. Our chief brand inspector estimates that the number of equine estrays has tripled over the last two or so years. With the high cost of fuel and feed and the low market value of horses, some folks decide it's not worth the trip to town. Horses are being dumped off and left to starve or suffer – which are much worse than humane euthanasia at processing.

Carcass disposal is another issue that has emerged in this debate and that can be addressed with a proper processing facility.

For most Americans, horse meat is not the preferred meat of choice; we do not have an affinity it. However, that doesn't mean that those who do in other parts of the world shouldn't be able to utilize it and enjoy it; and that we shouldn't be able to utilize it for pet and zoo food. Millions of people around the world are starving today. Is it right for

North Dakota



STOCKMEN'S ASSOCIATION

407 SOUTH SECOND STREET
BISMARCK, NORTH DAKOTA 58504

Ph: (701) 223-2522

Fax: (701) 223-2587

e-mail: ndsa@ndstockmen.org

www.ndstockmen.org

the U.S. to deny them of a protein source that could help satisfy the needs of a hungry world?

In summary, the horse slaughter ban in the United States has diminished, not enhanced, the quality of life for many horses, leaving thousands needing care, food and shelter. It has created an economic crisis in a formerly flourishing industry and has been set forth for reasons other than science, safety or public health. North Dakota can be part of the solution to these problems and utilize the plant as a source for economic development and jobs. Therefore, the North Dakota Stockmen's Association supports the study called for in HB 1496 and asks for your favorable consideration of the bill.

Chairman and members of the Senate Hearing Committee of HB 1496, I am Lee Hetletved an ag educator who owns LH EQUINE CENTER, an equine boarding facility here in Bismarck.

In addition to our boarding facility, my family and I produce Quarter Horses. We host a two day horse sale in this community that not only sells our production foals but also hosts a performance and ranch horse sale. Our sale brings in buyers from many states (37 in all and Canada) who not only come to purchase our horses, but dine, stay, and shop in our community—not to mention our family's fundraising campaign to give back to the Ronald McDonald House. Admittedly, this isn't the income of the Class B Boys' Basketball tournament, but for a "mom and pop" family run business, we do manage to fill a block of 20 to 30 rooms each year at various motels. As we market and stay competitive, we watch the sales that go on throughout our state. Without the horse slaughter facilities running, the "bottom" falls out of the horse market. Perspective buyers that would purchase a new or younger horse cannot

do so because they have decrepit horses that have lost their usefulness, yet no outlet exists for these people to salvage some of this capital to reinvest. Those who produce these horses need an avenue that allows us to cull our geriatric producing horses as we can our geriatric producing bovine. For the producer, it is not feasible to euthanize aging horses. We keep back two to three or more horses a year that become replacement breeding stock; therefore, to have to euthanize these horses as they age does not "pencil" well for the producer. Not to mention that valuable by-products are lost when those euthanized horses go to the landfill. I personally do not eat horse meat, but who am I or you to say that others cannot. Be that as it may, other animals, domestic and zoo alike, can benefit from this as well as the production of many other by-products.

If we didn't have an outlet for our automobiles that become dilapidated and refused to run, we would soon be over-run with junky eye sores that blessed every curb. This analogy is true with horses as well.

Without the availability of putting these horses to rest via a slaughter plant, we are soon over-run with unwanted, crippled, and neglected horses that contaminate our news giving all horse producers and enthusiasts a bad name. Sometimes, people get hung up on the word "slaughter." Although this is the common name for such a facility, the procedures practiced there are humane and ethical. At this point, we have lost our choice, our right, to produce our animal, the horse, in an economical way. Because the horse is savored as a proud and free animal, activists with deep pockets and influential networks who have often not so much as spent an afternoon with a horse, gets sucked into an unrealistic sentimentality on a horse's rights. With that said, I do not hesitate to tell you that I have shed tears over horses that I have watched take their last breath. I do not believe any horses should be mistreated; however, as a producer, I do believe that I have a right to choose to cull my production animals in a manner that will benefit the species as a whole as well as consumers with the valuable by-products these culled horses can provide.



I've talked primarily about production as that is our line of diversified agriculture. However, there is another aspect to my experience within the horse industry. As an owner to a boarding facility as well as a horse trainer, I can testify to you today that there are horses that have been either mis-bred or mishandled and have become dangerous to those around them.



My wife and I have a dream to continue to raise our daughters in a western heritage. We want to do our part in perpetuating this heritage that promotes horsemanship, honesty, and integrity. Without a slaughter facility, the horse industry will soon lose its integrity with the middle class producers—the middle class will not be able to continue to produce horses as the time of “culling” will prove to be too costly.



Therefore, horse production will be left to the elite who more often than not are here today and gone tomorrow—with the disappearance of the elite's interest the very foundation of our forefathers will be lost within the horses many enjoy.

In conclusion, I live in the trenches of this industry. I depend on horses for my economic stimulus. I depend on my common sense to know that my band must pay for itself. My grass roots heritage tells me not to be afraid of the hard work involved in this industry but to fear the special interest groups who have little to lose when they get involved in their fury. The passage of this bill will not force or encourage those who would like their horses to live out their lives or to euthanize them—as a boarding facility that is often my job is to make a family favorite have a comfortable end. On behalf of my family, fellow producers, fellow trainers, and fellow horse enthusiasts, I ask you to please consider passing HB 1496. It will not only aid those in the trenches, but your passing of this bill will send yet another message throughout the US that ND can lead the way in yet another avenue that brings good economy to our nation.

Horse slaughter conditions in Mexico explored by AAEP group

Debate over the practice continues in Congress

Though nearly two years have passed since the last horse processing plant closed in the United States, horses continue being shipped from the United States to slaughterhouses in Mexico and Canada.

Looking at 2008 Department of Agriculture figures, close to 80,000 horses from the United States traveled to Mexico for slaughter and approximately 40,000 went to Canada. The estimated total of 120,000 is less than the 140,000 figure from 2007.

"That's still a tremendous amount of horses," said Dr. Timothy Cordes, a senior staff veterinarian for equine programs with the USDA Animal and Plant Health Inspection Service. He also noted that the final numbers won't be available until the end of March. The USDA's numbers are based on the number of owner/shipper certificates corroborated with other sources.

To get a better idea of how the Mexican horse slaughter industry operates, a delegation representing the American Association of Equine Practitioners arranged a tour of two Mexican slaughter facilities in the central Mexican city of Zacatecas last fall. Both are federally inspected, but one meets European standards and the other, which is locally owned and run, meets Mexican standards.

AAEP past presidents Drs. Tom R. Lenz and Doug G. Corey, as well as an international member of the AAEP board of directors, Dr. Sergio Salinas, visited the area Nov. 9-10. They first toured one of the two South American-owned plants that operate under European Union and Mexican slaughter regulations. Five federal Mexican veterinary inspectors work at the plant in addition to three company veterinarians. In all, 200 are employed there. About 1,000 horses

are processed a week; half are Mexican and the rest from the United States. Mexican and U.S. horses are kept separate during travel but are processed at the same facilities.

"All of the American horses arrive in sealed trailers," Dr. Lenz said, noting that the horses aren't unloaded or sold anywhere, but go straight from the border to the plant. A federal seal is placed on the horses at the border. They are then shipped for 10 to 12 hours to one of the two federal inspection type, or TIF, plants in Zacatecas. "They say they could make it in eight hours but choose 10 to 12 because they arrive in better condition," Dr. Lenz said.

On arrival at the processing plant, a federal Mexican veterinarian cuts the seal. Any horses severely injured in transport are euthanized.

The AAEP group met with the manager of the plant and was allowed free access throughout the building, where they spent three to four hours.

"They allowed us to look at everything and take pictures. Even in the United States you are seldom allowed to take pictures at a processing plant," Dr. Lenz said.

Dr. Lenz, who is also chairman of the Unwanted Horse Coalition, looked at the horses in the paddocks where most stay for a week or so. He said the pens looked clean and the horses looked good, although he classified them as "slimmer." On a scale ascending from one to nine, as Dr. Lenz put it, he saw many fours and fives. He could tell they were slimmer than the ones he saw at a former plant in Fort Worth, Texas.

"They told us (that's the kind of) horses they're buying now," Dr. Lenz said, noting that is the case because owners are holding onto their horses for a while, even when they can't afford them.

Plant officials told Dr. Lenz they see horses at sale barns too thin for meat processing. They also noted the price of horses has gone down; meanwhile, the cost to ship a horse from Morton, Texas, to Zacatecas stays at about \$200.

"(The shipping cost) drives down what they're willing to pay for these horses," Dr. Lenz said.

Before processing, workers move the horses with flags rather than whips. One at a time the horses go into stocks. Once in place, a hydraulic bar pushes the horse forward while a wedge-shaped stainless steel device comes under the chin and cradles the head. This limits the horse's movement, Dr. Lenz said, which better facilitates placement of the captive device.

"If you look at it from the hard perspective of the meat industry, they're in the business to produce meat. They don't want an injured or down or stressed horse any more than they have to, because it affects the meat quality."

-DR. TOM R. LENZ, FORMER AAEP PRESIDENT

Dr. Lenz watched a couple dozen horses being killed by captive bolt, with which he said the employees were "extremely accurate." The skulls were then inspected for glanders and the carcasses randomly tested for drug residues and parasites in the meat as well as *Escherichia coli* and *Salmonella* infections.

Employees wear white coveralls, hats, gloves, masks, and hairnets while working, in addition to scrubbing their boots before coming in and out of the processing area.

The facility ships the meat to Japan and Europe for human consumption. "If you look at it from the hard perspective of the meat industry, they're in the business to produce meat."

Anti-horse-slaughter legislation reintroduced

Opponents of horse slaughter, not satisfied with existing state legislation prohibiting the practice in the United States, are pushing to go one step further.

Federal lawmakers recently reintroduced legislation that aims to abate the transport, sale, delivery, or export of horses for slaughter for human consumption. It aims to criminalize the purchase, sale, delivery, or export of horse-meat intended for human consumption.

HR 503, the Conyers-Burton Prevention of Equine Cruelty Act, was introduced in the U.S. House of Representatives Judiciary Committee on Jan. 14 by sponsors Committee Chairman John Conyers of Michigan and Rep. Dan Burton of Indiana. The new legislation is similar to the Prevention of Equine Cruelty Act of 2008. That was passed by the committee this past September but never reached the House floor for a vote.

Once again, the bill hopes to stop the export of horses for slaughter in Mexico and Canada. Violators would face fines and/or one year's imprisonment for a first offense or those involving five or fewer horses, and fine and/or three years' imprisonment for repeat offenses or those involving more than five horses.

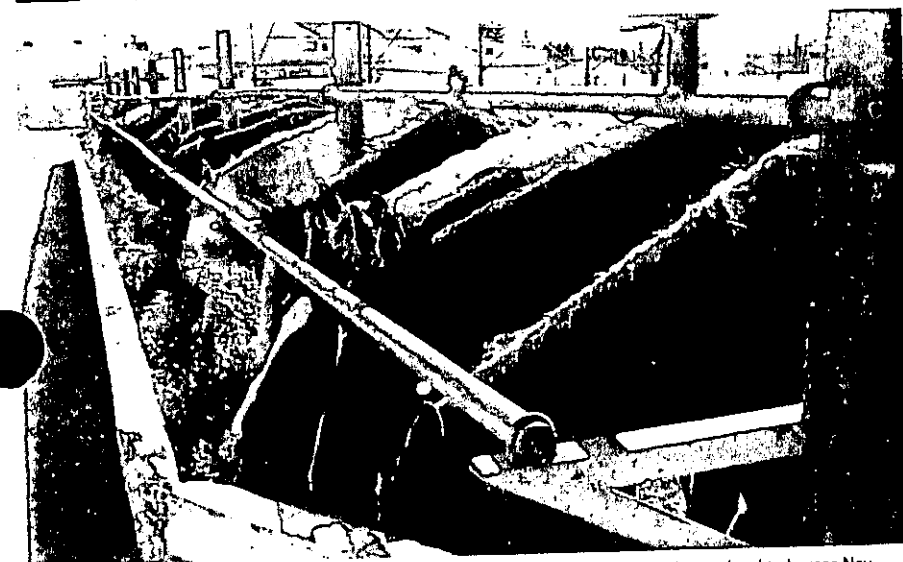
The National Council of State Legislatures recently approved a resolution urging Congress to oppose legislation that would restrict horse slaughter. The AVMA and American Association of Equine Practitioners also are actively working for its defeat. The AVMA opposes the bill because neither does it provide for the care of unwanted horses nor does it allocate funding for the care and placement of horses seized by the government in accordance with the law.

Also, the AVMA is concerned that passage of a law that prevents transport for slaughter will not change the number of horses transported for that purpose, but will simply change what people put on the horse's paperwork.

Meanwhile, the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals support the bill. They have raised concerns about the welfare of the horses during transportation and while being slaughtered in other countries, Mexico in particular. ♣



Courtesy of Dr. Sergio Salinas



A delegation representing the AAEP, including Dr. Tom R. Lenz (center), took a tour of two horse slaughterhouses Nov. 9-10 in Zacatecas, Mexico. Dr. Lenz said the plants were well-run, and workers killed the horses humanely by captive bolt.

They don't want an injured or down or stressed horse any more than they have to, because it affects the meat quality," Dr. Lenz said.

Other parts from the horse do not go to waste. The hides are sent to Italy, hair from the mane and tail goes to China for paintbrushes, the small intestines go to Egypt for sausage casings, the tendons go to Japan for human consumption, and the hooves and tail (without the hair) to a rendering plant.

"(The plant) was an extremely clean, well-run plant. ... From a veterinary perspective, the animals were handled well," he said.

The other processing plant the group visited was locally owned by a Mexican company that solely dealt with Mexican horses. Sellers, arriving

in their pickup trucks and trailers, would bring their horses to the plant two or three at a time. This plant processes only about 280 horses a week and has 12 employees. A veterinarian wasn't on site; however, one did come once a week to inspect the meat and facility, Dr. Lenz said.

This processing plant also kills the horses by captive bolt, though the stocks were not as sophisticated as at the other plant.

Overall, the group's assessment of the trip concluded that both plants use captive bolt in a humane and efficient manner, and the horses were well-cared-for and properly handled. ♣

—MALINDA OSBORNE



1101 1st Ave. N., Fargo, ND 58102
P.O. Box 2084, Fargo, ND 58107-2084
Phone: 701-298-2200 • 1-800-367-9868 • Fax: 701-298-2210

4023 State St., Bismarck, ND 58503
P.O. Box 2793, Bismarck, ND 58502-2793
Phone: 701-224-0330 • 1-800-932-8869 • Fax: 701-224-8485

North Dakota Farm Bureau Testimony on HB 1496

Presented by

Brian Kramer, Public Policy Director

March 5, 2009

Good morning Chairman Flakoll and members of the Senate Agriculture Committee. My name is Brian Kramer and I am representing North Dakota Farm Bureau in support of House Bill 1496.

This bill provides for a study of the feasibility of an equine processing facility in North Dakota. While there are many hurdles that will need to be overcome if such a facility is to ever be built in our state, the need is evident.

Federally regulated horse processing facilities has been abandoned. The unintended consequences of this action are now being endured. The abandonment of horses by owners who no longer want or have any use for their equine is on the rise. These animals are winding up at sale barns, in neighboring pastures, on public access land and elsewhere.

The welfare of these animals and the hardships they must endure are certainly more egregious than is humanely processing them into useful meat products.

If our state can develop a horse processing facility, it will be a much-needed alternative to a horse slowly starving or dying of thirst. These animals can and do present a safety hazard if they stray onto roads and cause accidents.

Studying the possibility and feasibility of constructing a facility is in the best interest of the public from a safety standpoint and is in the best interest of the horse from a humane treatment perspective.

We encourage you to give HB 1496 a 'do pass' recommendation.

I thank you for your time and would try to respond to any questions you may have.

I am writing this letter as a concerned citizen who is adamantly opposed to opening a horse slaughter plant in North Dakota. I grew up in the state of North Dakota and as a child, I cherished the lazy afternoons riding my horse in the pasture and watching the summer sun set on the horizon. As a child, I thought of my horse as my friend and my pet. I loved the agricultural flavor of my state and the rich ranching heritage that seemed so close that I could smell the wagon trains. Some would oppose horse slaughter on the grounds that we do not slaughter our pets. I would join these people, but this argument is based on emotion and is easily dismissed as a childish whim in the current financially devastated era of our country. Some would argue that a child simply does not understand the hard economics of our times and the need for farmers to make a living in this tough economy. I would agree that a child's understanding is limited and based on emotion. So let's put our grown-up jeans on and look at the facts about horse slaughter. It seems to me that the goals of opening up a horse slaughter facility in our state are three fold: 1) Disposal of unwanted horses, 2) Economic gain for horse owners, and 3) Job creation. It is my belief that all three of these goals are based on faulty assumptions.

Unwanted horses: The horse industry is not a regulated food industry. The restrictions on feed, medications, etc. that apply to the beef, pork, and poultry industries do not apply to horses because they are viewed in the eyes of the law as "pets", not food animals. Thus, the meat obtained from these animals is not fit for consumption and is shipped abroad. What makes us think that we are immune from prosecution from abroad? This is a litigious time in our history. If we have learned nothing from mad cow disease and the peanut butter recall, we should have learned that!!! What about people or animals who eat this tainted meat? How are they protected from harmful side effects? What about the increased reservoir of West Nile, Rabies and Encephalitis that will result from the slaughter facility itself? How are the neighbors of the facility protected?

Advocates of slaughter facilities state that the number of unwanted horses is too large for the market to deal with and that a slaughter facility will address this surplus. The problem with this assumption is that is simply not true. A simple search of the internet reveals that only 1% of the horse population in our country is represented by the slaughter industry. (Holland, May 25, 2007) Holland states that "it is rare that a population of any kind cannot absorb such a small increase in supply" (www.horsetalk.co.nz). The conclusion of this study makes an important point that the market place is not an open loop system. "The supply of a commodity does not remain unrelated to its demand." In other words, if a slaughter facility is created, the supply of "unwanted" horses can be expected to follow the demand, not to decrease as slaughter proponents advocate. This is an obvious point that many seem to be missing.....the number of neglected horses will INCREASE as a result of opening a slaughter facility, as will horse thefts!!! And that is not the only problem.

Economic Gain for Unwanted Horse Owners: There are many other options for disposal of unwanted horses, including donation, sale and euthanasia. None of these options costs the taxpayers of our state any additional income. When one is using slaughter as a proposed viable alternative to any of these options, there are taxpayer costs that must be factored into the equation as well. What city would welcome this smelly, abhorrent and polluting facility in their neighborhood? Do you want to live downwind

from the plant? How will this plant affect the property values of it's neighbors. What about THEIR economic rights? Why should they pay the price for the irresponsible horse owner down the road? It is my belief that the people of North Dakota are proud, and rightly so, of their reputation as independently minded citizens who have been able to not only survive, but thrive in the often difficult life on the prairie. Why would these citizens want to pay their tax dollars to support irresponsible horse ownership and tax relief for a slaughterhouse that can bring their state nothing but ill repute and the aura of being backward. Every other state in the union has eliminated horse slaughter facilities, and the resultant number of horses has remained stable. The reputation of our state as a forward thinking, progressive, pastoral location is at stake!!!!

Job Creation: As I have indicated in my previous statements, this is an incredibly politically suicidal means to create a few jobs in the agricultural sector. Does it strike you as odd that the same state that has spent millions of dollars on an equine studies program at NDSU and a horse track in Fargo is contemplating spending additional large sums of money of studying the feasibility of how to kill these horses? How about we spend legislative time studying agricultural businesses that are timely in this economy? There is a growing demand for local foods...how about we spend money finding resources for consumer supported agriculture markets? There is a growing demand for organic agricultural products....we are uniquely positioned as a state FULL of "grass-fed beef" to respond to this demand. How about the wind energy sector...how about we spend our tax dollars building wind infrastructure? Our rural communities need tax dollars to support grass roots efforts to grow small businesses in their communities, not destroy them with stinky, foul, polluting slaughter houses. It is no accident that the advertisements for North Dakota "the Roughrider State" play up our cowboy heritage. We need to use this image to build our economy, not dismember it!!!! Let's make some positive strides for our state with this money that has been so hard won for our citizens instead of wasting it on a boondoggle enterprise that will hurt our economy, our reputation, our small towns, and our horse population. Clear heads must prevail in this difficult decision!!!!

HB1496/S.4021

Thank you members of the Ag. Committee. My name is Karen Thunshelle and today I am here to oppose HB 1496 and offer some important information from research that I have obtained. I am 36 yrs old, I live in Minot ND and I have been a horse owner for 22 yrs now. I currently own 9 horses as well as other livestock.

I. Where to start:

A. Well I guess first and foremost I believe this study is a waste of money. Its no secret that current legislation on the Federal level that is seeking to ban this permanently. It seems to me that ND will be throwing away a lot of money for something that is currently illegal.

B. The federal funding was pulled for all horsemeat currently exported out of the country and slaughter plants closed in 2007. I believe the biggest misconception here is that reason for the recent auction prices is a direct result of these closing. The statistics I have enclosed in your folders are from the USDA so I believe they are correct. (1st & second graphs in your folders)

Dating back from 1994 to 2004 slaughter declining at a fairly rapid rate per year. Going from around 109,000 to around 66,000 in 2004. From 2004 until 2007 roughly 227,000 horses were slaughtered in the U.S. alone. This is without any exporting figures. The relevance is that even though slaughter numbers are high the market prices were really no better in 2007 then today. I remember because I bought four weanlings that year and they were cheap, cheap.

C. Advocates for slaughter make it seem like they have no options since slaughter has stopped. Everyone seems to forget that slaughter is still going on and the numbers are nearly the same (so far around a 7-17% reduction) I have concluded that with this lack of consistency one cannot base market prices on slaughter numbers. This market has been on a slow decline for years now.

D. It is my belief that these prices are mostly due to the hay prices, gas prices, drought and just the economy in general being in the toilet. Buying horses is probably not first and foremost on everyone's minds. Especially foals in which people just don't have the time to train and raise these little guys anymore.

F. What hasn't stopped unfortunately is the breeding. Breeders continue to breed and breed more babies every yr supplying a market which is already topped off. Some breeders have been sensitive enough to reduce herd sizes and or maybe skip a breeding season and that could help potentially over a few yrs maybe. In your folders pg. 3 you will see some statements made by the AQHA regarding some of their views. They state that their memberships are up but horse registrations are down so we need to find ways to boost registration numbers so we don't have a horse shortage in a few years. This doesn't speak well on how concerned this organization is about horse welfare and the over population problem.

II. Disposal

- A. I have enlisted in all the folders some of the disposal options at state landfills as well as an option from the NDSU Diagnostic laboratory.
- B. Most of these options are quite affordable to the average horse owner. As far as farmers/ranchers go I doubt many of them scratch their heads too much when they lose a cow or horse. Most farmers including myself have farm equipment available to dispose of carcasses on their land with little or no trouble at all.
- C. Horse owners who board their horses out should have this expense in mind in case the unforeseeable happens.
- D. It also seems to be a concern that if slaughter is not available then we will have 100,000 horses and carcasses to contend with. Over 90% of these horse that are slaughtered are between 2-10 yrs old. Why would these horses pass away suddenly? According to the Veterinarians for Equine Welfare a generally accepted mortality rate in livestock is 5-10 % in any given year so based on the 9.2 million horses currently in the US, 460,000 - 920,000 die naturally or are euthanized each year without notable impact. On the face of this situation, another 1 or 100,000 horses will make no significant impact. And with slaughter numbers so varied this number of 100,000 is very negotiable.

III. Alternative options for horse owners

- A. I am all for responsible horse ownership and if you cannot take care of your horses or feed your horses then by all means put them down. Whether it is by a vet or if it is by a good marksman it makes no difference to me. I don't believe I should have to pay for a slaughterhouse so people can unload their horses. There are options.
- B. Donating horses to rescues, riding clinics for youth, veterinary hospitals.
- C. Selling your horse via online or catalog sale. Remember what you put into your horses is what you get out. Last Sept. the top selling gelding went for over \$6000 at the Kist livestock. No more 30 day rides. Buyers are wanting more bang for their buck now a days.

If you abuse/neglect/abandon your horse you should be held accountable to the full extent of the law!!!

IV. Possible Solutions

- A. Low -cost gelding clinics
- B. Educational workshops for horse owners.

- C. Discourage over-breeding,
- D. Discounted Euthanasia clinics
- E. Possible taxation of breeding stock. Perhaps a fee needs to be paid that will support the discounted euthanasia/castration clinics. Breeding should be a privilege. And this will also discourage all of the back yard breeders who breed everything with a uterus.

I think North Dakotans would rather pay 100,000 for some of these solutions than to see a slaughterhouse built here. Rescue sponsored castration and euthanasia clinics are being done currently in other states. And if you abuse/neglect/abandon your horse you should be held accountable to the full extent of the law!!!

V. **Abandoning of horses:**

- A. I have included in your folders letters of supposed horses being dropped off in state parks around the country and a committee that was formed in 2007 to investigate all reports and articles involving abandoned horses. I did not print all of the reports as there was 26 pages of them. Two of these letters that you have are letters from Kentucky representatives dispelling the loose horse myth there. There was an article in the Minot Daily News a few years back and I forwarded these letters to them and a retraction was never printed.

- B. I have called the National park here in ND and the lady I talked to knew nothing of any horses being let loose in the park.

Wild horses do exist in our park. Although in the 1980's park officials released domestic horses into the park in hopes of preventing inbreeding in the park's wild herd.

- C. I have also heard about horses being left at auctions around the state. After confirming no known abandoned horses at the Minot location. I did hear of a case at an auction house in Bismarck but was unable to confirm it officially. It is my understanding that the horses were euthanized humanely and sent to the zoo.

If this is indeed happening then **action** must be taken by the auction house owners to step up their security and catch the people who do this. These are the people that need to be held accountable for their actions. This is illegal. There is also an Abandoned Horse Reward Fund that has been set up by AWI. A reward will be paid to anyone with information leading to a conviction of anyone whom abandons a horse in violation of state law. Information is also provided in your folders on this.

I have a letter from Paula Bacon a former mayor of Kaufmann, Texas and have been given full access to distribute the letter provided. Some very

valuable insight on what her and the town dealt for years when Dallas Crown was in operation. I sent this letter to you all yesterday so I hope you had a chance to review it and I hope we never have to deal with what she had too. Its should provide great insight on what these foreign owned slaughter plants are like to deal with.

In Conclusion I must leave you all with what ultimately supports slaughter. Abuse/neglect . There is a picture in your folders of an animal whom suffered immensely at the hands of someone who obviously didn't care. He didn't do the basics when it comes to horse care. He then takes his horse to the auction and leaves with a check for \$100 . No charges filed. No names taken. This gentleman just got paid for NEGLECTING HIS HORSE. Who knows maybe he bought another horse later on with his money. We have all seen it, nothing is ever done about and owners get away with it. Horses sold for slaughter are now considered MEAT on a hoof. Slaughter houses pay by the pound. People say the slaughter houses are supposed to be for all the geriatric, dying or unusable horses out there. We all know this is not true according their own statistics. They will take these older, skinny horses but its only 8-10% of what they slaughter. Should this horse have gone to slaughter? As sickly and weak as she was.. Would that have been more humane to put her on a truck? Do you think her previous owner cares what happened to her? Thankfully this little horse was rescued and the killer buyer outbid and she now is in a great home, thriving and making the dreams of a little girl come true.

Thank you for your time today and I hope you will find the information I have provided useful and help you in your decision to oppose this bill.

Sincerely,

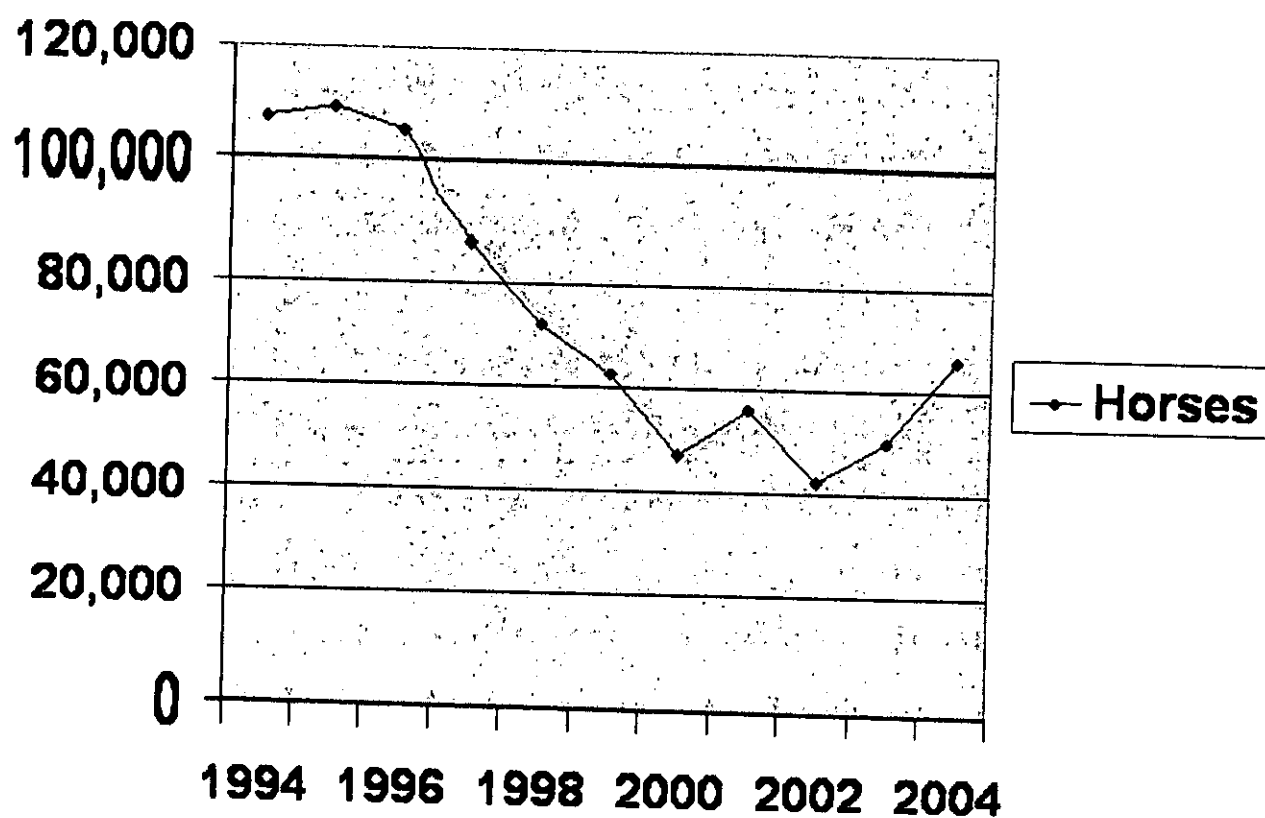
Karen Thunshelle

111 50th St SW

Minot, ND

701-839-6210

Horses Slaughtered (US)



1

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National Agricultural Statistics Service/USDA

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Year	# of Horses Slaughtered in US	# of US Horses Sent to Mexico	# of US Horses Sent to Canada	# of US Horses Sent to Japan
2007	29,761	45,609	45,828	261
2006	104,899	11,080	26,421	323
2005	94,037			
2004	66,183			
2003	50,564			
2002	42,312			
2001	56,332			
2000	47,134			
1999	62,813			
1998	72,120			
1997	88,086			
1996	113,399			
1995	112,677			
1994	109,353			
1993	167,310			
1992	246,400			
1991	276,900			
1990	345,700			
1989	348,400			

*Updated March 3, 2008. As of August 2007 all US based horse slaughter facilities have been closed.

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2008 AQHA Convention:

Essentially, we focused on increasing interest and opportunities for people to enjoy their horse and more programs in which they could participate – that would stimulate the industry to grow because people would look for more horses.

While I still think there is validity to that, there was an interesting phenomenon that took place at AQHA last year that is causing us to re-evaluate our business model. Last year, AQHA increased membership¹ albeit slight – at the same time, we saw the downturn in registrations and transfers. That's never happened before as membership has almost always been tied to registrations and transfers. What that begins to tell us is that our members are staying connected and involved. However, because of the market conditions I described earlier they are doing so with the same number – or fewer – horses.

Now our challenge becomes looking at ways to introduce an "equine economic stimulus package" that will boost registration numbers so we don't have a horse shortage in a few years – one that will supply good quality, usable horses for a membership of around 345,000-350,000. This somewhat changes AQHA's role in the industry because we have always assumed that we don't "control" the supplier – in our case that would be breeders. But perhaps there are things the Association can do to encourage people to breed enough good horses to meet today's demands.

Disposal in ND.

North Dakota State University
Department of Veterinary and Microbiological Sciences
Veterinary Diagnostics Laboratory
Fargo, ND 58105
Telephone: 701-231-8307

Necropsy and disposal services \$35. Private veterinarian may meet clients at the facility to provide humane euthanasia.

Fargo landfill
701-241-1449
takes horses \$30 a ton euthanized or not

Mandan
will not take them

Bismarck
701-355-1700
yes-even euthanized
\$15 flat fee

Minot
701-875-4140
takes them-euthanasia does not matter
\$30/ton

Grand Forks
701-746-2505
yes-euthanasia does not matter
\$41.50/ton

Williston
\$10 dollars and have a special place for animals

Burying on your own in your pasture etc
county extension here anyway states:
no formal burial procedure
State Health Department
Dr. Carlson
701-328-2655
Dr. Carlson states bury at least 6 feet down so nothing can be dug up as eagles and digs that get a hold of it may get sick or poison fish etc in rivers. As long as it is deep and will not be dug up there are no other regulations and issues. Carcasses may be covered with material as well.

Deleting the Fiction: Abandoned Horses

December 23, 2007

Information collected by
Terry Torrence, John Holland and Valerie James-Patton
Report Compiled by Valerie James-Patton

Forward

Note to all journalists and reporters:

Groups are now in place to verify all abandoned horse article claims made anywhere in the United States. Any articles or news stories which make claims about abandoned horses, will be checked for verification through police reports, state park services, and all other places that claims have been made about abandoned horses anywhere in the U.S., due to the findings that many reporters are writing false or unverified articles about abandoned horses.

The current findings of these articles will be presented in this report. These include opposing articles, police reports, letters to the writers of these stories, documentation written by Kentucky Representative, Ed Whitfield, Kentucky Governor Ernie Fletcher, as well as documentation from the sources of claims where these supposed horses have been abandoned.

So far, all the current abandoned horse articles have been found to be fabricated, as shown in the evidence presented here.

~~~~~

From: Terry Torreance [mailto:terrygean@...]  
Sent: Saturday, November 17, 2007 7:09 AM  
To: Pat Evans  
Subject: abandoned horses

Ms. Evans,

In an article printed in HARPER'S Magazine you made the statement that more horses are being abandoned now that domestic slaughter houses have been closed. May I ask how you got that information? I am researching those claims. So I need the exact places of these abandonments, the names of the parks, auctions, Etc. What counties and states.

I will be looking forward to your information in help with my findings on the issue of abandoned horses.

Thank You  
Terry Torreance

~~~~~  
~~~~~  
RE: p  
From: DWRCOMMENT DWRCOMMENT ([dwrcomment@utah.gov](mailto:dwrcomment@utah.gov))  
Sent: Mon 11/26/07 5:11 PM  
To: Terry Torreance ([terrygean@....](mailto:terrygean@....))

Terry,  
We do not have any reports of horses being abandoned on our Wildlife Management Areas. For information on State Parks you will need to contact Utah State parks at [parkcomment@utah.gov](mailto:parkcomment@utah.gov). As for Forest areas or BLM land you will want to contact the U.S. Forest Service or the BLM.

Thank you for contacting us!

State of Utah Department of Natural  
Resources Wildlife Division  
1594 W North Temple  
Salt Lake City, UT  
[84116801.538.4700dwrcomment@utah.gov](mailto:84116801.538.4700dwrcomment@utah.gov)



## **Fiction: Kentucky**

<http://www.sfgate.com/cgi-bin/article.cgi=/n/a/2007/03/14/national/a210114D06.DTL>

**Kentucky Overrun with Unwanted Horses, by Jeffrey McMurray,  
Associated Press  
3-14-2007**

### **Excerpt claims from article regarding abandoned horses:**

There have been reports of horses chained up in eastern Kentucky and left for days without food or water. Others have been turned loose in the countryside.

Some people who live near the strip mines in the mountains of impoverished eastern Kentucky say that while horses have long been left to roam free there, the number now may be in the thousands, and they are seeing herds three times bigger than they did just five years ago.

"There's horses over there that's lame, that's blind," said Doug Kidd, who owns 30 horses in Lackey, Ky. "They're taking them over there for a graveyard because they have nowhere to move them."

### **Fiction Deleted:**

See letter from Kentucky Governor Ernie Fletcher dated May 16<sup>th</sup>, 2007 below.



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE GOVERNOR

ERNIE FLETCHER  
GOVERNOR

May 16, 2007

700 CAPITAL AVENUE  
SUITE 100  
FRANKFORT, KY 40601  
(502) 564-2811  
FAX: (502) 564-2817

Ms. Lucille Marte  
2475 Underwood # 270  
Houston, TX 77030

Dear Ms. Marte:

Thank you for contacting me in regard to the article by Jeffrey McMurray that appeared in newspapers around the country.

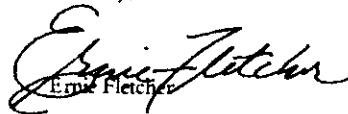
The mail I have received on this issue is from out of state. Kentuckians know that Kentucky horse owners are very responsible people and the situation described in the article is not based in fact. The story as portrayed by Mr. McMurray is filled with inaccurate statements and information.

The Commonwealth has laws on the books to protect horses and other animals from inhumane treatment. Those who choose to abuse animals reflect poorly on their own humanity. I believe we have sufficient resources and organizations to handle any problems with unwanted horses in Kentucky.

I appreciate your concerns and this opportunity to clarify our position. Kentucky is known internationally for our love of horses and I regret that a story filled with inaccuracies has caused others to question that fact.

Please feel free to contact me anytime an issue is important to you. Thank you for your willingness to become involved in resolving this matter.

Sincerely,

  
Ernie Fletcher

KentuckyUnbridledSpirit.com

  
Kentucky  
UNBRIDLED SPIRIT

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~~~~~Page 2~~~~~

Whitfield's response to Loose Horse's in KY

Voice of the People

Published March 29, 2007

This is in response to "Some horses left to starve as market for meat shrivels" (News, March 15). This story could not have been further from the truth. There is no crisis and there is no glut of "unwanted horses" roaming the Bluegrass State or anywhere else.

Though I knew the article to be completely inaccurate, I did investigate. When contacted for confirmation about this particular story, Kentucky State Police Media Relations Branch Commander Lt. Phil Crumpton confirmed that there had been no reports of unwanted horses to either the headquarters or any of the regional posts. At the annual meeting of the Kentucky Animal Care and Control Association, the organization's president, Dan Evans, surveyed the membership about the situation. None reported an increase in reports or sightings of abandoned horses.

Beyond the inaccurate reporting, it is tragic that the pro-horse slaughter movement has managed to manipulate the mainstream media.

The three remaining Belgian-owned slaughterhouses in Texas and Illinois killed more than 100,000 healthy wanted horses last year to supply overseas diners with an expensive delicacy.

While responsible horse owners may have legitimate reasons for giving up their horses, all agree that slaughter should not be an option.

I encourage everyone to get the facts on horse slaughter and help support passage of the American Horse Slaughter Prevention Act currently before Congress.

U.S. Rep. Ed Whitfield

(R-Ky.)

**Former Mayor Paula Bacon
City of Kaufman
Kaufman, TX 75142**

RE: HB 1496 February 12th, 2009

Dear North Dakota Agriculture Committee Members:

You will soon be asked to vote on the subject legislation regarding the commercial slaughter of American horses of which you probably have very little first hand knowledge. No doubt you have heard from lobbyists and organizations who want you to support the practice, but before you do, you should ask yourself why the residents of Texas and Illinois worked so hard to rid their states of their horse slaughter plants. The answer may surprise you.

As a mayor who lived with this plague in her town for many years, who knows what the horse slaughter industry really is and what it does to a community please allow me to tell you what we experienced. The industry caused significant and long term hardship to my community which was home to Dallas Crown, one of the last three horse slaughter plants in the United States.

All three plants were foreign-owned, and since the market for horsemeat is entirely foreign, the industry will always be dominated by these foreign interests. The corporations involved in this industry have consistently proven themselves to be the worst possible corporate citizens.

The Dallas Crown horse slaughtering facility had been in operation in Kaufman since the late 70's and from the beginning had caused problems both economically and environmentally. I have listed some of the specific issues below.

I will gladly provide you with detailed reports from my former City Manager, Police Chief, and Public Works Director regarding odor and wastewater effluence violations at the Dallas Crown horse slaughter plant in the City of Kaufman.. The reports reference "decaying meat [which] provides a foul odor and is an attraction for vermin and carrion," containers conveyed "uncovered and leaking liquids," there are "significant foul odors during the daily monitoring of the area," and "Dallas Crown continually neglects to perform within the standards required of them."

Therefore, in August of 2005, our City Council decided by unanimous decision to send the Dallas Crown issue to the Board of Adjustments for termination of their non-conforming use status. In March of 2006, the Board of Adjustments voted to order Dallas Crown closed, but the plant was able to tie the enforcement up in the courts until they were finally closed under state law in February of 2007.

Dallas Crown repeatedly described itself as a "good corporate citizen." I will be straightforward in asserting that they are the very antithesis of such.

- Dallas Crown had a very long history of violations to their industrial waste permit, 'loading' the capacity of the wastewater treatment plant.

- Dallas Crown denied the City access to their property for wastewater testing beginning October 1, 2004 until July 6, 2005, despite requirement by city ordinance, city permit agreement, and court order.

- City staff reported that a \$6 million upgrade to our wastewater treatment plant would be required even though the plant was planned and financed to last through 2015.

- Odor problems resulting from the outside storage of offal and hides over several days persisted not only in traditionally African-American neighborhood known as "Boggy Bottom", but at the nearby Presbyterian Hospital, the daycare center, and surrounding areas.

- Transport of offal and fresh hides on City and state thoroughfares is conducted in leaking containers without covers.

- City documents reveal an extended history of efforts to have Dallas Crown address various environmental issues. Reports include descriptive language including such as "blood flowing east and west in the ditches from your plant," "It has been over 45

days [it had been 59 days] and no apparent cleanup has occurred," "Your system has not improved and subsequently it has gotten a lot worse," "Words cannot express the seriousness" of recent violations and the "adverse effects on the wastewater treatment plant," and "Please be sure trailers are secured before leaving your premises to prevent spills," noting also "bones and blood laying in front of the facility," problems with bones and parts in neighboring yards and the attraction of "dogs and other animals."

- In response to 29 citations for wastewater violations, each accompanied by a potential fine of \$2,000, Dallas Crown requested 29 separate jury trials, potentially causing yet another economic strain to the City's budget. We could, of course, not afford to litigate in order to extract the fines
- Dallas Crown took 11 months to submit a mandatory "sludge control plan" to assist efficient operation of the wastewater treatment plant though City staff requested it orally and in writing many times.
- The City Manager advised me that the City would have to spend \$70,000 in legal fees because of Dallas Crown problems, which was the entire legal budget for the fiscal year.
- During this period, Dallas Crown paid property taxes that were less than half of what the City spent on legal fees directly related to Dallas Crown violations.
- Generally, Dallas Crown has the economic ability to prevail, to exceed the constraints of the City's budget.

Dallas Crown had a negative effect on the development of surrounding properties, and a horse slaughter plant is a stigma to the development of our city generally. I have since learned that these problems were mirrored at the other two plants. Fort Worth's Beltex horse slaughter plant also violated Ft. Worth's wastewater regulations several times, clogged sewer lines, and both spilled and pumped blood into a nearby creek (San Antonio Current, June 19, 2003). Texas state Rep. Lon Burnam, D-Fort Worth, whose district includes Beltex, and Rep. Toby Goodman, R-Arlington, fought hard against legislation that would have legalized horse slaughter in Texas in 2003. The horse slaughter plant in DeKalb, IL had a similar pattern. It was destroyed by fire in 2002, and rebuilt in 2004. It was charged and fined by the DeKalb Sanitary District almost every month from the reopening until its closing in 2007 under a new state law for consistently exceeding wastewater discharge guidelines. I can provide you with the documentation of those violations. Like Dallas Crown, Cavel refused to pay their fines for years.

During this time, I learned that an estimated \$5 million in Federal funding was being spent annually to support three foreign-owned horse slaughter plants! And when the Dallas Crown tax records were exposed in the city's legal struggle, we found that they had paid only \$5 in federal taxes on a gross income of over \$12,000,000! More over, the parent company of Cavel has since moved its operations to Canada and continued to slaughter American horses. In Canada they have apparently become even more blatant, dumping huge untreated piles of entrails onto open ground and even using a tanker truck to discharge blood and refuse into a local river. I have mentioned only the pollution issue, but this is but one negative aspect of horse slaughter. I have subsequently learned of a USDA document containing 900 pages of graphic photos that show the horrors that the horses were subject to. Behind the privacy fences of these plants, trucks arrived continuously and on those trucks was every form of inhumane violation one can imagine from mares birthing foals to horses with eyes dangling from their sockets and legs ripped from their bodies.

The more I learn about horse slaughter, the more certain I am: There is no justification for horse slaughter in this country. My city was little more than a door mat for a foreign-owned business that drained our resources, thwarted economic development and stigmatized our community. Americans don't eat horses, and we



don't raise them for human consumption. There is no justification for spending American tax dollars to support this industry at the expense of Americans and our horses.
Sincerely,

Former Mayor Paula Bacon
Kaufman, TX

Senate Hearing on HB 1496
Thursday March 5, 2009

Chairman Flakoll and Committee members thank you for letting me speak to you today in support of HB 1496.

My name is William Cook from New Salem, ND. My wife and I raise horses on our farm south of Judson. We have been raising quality Appaloosa and Quarter Horses for 27 years. Even though the market has declined, we have continued to be able to sell most of our horses because of previous customers and reputation for having good horses.

The need for a slaughter market in the horse industry is misunderstood by many people. There is always going to be a need for an outlet for horses that are no longer usable, have undesirable conformation or dispositions, or are unwanted and neglected. It is not reasonable to expect every breeder or owner to be able to keep every horse until it expires on the farm. Being able to euthanize and bury a horse is not an option for every owner. We bury our "pet" horses on our farm, but having a herd of 55 horses, it is not something that is reasonable for all of them.

For example: We raised a mare that has had excellent foals for the past 14 years. The last two years she has been unable to carry her foal and aborted before her pregnancy reached full term. She is otherwise healthy, not broke to ride, and seventeen years old. As a breeder, it is not a sound economic decision to keep her until she dies a natural death sometime in the future.

A few years ago, I raised a colt, Andy, that was very special to me. I showed him as a weanling, yearling, and two year old. I wanted to ride this horse from the time he was very young. As a two year old, I took him to two different reputable horse trainers. As it turns out, Andy, liked to buck! I spend a lot of extra hours working with this gelding and even got bucked off and broke my collar bone. He was friendly and easy to work with from the ground, but could not be ridden safely. I would not sell him to an unknowing customer and did not want him to be purchased by someone who would mistreat him because of his behavior.

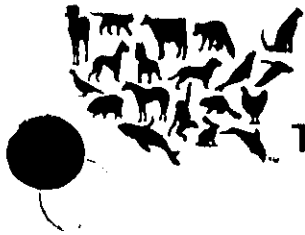
I think it is important that you as legislators provide an appropriation for the feasibility study for an equine processing facility. It is an important part of the horse industry to have this marketing tool in the United States and possibly North Dakota.

Thank you for your time and consideration.

Bill Cook
Rocky Top Appaloosas
New Salem, ND

Royal King Andy





**THE HUMANE SOCIETY
OF THE UNITED STATES**

**Testimony of The Humane Society of the United States
Keith Dane, Director of Equine Protection
In Opposition to H.B. 1496
Presented to the Senate Agriculture Committee
March 5, 2009**

On behalf of The Humane Society of the United States and our more than 19,000 members and constituents who reside in the state of North Dakota, I am submitting written testimony in strong opposition of H.B. 1496 which would provide funding for the Department of Commerce to conduct a feasibility study related to the opening a horse slaughter plant in North Dakota. This proposal is not only foolish given the strong political and public opposition to horse slaughter, it poses serious animal welfare, public health and safety, and economic development concerns for the state of North Dakota and our nation as a whole.

Horse Slaughter is Inherently Cruel. The inhumane transport and the grisly slaughter process is well-documented. Former race horses, work horses, riding ponies, and carriage horses are purchased at regular horse auctions and crammed on trucks designed for cattle. Trucked long distances, they are subject to injuries and being trampled. Once at the plant, they throw their heads and are hard to accurately stun. In the U.S., horses were frequently improperly stunned and then hoisted and shackled, and bled out while still kicking.

Inspections are Currently Defunded. Congress recently defunded USDA inspections of horses for slaughter, making it impossible for a horse slaughterhouse to operate in the U.S. Zoos do not provide enough demand and pet food companies stopped using horsemeat many decades ago.

Congress is Poised to Pass a Ban on Horse Slaughter. H.R. 503, a bill ban horse slaughter, authored by House Judiciary Chairman John Conyers (D-MI) and Representative Dan Burton (R-IN), now has 88 cosponsors. Past votes to prevent horse slaughter have been landslide, bipartisan majorities in Congress. No rational investor would build a horse slaughterhouse in the U.S.

Horse Slaughterhouses Create Negative Economic Growth. Horse slaughter plants were a drain on communities, hindering development so dramatically that the former Mayor of Kaufman, TX said Dallas Crown had a negative economic impact as no new businesses could be attracted.

Horse Slaughterhouses Harm Local Environments. All three former horse slaughterhouses in the U.S. racked up numerous environmental violations and overwhelmed municipal sewer systems. Neighbors reported horse blood coming out of their faucets in Kaufman, TX and citizens complained of leaking containers and repeated spills into waterways at the Illinois plant.

Horse Slaughter Harms Animal Welfare and Public Safety. Horses often suffer injury and death during the long transport to plants. Their fight or flight response make them ill-suited for slaughter. Their fractious natures cause injuries and make them difficult to stun. Many then bleed out while still aware and kicking because they are not rendered unconscious.

Slaughter is not an Outlet for Old, Infirm, Unwanted Horses. USDA statistics show that more than 92% of horses that go to slaughter are in good health -- these horses could live productive lives if they were

not purchased by killer buyers for slaughter. Owners have plenty of other legal, responsible options, such as resale to new homes, placement at equine rescues, or humane euthanasia.

Statistics Demonstrate that Horse Slaughter Does not Alleviate Neglect or Cruelty. When California banned horse slaughter in 1998, it saw no rise in horse cruelty cases, but did document a 34% drop in horse theft. When the Illinois plant was non-operational for two years (March 2002 – June 2004), the IL Dept. of Agriculture documented a drop in horse cruelty in the state. When it reopened, the horse abuse cases went back up. A recent study released by the Animal Law Coalition (June 17, 2008) documents no rise in horse neglect or abuse cases, but there has been a slight decrease nationwide.

Thank you for your consideration. I urge you to oppose H.B. 1496.

Currently, there are no operational horse slaughter plants in the country due to legislation action in the states where plants existed. When horse slaughter plants did operate on U.S. soil, these foreign owned plants purchased young, healthy American horses at auction to slaughter them, selling their flesh to other countries. No horses slaughtered for food in the U.S. are consumed by residents of the United States. Instead, it is sent to France, Belgium, Germany, and Japan. Simply put – the foreign-owned companies are slaughtering our horses—animals never bred or raised for this purpose in America.

Despite claims that horses sent to slaughter are old, sick, or lame, this is not the case. Many horses are unknowingly sold to slaughter, while some are stolen and sold for a profit. "Killer buyers" and slaughterhouse operators would like you to believe that they are performing a service to these horses by slaughtering them. They claim that the horses they slaughter are old and past recovery and have arrived there legally. In truth, some small number of horses may be sick or injured because of neglect but the vast majority are sound and in good health. USDA statistics show that 92.3% of all horses that were sent to slaughter in the U.S. are in good condition - meaning these horses would have gone to new owners where they could live productive lives if they were not purchased by killer buyers doing the bidding of foreign diners. These animals are purchased by opportunistic buyers who out-bid families and horse brokers, for good, sound horses that could have served as companion animals. Instead of finding homes, these horses wind up at the slaughter plant, destined for restaurants overseas. Horses, by their very nature, respond to hostile and frightening environments by trying to flee. For this reason, they cannot reliably be slaughtered in a humane fashion. While federal law is supposed to require that horses are rendered unconscious prior to slaughter, usually with a captive bolt pistol (which shoots a metal rod into the horse's brain), undercover footage has shown that horses are not stunned and are kicking and conscious when they are shackled and hoisted by a rear leg to have their throats cut. Horses respond to fear by throwing their head, making such live dismemberment an inevitability. Horse slaughter cannot be made humane, due to the very nature of horses.

In addition, conditions in the slaughterhouse are stressful and frightening for horses. A recent set of documents we obtained through the Freedom of Information Act demonstrates that the U.S. horse slaughterhouses have had problems with employees whipping horses across the face with fiberglass rods, horses flipping over backward because of such whipping and injuring their heads, and the use of long bull-whips in the holding pen. Other problems included the failure to provide water to horses in holding pens because of a fear that the watering system would freeze. Government observers characterized these incidents as "egregious humane handling" problems. Death at the slaughterhouse can never be characterized as "euthanasia" and is not a humane end for horses.

Sample
of 7 pages
of signatures

Attachment #14

SUPPORT SENATE CONCURRENT RESOLUTION #4021

We the people of the state of North Dakota petition that Senate Resolution # 4021 be passed.

We urge Congress to recognize the need for regulated horse processing facilities in the United States and to allow transportation and processing of horses .

| Name | Address | ZipCode |
|--------------------|--------------------|------------------------|
| 1 Mark Kartes | 6068 88th Ave SE | Dickinson ND 58431 |
| 2 Wesley Koudsen | 1844 5th St SE | Marion ND 58466 |
| 3 Dale Plakinski | 4083rd Ave | Dickinson ND 58431 |
| 4 Kelly Klein | 7391 10th Ave SE | Lamoure ND 58458 |
| 5 Brett Koudsen | PO Box 1 | Dickinson 58431 |
| 6 John Koudsen | PO Box 1 | Dickinson 58431 |
| 7 David V. - Behle | 8891 56th St | Adrian ND 58472 |
| 8 Ron Rode | 9453 60th St SE | Marion ND 58466 |
| 9 Paul Koudsen | 9394 Hwy 46 | Marion ND |
| 10 Jerry Rode | 6737 97th Ave SE | Lamoure ND 58458 |
| 11 Ryan Koudsen | 10059 CR 34 | Lamoure ND |
| 12 Jason Mirdemira | 5017 RIX Ave SE | Litchville ND 58461 |
| 13 Mike Koudsen | PO Box 283 | Lamoure ND 58458 |
| 14 Ray Koudsen | 301 Main A. | Marion, ND 58466 |
| 15 Jimmy Anderson | 435th 45th Ave S | Foran ND 58104 |
| 16 Bruce Koudsen | 10831 City Hwy 38 | Litchville ND 58461 |
| 17 Matt Koudsen | 10423 45th St SE | Litchville ND 58461 |
| 18 Lucas Rode | 8880 Stan St SE | Adrian ND 58472 |
| 19 John Koudsen | 10423 45th St SE | Litchville ND 58461 |
| 20 John Koudsen | 418 3rd Ave | Dickinson 58431 |
| 21 Steve Koudsen | 10423 45th St SE | Litchville ND 58461 |
| 22 John Koudsen | 102 5th Ave | Dickinson 58431 |
| 23 Don Koudsen | 506 2nd St | Montpelier, ND 58472 |
| 24 Wayne Koudsen | 6109 93rd Ave | Dickinson ND 58431 |
| 25 Brian Kiser | 4831 66th Ave SW | Litchville, ND 58461 |
| 26 Phil Koudsen | P.O. Box 12 | Dickinson |
| 27 John Koudsen | 5838 110 Ave S.E. | Litchville, N.D. 58461 |
| 28 Gerald Koudsen | 10765 County RD 34 | Lamoure ND 58458 |
| 29 Jerry Koudsen | 10765 CC Rd 34 | Ward ND 58458 |
| 30 John Koudsen | 5739 110 Ave S.E. | Litchville ND 58461 |
| 31 Tom Koudsen | 5739 110 Ave SE | Litchville ND 58461 |
| 32 Josh Koudsen | 5809 ND Hwy 1 SE | Litchville, ND 58461 |
| 33 Cheryl Walter | 618 4th Avenue SE | Ward ND 58458 |
| 34 Clayton Koudsen | 5841 109th Ave SE | Litchville ND 58461 |
| 35 Amy Koudsen | 5838 110 Ave SE | Litchville ND 58461 |

GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING**Fiscal Note 2011 Biennium**

| | | | |
|-------------------------|-------------------|----------------|--|
| Bill # | HB0418 | Title: | Authorize investor owned livestock slaughter and processing plants |
| Primary Sponsor: | Butcher, Edward B | Status: | As Introduced |

- ☐ Significant Local Gov Impact
 ☐ Needs to be included in HB 2
 ☒ Technical Concerns
☐ Included in the Executive Budget
 ☐ Significant Long-Term Impacts
 ☐ Dedicated Revenue Form Attached

$50 \text{ hd/day} = 13,000 \text{ hd/yr}$
 $100 \text{ hd/day} = 26,000 \text{ hd/yr}$
 $100,000 \text{ hd/yr} = 384 \text{ hd/day}$

| | FY 2010
Difference | FY 2011
Difference | FY 2012
Difference | FY 2013
Difference |
|---|-----------------------|-----------------------|-----------------------|-----------------------|
| Expenditures: | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| Revenue: | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| Net Impact-General Fund Balance: | \$0 | \$0 | \$0 | \$0 |

Description of fiscal impact: This bill has no fiscal impact to the state.

FISCAL ANALYSIS**Assumptions:**

- There are no horse slaughter facilities in Montana and very little market for horse meat products. If such a facility was built, the market for horse meat products would be foreign exports subject to USDA inspection. The Montana Department of Livestock would not be impacted fiscally.

Technical Notes:

- Sections 5 and 6 are unnecessary and create ambiguity. The purpose of the bill is to prohibit injunctions in challenges to equine slaughter facility permits. Sections 5 and 6 are existing statutes that authorize the Department of Environmental Quality (DEQ) to seek injunctions to prevent violation of the water quality act and permits. They do not apply to permit challenges or appeals. Therefore, it is unnecessary to amend sections 5 and 6 to provide that injunctions may be sought "except as provided in section 1". Inclusion of this language in sections 5 and 6 could be interpreted as preventing the DEQ from seeking an injunction to prohibit an equine slaughter facility from violating its permit.

Sponsor's Initials

Date

Budget Director's Initials

Date

2009 Montana LegislatureAdditional Bill Links PDF (with line numbers)**HOUSE BILL NO. 418**

INTRODUCED BY BUTCHER, ANKNEY, BALES, DE. BARRETT, BELCOURT, BERRY, T. BROWN,
 CAMPBELL, GEBHARDT, HINER, HINKLE, HOVEN, JONES, KERNS, KLOCK, MCCHESENEY, MILLER, MORE,
 MURPHY, J. PETERSON, RANDALL, REGIER, RIPLEY, ROBERTS, SMITH, STAHL, STEINBEISSER,
 TUTVEDT, VANCE, VINCENT, WAGNER, Warburton, WELBORN, WINDY BOY, ZINKE, REICHNER,
 BEAN, KASTEN

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING INVESTOR-OWNED EQUINE SLAUGHTER OR PROCESSING FACILITIES; PROHIBITING A COURT FROM GRANTING AN INJUNCTION TO STOP OR DELAY THE CONSTRUCTION OF AN EQUINE SLAUGHTER OR PROCESSING FACILITY BASED ON LEGAL CHALLENGES OR APPEALS OF A PERMIT, LICENSE, CERTIFICATE, OR OTHER APPROVAL ISSUED IN CONJUNCTION WITH ENVIRONMENTAL LAWS; SETTING BONDING REQUIREMENTS; AND AMENDING SECTIONS 75-1-201, 75-2-104, 75-5-614, 75-5-621, 75-5-641, 81-9-111, 81-9-112, 81-9-115, 81-9-116, 81-9-201, 81-9-229, AND 81-9-230, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

*Held in session
 Cameron
 MS*

NEW SECTION. Section 1. Equine slaughter or processing facilities -- no injunction to stop -- damages allowed for delay. (1) A court of this state may not issue an injunction stopping or delaying the construction of an equine slaughter or processing facility licensed pursuant to 81-9-201 based on a challenge or appeal of a permit, license, certificate, or other approval issued in conjunction with a proposed equine slaughter or processing facility based on the provisions of:

- (a) Title 75, chapter 1, parts 1 through 3;
- (b) Title 75, chapter 2, parts 1 through 4;
- (c) Title 75, chapter 5, part 4;
- (d) Title 75, chapter 10, part 1 and parts 3 through 13; or
- (e) Title 81, chapter 9, part 2.

(2) If a person files an action against the operation of an equine slaughter or processing facility and does not prevail, the person is liable for all financial losses the facility suffers if the court issues an injunction that halts operations while the action is pending.

NEW SECTION. Section 2. Judicial review of equine slaughter or processing facilities -- surety bond --

attorney fees -- venue. (1) (a) If an action is filed in district court to challenge the issuance of a license, permit, certificate, or other approval for an equine slaughter or processing facility pursuant to Title 75 or Title 81, chapter 9, the court shall require a surety bond of the person filing the action. The bond must be set at an amount representing 20% of the estimated cost of building the facility or the operational costs of an existing facility.

(b) The bonding requirements of this subsection (1) do not apply to an indigent person.

(2) If the bond required under subsection (1) is not paid within 30 days of the filing of the action, the action must be dismissed.

(3) An action to challenge a decision to issue a license, permit, certificate, or other approval must be brought in the county or district court jurisdiction in which the facility will be built. If a facility would be located in more than one county, the action may be brought in any of the counties or district court jurisdictions in which the facility would be built.

(4) If the court determines that a judicial action challenging a license, permit, certificate, or other approval for an equine slaughter or processing plant was without merit or was for an improper purpose designed to harass, cause delay, or improperly interfere with the ongoing operation of a facility, the court may award attorney fees and costs incurred in defending the action.

(5) This section does not prevent a defendant in an action brought pursuant to this section from filing an action or counterclaim for any claim for relief available by law and does not limit the recovery that may be obtained in a claim for relief.

Section 3. Section 75-1-201, MCA, is amended to read:

"75-1-201. General directions -- environmental impact statements. (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

(b) under this part, all agencies of the state, except the legislature and except as provided in subsection (2), shall:

(i) use a systematic, interdisciplinary approach that will ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking that may have an impact on the human environment; and

(B) that in any environmental review that is not subject to subsection (1)(b)(iv), when an agency considers alternatives, the alternative analysis will be in compliance with the provisions of subsections (1)(b)(iv)(C)(I) through (1)(b)(iv)(C)(III) and, if requested by the project sponsor or if determined by the agency to be necessary,

subsection (1)(b)(iv)(C)(IV);

(ii) identify and develop methods and procedures that will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking, along with economic and technical considerations;

(iii) identify and develop methods and procedures that will ensure that state government actions that may impact the human environment are evaluated for regulatory restrictions on private property, as provided in subsection (1)(b)(iv)(D);

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of the human environment a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse environmental effects that cannot be avoided if the proposal is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

(II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

(III) if the project sponsor believes that an alternative is not reasonable as provided in subsection (1)(b)(iv)(C)(I), the project sponsor may request a review by the appropriate board, if any, of the agency's determination regarding the reasonableness of the alternative. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The agency may not charge the project sponsor for any of its activities associated with any review under this section. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208.

(IV) the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection (1)(b)(iv)(D) need not be prepared if the proposed action does not involve the regulation of private property.

(E) the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity;

(F) any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

(G) the customer fiscal impact analysis, if required by 69-2-216; and

(H) the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection (1)(b)(iv)(C), study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources;

(vi) recognize the national and long-range character of environmental problems and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize national cooperation in anticipating and preventing a decline in the quality of the world environment;

(vii) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(viii) initiate and use ecological information in the planning and development of resource-oriented projects; and

(ix) assist the environmental quality council established by 5-16-101;

(c) prior to making any detailed statement as provided in subsection (1)(b)(iv), the responsible state official shall consult with and obtain the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved and with any local government, as defined in 7-12-1103, that may be directly impacted by the project. The responsible state official shall also consult with and obtain comments from any state agency with respect to any regulation of private property involved. Copies of the statement and the comments and views of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

(d) a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection (1)(b)(iv) if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

(2) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

(3) (a) In any action challenging or seeking review of an agency's decision that a statement pursuant to subsection (1)(b)(iv) is not required or that the statement is inadequate, the burden of proof is on the person

challenging the decision. Except as provided in subsection (3)(b), in a challenge to the adequacy of a statement, a court may not consider any issue relating to the adequacy or content of the agency's environmental review document or evidence that was not first presented to the agency for the agency's consideration prior to the agency's decision. A court may not set aside the agency's decision unless it finds that there is clear and convincing evidence that the decision was arbitrary or capricious or not in compliance with law. A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of any action challenging or seeking review of the agency's decision.

(b) When new, material, and significant evidence or issues relating to the adequacy or content of the agency's environmental review document are presented to the district court that had not previously been presented to the agency for its consideration, the district court shall remand the new evidence or issue relating to the adequacy or content of the agency's environmental review document back to the agency for the agency's consideration and an opportunity to modify its findings of fact and administrative decision before the district court considers the evidence or issue relating to the adequacy or content of the agency's environmental review document within the administrative record under review. Immaterial or insignificant evidence or issues relating to the adequacy or content of the agency's environmental review document may not be remanded to the agency. The district court shall review the agency's findings and decision to determine whether they are supported by substantial, credible evidence within the administrative record under review.

(4) To the extent that the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) are inconsistent with federal requirements, the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) do not apply to an environmental review that is being prepared by a state agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that is being prepared by a state agency to comply with the requirements of the National Environmental Policy Act.

(5) (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.

(b) Nothing in this subsection (5) prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.

(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.

(6) (a) (i) A challenge to an agency action under this part may only be brought against a final agency action and may only be brought in district court or in federal court, whichever is appropriate.

(ii) Any action or proceeding challenging a final agency action alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection (6)(a)(ii) must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection (6)(a) involving an equine slaughter or processing facility must comply with [sections 1 and 2].

(7) The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection (1)(b)(iv) or any recommendation that a determination of significance be made.

(8) A project sponsor may request a review of the significance determination or recommendation made under subsection (7) by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

Section 4. Section 75-2-104, MCA, is amended to read:

"75-2-104. Limitations -- personal cause of action unabridged -- venue. (1) This chapter may not be construed to:

(a) grant to the board any jurisdiction or authority with respect to air contamination existing solely within commercial and industrial plants, works, or shops;

(b) affect the relations between employers and employees with respect to or arising out of any condition of air contamination or air pollution;

(c) supersede or limit the applicability of any law or ordinance relating to sanitation, industrial health, or safety; or

(d) abridge, limit, impair, create, enlarge, or otherwise affect substantively or procedurally the right of a person to damages or other relief on account of injury to persons or property and to maintain an action or other appropriate proceeding.

(2) A judicial challenge to a permit issued pursuant to this chapter by a party other than the permit applicant or permitholder must include the party to whom the permit was issued unless otherwise agreed to by the permit applicant or permitholder. All judicial challenges of permits for projects with a project cost, as determined by the court, of more than \$1 million must have precedence over any civil cause of a different nature pending in that

court. If the court determines that the challenge was without merit or was for an improper purpose, such as to harass, to cause unnecessary delay, or to impose needless or increased cost in litigation, the court may award attorney fees and costs incurred in defending the action.

(3) An action to challenge a permit decision pursuant to this chapter must be brought in the county in which the permitted activity will occur. If an activity will occur in more than one county, the action may be brought in any of the counties in which the activity will occur.

(4) A judicial action or proceeding pursuant to this chapter for an equine slaughter or processing facility must comply with [sections 1 and 2]."

Section 5. Section 75-5-614, MCA, is amended to read:

"75-5-614. Injunctions authorized. (1) ~~The~~ Except as provided in [section 1], the department is authorized to commence a civil action seeking appropriate relief, including a permanent or temporary injunction, for a violation that would be subject to a compliance order under 75-5-613. An action under this subsection may be commenced in the district court of the county where a violation occurs or is threatened, and the court has jurisdiction to restrain the violation and to require compliance.

(2) ~~The~~ Except as provided in [section 1], the department may bring an action for an injunction against the continuation of an alleged violation of the terms or conditions of a permit issued by the department or any rule or effluent standard promulgated under this chapter or against a person who fails to comply with an emergency order issued by the department under 75-5-621 or a final order of the board. The court to which the department applies for an injunction may issue a temporary injunction if it finds that there is reasonable cause to believe that the allegations of the department are true, and it may issue a temporary restraining order pending action on the temporary injunction."

Section 6. Section 75-5-621, MCA, is amended to read:

"75-5-621. Emergencies. (1) Notwithstanding other provisions of this chapter, if the department finds that a person is committing or is about to commit an act in violation of this chapter or an order or rule issued under this chapter that, if it occurs or continues, will cause substantial pollution the harmful effects of which will not be remedied immediately after the commission or cessation of the act, the department may order the person to stop, avoid, or moderate the act so that the substantial injury will not occur. The order is effective immediately upon receipt by the person to whom it is directed, unless the department provides otherwise.

(2) Notice of the order must conform to the requirements of 75-5-611(1) so far as practicable. The notice must indicate that the order is an emergency order.

(3) Upon issuing an order, the department shall fix a place and time for a hearing before the board, not later

than 5 days after issuing the order unless the person to whom the order is directed requests a later time. The department may deny a request for a later time if it finds that the person to whom the order is directed is not complying with the order. The hearing must be conducted in the manner specified in 75-5-611. As soon as practicable after the hearing, the board shall affirm, modify, or set aside the order of the department. The order of the board must be accompanied by the information required in 75-5-611(6). An action for review of the order of the board may be initiated in the manner specified in 75-5-641. ~~The~~ Except as provided in [section 1], the initiation of an action or taking of an appeal may not stay the effectiveness of the order unless the court finds that the board did not have reasonable cause to issue an order under this section."

Section 7. Section 75-5-641, MCA, is amended to read:

"75-5-641. Appeals from board orders – review by district court. (1) An appeal of an order of the board ~~shall~~ must be in the district court of the county in which the alleged source of pollution is located.

(2) A person interested in the order may intervene, in the manner provided by the rules of civil procedure, if ~~he~~ the person shows good cause. An intervenor is a party for the purposes of this chapter.

(3) The attorney general shall represent the board if requested, or the department may appoint special counsel for the proceedings, subject to the approval of the attorney general.

(4) ~~The~~ Except as provided in [section 1], the initiation of an action for review or the taking of an appeal does not stay the effectiveness of ~~any~~ an order of the board unless the court finds that there is probable cause to believe:

(a) that refusal to grant a stay will cause serious harm to the affected party; and

(b) that ~~any~~ a violation found by the board will not continue or, if it does continue, ~~any~~ the harmful effects on state waters will be remedied immediately on the cessation of the violation.

(5) If a court does not stay the effectiveness of an order of the board, it may enforce compliance with that order by issuing a temporary restraining order or an injunction at the request of the board."

Section 8. Section 81-9-111, MCA, is amended to read:

"81-9-111. Hide certificates – inspection of hides before disposal – person slaughtering cattle or horses to exhibit hides. (1) ~~Every~~ A person or persons, firm, corporation, or association slaughtering cattle or horses for its own use must before selling, destroying, or otherwise disposing of the hide or hides from ~~such~~ the cattle or horses have the ~~same~~ hide or hides inspected by an officer authorized to make ~~such~~ the inspection and secure a certificate of inspection as ~~herein~~ provided for in this part.

(2) ~~It shall be unlawful for any~~ A person or persons, firm, corporation, or association ~~to~~ may not sell, offer for sale, destroy, or otherwise dispose of ~~any~~ a hide or hides from slaughtered cattle ~~which~~ or horses that have not

been inspected and identified by an authorized inspector.

(3) It ~~shall be~~ is the duty of any person or persons, firm, corporation, or association slaughtering cattle or horses, for ~~his own personal~~ use or otherwise, upon demand of an authorized inspector, to exhibit the cattle or horse hide or hides ~~of such animal or animals~~ for inspection or certificate issued by a hide buyer or ~~some~~ evidence of inspection by an authorized inspector."

Section 9. Section 81-9-112, MCA, is amended to read:

"81-9-112. Inspection and marking of hides and meat of slaughtered cattle or horses -- records -- bill of sale -- when inspection not necessary. (1) All slaughtering establishments required to be licensed under 81-9-201 shall maintain the hide of an animal in its entirety with tail and ears attached for each animal slaughtered until inspected by a state or deputy state stock inspector in the county where the animal was slaughtered. The inspector shall mark the hide in the manner prescribed by the department. This inspection may be waived for ~~these~~ animals inspected by a state or deputy state stock inspector on a preslaughter inspection.

(2) Each dressed carcass of ~~such a slaughtered animal~~ shall ~~must~~ be stamped with an ink stamp in a manner specified by the department. The inspector shall keep a record and issue a certificate of inspection as specified by the department, giving the name and address of the establishment or person, the serial number of the inspection of the hide, the brand on the hide, if applicable, the date of inspection, and the place where the inspection was made. The inspector shall forward a copy of the inspection certificate to the department and issue one copy to the person requesting the inspection.

(3) When ownership of the carcass and hide presented is claimed on a bill of sale, the officer making the inspection shall demand and receive the original bill of sale, ~~which shall be attached and attach it~~ to the inspector's certificate sent to the county clerk and recorder. When the bills of sale cover cattle or horses not included in the inspection, the inspector shall issue to the owner of the bill of sale a receipt for the bill of sale. The receipt ~~shall~~ must describe the balance of the cattle or horses covered by the original bill of sale.

(4) ~~Any~~ A person who kills ~~beef or veal~~ livestock in good faith for ~~his~~ the person's own use ~~shall not be~~ is not required to have ~~such~~ the meat inspected or stamped."

Section 10. Section 81-9-115, MCA, is amended to read:

"81-9-115. Unlawful to purchase uninspected hide or carcass -- exception. ~~No~~ A person, firm, corporation, or association may not purchase the hide or carcass or any part ~~thereof of any beef or veal of~~ livestock slaughtered in a facility licensed pursuant to 81-9-201 without the inspection or identification ~~herein~~ provided for required by this part. The provision of this section does not apply to ~~any~~ a person who purchases from a licensed meat establishment ~~beef or veal~~ meat in quantities less than one quarter of an animal."

Section 11. Section 81-9-116, MCA, is amended to read:

"81-9-116. Officers' authority concerning enforcement -- seizure and sale of meat held in violation. Any

~~An~~ officer having authority to make the inspection ~~herein~~ provided for in this part may enter into and inspect meat establishments required to be licensed under 81-9-201 or places where beef meat is handled in quantities, for the purpose of determining whether the provisions of this part have been complied with. ~~In case~~ If meat is found ~~which that~~ is being held in violation of the provisions of this part, the officers may seize the ~~same~~ meat. All seized meat ~~so seized shall~~ must be sold under the direction of a stock inspector, sheriff, or other officer authorized, at either public or private sale, for the best price obtainable, and the proceeds ~~shall~~ must be paid to the county treasurer of the county in which ~~said the~~ meat is seized for the benefit of the general fund of ~~said the~~ county."

Section 12. Section 81-9-201, MCA, is amended to read:

"81-9-201. Meat establishment license -- fees and renewals. (1) It is unlawful for a person, firm, or corporation to engage in the business of slaughtering livestock or poultry, including the operation of a mobile slaughter facility as defined in 81-9-217, or processing, storing, or wholesaling livestock or poultry products without having a license issued by the department. The department shall establish an annual fee for a license issued under this section, to be paid into the state special revenue fund for the use of the department.

(2) All licenses expire each year on the anniversary date established by rule by the board of review established in 30-16-302 and must be renewed by the department on request of the licensee. However, when the department finds that the establishment for which the license is issued is not conducted in accordance with the rules and orders of the board made under 81-2-102, the department shall revoke the license and may not renew it until the establishment is in a sanitary condition in accordance with department rules.

(3) Investor-owned equine slaughter or processing facilities must be licensed pursuant to this section.

~~(3)(4)~~ A person, firm, or corporation violating this section or any rule or order promulgated by authority of 81-2-102 is guilty of a misdemeanor and upon conviction shall be fined not more than \$500."

Section 13. Section 81-9-229, MCA, is amended to read:

"81-9-229. Assignment of inspectors. (1) The chief shall assign inspectors to each official establishment and may assign one inspector to two or more establishments.

(2) No establishment may slaughter or process ~~any~~ cattle, buffalo, horses, sheep, swine, goats, or poultry unless ~~there is~~ an assigned inspector is present. The hours of the day and days of each week, including holidays or weekends, when the establishment is slaughtering or processing meat must be satisfactorily arranged between the chief and each establishment. Establishments shall pay overtime fees to the board when services are

rendered in excess of 8 hours a day or on holidays or weekends."

Section 14. Section 81-9-230, MCA, is amended to read:

"81-9-230. Antemortem and postmortem inspection required. (1) Official establishments must have an antemortem inspection. The inspector assigned to each establishment shall examine each animal immediately prior to slaughter ~~for the purpose of eliminating~~ to eliminate all unfit animals and ~~segregating~~ segregate for more thorough examination all animals suspected of being affected with a condition that might influence their disposition on postmortem inspection. The unfit animals may not enter the slaughtering facilities of the plant. The suspected animals ~~which after inspection that~~ are permitted to be slaughtered after inspection must be handled separately from the regular kill and given a special postmortem examination.

(2) Official establishments must have a postmortem inspection. The postmortem inspection must be made at the time the animals are slaughtered. The inspectors shall examine the cervical lymph glands, the skeletal lymph glands, the viscera and organs, with their lymph glands, and all exposed surfaces of the carcasses of all cattle, buffalo, horses, sheep, swine, and goats. The examination must be conducted in the slaughtering facilities of the establishment during the slaughtering operations.

(3) The chief or any of ~~his~~ the chief's inspectors may have a laboratory designated by the board make pathogenic examination of animals or animal parts ~~thereof~~ for completion of antemortem or postmortem inspection."

NEW SECTION. Section 15. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 81, chapter 9, part 2, and the provisions of Title 81, chapter 9, part 2, apply to [sections 1 and 2].

- END -

Latest Version of HB 418 (HB0418.02)

Processed for the Web on February 21, 2009 (10:19am)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the status of this bill for the bill's primary sponsor.

[Status of this Bill](#) | [2009 Legislature](#) | [Leg. Branch Home](#)

[This bill in WP 5.1](#) | [All versions of all bills \(WP 5.1 format\)](#)

[Authorized print version w/line numbers \(PDF format\)](#)

Attachment #17
HB1496

The Unwanted Horse Issue: What Now?

Forum

Revised Proceedings

United States Department of Agriculture

**Jefferson Auditorium
South Agriculture Building**

Washington, DC

June 18, 2008

Edited by

**Camie Heleski
Michigan State University**

**Karen Waite
Michigan State University**

**Richard Reynnells
USDA/CSREES/PAS**

Table of Contents

| | |
|--|-----|
| Sponsor Recognition | ii |
| Preface, Camie Heleski | iii |
| Introduction, James J. Hickey Jr. | 1 |
| The Historical Perspectives of the Unwanted Horse, Nat T. Messer | 2 |
| Ethical Perspectives on the Unwanted Horse Issue & the US Ban on Equine Slaughter, Camie R. Heleski | 6 |
| Panel: Unwanted Horses: Fact or Fiction | |
| Carcass Disposal Options, David L. Meeker | 12 |
| Unwanted Horses: Fact or Fiction, Holly Hazard | 17 |
| The "Unwanted" Horse in the U.S.: An Overview of the Issue, Tom Lenz | 22 |
| The Need for Real Data and Common Understandings, Karin Bump | 27 |
| Panel: What is the Federal Role in Creating Viable Solutions to the Unwanted Horse Issue? | |
| The Honorable Ed Whitfield, R-KY | 38 |
| The Honorable Charles W. Stenholm, Olsson, Frank and Weeda, P.C. | 39 |
| Panel: Commercial Transportation of Horses to Slaughter in the United States: Knowns and Unknowns | |
| Commercial Transportation of Horses to Slaughter in the United States Knowns and Unknowns, Tim Cordes | 40 |
| The Alberta Horse Report, Jennifer Woods | 43 |
| Panel: Potential Solutions and Options | |
| Little Brook Farms Provides Humane Alternatives for the Unwanted Horse, Lynn Cross | 45 |
| The Unwanted Horse Issue: What Now?", Potential Solutions and Options, Tom Persechino | 48 |
| Unwanted Horse Questions: What They Are and How to Ask Them, Al Kane | 56 |
| Summary, Robin Lohnes | 57 |
| APPENDIX A Speaker Contact Information | 62 |
| APPENDIX B Power Point Slides | 66 |
| APPENDIX C Written Questions from Participants | 106 |
| APPENDIX D Groups Involved in Horse Related Work | 111 |
| NOTES | 113 |

SPONSOR RECOGNITION

The Organizing Committee included representatives from the following:

American Horse Council,

United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS),

USDA, Cooperative State Research, Education and Extension Service (CSREES), Plant and Animal Systems,

Land Grant Universities, and

professional and horse organizations.

The Organizing Committee gratefully acknowledges the sponsorship of the coffee break by "American Humane Certified".

The USDA/APHIS provided funds for the extra security, hearing impaired translator, and publicity posters.

The USDA/CSREES provided funds for proceedings development and publicity.

Preface

Is there a problem of unwanted horses? What is an unwanted horse?

If we believe there are unwanted horses, are there more than in the past? How many is too many?

How can we best promote responsible horse ownership? How do we foster best practices regarding the breeding of horses? How do we educate novice horse owners?

What resources are available for horse owners who have lost the economic means to care for their horses? Are there sufficient rescue/retirement/second career options for all unwanted horses?

Have there been unintended consequences of the ban on US horse slaughter? Could there be further unintended consequences of a ban on all horses leaving the country for slaughter?

What does a person do with a horse they've been unable to sell...to give away?

Can rendering, incineration and burial handle all annual horse deaths?

Is it possible that it is more acceptable to slaughter some horses than others?

Is it possible that there are options more "unkind" than death at a slaughter house? Is there anything "unkind" about death at a regulated slaughter plant?

Is it fair to ask the horse industry to operate as though it is not a business?

It is these questions, and others, that prompted a group of concerned individuals to come together and present the information that you will either hear – if you are present at the forum on June 18, 2008, or that you will read about in these proceedings. Regardless of your perspective, the associated issues are not simple nor will the solutions be.

Welcome

**James J. Hickey, Jr.
American Horse Council**

On behalf of the American Horse Council, other members of the organizing committee, and today's speakers, I would like to welcome you to today's forum on the unwanted horse issue. I would also like to thank USDA for hosting this meeting and for collaborating with the AHC in preparing and organizing the day.

The forum is entitled "The Unwanted Horse Issue: What Now?". The purpose of today's educational forum is to try to identify the current circumstances surrounding "unwanted horses," whether there are such horses, and if there are, how many there are, the causes of their being unwanted, and the possible solutions and available options to help them. We hope it will be an opportunity to collectively identify the current situation regarding the well-being of these horses and to discuss solutions and alternatives to deal with them before they slip into the "unwanted" category.

The focus of today's meeting is the "unwanted horse". The intention is to bring people together to seek a greater understanding of the current issues surrounding unwanted horses and horse owners.

In developing the agenda for today, the organizers focused on getting a balanced set of speakers with varied views and expertise. We have speakers from Congress and USDA, from equine industry groups, welfare groups, equine rescue centers, and more. There will be discussions on historical and ethical perspectives of the situation, what is fact and what is fiction, the Federal role in creating viable solutions to the issue, transportation issues, and potential solutions and options for unwanted horses.

The USDA, AHC and our speakers hope that today will be an opportunity for all in attendance to come together and discuss our concern for the unwanted horse, to share information, and discuss solutions to benefit the well-being of these horses. We hope it will provide the will for all of us to leave here and continue our efforts, collectively and individually, to erase the term "unwanted horse" from the equine vocabulary.

Thank you for your interest and thank you for coming.

The Historical Perspectives of the Unwanted Horse

Nat T. Messer IV
University of Missouri
Unwanted Horse Coalition and
American Veterinary Medical Association

SCOPE OF THE PROBLEM

The current plight of the unwanted horse in the United States has been directly impacted by various recent state legislative actions. The legislation was most likely intended to be in the horse's best interests, but it has brought about unintended consequences that now appear to be having a negative impact on the welfare of these horses. This would not be the first time that mandated legislation has had good intentions, but ultimately resulted in some unexpected consequences that adversely affected the welfare of horses. One only has to look at such pieces of legislation as the Wild Horse and Burro Protection Act of 1971, the Horse Protection Act of 1970 and the Amended Horse Protection Act of 1976, the Humane Methods of Slaughter Act, and the Commercial Transport to Slaughter Act to see that even the best laid plans don't always accomplish their true goals. So, as we address the plight of unwanted horses, it is particularly important to reflect on the past so as to avoid similar ill-fated legislative efforts when it comes to what the future brings for the unwanted horse.

"Unwanted horses" represent a subset of horses within the domestic equine population determined by someone to be no longer needed or useful, or their owners are no longer interested in or capable of providing care for them either physically or financially. Until 2007, most unwanted horses were likely sent to slaughter with fewer numbers being rescued / rehabilitated, euthanized and disposed of through rendering, burial, discarded at landfills, or composted, with still fewer simply abandoned and left to die of natural causes. Since the closure of all of the US slaughter plants, a significant and increasing number of unwanted horses are being exported to Canada and Mexico for slaughter.

Within the horse industry there are always going to be unwanted horses. If you think about it, whenever a horse is sold, the seller didn't want the horse any longer. If the sale is successful then that horse is no longer unwanted, but if there is no sale the horse remains unwanted. Unwanted horses range from being essentially normal, healthy horses of varying ages and breeds to horses with some type of disability or infirmity, horses that are unattractive; horses that fail to meet their owner's expectations for their intended use (e.g., athletic ability); horses with non-life-threatening diseases; horses that have behavioral problems; or horses that are truly mean or dangerous. In many cases, these horses have had multiple owners, have been shipped from one sale barn, stable, or farm to another, and have ultimately been rejected as eligible for any sort of responsible, long-term care.

For the past 15 years and up until 2007, approximately 1-2% (75-150,000 horses) of the domestic equine population, on average, in the United States was sent to slaughter each year, with another 10-20,000 horses each year being exported to Canada for slaughter during this same period of time, and, an unknown number of horses being sent to Mexico for that purpose as well (~ 6,500 in 2005; 12,000 in 2006; 45,000 in 2007) (1). In 1997, slightly more than 1% of the domestic equine population was sent to slaughter (approx. 72,000 horses). In comparison, according to

the 1998 NAHMS Report (2), 1.3% of horses age 6 months to 20 years (approx 80,500 horses) on all premises surveyed either died or were euthanized in 1997, while 11.1% of horses greater than 20 years of age (approx. 55,000 horses) on all premises surveyed either died or were euthanized in 1997. Assuming these numbers are at least somewhat representative of what occurs annually, then nearly 100 horses either die or are euthanized for every 50 horses that go to slaughter and at least 200,000 equine carcasses must be disposed of annually, one-third of which were being processed for human consumption until 2007, with the remainder being cremated, buried, "digested", disposed of in landfills, or rendered.

When the number of unwanted horses are combined with the 20,000 + feral horses deemed to be un-adoptable (or unwanted) that are being maintained by the Bureau of Land Management (BLM) on privately owned sanctuaries, plus 6 - 8,000 horses being held in short-term holding facilities operated by the BLM awaiting adoption (temporarily unwanted), and an unknown but significant number of horses housed at rescue and retirement facilities waiting for a new owner, one can readily see that the number of truly and/or potentially unwanted horses constitutes a significant number of horses to be dealt with each year and in the future.

To their credit, various equine welfare organizations, breed-specific organizations, and numerous benevolent equine welfare advocates and horse owners have made a conscientious and concerted effort to either provide care for unwanted horses, provide funding for the care of unwanted horses, or to find suitable accommodations for them in both the private and public sector. These efforts, along with widespread efforts to inform the public about the plight of the unwanted horse, fewer slaughter plants operating in the United States, changes to the IRS tax code, and a relatively high demand for horses by prospective buyers presumably accounts for the decrease in the number of horses being sent to slaughter over the past 5-10 years. The carrying capacity for these retirement farms, rescue farms, and sanctuaries, as they are called, is unknown at this point, but despite their noble efforts to provide care for many unwanted horses, the number of unwanted horses far exceeds the resources currently available to accommodate them all. Even well-meaning volunteers can become overburdened with unwanted horses, at times to the detriment of the horses under their care. There simply are not enough volunteers, funding, or placement opportunities for all of the unwanted horses. And, since the closure of all US slaughter plants in 2007, the burden has increased substantially.

Why are there so many apparently unwanted horses? Is there, as some would suggest, a glut of horses in the United States today? Was there, then, an even larger glut of horses when 200-300,000 horses were being sent to slaughter in the early '90's? The horse industry depends, to a large extent, on the buying and selling of horses. It also depends on being profitable. Without demand from buyers and supply from sellers, the horse industry would not exist. For the past 5-10 years, the demand for horses on the part of those buying horses has been very good. Over the years, however, this demand has certainly run in cycles that frequently follow other economic trends. In general, when the demand for horses is low, then the number of unwanted horse's increases, regardless of what their bloodlines may be. Recent changes in various breed organization's rules, such as permitting the use of embryo transfer and frozen semen, have favored the production of horses, allowing breeders to produce more than one offspring per year from mares, and allowing breeders to more efficiently select for horses with desirable bloodlines or performance records. New technology will further facilitate this practice in the future. Unfortunately, even with the help of technological advances, not every mating will produce a horse that meets the expectations of a buyer. For those in the business of breeding and raising horses, an unsold horse becomes a liability rather than an asset.

Currently, to the author's knowledge, there is a lack of information about the demographics of unwanted horses other than the generalizations made previously, (i.e., not marketable, disabled or infirm, unattractive, lacking athletic ability, dangerous or mean). According to United States Department of Agriculture statistics, the horses going to slaughter basically follow the demographics of the horse population in general, i.e., nearly equal numbers of mares and geldings, primarily Quarter Horses followed by the other breeds ranked in order of their relative numbers in the general horse population. A more detailed study investigating the demographics of horses deemed to be unwanted would allow the horse industry to focus more appropriately on the problem. For example, former racehorses are frequently singled out as examples of unwanted horses when their racing careers end and they are not candidates for breeding or other athletic endeavors. There are undocumented estimates suggesting that less than 10% of the horses that go to slaughter are Thoroughbreds, but just how many of the 100,000 + horses that went to slaughter last year in the US and Canada were former racehorses? What is the average age and sex of those unwanted horses? What are the types of things that cause them to be unwanted? Are they purebred or grade horses? Answers to questions such as these and many more need to be addressed to be able to understand the problem and potentially reduce the number of unwanted horses.

Whenever there are large numbers of unwanted horses as there are today, there is always concern for the welfare of these horses. However, even though there appears to be an increase in the reports of equine abuse and neglect (3), there is no reliable way to document the actual number of these instances of abuse or neglect, other than what can be read in the news. Neglect of horses takes many forms and is due to a variety of factors. Could this upsurge in neglect be due solely to an increasing number of uninformed horse owners unfamiliar with the proper care of horses or could it be due purely to economic constraints created by the downturn in the economy since 9/11? Or, could it be due to the availability of affordable ways to responsibly dispose of unwanted horses brought about by regulations prohibiting burial of animal carcasses in some locales, costs associated with veterinary euthanasia and disposal by cremation, "digestion" or rendering, and closure of existing slaughter plants processing horses for human consumption? All of these factors must be considered when faced with such a large number of unwanted horses and what should be done with them, always ensuring they are treated humanely and with dignity until the end of their lives. It is important for all of us to remember that, in all likelihood, it only matters to us, and not the horse, what happens to them after they are gone.

There are on-going efforts on the part of certain equine advocacy groups to get Congress to pass legislation to ban the slaughter of horses for human consumption in the United States as well as the export of horses for this purpose. Bills have been introduced in both the House of Representatives and the Senate which would ban slaughter as well as the exportation of horses for slaughter. The House of Representatives passed their version of the bill unanimously in 2006. However, through all of this legislative activity, there has been no legislation proposed that would provide for the care and welfare of the 70 – 80,000 horses that have been sent to slaughter each year in the past several years should slaughter be outlawed. If slaughter or transport/export for slaughter is outlawed, what will happen to those horses? Will the owners who didn't want those horses suddenly have a change of heart? Or will they simply neglect them or abuse them? In an effort to appease the advocacy groups, haven't the legislators in support of this legislation completely ignored the welfare of the unwanted horse by not assuring there is an infrastructure in place to care for these horses? Many seem to believe that if slaughter is banned, the problem will go away.

Fortunately, the American Association of Equine Practitioners initiated discussions about the plight of the unwanted horse in 2004 by sponsoring an Unwanted Horse Summit in Washington, DC. In attendance were members of AAEP, representatives from the horse industry and breed organizations, representatives of the animal welfare advocacy groups and representatives from the USDA and Congress. From that Summit was formed the Unwanted Horse Coalition. The Unwanted Horse Coalition was "adopted" by the American Horse Council and this coalition of horse industry organizations, veterinarians, and animal welfare organizations will oversee initiatives to educate horse owners to "own responsibly" and help identify solutions to the problem of unwanted horses. It will be through these sorts of discussions that solutions will be found to address the needs of the unwanted horse, not by passing, under pressure from advocacy groups, some ill-conceived legislation before there is a plan to care for so many unwanted horses. Let's not repeat some of the mistakes from the past when it comes to mandated legislation.

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Ethical Perspectives on the Unwanted Horse Issue & the US Ban on Equine Slaughter

Camie R. Heleski
Michigan State University
East Lansing, MI

Though our conversations today are slated to discuss the issue of unwanted horses versus the US ban on equine slaughter, my feeling is that one cannot be separated from the other. We will hear varying viewpoints on these topics today, and multiple interpretations of the facts and perceptions related to these items. I encourage you to listen closely to all of them before coming to your own conclusion. It is a highly emotional issue fraught with intense feelings.

BACKGROUND

I want to start by letting you know the issue of equine slaughter has been a controversial and emotional topic for me for well over 30 years. I was raised on a small, family-run horse farm. My father was a high school biology teacher, my mother was a school librarian. The goal of our farm was to generate enough income to pay for the costs of our family's personal horses and their correlated showing costs. To that end, we trained horses of all breeds, raised some Arabians and half-Arabians, gave riding lessons, and boarded a few horses. Typically we had about 20 horses at the farm during the summer, and about 10 horses during the remainder of the year. When I was about 9, my father made the difficult decision that we needed to sell two of our older, chronically lame horses to the local horse trader (though we had no illusions about where those horses were actually going). It was a hard decision for my dad, and an even harder one for him to explain to his daughters, but he was trying to run a business; he needed to show evidence to the IRS (if need be) that he was making economically defensible decisions. Selling two horses for ~ \$250 each made far more economic sense than spending ~ \$100 each (at that time) to have them euthanized and buried. However, even though my dad convinced me it was the sensible thing to do, I never quite got over the emotional discomfort of that day.

Fast forward 30 years to the summer of 2006. My niece and her family had purchased a small, stock-type mare for a reasonable price that seemed gentle and reasonably well broke. However, after she bucked off my brother-in-law and frightened my niece, I volunteered to take the mare to my house for awhile to work with her. She was aloof from the start, but easy enough to deal with. I began riding her daily and quickly established that she hadn't been trained with much finesse, but did appear rideable. So much so, that I had my 14 year old daughter ride her one night while I was away (and my husband was home). In the arena, with no apparent provocation, she bolted and caused my daughter to leap off just before hitting the arena fence. My daughter got back on and rode her for a bit, then put her away. The next day, I rode her (and knew about the previous day's events). I double checked saddle fit, bridle fit, palpated for back discomfort, mouth discomfort... anything I could think of. Now I have ridden several hundred horses over the years and exercised race horses for six summers, and never, ever have I had a horse bolt with me at the speed that horse did on that day. I had been walking her in a small circle since she seemed nervous (again for seemingly no reason) and she just flat-out bolted. I've stopped a number of runaways over the years, but this one proved unstoppable. I bailed just before she hit the fence and ended up with a concussion-induced black out, an MRI and a \$2200 hospital bill (luckily covered by insurance).

After I got my sensibilities back, I informed my brother- and sister-in-law that I could not in good conscience let them take that horse back home with them because I had no doubt that she would badly hurt someone at some time. Euthanasia was not an option they wanted to consider, so I agreed to take the mare to an auction...realizing where she was likely to end up. I felt that I had a greater ethical responsibility to the safety of my niece than I did to protect the life of that horse. In my mind, that horse broke her social contract (which we'll discuss later). When I took her to the auction, which I admit is one of the hardest things I've ever done, I wrote several paragraphs about the mare and had the auctioneer read them aloud. I did not want anyone mistakenly buying the horse as a youth riding mount. (Oh, I should mention, several months later, my sister-in-law found out that this horse had a history of doing similar things to her past riders). Despite the fact that this horse hurt me badly (I had a shoulder injury that took over 6 months to heal and had short term memory loss for about two weeks), I do not directly blame the horse. In all probability, someone, somewhere had done a lousy job of training this horse and somehow imparted terror into her in response to certain actions (that I never did put my finger on...and please remember that studying horse behavior is my specialty area). Nonetheless, she had become a danger; in all probability, she was going to continue to hurt unsuspecting riders, and there just aren't enough homes out there for "pasture companions". When there are so many well-behaved, predictable horses available, why should someone use valuable resources on problem horses? As an aside, after this episode, I was able to find a 22 year old, retired Arabian show gelding for my niece. In a sense this was somewhat of an unwanted horse, but he now had a definite purpose and he well deserved it. He is with them still and teaching them how wonderful it can be to work with a horse.

DO WE ACCEPT THAT HORSES ARE A BUSINESS?

Folks, the horse industry is a business (but that doesn't mean all horse owners are trying to be involved at a business level). This industry directly generates \$39 billion to the US economy and has a \$102 billion multiplier impact (1). It provides 460,000 full-time equivalent jobs (1). This industry pays over \$1.9 billion in government taxes (1). In our current economic climate, can we truly "turn" on a business that is providing this kind of impact to the US economy? Yet those who are unequivocally anti-slaughter, who promote the idea that there is no such thing as an unwanted horse, would like us to set aside all economic factors in our decision making related to this issue.

It will be some time yet before all the appropriate data is generated to verify how many unwanted horses exist, but I travel to many different horse farms and many different horse competitions each year. Please trust me, we have a glut of unwanted horses...and the problem has snowballed since the closing of the US facilities that were once slaughtering horses. We are seeing unprecedented numbers of abuse and neglect cases (just do an Internet search for recent newspaper articles related to the topic). For years, there was a place for the "cheap, unwanted horse" to go, or for the horse whose owners had stumbled onto difficult times...that place was the low end auction. My students have told me of recent auctions where horses have sold for \$10 - \$20 apiece; or in other cases, where no bid comes up for a horse at all and the owners leave before the end of the sale. This leaves the auction owner trying to figure out what to do with the abandoned horse.

I believe that each owner has always needed to make a decision about whether the cheap auction was the right place for a horse to go, but at least the option was available. For myself, with horses who followed the social contract, there was never a question of whether I would take a horse to slaughter...even if it meant sacrificing some luxury items for awhile, I was going to find a way to pay for any necessary euthanasia and burial costs that might arise. But, this is me

operating as an individual and only needing to deal with this decision about once every 10 years and living in a place where it is actually legal to bury a horse. Is it truly fair to expect a horse business, which has to make this decision multiple times per year, to spend the money on each animal for euthanasia and burial? Is this an ethical decision to just "waste" those potential resources"? Is this an ethical decision to impart our values onto all others? In a country where > 90% of the population consumes beef (2), is it really such a far stretch to imagine humans in another country wanting to consume a very similar hoofed, herbivorous animal – the horse? Is it environmentally conscientious for us to approximately double the number of horses being buried each year? These are hard questions, but questions that must be asked.

Let's take a country with less economic wherewithal than the US...e.g. Mongolia. Mongolia has a longstanding reputation of having outstanding horsemen; however, they cannot afford the luxury of having horses be strictly pets. Horses are used for all forms of work and riding and at the end of their life, or if badly injured or dangerous, the horse is used as a human food source. It would be ludicrous for these people to even consider the idea of just burying such a valuable resource. But if the animal is dealt with humanely while alive, if it is killed quickly and efficiently, and then its meat is utilized for human nourishment, is this unethical? In my evaluation, it is not.

SOCIAL CONTRACT

Back to this issue of a social contract. For the serious ethicists who read this document, I apologize for my loose translation of this term. It is a concept that my major professor and I spent hours discussing and deciding that it could apply to the reason that (in my mind) it seemed acceptable to slaughter some horses and not others. The conversation began after a debate that another colleague and myself had over whether one of our university brood mares should be sent to slaughter or not. She was over 25, had not produced a foal for several years, had never been trained to ride, and had health issues that were becoming increasingly difficult to manage. Hence, for a university program, she was essentially just a financial liability. However, this mare had produced several very valuable foals for our farm. She was a pleasant mare who was not difficult to handle. I argued to my colleague that she had held up her part of "the bargain" and we owed her euthanasia or finding her a home where she could be someone's pasture pet. My colleague argued that the method of death probably didn't ultimately matter to the horse and that we could ill afford to spend > \$150 versus making ~ \$400. At the time, I didn't have a follow up argument...other than tears. The tears prevailed, and the mare was ultimately sent for euthanasia, but it took several years before I was able to add anything to my ethical argument. I ultimately decided that we (the university) had a social contract with that mare...she held up her part of the bargain by producing high quality foals and being pleasant to deal with. Ultimately, we held up our part of the bargain by not subjecting her to the stresses of an auction house, being mixed with other horses for travel to a slaughter facility, etc. The method of death itself between a well managed slaughter facility versus a well-trained veterinarian probably does not ultimately matter to the horse...but I had come to realize there was an extra piece of the ethical puzzle, and that was how we, the human part of the equation, end up feeling about our tough decisions. Decisions that leave a person feeling "haunted" are often unethical. It may just take awhile to determine the ethical rationale for the discomfort.

SOME OTHER ETHICAL PRINCIPLES

A person does not need to take high level ethical philosophy classes to be capable of making ethical decisions. Most people, though clearly not all, have an intuitive sense of good ethics (or good morals). Simply put, ethics refers to the "rightness" or "wrongness" of decisions. I often tell people it is like imagining you have a good angel and bad angel on each shoulder...one is telling you what you know is probably the right thing to do, and the other is telling you something that might be more fun, or easier, but is ultimately the wrong thing to do. Simply following legal rules is not necessarily sufficient for making ethical decisions. Some people allow religious guidelines to assist them in ethical decision making. While this can often be an important factor, it is not always sufficient. To make and defend an ethical decision, we must study arguments, premises, conclusions and validity. Our perceptions, beliefs, and values will all heavily impact our ethical decision making process.

A fundamental principle to this issue of dealing with unwanted horses or dealing with whether equine slaughter is, or is not ethical, is determining which of the following categories most nearly fits your belief system. Are you most nearly a dominionist (3) (humans can do whatever we please to animals, especially if it benefits us in some way), are you most nearly a welfarist (3) (believes that animals are sentient and humans have a responsibility to act as stewards), or are you most nearly a rightist (3) (believes that animals have basic moral rights and therefore cannot be used for human ends)?

MY OWN OPINION HAS EVOLVED

When the initial debate about legislation regarding the slaughter plants was being raised, I did not weigh in very heavily. I love horses beyond any sensible, logical measure, and thus the knowledge of how horses are sometimes handled at auction houses, and the realities of long distance transportation for slaughter-bound horses made me reluctant to weigh in on the debate. I have told people repeatedly, it is not the actual act of slaughter that concerns me, rather it is the roughly 72 hours pre-slaughter that concerns me. Furthermore, I told various people that perhaps the most compassionate thing that could happen for horses was for there to actually be *more* horse-approved slaughter facilities so that horses had less distance to travel, less handling to tolerate, etc.

However, over the past 12 months, I have come to the unkind realization that there is a worse reality playing out for the horse. Regardless of how accountable we ever make horse breeders and the horse industry at large, there will always be some unwanted horses. The financial responsibility that goes with caring for an unwanted horse is very steep for the average US family or typical horse business. I believe wholeheartedly that the elimination of US options for horse slaughter have led to worse welfare realities for today's unwanted horses. As families experience economic difficulties at a rate not seen in many decades, corners are being cut on feeding horses that can no longer be "dumped". Many of the rescue centers are full; and very few "unwanted" horses fit the bill for donations to universities, therapeutic riding centers, second careers, or mounted police units. In some ways, the closing of the US slaughter plants could not possibly have come at a worse time for horse welfare. In recent times, feed prices have doubled, as have bedding costs, and fuel costs. If that horse that has no where else to go ends up receiving sub-optimal care, possibly even suffering prolonged malnutrition or starvation, how can this possibly be seen as a positive outcome for horses? The amount of suffering experienced by a horse undergoing starvation is far worse than what a horse will experience going through an auction house and going to a regulated slaughter facility.

CONCLUSION

The horse is a symbol of beauty, grace, and power. It is a cultural icon throughout many countries of the world, but especially in the US. In Kellert's (4) study of American attitudes toward animals, he found the horse to be one of the top 3 most beloved animals. This perception of the horse has greatly complicated end-of-life decisions for horses. Further adding to the divisiveness is the fact that horse industry personnel tend to classify horses as "livestock" whereas the public tends to classify the horse as a "companion animal". Many people wrote their congressmen and congresswomen about this issue who had never even touched a live horse. But because they categorize horses as beautiful creatures, they could not imagine that having horse slaughter as an option could possibly be an appropriate fate.

It is sometimes stated that 'why can't the horse industry be more like the dog and cat industry' (i.e. not allowing slaughter whatsoever). Estimates show that between 2.5 and 4 million dogs and cats are euthanized at animal shelters each year (5). These could be considered the unwanted dogs and cats. By contrast, ~100,000 horses (on average) were going to slaughter when that option was allowed; this is only about 3% of the number of unwanted dogs and cats. The horse industry, in many regards, is already doing a reasonable job of minimizing the number of unwanted animals produced. Very, very few foals are produced just to have a cute play thing for the children... it is simply too expensive to raise a foal for this purpose. Most owners explore every option for a horse before, possibly, making the choice to send it to a cheap auction. The title of this forum is 'The Unwanted Horse Issue - What Now?'. Though I know it is unpopular with many, I believe the 'what now' is to re-evaluate whether keeping the US slaughter plants closed is in the best interest of horses. This does not negate our responsibility to work toward reducing the number of unwanted horses; it does not negate our responsibility to explore alternatives for unwanted horses; it does require that we re-examine a complicated issue.

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Panel: Unwanted Horse Issues

Carcass Disposal Options

David L. Meeker
National Renderers Association
Alexandria, VA

INTRODUCTION

Surprisingly, the disposal of animal mortalities and animal byproducts resulting from the production and processing of meat is not uniformly regulated in the United States. Such materials are unstable and frequently contaminated with viral and bacterial pathogens that may spread to other animals and humans. Disposing of such materials without first processing with heat or chemicals to deactivate conventional pathogens is a danger to human health, animal health and the environment. In addition, as cattle mortalities and specified risk materials (SRM) are unintentionally steered away from the rendering industry by well-intended rulemaking, the incidence of improper disposal will increase, as will the potential for public and animal exposure to pathogens. Regulations to provide uniform standards for traceability, biosecurity, and environmental protection are needed. Such regulations would allow only federally licensed or permitted operators to collect, process, and dispose of or recycle all animal byproducts and mortalities.

BACKGROUND

The rendering industry collects and safely processes approximately 54 billion pounds of animal byproducts and mortalities each year in the U.S. However, economic conditions brought on by feed restrictions (21 CFR 589.2000; the "Feed Rule") to prevent the spread of bovine spongiform encephalopathy (BSE), and escalating energy costs, have made it necessary for renderers to charge for their services. As a result, the amount of animal byproduct and mortalities that are disposed without proper safeguards has increased. For example, the percentage of cattle mortalities processed by rendering decreased from 56% in 1995 to about 45% in 2005 (1).

ROLE OF RENDERING

The rendering industry provides services for the safe collection of animal byproducts and mortalities, transports the materials in biosecure, leak-proof trucks and uses heat (240 to 290° F; 115 to 145° C) to dehydrate and separate the fat and solid materials. The rendering process converts raw animal materials into fat and meat and bone meal, which unless re-contaminated, are free from pathogenic bacteria, viruses and other conventional organisms and stable for prolonged storage.

Timely processing, processing temperatures, and the concentration of animal mortalities and other animal tissues at a finite number of locations provides the Animal and Plant Health Inspection Service (APHIS) with many of the necessary tools needed to prevent disease outbreaks, eradicate diseases, and monitor the health status of animal herds and flocks in the United States. It will be difficult for APHIS to realize their mission if the rendering industry is not utilized to its fullest potential.

MOST DISPOSAL ALTERNATIVES DO NOT PROVIDE ADEQUATE SAFEGUARDS

As a general rule, the cost of disposing of animal byproducts and/or animal mortalities rises in inverse proportion to the environmental impact of the disposal options chosen (2). The cheapest disposal methods, including burial, abandonment, and low-investment composting, are seldom biosecure because the disposal conditions do little to kill or contain pathogens (3).

Composting

Interest in using on-farm composting for the disposal of animal byproducts and mortalities is growing because the practice is perceived to be simple and economical. However, properly designed and managed compost sites are complex, management intense and require significant capital investments (4). Contrary to popular belief, simply covering mortalities in manure is not true composting. As a result, most attempts at on-farm composting fail because such sites tend to be poorly managed and are not constructed to prevent or contain runoff and protect the environment. Instead of being composted, the materials become piles of rotting tissues and carcasses that offer no more biosecurity than carcasses that have been abandoned.

Burial

Although it is one of the most widely used disposal methods, burial creates the greatest risk to human health and the environment because of the potential for ground and surface water contamination if strict guidelines are not followed.

Landfills

Space is the most apparent limitation to disposing of animal materials in landfills. While rendering and incineration dehydrate the materials to reduce volume, amendments such as sawdust must be added to animal materials before landfilling to accommodate their high water content which increases volume.

Incineration

Because of the high temperatures used, incineration is a biologically safe method if done properly in an approved mortality incinerator. However, current incineration capacity is inadequate for large numbers of animals. Construction of new incinerators requires significant capital investments and is difficult to permit because of air quality issues. Single animal incineration, or cremation, is available for horses at \$800 to \$1600 depending on transport distances.

Alkaline digestion

Alkaline digestion is an effective and relatively new technology that uses heat and alkaline conditions to inactivate conventional pathogens. Prolonged exposure to these conditions for 6 or more hours may also inactivate the BSE agent. However, alkaline digesters have limited capacity, produce large quantities of effluent that must be disposed and are limited in number.

Rendering Compared to Other Disposal Methods:

The rendering process provides a reasonably priced means to break the disease cycle. Typical pathogens are destroyed rapidly by processing at lethal temperatures.

Following their experiences with BSE and Foot and Mouth Disease (FMD), the United Kingdom Department of Health evaluated various methods of animal mortality disposal for potential risks to public health. Compared with landfills and burial, disposal methods that involved heat processing, such as rendering and incineration, were more effective at controlling biological hazards, including food pathogens (such as E. Coli, Listeria, Salmonella and Campylobacter), organisms that cause diseases (such as anthrax, botulism, leptospirosis, bovine tuberculosis, plague and tetanus) and surface and ground water pathogens (cryptosporidium and giardia). Only rendering also minimized the potential health risks to chemical hazards such as dioxins, hydrogen sulfide as well as emissions of SO_x and NO_x.

LOCATION OF RENDERING PLANTS

Many states have rendering plants, but some areas are not served by independent renderers equipped to handle dead stock. The NRA member directory including current locations and contact information can be found at <http://nationalrenderers.org/about/directory>.

ENOUGH RENDERING CAPACITY?

A 2005 study commissioned by the American Horse Council Foundation estimates there are 9.2 million horses in the United States. Assuming a 10-year life span, an estimated 920,000 horses die per year. The carcasses of these horses are buried, rendered, or otherwise disposed. USDA statistics show that 66,183 horses were slaughtered for human consumption in the U.S. in 2004. Canada slaughters about 22,000 horses per year. Thus, passage of the Horse Slaughter Prevention Act or similar legislation should increase the rendering of horses less than 10%. A federal regulation on dead animal disposal would likely increase the proportion of all dead animals, including horses, going to rendering plants. In any case, existing renderers should be able to handle the increased volume with little problem.

EUTHANASIA

The American Veterinary Medical Association (AVMA) Expert Panel on Euthanasia in 2001 (5) published three acceptable methods of euthanasia for horses: overdose of a barbiturate anesthesia, gunshot, and penetrating captive bolt.

The most common method of euthanasia of horses by veterinarians is by lethal intravenous injection of sodium phenobarbital (trade names, Euthasol or Beuthanasia-D). For aesthetic reasons, most pet food companies avoid using products from companion animals and require products to be free of sodium phenobarbital. If horses were to be rendered with more frequency, alternatives to barbiturates for euthanasia may be desired though the trace residues in by-products would be a minimal risk in pet food or other protein meals.

SURVEY OF RENDERERS ACCEPTING HORSES

In preparation for this conference, the National Renderers Association conducted a survey of renderers known to accept horses. The questions were these:

1. Do you take still horse carcasses at your rendering plants?
 - * Companies owning approximately 25 plants answered yes.
2. How much do you charge to take horse carcasses?
 - * Current charges range from \$40 to \$250, depending on distance, market, and volume. Some allow dead horses to be dropped off at the plant for a lesser charge. Some companies don't share this data.
3. Do you require the horse to be dead before your employee handles the carcass?
 - * Some renderers require the animals to be dead before calling the service.
4. Do you provide euthanasia service (will your driver kill the horse)?
 - * Some renderers will euthanize horses as a service.
5. Do you have any restrictions on the use of sodium phenobarbital by veterinarians for euthanizing horses you pick up?
 - * Some renderers will not accept animals treated with sodium phenobarbital. Renderers prefer that sodium phenobarbital not be used to euthanize horses because they market protein meals to pet food companies. Sodium Phenobarbital at very low, diluted levels is not a risk to livestock.
6. Have you seen an increase in horse carcasses you pick up in recent months (as a result of the banning of horse slaughter in Illinois and Texas)?
 - * Most have seen only small increases. Plants near Nevada have seen significant increases.

NATIONAL RENDERERS ASSOCIATION POSITION ON ANIMAL MORTALITY DISPOSAL

We believe that appropriate safeguards must be used for the disposal of animal byproducts and mortalities in order to protect animal and human health. Regulations requiring animal byproducts and mortalities to be heat or chemically processed (such as with rendering, incineration or alkaline digestion) will certainly reduce animal and human exposure to conventional pathogens.

Because of increasing costs and additional restrictions on cattle materials that can be used for feed, the rendering industry will restructure somewhat to provide dedicated disposal sites for the collection, processing and disposal of prohibited materials (1). However, without the development and enforcement of disposal standards to ensure traceability, biosecurity and environmental protection, animal-based materials that are banned from feed will be diverted from such facilities and be disposed of by the cheapest (and least appropriate) method available. Regulation of dead animal disposal would enhance human, animal, and environmental health.

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Panel: Unwanted Horse Issues

Unwanted Horses: Fact or Fiction

Holly Hazard

**The Humane Society of the United States
Gaithersburg, MD**

INTRODUCTION

As Americans, we like our food fast, our problems solved in a 60 minute drama, and our conflicts resolved via the line of least resistance. For the horse, with which we have a complicated and contradictory relationship, this has meant a quiet acceptance or even advocacy by a large segment of the horse industry, on the preference for slaughter to dispose of its "unwanted" horses. Instead of creating mechanisms for horse owners to adequately care for their horses at all stages of life, addressing behavior and training issues and creating suitable homing alternatives for horses who must be sold; the industry is infatuated with the perceived ease and economics of an inhumane solution. Some have even dared to argue that it is best for the horse himself.

The logic that there are too many horses, that they are expensive and that without the "safety valve of slaughter" they would suffer a worse fate of neglect, abandonment or cruelty is not supported by the facts. The reason we are debating their care or fate at all is that there is money to be made by slaughtering horses. The slaughter industry has preyed on the failure of the equine community to adequately take care of its horses and educate its constituents by marketing its services as a viable solution to the mistakes good people make in buying a horse they can neither train nor care for, or the apathetic choices of the equine businessman. These same constituents are desensitized by many horse industry leaders to the trauma and brutality of slaughter and incited to believe that slaughter — not education, or restraint in breeding or responsibility for the care of a horse for life — is the only rational approach to a horse without a home. However, with imagination and commitment, the horse industry can not only end horse slaughter and reinvigorate the horse community, it can provide a more positive experience for both the horse and the horse enthusiast.

The fiction is that the slaughter of horses is a solution at all. Horse slaughter is, in part, a cause of, not a solution to, the mismatch of horses to responsible homes. The availability of slaughter has led to a prevailing culture and attitude within the horse community that horses are disposable, and therefore lacking in value and not worth any significant investment. They are therefore often condemned to a lack of care, responsibility or training that often ensures their deadly fate. As long as there is a ready killer buyer market for any horse who falls out of favor, the standards of care will be artificially low. The economic analysis a race horse owner, farmer, trainer or rancher might make that would ensure a horse is only bred if there is a strong market, trained to the best of his ability, and provided for as he or she ages is tainted to the detriment of the horse, and the horse market, because the current consequences for making a mistake, or apathy, or a change of mind, is at worst, a check from a killer buyer for \$125.

The question for us should not be "Unwanted Horse: Fact or Fiction" but "Unwanted Horse: Why?". If that were presented in a rational and unbiased discussion, the argument that slaughter is necessary, or humane would evaporate and we would instead focus on how we should all

work together to stop slaughter and promote a home for every horse because slaughter not only damages the horse, it degrades and weakens the horse industry itself.

A "FAST FOOD" SOLUTION

Animal protection groups grapple chronically with the issue of perceived and real over populations of a variety of animals. But unlike other animals such as dogs or cats that can produce multiple litters in a year, horses typically only have one foal every eleven months. Almost every foal that is born in this country is born because a person actively decided to breed his or her mare or stallion. In some cases, it's the thoroughbred farm that produces hundreds of foals in a year. In other instances, it's the backyard couple who wants to breed their mare because they are hoping to duplicate her wonderful disposition or unique color. In both cases, the end result is the same: another horse, one that will require care, attention and training for decades to come, becomes part of the horse industry in this country.

Even the most carefully planned breeding program cannot guarantee a horse that will win races or excel in the show ring. However, the horse industry has the power, the ability and the responsibility to guarantee that each horse, no matter its breed, age or skill level, has a successful run at life. If a breeder can't at least aspire to this commitment, he or she should refrain from breeding a mare. This would make each horse, except the most infirm or incorrigible, extremely "wanted". Unlike virtually any other species on the planet, the fate of the domesticated horse is completely in the control of man.

Not only do we not discourage breeding while we discuss the unwanted horse, our government and equine associations actively provide incentives to add to the problem. Currently, there are a number of federal and state programs that provide incentives and funding for horse breeders, sending a message that breeding can and should be rewarded. These programs, coupled with breed registries that rely on new registrations for the bulk of their funding, send the wrong message to the horse industry—that it's okay to produce more and more horses, year after year, without having a long-term plan for them. Instead, new programs and funding streams need to be created to aid trainers who are interested in retraining unsuccessful race horses for careers in the show ring or on the trails; educate new and existing horse owners about how to provide appropriate care and training for their horses and to assist non-profit equine welfare organizations that work to find suitable homes for all kinds of horses. A greater emphasis must be placed on quality over quantity and indiscriminate breeding should be discouraged.

THE GENESIS OF THE "UNWANTED HORSE"

We have all heard a version of the fable of the woman standing at the edge of a river and, noticing a body float by, pulling it out. She then sees another, pulls it out and then many more, until finally, exhausted, she decides to let the bodies float by and run upstream to find out why they are in the river in the first place. This is the solution to "unwanted horses". It is certainly a solution to slaughter. We need to begin to look "upstream."

The good news for a path to a home for every horse is that the vast majority are not some cog in a large commercial enterprise. Fifty five percent of the horses in America today live "at a residence with *equidae* for personal use" (1) on a farm with five or fewer equids. (2) According to the American Horse Council, 44 percent of the horses in this country are used for recreation. (3) In many discussions with owners, trainers, livestock boards, and industry leaders, one cause of

instability for horses is repeated again and again. It is the prevailing attitude that the solution to a horse's problem, any problem, is to trade, not train. This attitude is not good for the horse, the owner, or the industry. The only winners are the people who profit from the sale.

The Humane Society of the United States is hoping to call attention to this problem and to elicit support from equine institutions in offering guidance and support to horse owners for making and keeping the best equine matches possible. We have launched our "Horses: Companions for Life" educational program aimed at helping potential, new and seasoned horse owners understand how to make humane decisions for their equine companions at all stages of the horse's life. The keystone of the program is our recently released book, "The HSUS Complete Guide to Horse Care" (4). With this program we hope to educate and inspire horse owners to make responsible and realistic decisions before and while a horse is in their lives so that horse ownership is a positive and life-long experience for both the horse and her guardian. We, along with other leading animal protection groups, founded the Homes for Horses Coalition in 2007 to help the horse rescue community increase its professionalism, operate more effectively and have access to greater resources. We also partnered with the Pets911 Pet Adoption Network™ to create a horse adoption network where any 501(c)3 horse rescue organization can post their adoptable horses, free of charge. This site has the same criteria and appeal as the major horse sale sites and is accessible through The HSUS and Pets911 web sites.

We are focusing on this program because, like the victims in the river, the road to the slaughter house begins "upstream". Its genesis takes place years before a filly is loaded onto a truck. The destiny of slaughter may begin with an 8-year-old girl begging an indulgent parent to buy a perfect pony off the Internet. That animal, sold because she was rated with a temperament of "4," and was too much for the folks who bought her at an auction, could easily have six owners before she is 10-years-old. She could go through child after child, traded again and again, with no one taking the time to notice an ill fitting saddle, a small limp in her walk, her ignorance of basic horse manners. Another horse may be sold again and again because she cribs, or bucks, or fails to easily load onto a trailer. And along the way, with the auction house open every week, that pony or mare could easily be put up for bid and sold, and in an unlucky stroke of luck, be purchased by a killer buyer and shipped off to Mexico or Canada for slaughter, instead of a loving family who would care for her for life.

Is that horse "unwanted"? Or is she simply unlucky? Whatever she is, a caring, compassionate society could have-should have-saved her life.

Some factors related to the realities with our relationship with horses make a commitment for life difficult. Like people, horses have different personalities and interests. Some love to run, some to take a stroll in the woods, and still others, just graze in the field. If a person is determined to compete in dressage and falls in love with a horse who wants to jump, there is a problem.

There is also the reality that there is an inverse relationship between the age/ability of the horse and his rider. The last thing a novice rider needs is a green, 6-year-old horse. But the rider who starts with a 20-year-old Quarter Horse, then graduates to a 15-year-old Hanoverian and then wants to train a Thoroughbred either has a big barn and understanding parents, or she has had to make a decision to let a horse go.

These issues beg for education and direction from the leaders in this industry. The options of leasing a horse, talking to trainers, making sure there is a fit before any horse is purchased, would greatly reduce the number of transactions...and numbers of homes... a horse has in his life.

For horses bred to compete and win, the road to slaughter begins with an owner with big dreams and no sense of obligation to the animal with whose life he gambles. And in an industry that only needs horses aged two to five, little to no thought is given to the fate of the horse, even if he is successful, for the other twenty to twenty-five years of life. Some in the racing industry have begun to support and even champion the rescue operations that provide sanctuary for the industry cast-offs. This is a great start. But more facilities and opportunities for retraining and equine elder care are needed. There are few pleasure barns in this country that don't have a story about the adoption of an "off-the-track Thoroughbred," picked up at an auction as a "project horse" by a kind or ambitious equestrian. But unfortunately, the "army of the kind" is much smaller in its ranks than the dreamers of a Derby win. And many of the kind find after a few months that the spirit and focus that made the horse a good bet at the track make him difficult and unpredictable in the show ring. And so he is sold, again and again.

With the leadership of The American Horse Council, the American Association of Equine Practitioners, animal protection groups including The HSUS, state and federal agencies and others, we can provide the guidance to horse enthusiasts to really understand the expense and commitment that horse ownership brings. We can provide guidance on alternatives to buying a horse at the first desire to bring one into your life, realistic expectations for dealing with behavior and personality issues, and compassionate and realistic suggestions for what to do when you must part ways, including, if necessary, considerations of euthanasia.

THE FALLACY OF HORSE SLAUGHTER AS PREVENTION AGAINST HORSE ABUSE AND NEGLECT

In the past few months, there has been an increase in media reports connecting the closure of the U.S. horse slaughter plants with an increase in horse neglect, abuse and abandonment. However, the reality is that nearly the same number of horses that were being slaughtered in the U.S. is being exported for slaughter in Mexico and Canada and there is no factual basis to support reports of an increase in abandoned and/or neglected horses.

Research has shown that there is no universal system for tracking abandoned stray or neglected horses and in states that do track such cases, there has been no discernable increase or any evidence to correlate with the media reports. For example, an AP report claiming that horses were being abandoned to fend for themselves on abandoned strip mines in Kentucky has frequently been cited as evidence of an increase in abandoned horses in subsequent news reports. However, a police investigation into this story showed that the horses were all privately owned and had simply been turned out to graze on this land as had commonly been done in previous years. A research team led by John Holland has looked into each of these claims, contacted state officials in an attempt to verify these claims of abandoned horses and in every instance have found the claims to be unfounded or exaggerated (5).

The reality is that the total number of horses going to slaughter each year represents only 1% of the total horse population in the United States. This percentage of horses could easily be reabsorbed by existing resources. In the past twenty years, the total horse population in the United States has been steadily growing while at the same time the number of horses going to slaughter has been decreasing. At one time, there were at least twelve horse slaughter plants in the United States. In 2007, before closing due to legislative and court action on the state level, there were only three. If there truly is a relationship between the availability of horse slaughter and horse abuse and neglect, it would stand to reason that when horse slaughter is removed as an option, horse abuse and neglect would increase. The facts show that just the opposite is true.

When the Cavel International horse slaughter plant in Illinois burned down and was closed for nearly two years, that state saw a marked decrease in horse abuse and neglect cases. Similarly, in California when the state passed a law prohibiting the selling and transporting of horses for slaughter, there was a 34% decrease in horse theft in the year following passage of the legislation.

The fact is there will always be a certain percentage of the animal owning (dogs, cats, horses, goats, pigs, etc.) population who will not properly care for their animals and as a result, must have their animals seized. These cases can and should be dealt with through legal means and are why every state has laws related to animal cruelty.

CONCLUSION

The proposition that there are large numbers of unwanted horses in this country in need of slaughter can be answered with a resounding "No". There are many horses in need of the commitment of the people with a stake in the horse industry to take responsibility for reducing the numbers that are bred, educating novice horse owners about proper care and training, creating new equestrian opportunities that allow more people to become a part of the equine community and calling for an end to the unnecessary brutality of slaughter. Anyone who has cared for a horse understands the special connection we have with them. They inspire and delight us. They teach us patience and compassion. They symbolize freedom and strength. We owe them our commitment to adding the same joy to their lives as they do ours. And whether we own them because we care or because we use them in an economic gamble, the least we owe each of them, if we bring them into the world, or purchase them for our entertainment or enjoyment, is to "want" them.

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Panel: Unwanted Horse Issues

The "Unwanted" Horse in the U.S.: An Overview of the Issue

**Tom R. Lenz
Unwanted Horse Coalition
Louisburg, KS**

The issue of the large number of unwanted horses in the U.S. first came to light following the 2001 Foot and Mouth disease epidemic in Europe. The European consumer's concern with eating beef resulted in an increase in their consumption of horse meat. This change drew media attention to the fact horses were being processed for meat in the United States and exported to Europe for human consumption. Media coverage of the issue not only drew the attention of the horse owning public, but also equine breed associations, animal rights/welfare organizations, veterinary associations and the non-horse owning public. Because of focused lobbying efforts, federal legislation was introduced in Congress to prohibit slaughtering of horses for human consumption. Reports by the media and the proposed legislation fostered for the first time the realization that there is truly an unwanted horse issue in the United States that must be addressed.

Horses processed for meat represent the lowest economic level of the horse population and typify the unwanted horse in the United States. The phrase "Unwanted Horse" was first coined by the American Association of Equine Practitioners (AAEP) in 2005 and is defined as: horses that are no longer wanted by their current owner because they are old, injured, sick, unmanageable, or fail to meet their owner's expectations. Generally, these are horses with incurable lameness, behavior problems, are dangerous or old. They also include un-adoptable feral horses, and horses that fail to meet their owner's expectations because they are unmarketable, unattractive, not athletic, have no color, are the wrong color, or cost too much to care for. Normal healthy horses of varying ages and breeds may also become "unwanted". In many cases, these animals have had multiple owners, have been shipped from one sale barn, stable or farm to another, and have ultimately been rejected. The number of unwanted horses in the United States varies from year to year. In 2007, $\pm$ 58,000 horses were processed for meat in the United States, $\pm$ 35,000 were exported to Canada for processing, $\pm$ 45,000 were exported to Mexico for processing, $\pm$ 21,000 un-adoptable feral horses were kept in Bureau of Land Management (BLM) funded long-term sanctuaries, $\pm$ 9,000 feral horses were in the BLM adoption pipeline and an undisclosed number were abandoned, neglected or abused. U.S. Department of Agriculture (USDA) export records on U.S. horses shipped to Canadian processing plants in 2002-2005 indicate 42.8 percent were geldings, 52.1 percent were mares, 3.41 percent were stallions, and the gender was not recorded on 1.70 percent. In addition, 70 percent were western type horses, 11 percent were English or Thoroughbred type horses, 3.6 percent were draft type horses, and the rest included various breeds or types of horses or mules. In general, the types of horses and their genders reflect the demographics of the U. S. horse population with no specific type of horse standing out as the quintessential unwanted horse.

In 2007, approximately 150,000 horses were processed in the United States or exported for processing. That number is down dramatically from the 339,000 horses processed in 1989. The question to be answered is why was there a 56 percent reduction? Was it simply a surplus reduction or did the IRS tax code changes that occurred in the mid-1980s result in people selling off horses they were no longer able to depreciate? Was there a change in market demand or

were these horses absorbed by rescue and/or retirement facilities? It appears the reduction in unwanted horses being processed followed the decrease in the number of horses bred and registered in the mid-1980s and represented a surplus reduction as many investors left the horse industry.

According to the 2005 USDA National Animal Health Monitoring System survey, $\pm 167,000$ (1.8 percent) horses in the United States 30 days of age or older were euthanized or died that year. An addition, $\pm 112,000$ (1.3 percent) horses were processed for meat. And so the total mortality for horses in the United States in 2005 was approximately 3 to 4 percent of the horse population. These percentages have varied little during the last decade. The question facing the horse industry is if the option of annually removing unwanted horses from the general horse population via euthanasia at a processing plant is legislated out of existence, will the horse industry be able to provide adequate care and accommodations for these animals or will the industry need to absorb the cost of their euthanasia and carcass disposal?

In recent years horse rescue/adoption/retirement organizations have, to their credit, made a conscientious and concerted effort to provide care, funding or suitable accommodations for unwanted horses in both the private and public sector. The capacity of these facilities is unknown but estimates by the AAEP indicate current rescue and retirement organizations could rescue, retire or find alternative homes for no more than 6-10,000 horses per year. The average rescue facility can handle 30 horses on average. Due to the long natural life span of horses, approximately 30 years, rescue/adoption/retirement facilities face a potentially long, costly care period for each horse, and have placed funding as the critical limiting issue for those striving to provide an adequate standard of care. According to the results of a study conducted by North, et al., and presented at the Annual World Food and Agribusiness Forum in 2005, the cost to maintain a horse until its natural death averages \$2,340 per year. The AAEP estimates the cost of maintaining a horse per year is \$1,825, not including veterinary or farrier costs. For rescue/adoption/retirement facilities, the financial costs can quickly exceed their capacity to meet the needs of an ever-increasing number of neglected, abandoned or unwanted horses. The annual costs, however, understate the total cost required because horses that would have been processed in previous years now remain in the horse population. In addition, this subset of the horse population will increase each year as more unwanted horses are added to the population.

There are a number of current options for horses that are unwanted or no longer considered useful. Some can be retrained for another use. This is common in racehorses that often find second careers in dressage or hunter jumper competition. Some are donated to university animal science departments, law enforcement agencies, veterinary teaching hospitals or therapeutic riding programs. In addition, unwanted horses can be placed in long-term rescue/retirement facilities or adopted out. As has been discussed earlier, many are simply euthanized or sent to processing plants. Whenever there are large numbers of unwanted horses, there is always concern for the welfare of these horses. The reality for many unwanted horses is that they become a burden and are abused or neglected.

For those responsible horse owners who do not want to burden others with the disposition of a horse that is old, lame or no longer useful, the option of euthanasia and carcass disposal is available. The term euthanasia is derived from the Greek terms *eu* meaning good and *thanatos* meaning death. A good death occurs with minimal pain and at the appropriate time in the horse's life to prevent unnecessary pain and suffering. Traditionally, justification for euthanasia has been based primarily on medical considerations, as well as future quality of life issues for the horse. However, euthanasia at the request of the owner because they no longer want or can care for a horse may become more common. According to the American Veterinary Medical Association's

2000 Expert Panel on Euthanasia Report, there are three acceptable forms of euthanasia for horses: an overdose of barbiturate anesthesia, gunshot and penetrating captive bolt. Sodium pentobarbital is the most commonly used barbiturate for euthanasia in the horse and, when administered intravenously, depresses the central nervous system, causing loss of consciousness and deep anesthesia progressing to respiratory and cardiac arrest. The primary advantages of barbiturate overdose are speed of action and minimal discomfort to the animal. The major disadvantages are that administration of the drug requires rapid, intravenous administration, which means the animal must be restrained. In addition, prolonged muscular activity, gasping and vocalization can occur following drug administration and prior to death, which can be alarming to the owner. Because the carcass will contain high levels of barbiturate and must be considered an environmental hazard to wildlife and domestic carnivores, disposal options are limited. Physical methods of euthanasia include gunshot and penetrating captive bolt. When properly applied, both cause trauma to the brain resulting in immediate unconsciousness and a painless, humane death. The advantages of both gunshot and penetrating captive bolt are that they cause immediate brain death and the carcass is not an environmental hazard. Disadvantages include the fact they require skill and experience, and may be aesthetically unpleasant for observers.

All states as well as many counties and municipalities regulate the disposition of animal carcasses. However, approved methods vary widely with animal species and regulatory authority. Therefore, it is important the attending veterinarian and/or owner know the specific regulations in their area regarding disposal of horse carcasses. There are a number of carcass disposal options available including burial, composting, incineration, rendering and bio-digestion. Burial regulations vary, but generally require three to four feet of dirt cover the carcass. Many states mandate the burial site be at least 100 yards from wells and streams. Backhoe service costs to bury the horse on the owner's property vary with the area of the country but usually range from \$250 to \$500. Landfill is an alternative to burial in some states, but not all municipal landfills will accept horse carcasses, especially those that have been euthanized with barbiturate overdose. Costs vary but average around \$80 to \$500. Rendering is another option and involves cooking the carcass to destroy pathogens and produce useable end products such as meat, bone and blood meal that can be used in animal feeds. This is an environmentally safe method for disposal of dead livestock and is available in approximately 50 percent of the states. Rendering companies will generally pick up euthanized animals and, depending upon the state, charge from \$75 to \$250. Incineration or cremation is one of the most biosecure methods of carcass disposal, but is costly. Depending upon the area of the country and the cost of propane fuel, incineration of an average sized horse costs between \$600 and \$2,000. A method of carcass disposal that has recently gained popularity is composting, which is defined as controlled, sanitary decomposition of organic materials by bacteria. If done properly, it takes as little as six weeks to as long as 9 months to compost an intact horse carcass. When properly performed, composting is safe and produces an end product that is a relatively odorless, spongy and humus-like substance that can be used for soil supplementation. A relatively new method of carcass disposal is bio-digestion. Bio-digesters use alkaline hydrolysis to solubilize and hydrolyze the animal's carcass rapidly and have become popular with veterinary colleges and industrial research facilities. They are a less expensive, more environmentally friendly alternative to incineration and can turn a horse carcass into a pathogen-free, aqueous solution of small peptides, amino acids, sugars, soaps and powdered bone.

A review of the unwanted horse issue would not be complete without a discussion of anti-slaughter legislation and efforts the industry has undertaken to address the unwanted horse issue. The 1996 Farm Bill gave the USDA's Animal and Plant Health Inspection Service (APHIS) regulatory responsibility for humane transport of horses to processing plants. APHIS oversees

the requirements on access to food, water and rest during shipment, as well as the types of horses that cannot be shipped. These include horses unable to bear weight on all four legs, unable to walk unassisted, blind in both eyes, foals less than six months old and pregnant mares that may foal during the trip. In addition, the regulations phased out the use of double decker trailers in 2006 and require origin/shipper certificates accompany each shipment. In 2001, Congresswoman Morella of New York introduced a bill prohibiting the interstate transport of horses to slaughter. The bill was never taken up by the full House, however, it did spark debate within the horse industry about the benefits or problems associated with euthanasia and processing of unwanted horses. The debate about the proposed legislation struck an emotional chord within the horse industry and the general public. Proponents argued the ban on slaughter would eliminate pain and suffering of those horses shipped to processing plants and the surplus of unwanted horses that would result could easily be absorbed by the horse industry. Opponents to the bill argued that banning the slaughter of low-level horses would result in increased neglect, abuse and abandonment of unwanted horses, as well as unintended consequences that would negatively impact the health and welfare of the nation's horses. They also pointed out the bill did not provide funding, an infrastructure or enforcement authority to address the welfare of unwanted horses no longer processed for meat. The bill limited equine euthanasia options and did not address carcass disposal environmental concerns. There was also concern that if the processing plants overseen by USDA veterinarians were closed, horses would be transferred longer distances without APHIS oversight and processed at foreign processing plants not under USDA's jurisdiction or U.S. humane standards for animal treatment and handling. In 2003 and 2004, Rep. Sweeney of New York introduced H.R. 857 to prohibit the slaughter of horses for human consumption and a similar bill was introduced on the Senate side, S. 2352 by Senator Ensign of Nevada. Neither bill moved out of committee. In 2005, H.R. 503 was introduced into the House and proposed to amend the *Horse Protection Act* by prohibiting the sale or transportation of horses to be slaughtered for human consumption or other purposes. A similar bill, S. 1915 (The Virgie S. Arden American Horse Slaughter Prevention Act) was introduced by Senator Ensign of Nevada in the Senate. In 2006, H.R. 503 was reintroduced and passed by the House but was not taken up by the Senate. In 2007, Congressman Whitfield of Kentucky reintroduced H.R. 503 in the House and S. 311 was introduced in the Senate by Senator Landrieu of Louisiana. To date, both bills are in committee.

Concern that the debate over legislation to prevent processing of horses for meat was driving a wedge between key groups within the horse industry and the welfare of unwanted horses was not being addressed, the AAEP hosted a meeting in Washington D.C. in the spring of 2005. Participants from breed associations, veterinary organizations, sport/discipline groups, welfare/humane groups and rescue/retirement organizations gathered to discuss the issue of unwanted horses.

As a result of the meeting, the Unwanted Horse Coalition was formed and moved under the umbrella of the American Horse Council. The mission of the coalition is "to reduce the number of unwanted horses and improve their welfare through education and the efforts of organizations committed to the health, safety and responsible care of the horse." The goal of the coalition is to provide a medium for the exchange of information about adoption, proper care, alternative careers and responsible ownership. This is done through a website, print material, educational forums and public service announcements. Education of horse owners about responsible ownership, proper care and the results of haphazard breeding are key elements of the initiative. Particular attention is given to the education of potential owners about the cost of care, proper husbandry, training requirements and expectations. In addition, information about life-ending decisions and the need to euthanize rather than neglect or sell is provided. The coalition's website can be found at www.unwantedhorsecoalition.org.

The unwanted horse issue is complex and will not be resolved overnight. Hopefully, the united efforts of key equine stakeholders to develop effective strategies to improve the quality of life of unwanted horses and reduce their numbers will be successful.

Panel: Unwanted Horse Issues

The Unwanted Horse: Fact or Fiction? The Need for Real Data and Common Understandings

**Karin D. Bump
Cazenovia College
Cazenovia, NY**

"The World is not the way they tell you it is" (Adam Smith (psu)). They tell us that things are either fact or fiction. But what if one person says it is fact, and another says it is fiction? Can it be both? Or is one person "wrong" and the other person "right"? Or is it possible that both can be "right" depending on their perspective on the issue, on their interpretation of the data? They forgot to tell us that the world also consists of faction – the state that exists when fact and fiction both seem to exist. This would be ok... if we knew it was so, and we were able to agree to disagree; but most often what occurs is a state of fractionalization whereby individuals and groups reading the same pieces of information interpret it so distinctly differently that they break off from each other – each with their own interpretations claiming one is fact and the other is fiction. One is right and the other is wrong.

The world is not the way they tell you it is – fact and fiction can exist within the same sentence depending on who is reading it. There seems to be no disagreement on the fact that there is a significant problem at hand with unwanted horses– some might even say it is a crisis, but there is real disagreement and understanding of the underlying factors, causes, and solutions. So where do you begin to tackle a problem?

The basic problem solving model in management theory begins with the identification of a problem and the search to understand why that problem exists. Then, and only then, do you apply a solution to try to solve the problem. Isn't that the approach taken by veterinarians, physicians, engineers, auto mechanics? But in our instance it appears that we have little real understanding of the extent of the problem or the real reasons for its existence. In addition, some can argue that 'solutions' have been applied without knowing whether or not they would even address the actual problem or merely attack some of the symptoms. Colleagues within a profession or an industry, who are committed to finding solutions to problems, need to be equally committed to working together, to find ways to agree to disagree and recognize that perhaps it is not right or wrong, not fact or fiction, but instead a spectrum of views – a state of faction.

Within this paper I will address five areas that I commonly have found to be causes of potential disagreement and/or heated discourse in terms of 'Fact or Fiction' regarding unwanted horses:

- 1. Unwanted horses are actually unwanted**
- 2. We know how many unwanted horses there are**
- 3. Unwanted horses can be absorbed into the industry through rescue facilities and other placement mechanisms**
- 4. We know how much it costs to care for the unwanted horse population**
- 5. Things are getting better/ Things are getting worse for unwanted horses.**

At the close of the paper, the reader should have a better overview of these five 'Fact or Fiction' areas and the places where common perspectives exist. These commonalities will enable our industry to identify the facts and the common language we could agree to use. If we build where

there is agreement, we can move forward to the next step in the problem solving model – identifying the information needed and determining ways it can be gathered in order to really understand what needs to happen for the well-being of these horses.

FACT OR FICTION?: UNWANTED HORSES ARE ACTUALLY UNWANTED

The first clarification defines what is meant by 'unwanted'. A scan of recent articles in the press and on the internet reveals what is often at the emotional heart of the differing views. While many of the definitions of unwanted horses identify that they may be "considered to be dangerous, or have a medical problem that makes them unusable or financially unfeasible..." (Beaver *in* Winegar), these same definitions often include language that points to other reasons for the unwanted status such as "belonging to owners whose economic outlook has changed" (Beaver *in* Winegar). The idea that "some horses weren't fast enough, some weren't good enough athletes" (Rhoden) just does not sit well with general public opinion or with many in the horse industry.

It is difficult for many to grapple with the idea that according to USDA statistics, 92% of unwanted horses are in good condition (Goydon). But 'good' means different things to different people. During a survey of horses at a processing plant, it was noted that the horses had poorer foot and body condition and were less sound than horses that would be found at a traditional sales facilities (Ishmael²). These animals could still be in good condition as classified by USDA standards for animal handling and transport. The distinction may be that they were not horses within the range of condition that would be anticipated to be found at a sales facility ready for purchase and immediate use by a horse owner.

Again, the definition of an unwanted horse typically includes the concept that the horse may be no longer suitable for work, may have a medical problem, the owner may have been under economic duress, etc. and all of these situations may result in poorer foot and/or body condition and/or soundness problems. Therefore, in the scenario of being useful for a horse owner, they no longer have a permanent home, they may no longer serve the original purpose, and they may no longer be sound enough, physically or mentally, to be ridden by the average horseperson. In reviewing definitions from groups who have differing views on this topic, it appears to me that the definitions of 'unwanted horses' are relatively similar. The emphasis on different parts of the definition seems to cause the most conflict. On one side are the groups wholly optimistic that these horses are not unwanted, they have just not yet been matched up with a suitable owner. On the other side are those who are not so optimistic and feel that if there were such saviors they would have already come forward – especially given the position both these horses and the rescue facilities now face and the amount of press that is being given to the topic. While there are many differing points of view on the issue, "Regardless of the reason, these horses no longer have permanent homes" (AVMA) and on that point it seems all sides can agree.

There is another item where agreement may be reached. A number of these horses have lost their permanent homes because of financial circumstances that are related to the troubling economic times. With the rising costs of living, people have to make hard choices. A Maryland reporter had the following quote from an interviewee on the topic of unwanted horses "Horses are, to a certain degree, a luxury...When the economy is suffering, luxuries are suffering" (Gardner). The economic impact of increasing costs of just about everything from daily necessities to boarding fees and the skyrocketing costs of hay from the drought have made it more and more difficult for horse owners to make ends meet. A report in the *Los Angeles Times* states, "In many parts of the United States, horse owners are struggling to feed their animals after a severe drought doubled, even tripled the cost of hay. The drought has exacerbated a glut in the

low end of the horse market, brought on by years of over-breeding and the recent economic downturn" (Jarvie). Similar articles are repeated time and again leading to this conclusion, "The only agreement among slaughter proponents and opponents is that the increased costs of fuel and food are issues for horse owners" (Hall). Even NPR radio news carried a story on the topic reporting that horse owners, particularly those in the lower economic end of the horse industry, were abandoning their horses at boarding facilities because they were unable to pay for their care and upkeep given rising costs and the downward turn of the economy (NPR National News).

Unwanted horses – are they actually unwanted? It depends on your perspective. The views are divided, the arguments are deeply embedded. Fact or fiction – faction.

FACT OR FICTION?: WE KNOW HOW MANY UNWANTED HORSES THERE ARE

It seems that most individuals and groups would agree that this is fiction – but there would be disagreement on how to count the population of horses in this category of 'unwanted'. Is this the number of horses that would have gone to slaughter in the U.S.? Does it include those that travel across the U.S. borders? Does this number also include the number of horses that are transient – those horses living in rescue and adoption shelters waiting placement? These are horses without permanent homes. Yes, they have a home today, but the intent is to find them a 'permanent home' and with the perceived rate of closure of rescue facilities, it could make sense to calculate the number of horses that would have gone to slaughter along with those in transient homes in order to get a real handle on the depth and range of the problem.

There are approximately 9.2 million horses in the United States (American Horse Council) and each year a percentage of these horses become unwanted. Reports have indicated that approximately 1% of this equine population is slaughtered annually (Messer, Ishmael^{ib}) while others now indicate that it is closer to 1.5% (Sandberg^a). Until recently, the majority of this occurred within the U.S. In 2006, "according to the USDA, 100,800 American horses were slaughtered in three foreign owned slaughter houses and another 30,000 were sent to Mexico and Canada" (HSUS, Heyde, Jackson). In considering Mexico alone, the increases are staggering. "According to USDA Market News Service, in 2006 11,080 horses were transported to Mexico for slaughter and in 2007 that increased 311% to 45,609 horses" (AVMA). Again, if we just consider Mexico the reported statistics for this year compared to last, given the changes in U.S. horse slaughter, the reported increase is as high as 400% according to AAEP spokesperson Sally Baker (Cockle). These statistics are equally reported by groups who have opposing views on the topic of unwanted horses, and both groups show concern over the statistics. It seems that all can agree that unwanted horses leaving the protection of U.S. borders and U.S. oversight is not a good thing.

The final piece in this group of horses is the transient population – those currently in rescue facilities. It becomes very clear in scanning material on the subject that it is very difficult to determine the number of unwanted horses currently in rescue facilities, or the capacity of rescue facilities since there is no national organization, accrediting agency or central agency for these groups. An article by Sandberg in the *San Antonio Express News* suggested that "the closest thing to it might be the web site of the American Horse Defense Fund – and no government agency regulates them" (Sandberg^a). The Unwanted Horse Coalition has a place on their web site that lists rescue organizations - 200 in both the United States and Canada. Yet there are no registration requirements and the Unwanted Horse Coalition does not provide any oversight (Hall). Many of these organizations do provide a host of resources as does the Humane Society of the United States, and the launch of their Homes for Horses Coalition in February added

another resource for rescue organizations (HSUS). Still, the various groups might agree that there is no real data on how many unwanted horses are in rescue facilities waiting for placement to permanent homes, and at this point, there is no mutually agreed upon organization that could facilitate the coordination of a data gathering and information sharing effort.

In the end, the 100,000 number for horses slaughtered in the US seems to be used relatively consistently in articles and publications with many also acknowledging that no one really has a handle on the actual size of the unwanted horse population. "We do not have reliable statistics on the total number of horses that become unwanted each year. We do know that 90,000 to 100,000 unwanted horses have been sent to slaughter annually, and that the [total] number of unwanted horses is substantially greater than this" (AVMA frequently asked questions).

It seems that no one in any group is claiming to have a real handle on the scope of the problem. In contrast, most groups are calling for the need for real data. The Unwanted Horse Coalition has begun to gather some data as have numerous groups already mentioned in this paper. In addition, organizations such as the Equine Science Society (Ams), the American Registry of Professional Animal Scientists (Arms), the National Association of Equine Affiliated Academics (Bump), and the American Farm Bureau Federation (Ludlum) are interested in and actively supportive of finding ways to gather real information to advance the knowledge regarding 'unwanted' horses.

FACT OR FICTION?: UNWANTED HORSES CAN BE ABSORBED INTO THE INDUSTRY THROUGH RESCUE FACILITIES AND OTHER PLACEMENT ORGANIZATIONS

Can these horses be absorbed into the industry or will there be no place for these horses to go? This is a fact or fiction debate. Some have felt strongly that the 'unwanted' horses that have gone to slaughter in the past "can be absorbed into current horse-rescue facilities" (Ishmael). However, a review of other articles on the subject would suggest otherwise. Tom Lenz of the Unwanted Horse Coalition said "6,000 to 10,000 horses a year can be rescued but both he and Pereschino said the rescue sites can't handle all the unwanted" (Hall). It is clear that this is a topic of much debate, and it seems that in part this may be due to the inability to know and project the current and future capacity of rescue facilities (Messer).

If the current capacity is unknown as is suggested by Messer, then perhaps it is better to work backwards from the number of horses that need care to determine how many rescue facilities would be needed. According to the American Association of Equine Practitioners, that number would be 2700 facilities for the first year of a full ban, with an assumption that there are 30 horses in each facility (AVMA). They suggest that another 2700 new facilities could be needed each subsequent year if the number of additional unwanted horses remained constant and none of the rescued horses died or were placed in permanent homes (AVMA). Those numbers are, however, debated by horse rescuers such as Jerry Finch who in a *Houston Chronicle* article was represented as suggesting that "the numbers going to slaughter are negligible and said such horses could easily be absorbed by rescue groups and families if slaughter was no longer an option" (Sandberg). According to horse rescue advocate John Holland, "It is rare that a population of any kind cannot absorb such a small increase or decrease in supply" (Holland). While in theory this seems to make sense, in reality we don't know if this will hold true.

There is little doubt that there exists significant disagreement over the capability and the capacity of rescue facilities to successfully absorb the 'unwanted' horse population given the current situation of state closure of U.S. slaughter plants. This fact or fiction seems to rest on fact or fiction.

However, perhaps some agreement can be reached on a subsequent point. There would be a real benefit in gathering data on the number of rescue organizations in existence, the number of horses currently under care, and the current capacity. In order to do this, it seems there needs to be some agreement on a central oversight and organizing body for rescue facilities and other placement organizations.

FACT OR FICTION?: WE KNOW HOW MUCH IT COSTS TO CARE FOR THE 'UNWANTED' HORSE POPULATION

Do we really know how to budget for the care of this population of horses? According to the Animal Welfare Council, the cost will be \$220 million each year based on 2005 statistics (Ishmael). However, the topic of cost estimates is again a topic of fact or fiction – particularly as the costs are projected forward to subsequent years. It has been suggested by Congressman Bob Goodlatte of Virginia, that the projected number of surplus horses will result in a cost of \$530 million by 2016 (Holland). This has been met with opposition by those who feel strongly that the cost of caring for unwanted horses will decrease each year as fewer unwanted horses enter into the horse industry and more places to care for unwanted horses emerge.

John Holland proposes the use of a fixed percentage rather than a fixed number to calculate a projected cost, arguing that it is more reasonable that the unwanted horse situation should be viewed as a supply and demand commodity whereby once the slaughter houses are closed, the demand will diminish and so will the supply. Therefore the total number of unwanted horses will diminish each year thereby reducing the overall cost to care for them. If his theory were to hold true, the cost estimate to care for the unwanted horse population would dramatically decrease over time rather than dramatically increase as has been proposed by others (Holland).

The lesser debate is the estimated daily cost of caring for an unwanted horse. Horses can live into their 30's and according to the Unwanted Horse Coalition, the low end of the price scale for care of cost for a horse is \$1,800 annually. Breaking that out to a daily cost, without consideration of veterinary and farrier care, the estimate is \$5 per day by the American Association of Equine Practitioners (Copeland). However, "caring for a horse with special needs that requires extensive veterinary care can easily double or triple this figure" (Bourgeois). It is important to keep this in mind; it is not uncommon for unwanted horses to require this kind of care, particularly in their early stages of arrival at a rescue facility, as has been noted both in surveys of horses at processing plants (Ishmael) and by those operating rescue facilities (Prada, Sandberg). Additionally, given the potential life span of a horse, the following quote seems particularly noteworthy, "Unfortunately it takes a lot of money to take care of an old horse and we are not in a situation to provide nursing home care for animals in our program" (Robinson).

In researching the views on this topic, it seems that there is some consistency on the idea of daily costs, but much debate on the overall long term-economic impact. This has seemed to cause much fractionalization within the horse industry as well as the general public. Who will pay for these horses and what will be the source of the funds? There is a web site on the Internet called the 3 Trillion Dollar Shopping Spree (3trillion.org) that asks if you can spend \$3 Trillion better than the Government – and if so, where would you spend it? Included in the various things you can 'buy' is "create and fund sanctuaries for unwanted, neglected and abused horses, donkeys and mules in the U.S. for 6 months" and the price tag listed is \$2.5 Billion. It doesn't identify how they arrived at this number – a fact or fiction debate for sure – but what is compelling is to look at that figure in comparison to other items you can "buy", things like "Achieve Universal Literacy" listed with a price tag of \$5 Billion or "Cure a Deadly Disease" for \$1.5 Billion. Regardless of whether

the prices listed are right or wrong, Fact or Fiction, there are choices to be made about how money will be spent and who should spend it.

Do we know how much it will cost to care for this population of horses? Fact or fiction -- fiction in the sense that perhaps in the short term we can provide estimates on a per horse basis but it seems clear that we are unable to have a real sense of what is needed in regard to the complete population. In addition, it would seem that a conversation regarding funding is a necessity. Whether it is a yearly number or a daily number, a fixed number or a fixed percentage, someone will have to budget for these horses and money will have to come from somewhere to cover the expenses.

FACT OR FICTION?: THINGS ARE GETTING BETTER FOR 'UNWANTED HORSES'

On the one hand, rescue facilities are getting more phone calls and taking in more horses (Dorell, Hall, Hiers, Sandberg^b, Thomas, Prada) -- and that could point to a better situation -- that unwanted horses are finding their way to rescue organizations. However, those 'homes' are temporary -- a respite along the way to a permanent home. Still, the horse has found someone who wants to care for it. In that sense it is, perhaps, wanted. Chris Heyde, deputy legislative director with the Animal Welfare Institute believes, as do others, that the country can handle these unwanted horses. "You can find a home for these horses" Heyde says - "Most people do" (Dorell).

On the other hand, rescue facilities are getting more phone calls and taking in more horses (Chavez, Dorell, Hall, Hiers, Sandberg^b, Thomas, Prada) -- and that could point to a worsening situation- facilities are saying they can not take in all the horses, or if they do, they are stretched beyond their capabilities (Chavez, Dorell, Sandberg^b, Thomas, Prada, *Denver News*). A number of rescue facilities already operate on the brink of exasperation and a rapid influx by well-meaning horse lovers unable to say no could result in unintended harm and the need to rescue horses from rescue organizations. It could result in an uptick in horse hoarders and an uptick in animal abuse -- often unintended. In addition, reports of animals abandoned, turned loose, and turned out into other horse owner's pastures and facilities appear to be escalating (Cockle, La Valley, NPR News, Prada, Thomas).

News coverage of the issue seems to cross the nation and, it does so in all forms of media from small town news media to big time broadcasts including *The Wall Street Journal* (Prada), *Time Magazine* (Waller), *USA Today* (Dorell), *HBO Real Sports* with Bryant Gumbell (Gumbell) and *NPR National News* to name a few. Through each article review I rarely see anything that says things are getting, or have gotten, better for these horses. I wonder - how can so many people, working so hard, be making such little progress? Is this fact or is this fiction?

FACT OR FICTION -- WE WILL MOVE FORWARD TOGETHER AS AN INDUSTRY

I read an article by Rob Whiteley after the tragedy of Eight Belles and I am going to borrow some of his thoughts and words because I think they parallel where we are with this topic. "Change can come, but it will only come as a result of a unified effort.... We horsemen are mostly independent minded and competitive people who like to do our own thing. Therefore, the idea of unity may seem alien or objectionable to many of us... [but] United we stand, divided we fall" (Whiteley). At this point we need to set aside our ideas of fact or fiction and no longer be fractionalized. We need to build on what we have in common, which is first and foremost, our

love of the horse. We need to set aside our differences for the common good. It is time that we stop talking about what we think we know and start talking about what we don't know. When we acknowledge what we don't know, the real learning will begin and real progress will happen. The fact is that we do not know if things are getting better or if things are getting worse – and we need to know.

If past performance is a predictor of future behavior, the idea that we would move forward together as an *industry* would most likely be fiction. But times of crisis can change a prediction model, and human choice coupled with determination can as well. If we each decide to view the topic differently so that we see each piece of information from several perspectives, these unwanted horses would be better-served. If we decided to pool all of our resources together rather than be fractionalized, these horses will be helped significantly. Collaboration will be key.

Where would we be one year from now if all of us agreed upon a single organization that would be a point for data gathering? What would we learn if we collected information to evaluate the real costs associated with care of these horses? Would we have more information for planning and decision making? Information could be gathered on the soundness, body condition, usability, age, gender and the average length of time until adoption. How much farther would we be in our knowledge one year from now? We would have real data based on a collaborative effort and the confidence in the information would be much higher as a result. We might actually be able to say we had some facts.

In New York, a Governor's Task Force has been created to work on one aspect of the unwanted horse dilemma – understanding the issues surrounding 'retired' race horses, both standardbreds and thoroughbreds, and finding new career opportunities for these horses at the point that they retire from racing on NY tracks (Post). Potential careers for sound horses are certainly more obvious than those for horses which can not readily move into other performance arenas, but the opportunities are still there and many appear to be waiting to be fully tapped. The largest of these opportunities may be in programs involved with various forms of human therapy that would not necessarily require a horse to be ridden or driven.

In order to more fully understand the issues and dilemmas associated with retired race horses, the New York State Retired Race Horse Task Force is currently developing a survey tool to be used in New York. The questions on the survey are anticipated to include some of the following types of questions:

1. For what reasons are horses most often retired?
2. To what locations were horses retired/what kind of arrangements were made?
3. How many of the retired horses were sound at retirement, unsound at retirement?
4. What was the age and sex of each horse retired?
5. What class did the horse run its last race in prior to retiring?
6. What were the earnings of the horse prior to retiring?
7. Is there a perception that there are buyers for retired race horses? If yes, what kinds of horses have more buyers?
8. What networks are currently used to place retired race horses?
9. Would respondents (and have respondents) taken back horses they bred when they retired?
10. Would respondents pay to retire a horse? If yes, under what conditions and how much would they pay?

11. Would they support a voluntary (or mandatory) payment fund to support retirement programs (with a list of potential funding sources including registration fees, racing fees, % of purses, etc.)

The NY State initiative is a positive step for race horses, but it is important to point out that it is a State initiative and addresses only one subset of the equine population. What would happen if we had a national movement to gather parallel data that crossed states as well as breed and discipline associations? It might be hard to agree on one single organization for oversight and coordination of such a project, as we know horse people are "pretty independent minded" (Whiteley). But I think we can do it. We will have a better chance if we can get beyond one of the themes of the unwanted horse issue that has grown throughout the past several years, the theme of blame. Unwanted horses are the fault of X. From my perspective there is enough blame for everyone in the horse industry to accept a role. If you or anyone in your family has ever cared for, ridden, shown, leased, or owned a horse that was then sold, then you have in some way participated in the unwanted horse cycle. Keep in mind that the American Horse Council estimates that the average horse owner has a horse for 4.5 years. Beyond the host of reasons already covered in this paper that probably culminate in the 4.5 year statistic is also the fact that the horse industry is a livestock industry with professionals who breed, raise, train, sell, and buy horses. We may think of horses as companion animals, and we may treat them as our companions while they are with us, but most dogs and cat owners don't buy and sell dogs and cats the way we buy and sell horses. Horses are livestock, not pets. Still, the moment we let go of a horse – whether that horse was professionally or recreationally owned, or watch a horse that has in some way been part of our lives go to a new 'home', we have in some way participated in the unwanted horse cycle because at the moment we let go, we made the decision we did not want, or could no longer keep, that horse. At that point the horse became a horse in search of a new home and even if a new home was found then, will another be found the next time?

If just about everyone has had a role, where would we be one year from now if everyone in the industry shared in working on this industry wide problem? Where would we be if every breed association created retirement foundations? We have several breed-based retirement foundations already in place and other associations could certainly follow. What if every breed association added an amount to their membership fee and/or their horse registration fee and that fee supported rescue and retirement efforts – either for that breed or industry wide. What if we all paid an extra nickel on each bag of feed as a funding stream? The Maryland Horse Industry Fund has a horse promotion program that operates using this model and they estimate that the out-of-pocket expense to the average horse owner is less than \$3 per horse per year, yet collectively the total funds add up quickly. There are no doubt a variety of systematic ways we could begin to actively address the funding issues involved with unwanted horses in order to directly assist and further develop programs and plans for unwanted horses. Are we ready to do so?

In order to move forward as an industry it seems that two things are important. First, all of the various groups need to join together and collaborate. Second, everyone needs to participate in the elimination of placing blame for the current problem and focus collective energies on working to understand the problem and find real answers and solutions. Rather than a state of fractionalization let's move forward with the energy of collaboration. We need real data and common understanding and that will require all of us working together. The horses are counting on us.

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**Panel: What is the Federal Role in Creating Viable Solutions
to the Unwanted Horse Issue?**

**The Honorable Ed Whitfield, R-KY
Washington, DC**

A last minute conflict prevented Mr. Whitfield from participating. A paper and a power point were not provided.

**Panel: What is the Federal Role in Creating Viable Solutions
to the Unwanted Horse Issue?**

The Honorable Charles W. Stenholm
Olsson, Frank and Weeda, P.C.
Washington, DC

A paper and a power point were not provided.

Panel: Transportation Issues: Knowns and Unknowns

Commercial Transportation of Horses to Slaughter in the United States Knowns and Unknowns

**Tim Cordes
USDA/APHIS/VS
Riverdale, MD**

KNOWN: HISTORY, STANDARDS, AND STATISTICS

One of the responsibilities of the United States Department of Agriculture (USDA) under the 1996 Farm Bill was to regulate the commercial transportation of horses to slaughter. The Secretary of Agriculture delegated authority to the Deputy Administrator of Veterinary Services (VS). In fulfilling this responsibility, VS initiated a collaborative effort between the public and private sectors. Opinions were gathered from various animal welfare groups — as well as research findings by leading experts in the fields of animal handling, animal stress, and transportation. The USDA working group included representatives from the Animal and Plant Health Inspection Service (APHIS/VS), Agriculture Marketing Service (AMS), Food Safety and Inspection Service (FSIS), and the Office of General Council (OGC). VS was invited to stakeholder meetings which included representatives from the equine industry, horse welfare groups, auction terminals, horse processing plants, trucking industry, and the research and veterinary communities. USDA funded research was performed by Colorado State University on the physical conditions of horses arriving at slaughter plants, by Texas A&M University on the effects of water deprivation in equines, and the University of California, Davis on stress in equines shipped to slaughter facilities. The collaborative recommendations and findings of these USDA, stakeholder, and research groups were as follows:

1. Separate stallions and other aggressive horses from the rest of the shipment.
2. Provide adequate food, water, and rest six (6) hours prior to loading onto a vehicle.
3. Confine horses in a vehicle no longer than 24 (+4?) hours without food and water.
4. Utilize an owner/shipper certificate.
5. Provide adequate floor space.
6. Phase out two-tier trailers.

The Slaughter Horse Transport Program (SHTP) goal was established and remains constant to this day as follows: if a horse must be transported commercially to slaughter, then it will travel in a safe and humane fashion. The program is often cited as a model for the future development of humane transportation programs for other species. The final rule on humane transportation of horses to slaughter was published in the Federal Register on December 7, 2001. All of the aforementioned recommendations were incorporated into the regulations found in 9 CFR Part 88.

The regulations provide for a complete domestic and international monitoring of the movement of U.S.-origin horses to slaughter through the use of owner /shipper certificates and corresponding backtags. Regardless of whether U.S.-origin horses are processed in the U.S., Canada, or Mexico, the owner/shipper certificates are returned to VS headquarters where all information contained in the certificates are entered into a single database.

The SHTP owner/shipper certificate documents compliance with the regulations which prohibit the transportation of a horse that is (a) unable to bear weight on four limbs, (b) unable to walk unassisted, (c) blind in both eyes, (d) a foal under 6 months of age, and (e) a pregnant mare that is likely to foal (give birth) during the trip. It must be signed by the owner/shipper and is collected by the USDA/FSIS at U.S. slaughter plants. It is collected by the host country officials at the slaughter plants in Canada and the border crossings into Mexico. This certificate was designed to be a trace-back tool to investigate and document program violations. However, it can also be used to provide limited information on the population of horses intended for slaughter. If we query the SHTP database for data each year regarding the (1) addresses of owner/shippers, (2) gender and (3) type of slaughter horses, and (4) horse processing plants of destination, we find informative trends respectively as follows:

1. Owner/shipper operations average 1-3 in most states with few, if any, in coastal states.
2. Stallions represent 3-4% of the total consistent with the gender distribution in the national U.S. horse population (Stull, 1999) (1).
3. Numbers of horses by breeds/types are consistent with the national U.S. horse population (by registry statistics) (2).
4. Movement to plants in Mexico and Canada has roughly tripled and doubled respectively in 2007 (3).

Administrative judges in Washington, D.C. began hearing cases on violations of the SHTP in June of 2006. To date, there have been five (5) adjudicated or default decisions with penalty awards totaling \$135,000. Out of court, there have been three (3) settled cases with settlement amounts totaling \$23,000.

UNKNOWN: FUTURE OF THE SHTP SHOULD HORSE PROCESSING FACILITIES NOT OPEN AGAIN

1. It is anticipated that unwanted U.S. horses intended for slaughter will continue to be transported to and processed in plants in Canada and Mexico.
2. The Veterinary Services (VS) Slaughter Horse Transport Program (SHTP) will remain active in the field and at headquarters. Although U.S. plants that process horses will be closed and therefore not staffed by SHTP Veterinary Medical Officers (VMO) and Animal Health Technicians (AHT), Canadian and Mexican border crossings and Canadian plants will be regularly visited. SHTP Owner/Shipper Certificates (VS Forms 10-13) will continue to be received at headquarters from all of the Canadian plants and the Mexican border crossings.

3. The slaughter horse industry divides horses into slaughter horses and non-slaughter horses or all others. It is likely that most horses will move through the standard channels as slaughter horses with SHTP owner/shipper certificates and backtags. However, in an attempt to circumvent program regulations (9 CFR 88.4), an increasing number may move as non-slaughter horses with Coggins (EIA) tests. The SHTP has no jurisdiction over non-slaughter horses moved in compliance with interstate or international animal health regulations.
4. Currently there are seven (7) CFIA plants and two (2) SAGARPA EU-approved plants that process horse meat for human consumption.

REFERENCES

1. Stull, C. 1999. J. Anim. Sci. 77:2925-2933.
2. The most current "Total Registered" numbers are compared as relative percentages for the American Quarter Horse Association, Jockey Club, and multiple draft and pony registries.
3. SHTP database statistics are generated from information contained within and entered from the Owner/Shipper Certificates (VS Forms 10-13).

Panel: Transportation Issues: Knowns and Unknowns

Executive Summary: The Alberta Horse Welfare Report

Jennifer Woods
J. Woods Livestock Services
Alberta, Canada

Calgary, AB, February 12, 2008: A report on horses as food producing animals has been completed by the Alberta Equine Welfare Group. It presents facts on the humane treatment of horses processed in Alberta and Canada for food, identifies areas that need improvement and spells out the impact of the closure of horse meat plants in the US. The aim is to provide a base of information to encourage constructive, open communication on a sensitive issue and address ways to continually improve horse welfare.

The Alberta Equine Welfare Group is comprised of representatives from Alberta Equestrian Federation, the Horse Industry Association of Alberta, Alberta Veterinary Medical Association, Alberta SPCA, the RCMP, University of Alberta, meat processors, feedlot owners, horse buyers and Alberta Agriculture and Food. Most are members of Alberta Farm Animal Care (AFAC), the organization providing project management services for the group.

The report includes historical data on horse meat consumption. Over one billion people or 16% of the world population eat horse meat. Consumption of horse meat has increased 27% since 1990. In terms of nutritional value, horse meat has 20% more protein and double the iron of beef. Among others, Asians, Europeans and Canadians eat horse meat.

Humane treatment of horses throughout their lifetime and at death is a priority. The report highlights Canadian legislation that is in place and is enforced to ensure the humane treatment of horses, at the farm, at auctions, while in transport and at all federally inspected meat plants. In addition, the report details the USDA regulation that states US horses transported to Canadian meat plants must go on single deck trailers and be inspected by USDA and CFIA veterinarians. The report notes recent gaps in the adherence to this rule and notes Alberta horse industry requests for action to fix this. Unlike many US states, livestock are not exempt from Canada's animal protection laws. Studies done by AFAC and the Alberta SPCA and by Dr. T. Grandin point to original owner induced neglect as the core equine welfare concern. The report identifies recommendations to improve this.

The report includes a description of the horse industry in Alberta with respect to horses as food producing animal. Many horses are purpose-raised for meat production. The types of horses received at the Alberta horse meat plant and the humane handling practices in place are outlined. Before the US horse plants closed in 2007, 50,000 horses were processed in Canada for human consumption. By the end of 2007, this number had doubled. A new plant has opened in Saskatchewan with a capacity equal to the Alberta plant. The number of horses imported into Canada has increased by 40%. The report describes euthanasia options available to horse owners in Alberta. The associated costs and benefits are discussed.

People tend to view their horse as livestock, as working animals or as companion animals. These different viewpoints are acknowledged in this report. What is important is that all horses be treated humanely throughout their lifetime. This must include options for humanely ending the horse's life. This is ultimately the choice of the horse's owner.

It is well known that horse meat plants in the US have been closed as a result of pressure from organizations opposed to horses as a meat producing animal. This report tells of the actions and the resulting consequences of growing horse neglect, abandonment and starvation.

The Alberta Equine Welfare Group believes that processing horses for food is a humane end to a horse's life. This group is committed, and encourages other horse industry groups, to seek the continuous improvement of equine welfare and develop open communication to increase the awareness of the humane approaches to husbandry, handling, transporting and processing of horses in Canada.

The complete report is available at <http://www.albertaequestrian.com/>. Contact S. Church at 403-932-8050.

Panel: Potential Solutions and Options

Little Brook Farm Offers Humane Alternatives for the "Unwanted" Horse

Lynn Cross
Little Brook Farm: An Equine
Educational Center and Sanctuary
Old Chatham NY

Located on 55 acres in the hamlet of Old Chatham, NY, Little Brook Farm is a sanctuary for over 130 animals. Established in 1972, this rescue effort is one of the oldest and largest in the Northeast.

In 1986, B.I.T.S. was created. Balanced Innovative Teaching Strategies, Inc. combines a multi-faceted educational approach with both traditional and therapeutic riding instruction. Presently, B.I.T.S. provides services to more than 80 schools, agencies and organizations, entirely through the use of previously "unwanted" horses. Over 2,000 individuals participate annually. B.I.T.S., a non-profit (501-C3) entity, has been recognized by the New York State Department of Education as "exemplary".

Little Brook Farm directly cares for 50 horses representing 18 breeds with an additional 23 in adoptive homes (which must return the horses if they can no longer keep them). It is our policy to never buy (unless it is per pound) nor sell or breed and to humanely euthanize a horse only when their quality of life is compromised.

There is a common misconception that "unwanted" horses are old and/or lame when they are typically young and potentially useful. Statistics on 70 horses rescued from intended slaughter by Little Brook Farm during the 5 year period from 2001-2006, illustrate the fact that 46% were 6 months of age to 9 years; 37% 10-15 yrs.; 4% 16-20; and 13% 21-35. Given a life expectancy of 30+ years for a well-cared for horse, fully 87%, which must be considered representative of the for-slaughter market, have time for rehabilitation and meaningful, useful companionship.

Unlike the typical rescue or sanctuary, the majority of our horses contribute on some level to their own care through lessons, lease or educational programs. They also successfully compete in Dressage, Hunter Seat, Eventing, Competitive Trail Riding and Pony Club Rallys, as well as other disciplines. This visibility places them in a position to raise awareness as to the true value of the "unwanted" horse. Last fall, Congresswoman Kirsten Gillibrand unexpectedly attended one of LBF's horse shows during the vaulting demonstration. She took the time for a tour and has since changed her position on the slaughter issue in favor of the horses - a decision which is deeply appreciated.

There is an obvious benefit for the "unwanted" horse through rescue, rehab and ongoing supportive care. Equally beneficial however, are the vast educational and vocational opportunities horses offer students. Little Brook Farm and the B.I.T.S. program have successfully blended "unwanted" horses and educational programs by prioritizing the physical safety and emotional well-being of our students which then, by default, allows our horses to receive the same. In order to achieve the greatest results, the partnership of horse and teacher is crucial. Strengthened by time and patience, a long term relationship is an absolute necessity.

Placing the best interests of the students and horses over profit has required a creative approach to financial management. Operating costs are significant and resources have always been limited (B.I.T.S. 2007, 990-EZ was \$85,285.). Our solutions have evolved over time to include the following:

1. Providing traditional riding instruction and summer camps (see attached flyer).
2. Participation of schools, youth groups and organizations for which we are paid on a sliding scale (actual list provided upon request).
3. Schools serving those with special needs, schedule class trips bringing the children's therapists with them thus eliminating B.I.T.S.' responsibility to provide Physical, Occupational and/or Speech Therapists.
4. Fundraising events such as horse shows, clinics, weddings on site.
5. Donations generated from random news stories.
6. A silent corporate sponsor generously contributes a fixed amount monthly in addition to the wages of 2 paid staff.
7. Individual sponsors donate each month towards the care of a specific horse who they visit on a regular basis.
8. Various local landowners allow LBF to use approximately 35 acres of pasture at no cost (all have 4 board fence, barns, potable water). LBF assumes complete physical/financial care of the horses and offers owners LBF's agricultural tax benefits and/or care of the owner's private horses.
9. Grants.
10. Twelve working students, both high school and college. An exchange may include: room and board, transportation including gas, riding and lessons.
11. Volunteers/board members contribute approximately 70 hours each week.
12. Local excavation company trades the use of an acre of our land for topsoil and is always available - any time, any location, any weather conditions to bury a horse.
13. One of our 2 farriers donates all of his work (trims), the second donates 1 out of every 6 (shoeing).
14. Our vet (of 25 yrs) comes for any emergency at any time within minutes of the call. He allows me to pay over time with no penalties.

Little Brook Farm, as an equine educational center, places a great deal of emphasis on responsibility. It is our duty to provide for horses throughout their life and ensure them a dignified death. Equine cruelty is the fear driving the opposition for the ban on slaughter. Yet, the prolonged suffering and brutality of slaughter is equine cruelty and should never be an option.

It is understood that there are more horses than available homes, therefore, continuing to breed without consequences is intolerable. By adding a fee for each breeding and registration, funds would be available for rescues, sanctuaries and the ultimate euthanasia of "unwanted" horses.

In the summer of 2007, Little Brook Farm had the privilege of hosting a clinic with Linda Tellington-Jones, an internationally acclaimed authority on animal behavior, training and healing. She stated that while there are many patterns for rescues, this is one that should be duplicated and has offered to serve on our advisory board. Little Brook Farm and B.I.T.S. is a viable model and could be expanded and recreated in other locations throughout the country.

Panel: Potential Solutions and Options

The Unwanted Horse Issue: What Now?" Potential Solutions and Options

Tom Persechino
American Quarter Horse Association

To millions of Americans, horses have long been magical, mystical creatures that have carried us when even our own legs couldn't, brought us joy when no other human understood us and teamed with us to settle a nation. Our horses ask for so little, and yet they're willing to give so much. In many ways, horses were man's best friend long before the first canines assumed that title. Often, our horses become part of the family and transcend the role of traditional pet. They become our trusted equine counterparts.

Because of that bond and in a perfect world, it would be ideal for every horse to live out its days in rich green pastures or in our backyards. Unfortunately, that's not always the case because all horses and all owners are not created equally.

Just as you'll find dogs and cats in shelters with behavior problems, health issues or owners who simply cannot afford to keep them, those same situations play out in the equine world – only with larger ramifications. You're talking about a 1,000-pound animal that is expensive to feed and care for, can be dangerous if not properly trained and for whom even euthanasia is expensive. Slaughter is no longer an option, and publicly funded shelters for horses are not widely available. So what are owners to do?

Understanding options for the unwanted, unneeded or unusable horse is one of those topics we must all address if we're ever going to ensure that our horses' health and welfare truly are paramount to every other consideration.

When considering an unwanted or unusable horse, we need to be realistic. No matter what we discuss and no matter how many laws we might pass we will never prevent all horses from becoming unwanted – just as we can't prevent a certain number of dogs and cats from becoming unwanted. However, by discussing the issue and seriously dedicating ourselves to bringing forth viable solutions, we can strive to make life easier for those horses that do end up in the equine welfare system. Whatever the reasons, many horse owners will face the difficult decision of dealing with an unwanted or unusable horse. *What are some of their options?*

EDUCATION AND OVER BREEDING

To some, a simple solution to "fix" the unwanted horse situation is to simply stop breeding as many horses or force the various breed associations to limit the number of horses they allow to be registered each year. On the surface this might sound simple, but forbidding people to breed horses isn't as easy as it might appear. As breed registries, the associations' primary roles are to record the pedigrees of horses. It is not their role to restrict any breeder's right to breed their horses. In fact, courts have ruled that in certain cases, it is a restraint of trade to do so.

However, clearly, education is a key to alleviating some of America's unwanted and unneeded horses, and as an industry we need to work to better educate horse owners on responsibilities that come with owning a horse. The issue of education is being addressed nationally through the efforts of the Unwanted Horse Coalition of which the American Quarter Horse Association is a founding member.

Formed in 2005, the Unwanted Horse Coalition represents a broad alliance of equine organizations that have joined together under the American Horse Council to educate the horse industry about the unwanted horse issue. The Coalition brings together key stakeholders to develop consensus on the most effective ways to work together to address this issue of America's unwanted horses.

The mission of the Unwanted Horse Coalition is to reduce the number of unwanted horses and to improve their welfare through education and the efforts of organizations committed to the health, safety, and responsible care and disposition of these horses.

Today, the coalition comprises 24 organizations that include horse breed associations, veterinary organizations and stock contractors, among others.

Central to the coalition's mission is its "Own Responsibly" adage that focuses on education. By educating existing and potential owners, breeders, sellers and horse organizations about the long-term responsibilities of owning and caring for horses, and focusing on opportunities available for these horses, the coalition hopes to help horses before they become unwanted. The UHC hopes to utilize industry resources to put owners of these horses in touch with individuals and facilities that will welcome them. The coalition believes teaching people to own responsibly will help lower the number of unwanted horses.

Education has been a fundamental part of AQHA for decades. As part of the association's ongoing efforts and to fully support the Unwanted Horse Coalition, AQHA has just released a DVD that it provides free of charge – only a \$5 shipping fee applies – to anyone interested in horse ownership. This educational DVD talks about the many aspects of horse ownership and educates people on the costs and responsibilities of owning a horse. Additionally, AQHA recently introduced a comprehensive Fundamentals of Horsemanship program designed to help people create a better relationship with their horse by learning better training techniques.

By educating potential and current owners, fewer horses will become unwanted because people will better understand the issues that surround horse ownership. Despite these efforts, some owners will still find themselves with an unwanted or unusable horse.

Let's define those terms. *Unwanted* horses no longer fit into their owners' lives, for reasons discussed above or because of other contributing factors. They are healthy enough to enjoy life, but perhaps it's time for them to find a new purpose. They are still usable – even if it's in a diminished capacity. *Unusable* horses are those who are in poor health – because of illness, age or injury. Unmanageable, dangerous horses also fall into this category. They are a burden to their owners, and it would be the height of irresponsibility to sell or give horses like this to another person, or to risk them being abused, neglected or abandoned because a future owner can no longer deal with them.

It's important to candidly assess which category a horse falls into, and there are different options for each one. For owners who believe a horse still has some use, there is good news and a number of options.

USABLE HORSE OPTIONS

Rescue and Retirement Facilities

Probably the most obvious are rescue and retirement facilities. Rescue and retirement facilities can play a key role in providing care or finding new owners for horses that are considered unwanted.

While the actual number of facilities is unknown, it is widely believed that existing ones are at or near capacity in terms of numbers of horses and resources to care for them. It simply stands to reason that more will have to be established if this is going to be a primary option.

Additionally, if the existing equine welfare system is going to be expected to absorb more unwanted horses – regardless of the number – guidelines for these facilities must be established in order to ensure the horses' best interest are paramount. While the majority of rescue and retirement facilities provide adequate care, a small minority of rescue/retirement facilities do not and cast a shadow over the legitimate ones.

While the vast majority of rescue and retirement facilities are run honestly, if our goal is to protect horses then serious steps must be taken on the horse's behalf. Until such legislation exists, the UHC encourages owners to read the "Care Guidelines for Equine Rescue and Retirement Facilities," developed by the American Association of Equine Practitioners and ensure the facility being considered operates by these guidelines. A partial list of equine rescue and retirement facilities can be found by using any search engine on the World Wide Web or by contacting the American Horse Council.

Friends With Land

Many horse owners have friends who own acreage that is suitable for horses (safe fencing and sufficient access to good grass and water). Perhaps there is an opportunity for some owners to ask a friend if they can retire a horse to his pasture. In some cases, the owner of the horse might offer a nominal payment each month for the retirement. However, if a horse has injuries or health problems, pasturing might not be a good option unless the horse can get regular veterinary attention.

Colleges and Universities

Many colleges and universities use horses for their equine programs or for research programs that benefit the industry. Selection criteria for horses will vary according to the university, but as an option, an owner should check in his or her state (or neighboring states) to see if there are colleges or universities that would be willing to take a horse. In many cases, these horses receive excellent care from the students attending the school.

North American Riding for the Handicapped Association Inc. (NARHA)

Members of the North American Riding for the Handicapped Association foster safe, professional, ethical and therapeutic equine activities through education, communication, standards and research for people with and without disabilities. NARHA promotes equine - facilitated therapy and activity programs in the United States and Canada. More than 650 NARHA program centers serve 30,000 individuals with disabilities. Each year, dozens of new centers initiate programs, and thousands of individuals profit from these beneficial activities. NARHA has stringent care guidelines for horses at these facilities.

At NARHA centers, horses are valued partners in a relationship and the centers are highly selective, accepting only horses that are well-suited for equine-assisted therapy. Many horses at NARHA centers are donated, volunteered or leased by horse owners in the community. It is important to note that minor health issues in a horse might be acceptable. However, horses must be sound enough to work regularly. Above all, safety is a top concern, and horses donated to a NARHA facility must have the correct temperament.

Centers will evaluate and observe a prospective horse's:

1. Conformation
2. Health
3. Age
4. Gaits and manner of going
5. Attitude, reliability and adaptability

By donating a horse, an owner not only assists individuals with disabilities, but might also be eligible for a tax deduction. In many instances, an owner can develop an ongoing giving campaign with the NARHA center that has accepted a horse and enjoy the tax benefits for years to come. Owners should note that if a horse is accepted by a NARHA facility and for any reason doesn't fit their program at a later date, the facility has the option of selling the horse. A list of NARHA facilities is available at www.narha.org.

New Careers

Depending on the horse's health and soundness, a second career might be a viable option. For example, many American Quarter Horse race horses go on to become outstanding speed-event horses in the show arena or top mounts for ropers and other cowboys competing in rodeo events.

If a horse excelled in the show ring, an owner might consider giving him to a young person in 4-H or someone just beginning his or her show career. Again, depending on the horse's overall health, an older horse that one owner might consider past his prime could be the perfect teacher for a young person or new competitor.

A second career could include public service. Thousands of horses are serving as police mounts, in U.S. Border Patrol units, patrolling America's parks, working in correctional facilities and assisting search-and-rescue operations. Owners should look around their area and visit with police, sheriff and parks departments to see if they have mounted units.

UNUSABLE HORSE OPTIONS

Euthanasia

When it comes to the unfortunate task of seeking alternatives for the unusable horse or if it's simply impractical to continue a horse's life, there are fewer options available. Although euthanasia is a difficult decision, it gives the owner total control over the way a horse's life comes to a conclusion. Additionally, euthanasia can be the most humane way to deal with end-of-life decisions. Certainly, it is more humane than neglect or abandonment. The decision to euthanize a horse should be based on both medical considerations, as well as the horse's current and future quality of life.

The following criteria suggested by the American Association of Equine Practitioners (not all criteria need to be met for every case) should be considered in evaluating the necessity for euthanization of a horse:

1. Is the horse's condition chronic, incurable and resulting in unnecessary pain and suffering?
2. Does the horse's condition present a hopeless prognosis for life?
3. Is the horse a hazard to itself, other horses or humans?
4. Will the horse require continuous medication for the relief of pain and suffering for the remainder of its life?
5. If the horse is suffering but treatable, is proper and recommended care of the horse within the means of the owner or rescue/retirement facility, such that the health and safety of the other horses are not compromised?
6. Is the horse constantly and in the foreseeable future unable to move unassisted, interact with other horses, or exhibiting behaviors that prohibit a decent quality of life?

When it's time to make this difficult end-of-life decision, it is recommended that an owner contact an American Association of Equine Practitioners veterinarian to handle the euthanasia process and disposal of the horse. In many areas of the country, there are laws governing the burial or disposal of horses following euthanasia via intravenous anesthetic. Owners need to be aware of these regulations, as well as the costs associated with euthanasia and disposal, which can reach several hundred dollars. Because many municipalities have regulations that restrict where and how a chemically euthanized horse can be disposed, if a ban on horse processing is to continue, Congress needs to explore the option of publicly funded euthanasia facilities akin to animal shelters that accept small animals now.

Recently, AQHA attempted to call the largest 100 metropolitan areas – or designated market areas as defined by the federal Government Office of Management and Budget – to see if their public animal shelter had the capability of taking unwanted or unusable horses. AQHA's study revealed that of the 70 shelters we reached only four had the capacity to handle horses. Until there are widespread, publicly funded facilities to take horses – such as those that exist for dogs and cats – the welfare of America's unusable horses will be at risk. The horse industry, humane groups and the United States government need concrete statistics on the availability of facilities and the accessibility of affordable euthanasia as we develop viable solutions.

Research Programs

Depending upon a horse's level of usability and medical condition, many university veterinary programs are looking for horses that can be used in research projects. In some cases, donating a horse to a research program could lead to better care or even cures for diseases and disorders that would benefit all horses. Owners can ask an AAEP or American Veterinary Medical Association veterinarian for advice.

Legislative options

Obviously, our efforts cannot stop with what has already been done. Because this issue has been before Congress, perhaps there are other options that can be discussed with our elected officials, both locally and in Washington. Is there a common ground that could be supported by a good portion of the horse industry?

Clearly, the closing of the United States' three equine processing facilities *has not* meant better care for horses nor a better horse industry overall. But we're not here to debate the merits of horse slaughter. Should we, though, be speaking with our elected officials about ways to protect our horses that makes sense and is based on facts, not beliefs or feelings?

For instance, because city animal shelters are ill-equipped to take in horses, should we explore legislation to establish publicly funded equine shelters like we do for dogs and cats? Horses would have a certain number of days to be adopted out and, after being given the chance, would be humanely put down.

Because education plays a key role in reducing the number of unwanted horses, can an educational grant program be implemented through the United States Department of Agriculture where nonprofit horse industry organizations could apply for funding to develop and implement educational programs, similar to what is being done with the National Animal Identification System? Additionally, because many municipalities restrict where and how a chemically euthanized horse can be disposed, is it an option to seek federal tax credits for owners who do euthanize to help offset some of the associated costs? Or can we assist local authorities and establish affordable euthanasia facilities perhaps at auction and sale companies because of their availability? This could provide owners with a readily available, economical way to euthanize a horse.

Association Options

Because enacting legislation is often a lengthy process with strong emotions on all sides of the issue, what are some additional initiatives associations like AQHA – and perhaps the Unwanted Horse Coalition – can enact independently of Congress? At AQHA, we are in the initial stages of developing a program through which any owner of a horse can have a notation placed on the horse's certificate of registration indicating that, should the horse need a retirement home, that owner will take the horse back. The program does not mean any money will change hands, but simply provides an alternative for owners who sell a horse and later want to provide for its well-being.

Additionally, we also are exploring the possibility of establishing an online adoption service where members could list horses that might need a home. The concept attempts to connect adoptable horses with suitable homes.

As previously stated, AQHA – and other equine associations – cannot limit the number or even types of horses being bred. However, we want owners to understand the benefits of spaying and gelding, or neutering. At AQHA, we don't believe every horse should be bred. Sometimes, the key to reducing the numbers of unwanted horse is for owners to not produce horses at all. At AQHA, we do not necessarily advocate breeding *more* horses, but we are advocates of *better* horses, who remain marketable. As a breed registry – and not a supplier of horses – AQHA is trying to do all it can to encourage its members to produce just that – good, well-broke and well-trained horses that can meet market demands.

Creativity

It's been said that creativity and ingenuity can solve almost anything, and when it comes to America's unwanted horses, imaginations really must come into play, we all have to "think outside the box".

To increase attention to the plight of America's wild mustangs, the Mustang Heritage Foundation developed its Extreme Mustang Makeover, where trainers take wild mustangs, train them for use and later adopt the animals out. The unconventional event casts a spotlight on – but more importantly provides homes – for a number of Mustangs that might otherwise be considered unwanted. Additionally, the Mustang Heritage Foundation provides information and education about mustangs and burros to those in attendance. Perhaps a similar program should be explored for breed associations.

An AQHA event designed to showcase the ability of horses that are usable but because of current economic times or lack of proper training might be at risk of winding up as unwanted or unneeded is the Fundamentals of Horsemanship Futurity. This concept, based on AQHA's Fundamentals of Horsemanship curriculum, will bring breeders and trainers together to showcase the talents of and provide a market for trainable young horses. A pilot Fundamentals of Horsemanship Futurity will occur in 2009.

The Kentucky Quarter Horse Association is launching its Quarter Horse Breeders Challenge Sale and Futurity later this year. That event will:

1. Promote quality American Quarter Horses that ride well and have the capability to work.
2. Create an incentive to develop and train all horses in a humane manner, protecting at all times their physical and mental potential.
3. Promote resistance-free training methods resulting in a more efficient horse and to establish a greater market for quality American Quarter Horses
4. Provide an event that is enjoyable to spectators.
5. Provide an event that is beneficial to the horse industry.

Whatever new programs we launch, our creativity can play a vital role in helping America's horses. Our horses do give us their very best – that's what makes horses so special. At the very least, we need to change the way we view horses and horse ownership. If we are going to defend a person's right to own horses, then we must also recognize that with that right comes responsibility.

Banning horse slaughter doesn't address the underlying causes of why horses become unwanted. As an industry we can work together, reduce the numbers and create compassionate, workable solutions.

Panel: Potential Solutions and Options

Unwanted Horse Questions: What They Are and How to Ask Them

Al Kane

**USDA/APHIS/BLM Wild Horse and Burro Partnership
USDA/APHIS/VS/Centers for Epidemiology and Animal Health
Fort Collins, CO**

See the power point for comments.

Summary

Robin C. Lohnes

**American Horse Protection Association, Inc.
Washington, DC**

The primary purpose of the Unwanted Horse Forum was to provide an educational platform in which to continue dialogue about the current issues relating to unwanted horses in the United States by framing the problem, exchanging ideas, invoking provocative thought, and posing possible solutions.

Invited speakers addressed the issue from a variety of vantage points, and sparked a thoughtful and deliberate discussion among participants and panelists, as well as the general public and media. Below is a brief synopsis of each speaker's presentation, as well as some general observations, a compilation of possible solutions, and thoughts on next steps.

SPEAKERS

Jay Hickey, President of the American Horse Council, opened the summit with a hearty welcome, thanking its sponsors and speakers. He set the tone by challenging all participants to mobilize their efforts, both collectively and individually to erase the term "unwanted horse" from our vocabulary.

Nat T. Messer IV, DVM, gave a historical overview of the problem, and noted that sometimes the best laid plans do not always accomplish the goal. Citing the Horse Protection Act of 1970 and the Wild, Free Roaming Horses and Burros Act of 1971 as examples of equine welfare legislative initiatives that have resulted in unintended consequences, Dr. Messer suggested that the proposed legislation to ban equine slaughter in the United States had already begun to adversely impact the horse industry.

Dr. Messer defined the unwanted horse as one that is deemed to be no longer needed or useful or one whose owner is no longer able to provide physical or financial care, and estimated that there were over 100,000 unwanted horses in the United States. He pointed out, however, that there is little or no statistical information relating to the unwanted horse (e.g., demographics, age, sex, etc.) and that better data collection is necessary.

Camie R. Heleski, Ph.D., from Michigan State University, addressed a number of ethical questions surrounding the unwanted horse issue. She pointed out that an individual's moral compass often determines how one views the unwanted horse issue and especially horse slaughter. She also noted that values and perceptions influence one's view, and asked some difficult questions such as is it more acceptable for some horses (e.g., dangerous animals) to go to slaughter than others, and whether a personal decision to send a horse to slaughter is different from one that is made from a business perspective. Nonetheless, she acknowledged that there will always be an ethical responsibility to ensure equine welfare.

David L. Meeker, Ph.D., MBA, from the National Renderers Association, spoke in general about carcass disposal. He stated that carcass disposal is not uniformly regulated but the rendering process is, and suggested that rendering is a better option to alternatives such as composting, burial, landfills and incineration because it employs appropriate safeguards and is more environmentally safe. However, he added that since one of the byproducts is pet food, renderers prefer not to accept animals euthanized by an overdose of barbiturates due to drug residues.

Holly Hazard, from The Humane Society of the United States, focused her comments on the need to educate new and existing horse owners on finding better alternatives for rehoming horses, through retraining not trading, and added that the horse industry needs to move away from the notion that slaughter is a humane solution to the unwanted horse problem. She suggested the industry encourage funding for retraining and educational programs and advocated the creation of a national horse adoption network.

Tom Lenz, DVM, MS, DACT, Chair of the Unwanted Horse Coalition, stated that based on his experience it was not possible to separate the slaughter issue from the unwanted horse issue because the slaughter horse epitomizes the unwanted horse. However, he acknowledged that the industry needs to address the problem of unwanted horses and offered the following solutions: buying rather than breeding; adopting rather than buying; finding alternative careers; and euthanizing rather than discarding.

Professor Karin Bump, from Cazenovia, NY, examined and challenged the facts and fiction surrounding the unwanted horse issue, and suggested the need for real data and common understanding of the problem. She posed several questions. What is the definition of an unwanted horse? How many are there and can they be absorbed into the industry via rescue facilities? How much does it cost and finally, are things getting better or worse for unwanted horses? She also emphasized collaboration rather than fractionalization.

The Honorable Charles Stenholm, former Congressman from Texas, spoke primarily to the federal role with regard to the issue of horse slaughter. He made two points. First, he raised the issue of private property rights, suggesting that it is an individual's right to sell their horse to slaughter if they so choose. Second, he pointed out that if horses are viewed as pets rather than livestock the industry risks the potential loss of federal funding for equine programs.

Tim Cordes, DVM, from USDA/APHIS, gave an overview of the Department's Slaughter Horse Transport Program (SHTP) and stated that although horse processing facilities are no longer open in the United States, the SHTP will remain active. He noted that in an attempt to circumvent regulations an increasing number of horses may move through the system as non-slaughter bound horses, as opposed to slaughter bound horses; however, he added that the new amendment to the transport regulations will begin to address this disparity.

Jennifer Woods, from Alberta, Canada, gave an overview of the Alberta Equine Welfare Group and its recently published The Alberta Horse Welfare Report which highlights Canadian law enforcement regarding the humane treatment of horses processed in Alberta for food. According to Ms. Woods, slaughter bound animals are required to be "fit for transport" and noted that one of the biggest problems she has encountered is the body condition of animals received from farms. She also identified as a potential problem the discrepancies between U.S. and Canadian transport regulations. While the Alberta Equine Welfare Group believes that processing horses for food is a humane end to a horse's life, she added that guidelines for the humane handling of

horses have been recently completed and there is a current proposal to ban the use of double deck trailers for the transport of horses to slaughter.

Lynn Cross spoke about the unwanted horse issue from the perspective of owner and operator of Little Brook Farm, an equine educational center and rescue facility located in Chatham, NY. Ms. Cross acknowledged that there are more horses than available homes but believes it is her responsibility to provide for horses throughout their life and ensure them a dignified death through euthanasia rather than sending them to slaughter which she views as equine cruelty. Addressing irresponsible breeding, she suggested as one possible solution an additional fee for each breeding and registration that would be earmarked for rescues, sanctuaries and the euthanasia of unwanted horses.

Tom Persechino, Marketing Director for the American Quarter Horse Association (AQHA), began his remarks with the statement that all horses and all owners are not created equal, and that each horse and owner has its own unique set of circumstances. He categorized horses as either usable (healthy, suitable for rehoming, etc.) or unusable (in poor health, ill, dangerous, etc.). Advocating owner responsibility, Mr. Persechino offered a number of alternatives for usable horses such as rescue facilities, handicapped riding programs, college/university equine programs or new careers, and for unusable horses, options such as euthanasia or veterinary equine research programs. He added that AQHA is exploring ways to address the problem of unwanted horses within its own breed association.

The final speaker, Al Kane, DVM, with USDA/APHIS, pointed out that while it is now politically correct to talk about the unwanted horse issue, there needs to be a better understanding of the problems the industry is facing. Dr. Kane emphasized how important it is to collect data through descriptive surveys followed by comparative studies, and mentioned ongoing studies at CSU and UC Davis.

GENERAL OBSERVATIONS

A number of general observations emerged as the forum drew to a close. First and foremost, the speakers successfully presented a myriad of perspectives from which ideas were exchanged and possible solutions were posed. Moreover, it invoked provocative thought as speakers tried to embrace and frame the unwanted horse issue. While there appeared to be more commonality than discord, it is important to highlight some of the difference observed in order to ensure that stakeholders are not inadvertently working at cross purposes.

Although all of the speakers addressed the subject of the unwanted horse, it is interesting to note that there seemed to be a difference in the definition of the unwanted horse from speaker to speaker. Some defined the unwanted horse as one bound for slaughter either by choice or by chance. Others defined the unwanted horse as unusable. Yet others defined it as one that simply has no place to go. Although this phenomenon is not surprising, given the varied perspectives of the speakers, a uniformly accepted definition (even if it is the compilation of all of the above) might be something to address in future dialogue in order to ensure that all stakeholders are in sync.

Another area of disparity was how the speakers framed their presentations with regard to the issue of slaughter. There seemed to be a difference of opinion as to whether one could separate the slaughter issue from the unwanted horse issue. This also may be an area to further explore since the slaughter issue often becomes quickly polarized which in turn has the potential to hinder the ability to effectively address and identify possible solutions for the unwanted horse issue. Additionally, the debate on how horses are classified (livestock vs. companion) may also be a potential factor as it relates to the overall discussion of the unwanted horse.

There also seemed to be a difference in opinion as to what "euthanasia" actually means and, more importantly, a difference in interpretation and acceptance as to the three AVMA approved methods of euthanasia. Some felt that any of the three methods is acceptable while others clearly stated that euthanasia by captive bolt (which is used in processing plants) is cruel and inhumane and therefore not acceptable. This, too, may be an area for stakeholders to further explore as the discussion on unwanted horses continues.

All differences aside, the forum sparked a really good, broad-based discussion of the challenges the industry faces concerning unwanted horses. Throughout the day many questions were raised, and although there were not a lot of decisive answers, it did confirm, as many of the presenters pointed out, the need for additional data and research.

Also, in order to continue to move forward it is necessary to have a collaborative effort among all of the stakeholders including Congress and regulators. As in most collaborative efforts, in order to be as productive as possible, it is important to avoid working at cross purposes through duplicative efforts, ownership issues and/or competitive funding ventures. Pausing to take stock and devoting time to discussing the process may help to streamlining such efforts.

A final observation is to keep in mind that it is not enough to focus just on the current situation (an estimated 100,000 – 120,000 unwanted horses) but to also address how to keep that number from increasing or, better yet, reduce the number in years to come. Strategic planning may be helpful in achieving that goal.

POSSIBLE SOLUTIONS

Through the course of the day, many of the speakers offered a number of innovative ways to address the unwanted horse issue. Although not inclusive, the following list is a summary of possible solutions:

1. Education of new and existing horse owners on responsible ownership;
2. Buy rather than breed/adopt rather than buy;
3. Seek alternative careers (retrain not trade);
4. Education regarding euthanasia for both owners and the veterinary community;
5. Clearinghouse for data and research involving the unwanted horse issue;
6. Oversight of equine rescue facilities/possible mentor program;

7. Identify potential funding solutions for rescue facilities;
8. Explore concept of publicly funded equine shelters and/or other new venues for rehoming horses;
9. Offer tax credits for owners who choose to euthanize their horses;
10. Encourage responsible breeding through breed association initiatives;
11. Offer an option on registration papers to indicate that a horse be returned to its recorded owner if deemed unwanted;
12. Address discrepancies between U.S. and Canadian transport regulations; and
13. Follow Canada's lead and draft guidelines for the humane handling of horses.

NEXT STEPS

While this forum addressed many of the stated goals of its co-sponsors (the American Horse Council and the Department of Agriculture), it is arguably just one of the many steps necessary to address the unwanted horse issue and goes hand in hand with other efforts such as the Unwanted Horse Coalition. In order to ensure that a productive dialogue continues, the following goals and objectives are offered for consideration:

1. Commit to a collaborative effort on areas of agreement;
2. Continue dialogue on areas of disagreement and work through philosophical, emotional and politically charged differences;
3. Be proactive, not reactive;
4. Strive to be in sync as to definitions, interpretations, expectations, etc.;
5. Create data collection and funding protocols;
6. Continue to work on humane transport laws and regulations; and
7. Consider commissioning a comparable report to The Alberta Horse Welfare Report.

In his opening remarks, Jay Hickey challenged participants to mobilize their efforts, both collectively and individually to erase the term "unwanted horse" from our vocabulary. By marrying the passion and the pragmatic, the industry and its leaders can achieve just that.

APPENDIX A

Speaker Contact Information

- Moderator:** Richard Reynnells
USDA/CSREES/PAS
Room 3140 Waterfront Centre
800 9th Street, SW
Washington, DC 20250-2220
T#: 202.401.5352
F#: 202.401.6156
email: reynnells@csrees.usda.gov
- 8:00 - 8:05 : Announcements**
Richard Reynnells
- 8:05 - 8:15 Welcome**
Jay Hickey, President
American Horse Council
Suite 700
1616 H Street, NW
Washington, DC 20006
T#: 202.296.4031
F#: 202.296.1970
email: jay@horsecouncil.org
- 8:15 - 8:45 Historical Perspective**
Nat T. Messer IV, DVM, Dip. ABVP
Unwanted Horse Coalition
and the American Veterinary Medical Association
900 East Campus Drive
Clydesdale Hall A-367
University of Missouri
Columbia, MO 65211
T#: 573.882.3513
F#: 573.884.5444
email: messer@missouri.edu
- 8:45 - 9:15 Ethical Perspective**
Camie Heleski, Ph.D.
Department of Animal Science
Michigan State University
2265A Anthony Hall
East Lansing, MI 48824-1225
T#: 517.355.8427
F#: 517.355.1699
email: heleski@msu.edu

9:15 - 9:30 BREAK

9:30 - 11:15 Panel: Unwanted Horse Issues

9:30 - 9:50

Carcass Disposal Options
Dave L. Meeker, Vice President, Scientific Services
National Renderers Association
801 North Fairfax Street, Suite 205
Alexandria, VA 22314
T#: 703-683-2633
F#: 703-683-2626
email: DMeeker@nationalrenderers.com
<http://nationalrenderers.org/>

9:50 - 10:10

Unwanted Horses: Fact or Fiction
Holly Hazard, CIO
Humane Society of the United States
700 Professional Drive
Gaithersburg, MD 20879
T#: 301.721.6484
F#: 301.258.3078
email: hhazard@hsus.org

10:10 - 10:30

Unwanted Horses: Fact or Fiction
Tom Lenz, DVM, MS, Dipl. ACT
Unwanted Horse Coalition, and the
American Association of Equine Practitioners
26760 State Line Road
Louisburg, KS 66053
T#: 816.668.9820
F#: 816.668.9820
email: HorseTRL@aol.com

10:30 - 10:50

Unwanted Horses: Fact or Fiction
Karin Bump, Professor
Cazenovia College
Cazenovia, NY 13035
T#: 315.655.7186
F#: 315.655.2190
email: kbump@cazenovia.edu

10:50 - 11:15

Discussion

11:15 - 12:00 Panel: What is the Federal Role in Creating Viable Solutions to the Unwanted Horse Issue

11:15 - 11:30 Congressman Ed Whitfield
2411 Rayburn HOB
Washington DC 20515
T#: 202.225.3115
F#: 202.225.3547
email: Elizabeth Leasure: Elizabeth.Leasure@mail.house.gov
James Robertson: James.robertson@mail.house.gov

11:30 - 11:45 Congressman Charles W. Stenholm
Olson, Frank and Weeda, P.C.
1400 Sixteenth Street, N. W. Suite 400
Washington, DC 20036-2220
T#: 202.789.1212
F#: 202.234.1560
email: cstenholm@ofwlaw.com

11:45 - 12:00 Discussion

12:00 - 1:00 LUNCH

Moderator: Ray Stricklin, Professor
Animal and Avian Sciences Department
1413A AnSc/AgEng Building
University of Maryland
College Park, MD 29742-2311
T#: 301.405.7044
F#: 301.314.9059
email: wrstrick@umd.edu

1:00 - 2:00 Panel: Transportation Issues: Knowns and Unknowns

1:00 - 1:20 Tim Cordes, Senior Staff Veterinarian
National Coordinator for Equine Programs
USDA/APHIS/VS
4700 River Road, Unit 46
Riverdale, MD 20737
T#: 301.734.3279
F#: 301.734.4982
email: Timothy.R.Cordes@aphis.usda.gov

1:20 - 1:40 Jennifer Woods, B. Sc. Animal Science
Livestock Handling Specialist
J. Woods Livestock Services
RR #1
Blackie
Alberta, Canada T0L 0J0
T#: 403.684.3008
F#: 403.206.0646
email: livestockhandling@mac.com

1:40 - 2:00 Q&A

2:00 - 2:15 BREAK

2:15 - 3:45 Panel: Potential Solutions and Options

2:15 - 2:45 Lynn Cross
Little Brook Farm: An Equine
Educational Center and Sanctuary
County Rte 13, P.O. Box 127
Old Chatham, NY 12136
T#: 518.794.0073
F#: 518.392.5056
email: lynn@h-o-r-s-e.org

2:45 - 3:15 Tom Persechino, Senior Director of Marketing
American Quarter Horse Association
P.O. Box 200
Amarillo, TX 79168-0001
T#: 806.376.4811
F#: 806.349.6411
email: tomp@aqha.org

3:15 - 3:45 Al Kane
Senior Staff Veterinarian
Manager, USDA/APHIS/BLM Wild Horse and Burro Partnership
USDA/APHIS/VS/Centers for Epidemiology and Animal Health
2150 Centre Avenue, Building B, Mailstop 2E6
Fort Collins, CO 80526-8117
T#: 970.494.7234
C#: 970.219.2409
F#: 970.494.7174
email: Albert.J.Kane@aphis.usda.gov

3:45 - 4:00 Wrap Up
Robin Lohnes, Executive Director
American Horse Protection Association
1000 29th Street, NW, Suite T-100
Washington, DC 20007
T#: 202.965.0500
F#: 202.965.9621
C#: 703.915.1181
email: AMHRSEPROT@aol.com

APPENDIX B

Power Point Slides

| | |
|---|------------|
| Ethical Perspectives on the Unwanted Horse Issue & the US Ban on Equine Slaughter, Camie R. Heleski | 67 |
| Panel: Unwanted Horses: Fact or Fiction | |
| Carcass Disposal Options, David L. Meeker | 71 |
| The "Unwanted" Horse In the U.S.: An Overview of the Issue, Tom Lenz | 78 |
| The Need for Real Data and Common Understandings, Karin Bump | 82 |
| Panel: Commercial Transportation of Horses to Slaughter in the United States: Knowns and Unknowns | |
| The Alberta Horse Report, Jennifer Woods | 87 |
| Panel: Potential Solutions and Options | |
| Potential Solutions and Options—Little Brook Farms Provides Humane Alternatives for the Unwanted Horse, Lynn Cross | 91 |
| Potential Solutions and Options, Tom Persechino | 96 |
| Unwanted Horse Questions: What They Are and How to Ask Them, Al Kane | 102 |

Ethical Perspectives on the Unwanted Horse Issue & the US Ban on Equine Slaughter

Camie R. Heleski
Department of Animal Science
Michigan State University
East Lansing, MI



Ethical Perspectives on the Unwanted Horse Issue & the US Ban on Equine Slaughter

Camie Heleski, Ph.D.
heleski@msu.edu
Coordinator, Michigan State University Horse Management Program
Research Interests: Horse Behavior & Welfare; Horse-Human Interaction

Questions to be asked that have an ethical component...

- Does the US ban on equine slaughter play a role in the current scenario of too many unwanted horses?
- How have peoples' values & perceptions of the horse influenced the slaughter debate?
- Is it possible that it's more acceptable to slaughter some horses than others?
- How much responsibility should each owner take for the lifetime commitment to horse ownership?
- How much responsibility should each breeder have toward ensuring a long term home for each foal?

- Can retirement homes, rescue centers, therapeutic riding centers, mounted police units etc. house all of the unwanted horses?
- In the case of dangerous horses, do we have a greater ethical responsibility to people who might encounter them (perhaps unknowingly) or to the horses themselves?
- Should we separate the issues of: humane transportation, humane methods of ending a horse's life, and whether or not it's ok to slaughter horses period? Is it possible that we might consider it ok to slaughter horses for consumption by zoo animals but not for human consumption?

- Even if we conclude that we're "anti-slaughter", is it possible there are worse scenarios currently playing out for unwanted horses?
- Is it fair to impose the value systems of some onto all?
- Have we done the unwanted horse any favors by banning US slaughter?
- Could things get still worse for unwanted horses?

This issue has been a controversial one for me for > 30 years...

- Tremendous deal of thought behind my perspectives.
- I have gone to great lengths to study horse behavior, animal welfare science, and bioethics in addressing the issue.
- Because of my ambivalent feelings toward the issue, I did not weigh in very strongly one way or the other when the issue was being debated... and now I regret that...

- When asked my opinion, I'd say I wasn't overly concerned with the actual slaughter at regulated plants, but I was concerned with treatment of horses collected at multiple sites & the time in transport.
- But, we are now at a worse place in terms of overall horse welfare; the collective suffering of horses is greater than it has been in many decades.
- One aspect of ethical analysis... is cost-benefit analysis.



An Ethics Primer

- One does not need high level philosophy to grasp a basic understanding of ethics.
- Ethics basically = morals
- Most (but clearly not all) people have an intuitive sense of good ethics.
- People's ethics (and attached values) play heavily into the decisions made by stakeholders & policy makers.



- Simply put, ethics refers to the rightness or wrongness of actions (CAST 2005)
- The law is not always a sufficient guideline.
- Some people guide their "moral compass" on legislation, others by culture/customs, others on religion.
 - Many religions conflict with one another about what is ethically appropriate (e.g. Hindus believe it is ethically wrong to eat cattle, but > 90% of Americans eat beef)
- Part of ethics is the study of arguments – premises, conclusions & validity.



A Spectrum (varying degrees between these 3) (from excerpts in CAST 2005)

- **Dominionists** – believe that we may do whatever we please to animals; animals have value only as means to human ends
- **Welfarists** – believe that animals are sentient and humans are their stewards; they wish to achieve a balance between humans' and animals' benefits & harms
- **Rightists** – believe that animals have basic moral rights & therefore cannot be treated as mere means to others' ends



How have peoples' values & perceptions of the horse influenced the slaughter debate?

- A beloved cultural icon in the US (Kellert, 1980; 1 of the top 3 most beloved animals)
- Symbol of beauty, grace, power
- Has complicated the issue regarding end-of life issues for horses.
- Horse industry personnel typically classify the horse as "livestock"; public - as "companion animals"



Is it possible that it's more acceptable to slaughter some horses than others?

- Difficult concept for those who like to see the world in "black and white"
- Many don't like to believe that values, perceptions & ethics play a role in decision-making...but they do.
- Why does it feel so different to send a 20 year old brood mare/show horse to slaughter versus a 5 year old who has shown a propensity to being truly dangerous?
 - Implications of a social contract



How much responsibility should each owner take for the lifetime commitment to horse ownership?
How much responsibility should each breeder have toward ensuring a long term home for each foal?

- Others in the program will be discussing, but these 2 issues need to be considered more heavily (examples of responsible dog breeder programs that have evolved)



Some of the rarer breeds of dogs have set good examples (e.g. Flat coated retriever)...

- Sample Requirements for Breeders
- All dogs that are bred must have hip & eye clearance.
- Puppies or dogs that are placed as pets must be sold with AKC limited registration, or spay/neuter contracts.
- Breeder agrees to take back any dog that needs to be re-homed (or assist with the process).
- Each buyer is rigorously screened.
- <http://chubs.akc.org/tcra/coe.html>



In the case of dangerous horses, do we have a greater ethical responsibility to the people who might encounter them (perhaps unknowingly) or to the horses themselves?

- Let's say Josey Smith runs a riding stable. She makes a marginal living at this. From time to time, her horse supplier brings her a horse that proves to be truly dangerous...is it ethical for her to pawn this off on someone else? Is it realistic for someone just barely making a living to spend the \$ on euthanasia & burial?



Even if we conclude that we're "anti-slaughter", is it possible there are worse options currently taking place?

Horses are beautiful & we don't consume them in the US so they shouldn't be slaughtered.

I could never do it to my horse, so I don't want anyone else to do it to their horse.



Horses suffering because owners can't afford them & have no reasonable way to get rid of them.

Dangerous horses no longer being sent to slaughter, rather being pawned off on the unsuspecting.

Horses suffering because trailer trips are longer, more riding taking place: regulations in Mexican plants are not as tightly regulated.

Conclusion

- Decision making is not value-free.
- However, decisions should be made with careful analysis; outcomes should be weighed
- "Gut" reactions are important, but still need to be assessed
- Facts: there are too many unwanted horses; economic times are tough; options are very limited for what to do with unwanted horses
- Let your conscience help guide you with where we go from here...



Panel: Unwanted Horse Issues

Carcass Disposal Options

David L. Meeker
National Renderers Association
Alexandria, VA

Carcass Disposal Options

David L. Meeker, Ph.D., MBA
Vice President, Scientific Services
National Renderers Association



Representation

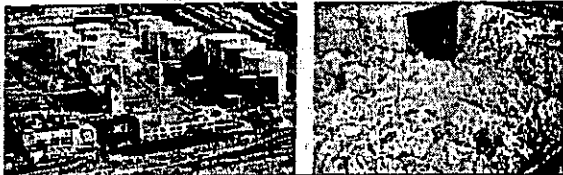
National Renderers Association (NRA)

NRA is the international trade association for the industry that recycles animal agriculture by-products into valuable ingredients for the livestock, pet food, chemical and cosmetics industries.



The Rendering Industry (U.S. and Canada)

- 246 Facilities
- \$3 billion annual revenue
- 54 billion lb. raw material each year
- 150 million lb. raw material each day



US Animal Agriculture Annual Production

- 35 million cattle (50% not used for human food)
- 100 million hogs (42% not used for human food)
- 8 billion chickens (37% not used for human food)
- 280 million turkeys (36% not used for human food)



Raw Materials

- Offal
- Bones and fat
- Blood
- Animals dead on arrival, in transit or on farms
- Restaurant grease
- Feathers



NRA Member Independent Rendering Facilities



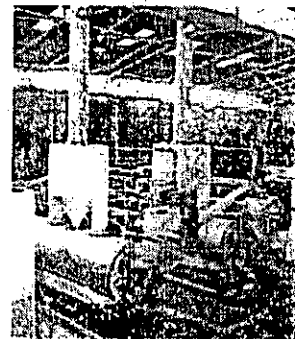
Summary

Rendering is Cooking and Drying.
Rendering is Recycling.
Rendering is Essential to Public Health.

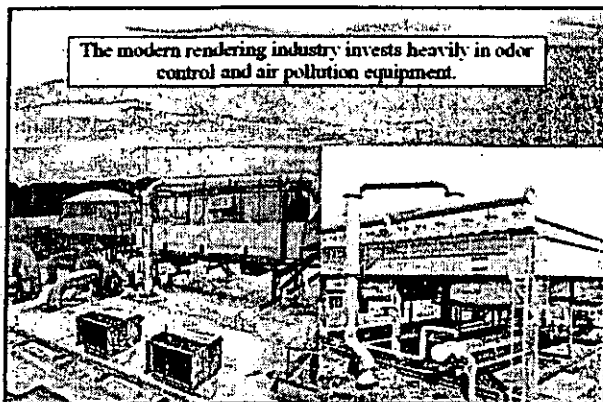


Rendering is Cooking and Drying

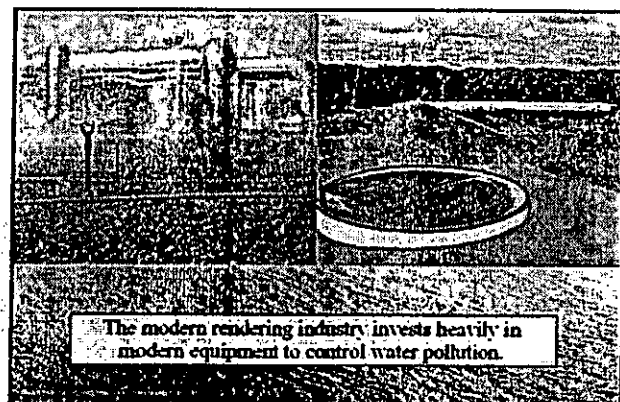
- Continuous flow
- Steam cookers
- 245° to 290° F. for 40 to 90 minutes
- Inactivation of bacteria, viruses, protozoa, and parasitic organisms.



The modern rendering industry invests heavily in odor control and air pollution equipment.

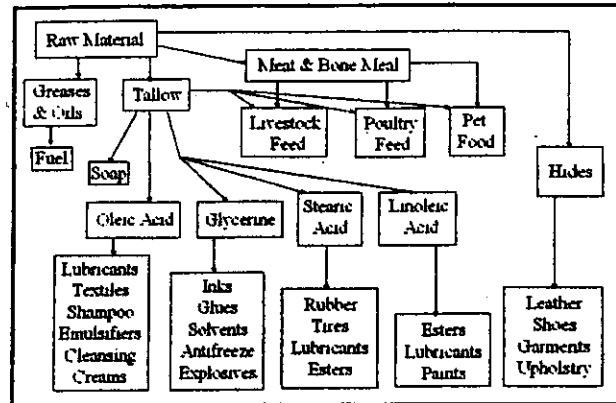
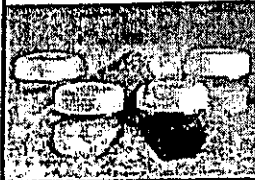


The modern rendering industry invests heavily in modern equipment to control water pollution.

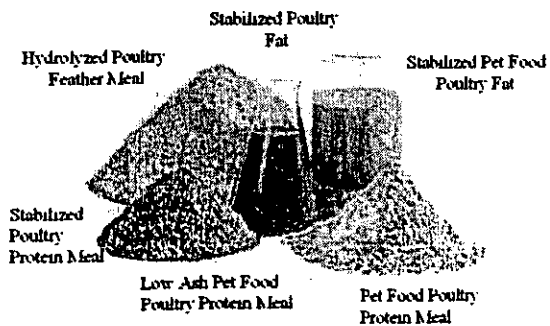


The industry converts more than 54 billion pounds of animal by-products into usable commodities annually.

- Highly valued protein supplements for livestock, poultry, pets
- Tallow for the manufacture of fatty acids and as a source of energy in feed rations.



Examples of a Few Finished Products



"Fallen" Animals (Died On Farms)

1.71 million adult cattle yr.
2.37 million calves yr.
18 million swine yr.
350 million lb. poultry yr.

Total = 4.4 billion lb. yr.
Approx. 2.2 billion lb. yr. (50%) is rendered.
Approx. 4.5% of rendered products come from fallen animals.

(USDA data for 2002)

Without renderers.....



Rendering is a Better Option

Assurance of Quality

Basic elements of sanitation and hygiene

- Good manufacturing practices (GMPs)
- Hazard analysis and critical control points (HACCP)
- APPI Code of Practice



The US Rendering Industry Is Regulated

- Permitted & licensed by State Agencies
- Inspected
 - Food and Drug Administration (FDA)
 - Animal and Plant Health Inspection Service (APHIS) of USDA



Rendering is Essential to Public Health by Disposing of Dead Stock.

- Preferred disposal method
 - environmentally responsible
 - timely removal and reduction/separation
 - reduces risk to public health
 - control of rodents, insects and scavengers
- Time – temperature processes of rendering (245° F – 290° F for 40 to 90 minutes) inactivate bacteria, viruses, and other disease causing agents.

Rendering for Dead Stock Disposal

- Rendering abides by State laws regarding dead stock disposal.
 - Usually 24 or 48 hrs. after death to avoid the musciness of odors and potential transmission of disease
- Dead stock picked up by designated, specially equipped trucks to preclude contamination of the roadways.
- Trucks cleaned and disinfected after routes.
- Trucks subject to inspection, authorized by law.
- Facilities are licensed and approved.
 - Government's ability to monitor and regulate is vital.

Alternative Methods for Dead Stock Disposal

- Landfills
- Composting
- Burial
- Burning
- Incineration

Known disadvantages associated with each

Landfills for Dead Stock Disposal

- Amendments such as sawdust must be added, increasing volume.
- Decomposition proceeds slowly and at relatively low temperatures
- Contributes to methane gas production and odors
- Disease can be spread to by rats, cats, dogs, birds, flies, etc



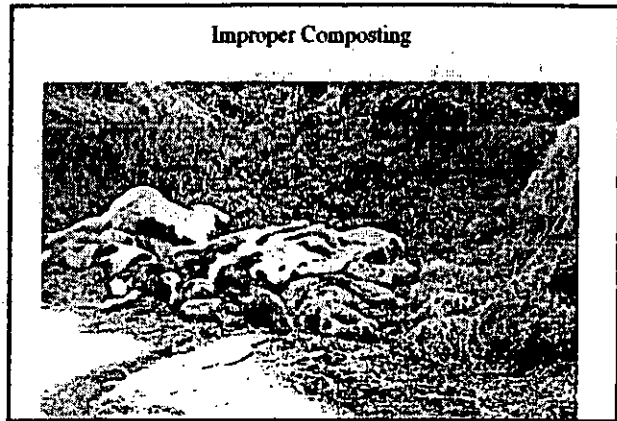
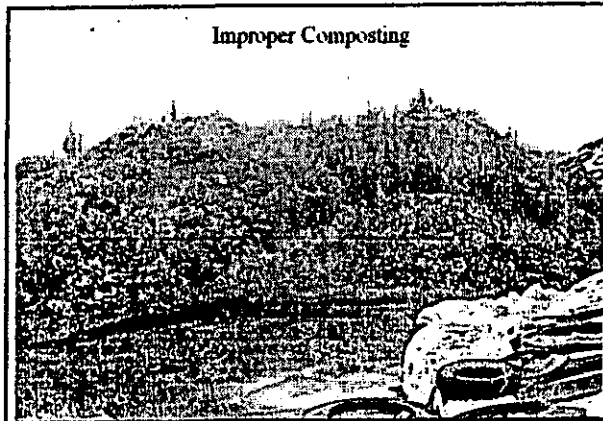
Rendering is a Better Option

Composting for Dead Stock Disposal

- Labor and management intensive.
- If done improperly, risk to the environment and health.
- Composting process includes proper (C:N ratio, moisture content, particle size, oxygen concentration, temperature.



Rendering is a Better Option



Burial for Dead Stock Disposal

- Some areas have high water table
- Some areas have insufficient space
- Some areas have only thin layer of soil over solid rock
- Danger of carcasses contaminating water supplies

Rendering is a Better Option

Burning for Dead Stock Disposal

- Significant risks to human, livestock and environmental health
- Environmental regulations prevent

Rendering is a Better Option

Incineration for Dead Stock Disposal

- Biologically safe if done properly
- Cattle to be cut into smaller pieces prior to incineration
- Significant fuel costs (diesel, natural gas, or propane)
- Significant capital costs
- Typically does not comply with air quality standards
- Inadequate capacity in U.S. to replace rendering

Rendering is a Better Option

Rough Scoring of Disposal Options Against Hazards

| Potential Public Health Hazards | Disposal Options | | | | |
|---------------------------------|------------------|--------------|----------|------|--------|
| | Rendering | Incineration | Landfill | Pyre | Burial |
| <i>Cryptosporidium</i> | | | | | |
| BSE* | | | | | |
| Sulphur Dioxide | | | | | |
| Particulates | | | | | |
| <i>E. coli, Campylobacter</i> | | | | | |
| Rank by Lowest Risk | 1 | 2 | 3 | 4 | 5 |

☐ Risk is non-existent or negligible

☐ Risk is not immediate

☐ Risk is greatest for human exposure

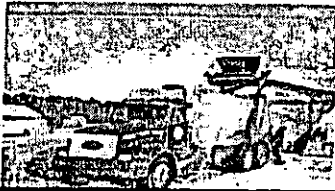
* For cattle over 30 months only, the "blank" cell for rendering is dependent on whether going for incineration

UK Department of Health, *A Rapid Qualitative Assessment of possible risks to Public Health from current Food & Animal Disposal Options*, June 2001

Rendering the Best Option

Rendering is Recycling

- Renderers process roughly 50% of all livestock mortalities - approximately 2.2 billion pounds annually.
- Beef cattle account for the largest proportion by weight.
- The rendering option remains highly cost effective.



Cost Considerations

- Cost has already limited pick-up service in some areas.
 - Some producers may consider alternatives to avoid charges.
- Hazards and risks increase.
 - Environmental degradation
 - Disease outbreaks in animals or humans
- May be illegal.



Rendering is the Best Option

Survey of Renderers Accepting Horses

- ❖ Do you take still horse carcasses at your plants?
 - Companies owning approximately 25 plants answered yes
- ❖ How much do you charge to take horse carcasses?
 - Current charges range from \$40 to \$250
 - Depends on distance, market, and volume
 - Some allow dead horses to be dropped off
 - Some companies don't share this data

Survey of Renderers Accepting Horses

- ❖ Do you require the horse to be dead before your employee handles the carcass?
 - Some renderers require the animals to be dead before calling the service
- ❖ Do you provide euthanasia service?
 - Some renderers will euthanize horses

Survey of Renderers Accepting Horses

- ❖ Do you have any restrictions on the use of sodium phenobarbital by veterinarians for euthanizing horses you pick up?
 - Some renderers will not accept animals treated with sodium phenobarbital
 - Renderers prefer that sodium phenobarbital not be used
 - Pet food companies restrictions
 - Sodium Phenobarbital at very low, diluted levels is not a risk to livestock.

Survey of Renderers Accepting Horses

- ❖ Have you seen an increase in horse carcasses you pick up in recent months?
 - Most have seen only small increases
 - Plants near Nevada have seen significant increases.

Thank You

More Information:

<http://nationalrenderers.org>



Panel: Unwanted Horse Issues

Unwanted Horses: Fact or Fiction

Tom Lenz
Unwanted Horse Coalition
Louisburg, KS

The "Unwanted" Horse in the U.S. Fact or Fiction

Tom R. Lenz, DVM, MS, DACT
26760 State Line Road
Louisburg, Kansas 66053



What Started the "Unwanted" Horse Discussion?

- There have always been unwanted horses
- Events that brought it to our attention
 - 2001-Foot & Mouth disease epidemic in Europe
 - Increased demand for horse meat in Europe
 - Drew media attention to the horse processing plants in the U.S.
 - Stimulated the introduction of federal legislation to ban horse slaughter
 - Fostered realization in U.S. horse industry there was an "unwanted" horse issue



What is an "Unwanted" Horse?

- Phrase 1st coined by AAEP
- "Horses which are no longer wanted by their current owner because they are old, injured, sick, unmanageable, or fail to meet their owner's expectations."²



²As defined by the Unwanted Horse Coalition-2005

Demographics of the "Unwanted" Horse

- Generalizations
 - Horses that are old
 - Horses that are incurably lame
 - Horses with behavioral problems
 - Horses that are dangerous
 - Un-adoptable feral horses
 - Horses that fail to meet owner's expectations
 - Unattractive
 - Not athletic
 - Unmarketable
 - Wrong color (no color)
 - Cost too much to care for
 - Normal, healthy horses of various ages and breeds



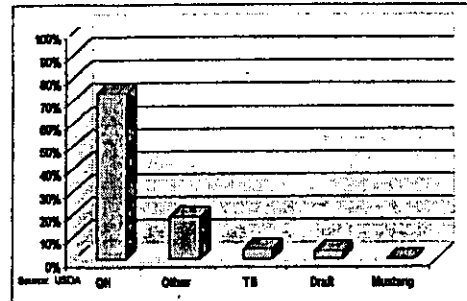
Demographics of the "Unwanted" Horse

Initial Unknowns:

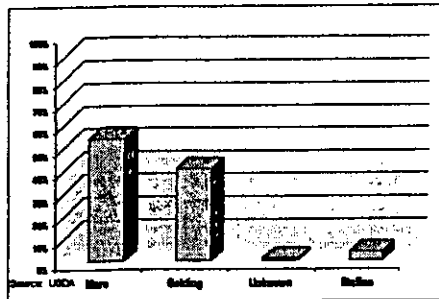
- What breeds are represented?
- Is there a sex predilection?
- What's their age?
- How many are purebred vs. grade?
- What was their most recent occupation?
- What was their value?
- What is their current value?
- Do they become neglected, abused, or processed for meat?
- Who is responsible for producing them?



Breed/Type of Horses Processed in U.S.
2001 — 2005
(USDA, Veterinary Services)



Gender of Horses Processed in U.S.
2002 — 2005
(USDA, Veterinary Services)

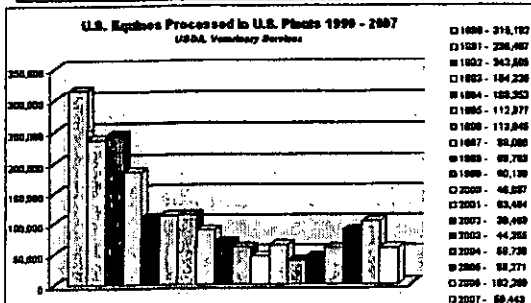


How Many "Unwanted" Horses are There? (2007)

- ± 58,000 processed in U.S.
 - ± 35,000 horses exported to Canada for processing
 - ± 45,000 horses exported to Mexico for processing
 - ± 21,000 un-adoptable feral horses kept in BLM sanctuaries
 - ± 9,000 feral horses in BLM adoption pipeline.
 - ± 7-8,000 gathered each year
 - ± 5-6,000 adopted
 - Others—abandoned/neglected/abused???
- TOTAL > ±170,000 "Unwanted" horses each year



Trends in U.S. Horses Processed for Meat



Why the Decrease in the Number of Horses Processed?

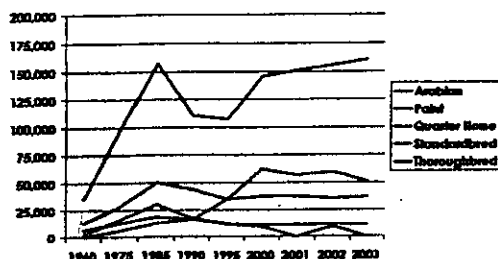
Fact: 80% decrease in the number of unwanted horses sent to processing plants after 1990.

Why the decrease?

- Absorbed by the industry?
 - Alternative careers, rescue/retirement?
- Changes in IRS Tax code in mid-1980's?
- Changing market demands?
- Decreased production?
- Surplus reduction?
 - Processed for meat?



Breed Registration Trends (2006 Horse Industry Directory)



Wanted vs. Unwanted Horse Value

- Wanted**
 - American Quarter Horse Value*
 - Average - \$6,840 / head
 - Colorado Horse Value**
 - Average - \$2,653 / head
- Unwanted**
 - Monthly Horse Sale - Bonner Springs, KS (19 May 08)
 - Horses in good flesh - \$250-300
 - Yearlings - \$50-100
 - Monthly Horse Sale - Corsica, S.D. (21 April 08)
 - Top 15 ranch geldings - \$3060 / head
 - Ranch Broodmare Dispersal - \$333 / mare
 - 62 thin horses including yearlings - \$50 or less
 - Weekly Livestock Sale - Ft. Collins, CO (14 May 08)
 - Average - \$270 / head



*American Quarter Horse Association - 5/1/2008
**Colorado Agriculture Statistics Service - 8/30/1998

The AAEP Believes the "Unwanted" Horse is at the Heart of the Slaughter Issue

Hosted "Unwanted" Horse Summit

- April 19, 2005, in conjunction with American Horse Council meeting in Washington, D.C.
- Participants from breed groups, veterinary organizations, sport/discipline groups, welfare/humane groups & rescue/retirements
- Is there an unwanted horse problem?
- If so, what can the industry do to address it?



Summit Conclusions

- There is an Unwanted Horse issue in the U.S.
- Current rescue/retirement facilities unable to accommodate large numbers of horses
- Entire industry must take responsibility & act
- Large funding source is not available
- Need for pre-ownership education
- Responsible ownership is key!!!!



Unwanted Horse Coalition Formed

Mission Statement

- "To reduce the number of unwanted horses and improve their welfare through education and the efforts of organizations committed to the health, safety, and responsible care of the horse"
- Under the umbrella of the AHC
- Financially supported by participating organizations
- Focused on education, communication & responsible ownership



Unwanted Horse Coalition Membership

- American Association of Equine Practitioners
- American Paint Horse Association
- American Quarter Horse Association
- American Veterinary Medical Association
- California Thoroughbred Breeders Association
- The Jockey Club
- Maryland Horse Breeders
- Masters of Foxhounds Assn. of America
- Mustang Heritage Foundation
- Minnesota Horse Council
- National HBPA, Inc.
- National Thoroughbred Racing Association
- Oak Tree Racing Association
- AHC State Horse Council
- Pinto Horse Association of America
- Plymouth Equine Network
- Professional Rodeo Cowboys Association
- Thoroughbred Owners & Breeders Association
- U.S. Dressage Federation
- U.S. Equestrian Federation
- U.S. Polo Association
- U.S. Trotting Association



Colorado Unwanted Horse Environmental Assessment Study*

- Conducted February – April, 2008
- Website Survey – 2857 respondents
- Stakeholder Report – 10 focus groups
- Is there an unwanted horse problem?
 - 82% - Yes
- How do you know?
 - 63% - personal observation
- Why the increase?
 - Closure of U.S. processing plants
 - Worsening economic conditions
 - Limited options for horse euthanasia



*Funded by Animal Assistance Foundation

Colorado Unwanted Horse Environmental Assessment Study

- What horses are unwanted?
 - Old
 - Injured
 - Fail to meet owner's expectations
- Why do they become unwanted?
 - Horse care too expensive
 - Horse's poor health
 - Loss of interest (fun wears off)
- Proposed solutions
 - Educate new owners
 - Provide resources for cost effective euthanasia
 - Increase capacity & develop licensure for horse rescues



Recent News Headlines

- "Hungry, Hungry Horses"
 - Source: Lexington Herald-Leader-2 March 2008
- "Leaner Pastures: As Horses Multiply, Neglect Cases Rise"
 - Source: Wall Street Journal-7 January 2008
- "Horses Seized From Another Colorado Rescue"
 - The Horse Magazine – 23 January 2008
- "An Epidemic of Abandoned Horses"
 - Source: Time Magazine – 28 May 2008
- "Unwanted Horses Increasing"
 - KOMU-TV – Columbia, MO – 21 April 08
- www.avma.org/issues/animal_welfare/unwanted_horses_news_articles.asp
 - 114 Articles since March 2007

Conclusions

- There is an "Unwanted Horse" issue in the U.S.
- We cannot completely eliminate the "unwanted horses" issue
- We cannot prevent:
 - Horses aging
 - All injuries
 - Poor athletes
 - Unattractive horses
- We can minimize it
 - Buy rather than breed
 - Adopt rather than buy
 - Find alternative careers
 - Euthanize rather than discard



Panel: Unwanted Horse Issues

Unwanted Horse: Fact or Fiction?
The need for real data and common understandings.

Karin D. Bump
Cazenovia College
Cazenovia, NY

The Unwanted Horse Fact or Fiction?

The need for real data
and common understandings

Professor Karin Bump
Cazenovia College, Cazenovia NY

"The World
is not
the way they tell you it is"

Adam Smith (psyu)

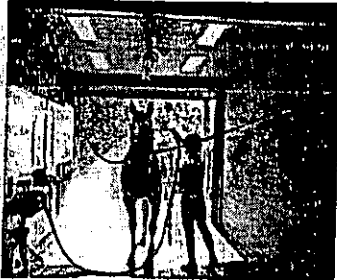
• Five areas of 'fact or fiction'

1. Unwanted horses are actually unwanted

- Definitions
 - Physically or mentally unsound
 - No longer suitable for work
 - No longer financially feasible to keep, economic duress of owner
- Definitions are similar.
- Emphasis on aspects of definitions differ.



"Regardless of the reason, these horses no longer have 'permanent' homes" (AVMA)

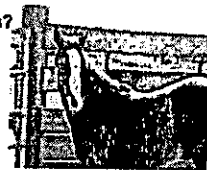


So are unwanted horses actually unwanted?



2. We know how many 'unwanted horses' there are.

- Fiction
- How do we count this population of horses?
 - Number that would have gone to slaughter facilities in the US if it was an option?
 - Number that cross the borders?
 - Horses in rescue and adoption facilities?



How would we count the transient horse population?

- Currently no national organization, accrediting agency or central clearinghouse
- American Horse Defense Fund, Unwanted Horse Coalition, Humane Society of the United States
- Others...



How many unwanted horses?

- Real data is needed
 - Equine Science Society
 - American Registry of Professional Animal Scientists
 - National Association of Equine Affiliated Academics
 - American Farm Bureau Federation.

3. Unwanted horses can be absorbed into the industry through rescue facilities & other placement organizations

- Fiction
- "It is rare that a population of any kind cannot absorb such a small increase in supply and demand" (Holland)
- AAEP suggests that 2700 facilities would be needed the first year of a full slaughter ban and the need for 2700 more the second year....

An area of potential agreement?

- Real benefit in gathering data on:
 - Number of rescue and retirement organizations in existence
 - Number of horses currently under transient care
 - Current capacity of existing organizations
 - Stability of existing organizations
- Central Organizing Body

4. We know how much it costs to care for the 'unwanted' horse population

- Animal Welfare Council - \$220 million each year
- Congressman Goodlatte - \$530 million a year by 2016
- Unwanted horse Coalition - \$1,800-\$2,400 per horse annually
- AAEP - \$5 per day for average daily care



Do we know the cost?

- Whether it is a yearly number or a daily number, a fixed percentage or a fixed number, someone will have to budget for these horses and money will have to come from somewhere to cover the expenses.
- The charity model isn't working.



THE 3 TRILLION DOLLAR PROBLEM

- Create and fund sanctuaries for unwanted, neglected and abused horses, donkeys and mules in the US for 6 months
- Price: \$2,500,000,000.00
- Achieve Universal Literacy
- Price: \$5,000,000,000.00
- Cure a Deadly Disease
- Price: \$1,500,000.00

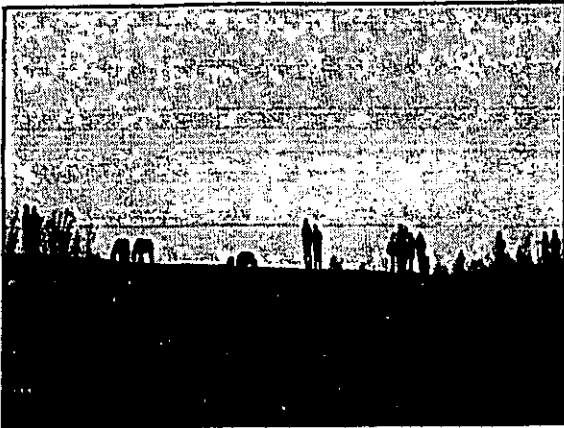
5. Things are getting better/Things are getting worse for unwanted horses

- More calls are coming in to rescue facilities
 - "You can find a home for these horses... most people do" Chris Heyde with Animal Welfare Institute (Dorell).
- More calls are coming in to rescue facilities
 - Facilities are saying they can not take in all the horses or if they do they are stretched beyond their capabilities (Dorell, Sandberg, Thomas, Prada, Denver News).

News Coverage....

- Wall Street Journal
- Time Magazine
- USA Today
- HBO Real Sports with Bryant Gumbell
- NPR National News

It doesn't sound like it is getting better.



Fact or Fiction?

- We will move forward together as an Industry.

"Change can come, but it will only come as a result of a unified effort... We horsemen are mostly independent minded competitive people who like to do our own thing. Therefore, the idea of unity may seem alien or objectionable to many of us...[but] United we stand, divided we fall" (Bob Whiteley)

Unified effort at gathering data

- Could we agree upon a single organization as a point for data gathering?
- Gather data on:
 - Current organizations and resources
 - Cost of care
 - Types and conditions of entering horses
 - Age, sex, breed, mental and physical soundness, body condition, perceived usability, length of time to adoption
 - Cost/benefit ratio

All of us can be part of solutions

- Collaboration
- Participation



NYS Task Force on Retired Racehorses

- Goal – to find new careers for racehorses coming off the tracks.
- Two categories – Sound and Unsound
- Untapped potential for human therapeutic uses
- Potential new markets for agribusiness
- Survey of NY racing industry

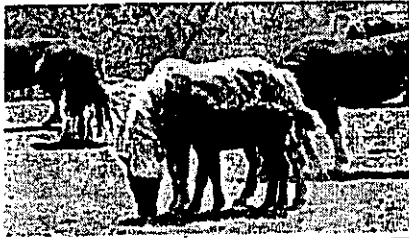
- Did you retire any race horses last year
- For what reasons
- To what locations did you retire them/what kind of arrangements were made
- How many were sound, unsound
- Age and sex of each- tied to sound and unsound and arrangements of where they went and reasons for retirement
- Do they perceive there are buyers for the retired horses - and if so, what kinds of horses have more buyers
- What network do they use to place horses

- Would they (and have they) taken back horses they bred when they retired
- Would they pay to retire a horse - and if so under what conditions and how much would they pay
- Would they support a voluntary (or mandatory) payment fund to support retirement programs (funding from registration fees, racing fees, attached to purses, etc.)
- What class did the horse run its last race in prior to retiring
- What were the earnings of the horse prior to retiring

*But the world is not the way they tell
you it is....*

Knowledge is the gathering of facts,
Wisdom is knowing what to do with the
facts.

(Chinese proverb)



Panel: Transportation Issues: Knowns and Unknowns

Executive Summary: The Alberta Horse Welfare Report

Jennifer Woods
J. Woods Livestock Services
Alberta, Canada

The Transport of Horses.... The Canadian Perspective



Unloaded Horse Forum, Washington DC 8/2006
J. Woods Livestock Services
Jennifer Woods, B.Sc. Animal Science

Laws and Regulations of Transport of Animals

Canada has laws and codes of practice regulating the transport of all livestock including horses - both federally and provincially.

Cruelty to Animals - Criminal Code

Federal Health of Animals - Transport of Animals

- ✓ Protects animals from undue suffering during loading and transport
- ✓ Prohibits transport of an animal - infirmity, illness, fatigue, injury
- ✓ Requires animals to be fit for transport
- ✓ Compromised Animal Policy
- ✓ Changes propose to ban double deckers which the industry in Canada strongly supports

Federal Health of Animals - Importation of horses to meat plant

All US horses bound for slaughter in Canada are inspected by CFIA.
The primary purpose of inspection is to verify transport conditions and fitness for travel.

- ✓ USDA vet health certificate
- ✓ Border inspection by CFIA. Load sealed. CFIA verifies transport conditions
- ✓ Licensed to deliver to designated federally registered plant
- ✓ Horses must be transported on single deck trailer
- ✓ Drivers must proceed directly to plant
- ✓ CFIA at plant to open seal and inspect horses
- ✓ Horses must be killed within 4 days

Federal Health of Animals - Importation of feeders and riders

- ✓ Negative ELA test
- ✓ Health certificate from a veterinarian including statement of fitness for transport
- ✓ Canada Border Services Agency - ELA, OST
- ✓ CFIA does not inspect - unless there is a complaint made or the horses arrive at the border in double deck trailers
 - US Horses imported for purposes other than slaughter
 - Interprovincially transported horses
 - Horses in double deck trailers can be turned back for non-compliance (human reasons)



USDA and CFIA have a shared enforcement agreement for horses bound for slaughter.

- ✓ The owner/shipper certificates for all imported non-compliant loads are sent to USDA for required enforcement action.
- ✓ As of Dec. 31 07 non-compliant loads in double deck (for humane reasons) are turned back and the USDA is now notified.
- ✓ Time in Transit does not mesh up. The US has the 28 hour law which limits the transport of animals to 28 hours. In Canada, monogastrics (eg. horses, pigs), are allowed 36 hours of transportation time. The clock starts over at the border.
- ✓ Need conformity in the allowance of double deck trailers.

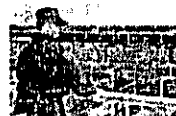


Provincial Laws - Animal Protection Acts

For livestock protection and humane handling, Canada and the US are very different.

Alberta - Animal Protection Act (livestock included, not exempt) "no person shall cause or permit an animal to be or to continue to be in distress."

- Fines up to \$20,000, including prohibition of ownership
- Includes humane transport and auction market inspection
- 8 SPCA constables in Alberta
- RCMP



VERY Proactive in Humane Transport :

Laws,
Recommended Codes of Practice
and Industry Initiatives

Transportation

Horse

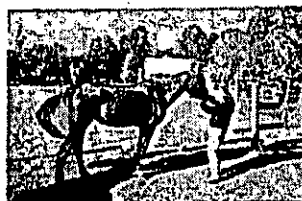


PROTECTA 2000

CLT

Canadian Livestock
Transporters
Association

Fitness to transport is the biggest welfare issue in the transport of horses.....



And it starts back on farm!

Fitness of Transport is affected by:

- a) Health Status
- b) Injury
- c) Body Condition Score
- d) Pregnancy
- e) Aggressive behavior
- f) Age



Unfit Guidelines:

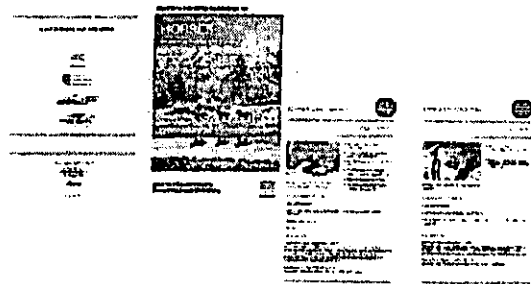
CFIA



Alberta



Brand New - :



The Alberta Horse Welfare Report

- ✓ Spearheaded by the Alberta Equine Welfare Groups (AEWG)
- ✓ Formed in 2006 with a broad representation of the horses industry including horse industry groups, veterinarian association, enforcement, government, meat processors, feedlot owners and buyers.
- ✓ Overall plan is to improve horse welfare and provide tools to manage any public pressure related to horse welfare and horses processed for food.
- ✓ The first step was to provide a situational analysis report - *The Alberta Horse Welfare Report* which was released in 2008



The Alberta Horse Welfare Report

- ✓ Most welfare reports received by Alberta EPCA pertained to horses
 - Founded complaints
 - Fat and foundered animals
 - Horses in poor condition or emaciated body condition
 - Long hooves
 - Old horses losing condition
 - Two primary types horse owners for complaints:
 - Average owners: ignorant to basic horse care requirements. Not motivated to seek out information - want easy recipe on horse care
 - Long time horse owners: never update knowledge, do not adjust management practices for changing environmental conditions and do not regularly monitor animals.

The Alberta Horse Welfare Report

- Approximately 300,000 horses
- Average horse owner is a female between 26 - 65
- In Alberta it is estimated to cost \$3,522 per year to keep a horse
- Horses sold for 3 reasons:
 - dissatisfaction with horse
 - the horse was hard to be sold
 - owner downsizing number of horses owned
- Means of culling:
 - 35.2% of horses owners delivered or shipped their horses to the meat plants.
 - 35.7% Euthanized their horses.
 - 22.7% sold through auctions, some of which then go to meat plants.



The Alberta Horse Welfare Report

Findings of the report:

- 2 horse dealers surveyed - 1 buys from referrals, 2 primarily uses auctions
 - Horses bought through auctions are more likely to have welfare problems. Only 29% were considered to have no issues.
 - 60% Horses bought from directly from owner no issues.
 - Rescuing 40% (Buyer 1) 50% (Buyer 2) were fat foundered, skinny, injured/deformed, wild, behavior problems, older animals or others.
- In 2003, 1.4% of horses arrived at plants as downers. In 2004 & 2005 the number decreased to .45% Decline most likely due to CFIA's focus on fitness in transport.
- Since the closing of the US plants, horses exported to Canada has increased 41%.

The Alberta Equine Welfare Group believes that processing horses for food is a humane end to a horse's life. This group is committed, and encourages other horse industry groups, to seek the continuous improvement of equine welfare and develop open communication to increase the awareness of the humane approaches to husbandry, handling, transporting and processing of horses in Canada.

Conclusions and recommendations

- Owner induced neglect is the core welfare issue facing horses regardless of the availability of horse meat plants

- All components of the industry are responsible for progress as acceptable

- Focus on horse owners

- | | |
|---|----------------------------------|
| ✓ Humane handling guidelines | Completed, now available |
| ✓ Animal welfare audits at all horse plants | In progress |
| ✓ Mandatory training of all transporters | Available, not yet required |
| ✓ BPM's at all feedlots | |
| ✓ Benchmark humane handling practices, especially transport | |
| ✓ Ban double-deckers | Be proposed by CFIA and industry |
| ✓ Call for enhanced surveillance by CFIA | In progress |

As transporters of animals we must...

1. Ensure all animals are transported humanely.
2. Require training for haulers.
3. Work with legislators and government agencies on transport laws.
4. Work on public relations campaigns that tell consumers we take care of the animals in our care.
5. Verify we are walking the talk.

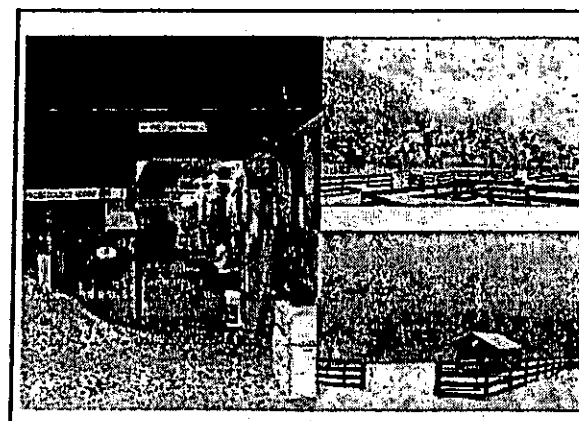
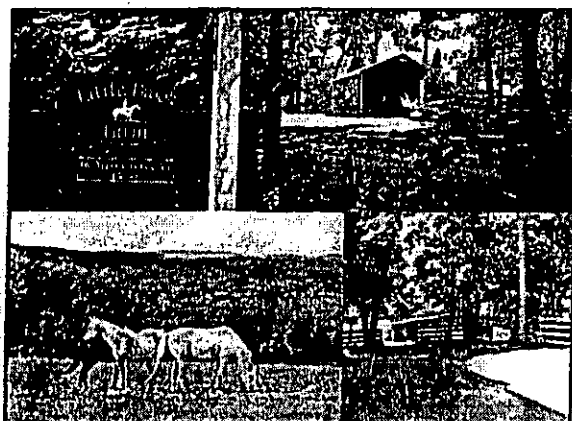
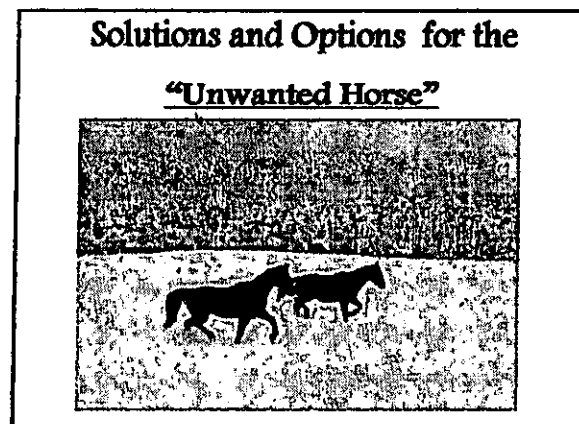
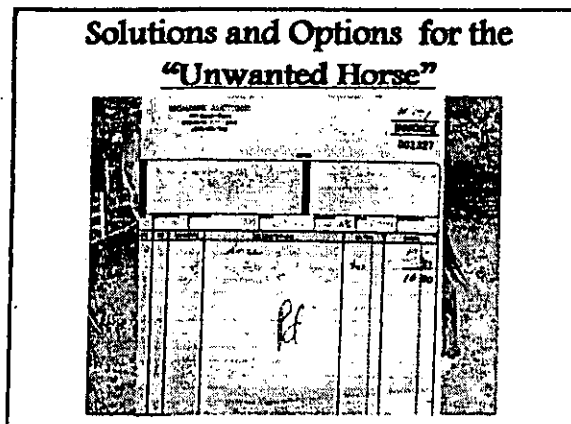
Looking for more information?



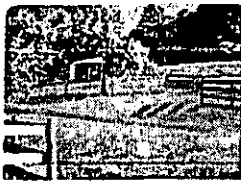
www.livestockhandling.net

Panel: Potential Solutions and Options
Little Brook Farm Offers Humane Alternatives for the
"Unwanted" Horse

Lynn Cross
Little Brook Farm: An Equine
Educational Center and Sanctuary
Old Chatham NY



Additional Locations



Schools, Agencies, and Organizations

Pre-School

Head Start - Columbia County, NY
 Mt Pleasant Reformed Church Preschool - Hudson, NY
 Story Place - Schoharie, NY
 Village Preschool - West Sand Lake, NY

Middle School

Chatham Middle School - Chatham, NY
 Ironbush Middle School - Kinderhook, NY
 Hudson Middle School - Hudson, NY

High School

Chatham High School - Chatham, NY
 Columbia High School - Hudson, NY
 Ironbush Middle School - Kinderhook, NY
 Hawthorne Valley - Harpersville, NY

Elementary School

Chatham AED - Chatham, NY
 Creative Elementary - Pittsfield, MA
 Greengate Elementary - Hudson, NY
 John L. Edwards - Hudson, NY
 Montessori School of Albany - Albany, NY
 Mt. Road School - New Lebanon, NY
 Maplewood Elementary - Waverlet, NY

Colleges

Russell Sage - Troy, NY
 Hudson Valley Community College - Bannockburn, NY
 Skidmore College - Saratoga, NY
 RPI - Troy, NY
 Cazenovia College - Cazenovia, NY

Schools, Agencies, and Organizations

Continued

Schools Serving Individuals

With Special Needs

Berkshire Union Free School - Chatham, NY
 Cardinal Hayes - Amherst, NY
 Early Childhood Development Center - Albany, NY
 Green Chautauque - Brevort, NY
 Ned Hoffman School - Albany, NY
 Quaker III - Columbia & Greene Counties, NY
 Waldenwood - Latham, NY

Other Child Agencies

Berkshire Farm Center & Services - Schoharie, NY
 Alton Department of Social Services
 Parson's Child & Family Center - Albany, NY
 Northeast Parents & Child - Schoharie, NY
 Columbia County Dept. Social Services - Hudson, NY

Group Homes

Gryper Lane - Troy, NY
 O'D. Heck Developmental Center - Valhalla, NY
 Living Resources - Schoharie, NY
 Promenade Hill - Hudson, NY
 Special Needs of Hudson - Poughkeepsie, NY
 Stockport L.C.F. - Stockport, NY
 Tri-Farm Campbell Community

Organizations Serving Individuals

With Special Needs

Catholic Charities
 Cancer Sharewide Services
 Devereux Foundation
 Living Resources
 S.P.R.O.U.T., Inc.

Schools, Agencies, and Organizations

Continued

A.E.C.

Columbia County of NY
 Berkshire County of Mass
 Schoharie County of NY
 Rensselaire County of NY
 Saratoga County of NY

Health Related Organizations

Bellevue Hospital - Albany, NY
 Columbia County Mental Health
 Albany Mental Health R.M.

Events

Special Olympics 1987
 Alder Equine Management Horse Club
 Columbia County Farm Fest
 Columbia County Chamber of Commerce
 Play Day Parade (Hudson, NY)
 Old Chatham Parade
 Hammond Health Expo
 All About Kids Trade Show
 U.S. Fair Services
 Hudson Valley Vegetarian Society
 Columbia County Prohibition
 PBS Documentary
 Steiner Museum - Old Chatham, NY
 World Exposures
 Global Community Day

Schools, Agencies, and Organizations

Continued

Youth Organizations

4-H
 Girl Scouts of America
 Boys Scouts of America
 O.C. Boy Club
 Plant Camp
 Powell House
 Columbia Jazz Productions
 Chatham Theater Company
 International Exchange - Paris
 Chatham Club Club
 Project Unity
 School and Community Services
 A.E.C. - Troy, NY
 Berkshire Morgan Horse Youth Club
 Therapeutic After School Program

Rescue groups - Organizations

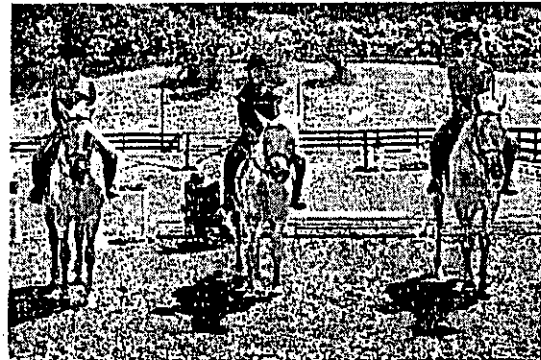
Animal Kind
 Farm Sanctuary
 Columbia - Greene Humane Society
 Out Of The Pits
 Thoroughbred Retirement Foundation
 Standardbred Retirement Foundation
 Equestrian Summer Shelter
 Mohawk - Hudson River Humane Society
 Animal Lovers
 PETA
 Whiskers
 Berkshire Humane Society
 Gouldershaven Humane Society

Our Horses'
 Versatility

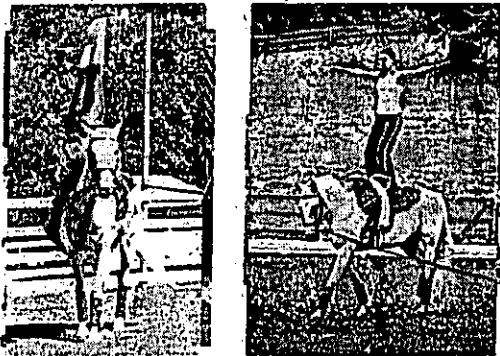
Therapeutic Riding through B.I.T.S. Inc.



Traditional Lesson Program



Vaulting



Educational / Vocational Programs

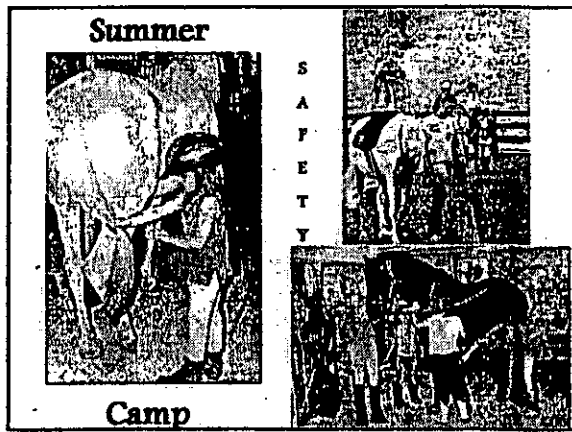
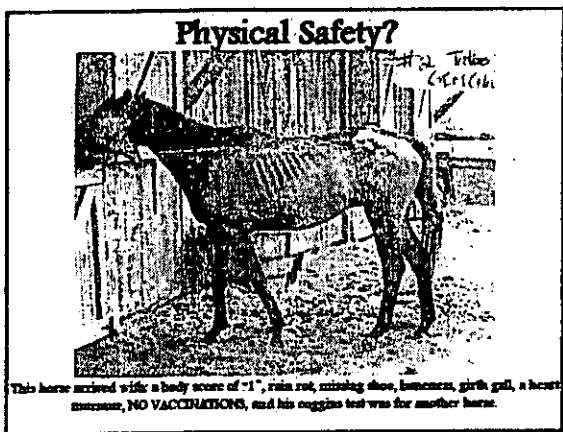
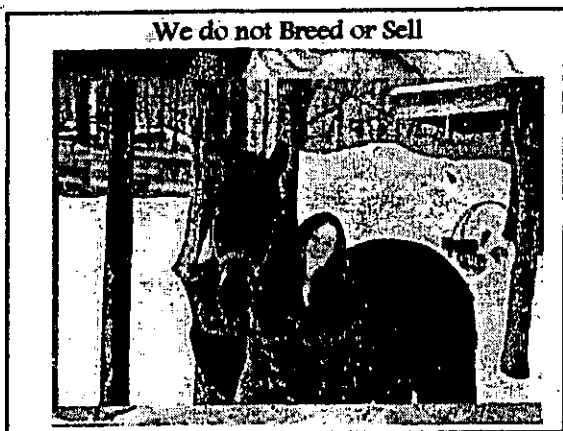


Educational / Vocational Programs



Working Students





Emotional Well-Being



Thank You



Goal

To continue promoting safe haven for "Unwanted" Horses by:

"Duplicating our program throughout the country which will provide educational enrichment, vocational training and employment for our youth achieved through the partnership with their own "unwanted" horses.

"Providing an indoor riding arena with classrooms and conference center to enhance and expand our existing programs by enabling us to continue throughout the year.

"Implementing the pending contract with Quarter III upon completion of the above facility.

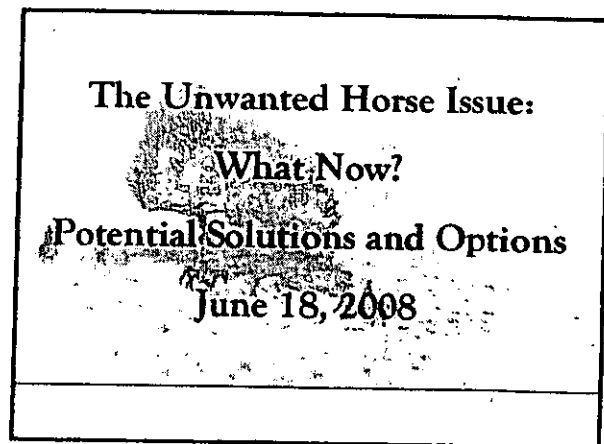
"Forming an inter-collegiate dressage team, and more.

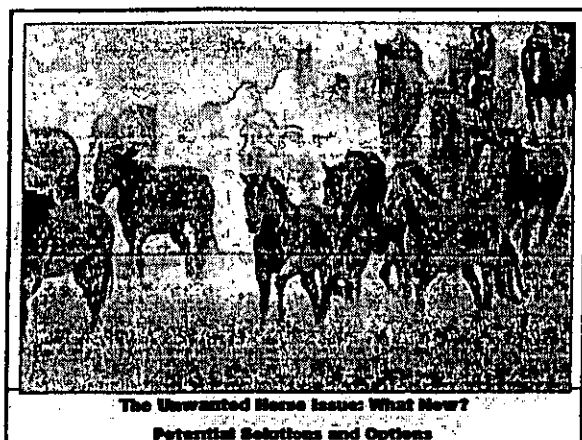


Panel: Potential Solutions and Options

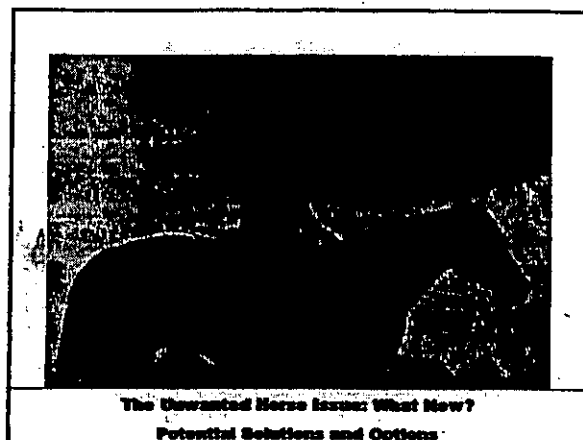
The Unwanted Horse Issue: What Now? Potential Solutions and Options

Tom Persechino
American Quarter Horse Association

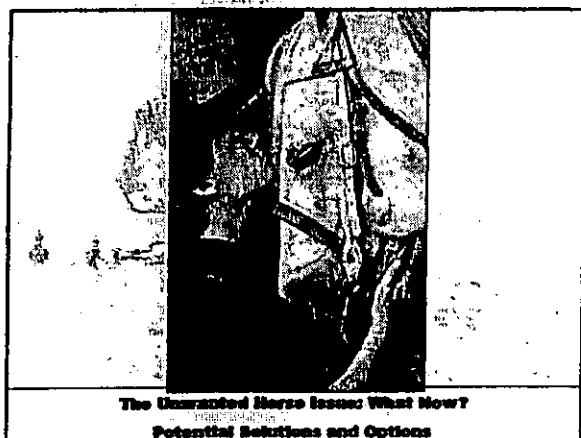




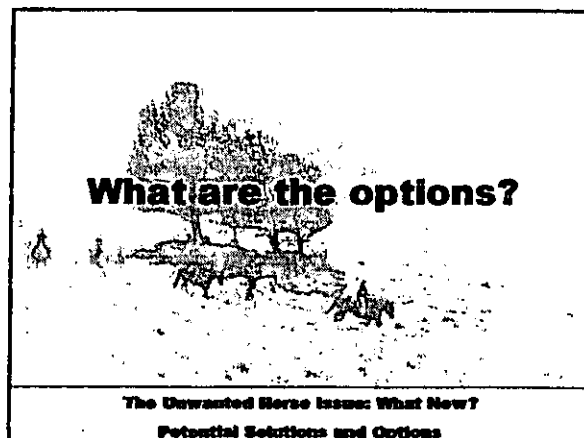
The Unwanted Horse Issue: What Now?
Potential Solutions and Options



The Unwanted Horse Issue: What Now?
Potential Solutions and Options



The Unwanted Horse Issue: What Now?
Potential Solutions and Options



What are the options?

The Unwanted Horse Issue: What Now?
Potential Solutions and Options

Over Breeding

- Situation isn't "cut and dried"
- Not an association's role to restrict breeding
- But education clearly plays a major role

The Unwanted Horse Issue: What Now?
Potential Solutions and Options

Unwanted Horse Coalition



Formed in 2005

- Alliance of equine organizations
- Operated by American Horse Council

The Unwanted Horse Issue: What Now?
Potential Solutions and Options

Unwanted Horse Coalition

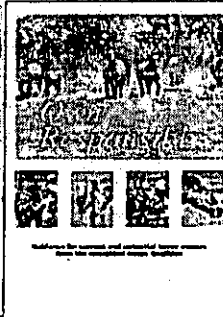


- Goal is to reduce the number of unwanted horses
- Improve their welfare through education
- Comprises 24 horse organizations

The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unwanted Horse Coalition



The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unwanted Horse Coalition



Offered by AQHA free - \$5 shipping charge applies

The Unwanted Horse Issue: What Now?

Potential Solutions and Options



The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unwanted versus Unusable

• UNWANTED

Generally healthy and usable even if in a diminished capacity

• UNUSABLE

Poor health, unmanageable, dangerous, beyond being a burden

The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unwanted versus Unusable

Owners must candidly assess whether their horse is UNWANTED or UNUSABLE

The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unwanted Horse Options

Rescue and Retirement Facilities

Existing ones believed to be at/near capacity

More facilities will need to be established

Guidelines for operation are necessary

Specific facilities are not endorsed by UHC

Visit www.horsecouncil.org for partial list

The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unwanted Horse Options

Friends with Land

Find friends/acquaintances with suitable land

Might offer nominal fee to pasture horse(s)

The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unwanted Horse Options

Colleges and Universities

Used in equine/athletic programs

Criteria varies

Check states/areas for collegiate equestrian programs

The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unwanted Horse Options

North American Riding for the Handicapped Assoc

650+ centers in U.S. and Canada

Promotes equine-therapeutic activities for people with disabilities

Has stringent care guidelines

Horses must be safe for persons with varying degrees of disabilities

Visit www.narha.org

The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unwanted Horse Options

New Careers

Race horses go on to roping, speed event and English careers

Show horses can be suitable mounts for 4-H

Public service, including police and border patrol and park services

The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unusable Horse Options

Euthanasia

Gives the owner total control over the conclusion of horse's life

American Association of Equine Practitioners has suggested list of evaluation questions

Euthanasia process and burial can be restrictive

Depending on locale, euthanasia and burial can be expensive

The Unwanted Horse Issue: What Now?

Potential Solutions and Options

Unusable Horse Options

Euthanasia

Need more publicly funded facilities
Few city "animal shelters" are capable or willing to take horses

The Unwanted Horse Issue: What Now?
Potential Solutions and Options

Unusable Horse Options

Research Programs

University veterinary research programs do accept some horses
Owners should check area universities or call AAEP/ACHA for various study programs

The Unwanted Horse Issue: What Now?
Potential Solutions and Options

Possible Legislative Options

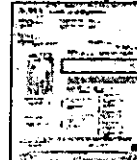
Publicly funded facilities
(similar to those we have for dogs/cats)
Educational grant programs implemented through USDA
Federal tax credits for owners

The Unwanted Horse Issue: What Now?
Potential Solutions and Options

Possible Association Options

Notice on Registration Certificate

Any owner could take horse back at retirement
Provides an alternative for caring owners who will provide for a horse's well-being

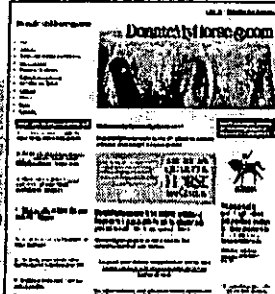


This horse is currently enrolled ACHA's Greener Pastures Program, which may provide options to you in the event this horse becomes unwanted or at its retirement.
Call 800-888-1000 or visit www.acha.com for more details regarding the Greener Pastures Program and this horse.

The Unwanted Horse Issue: What Now?
Potential Solutions and Options

Possible Association Options

Online adoption services
Spay/neutering (neutering) education



The Unwanted Horse Issue: What Now?
Potential Solutions and Options

Possible Options

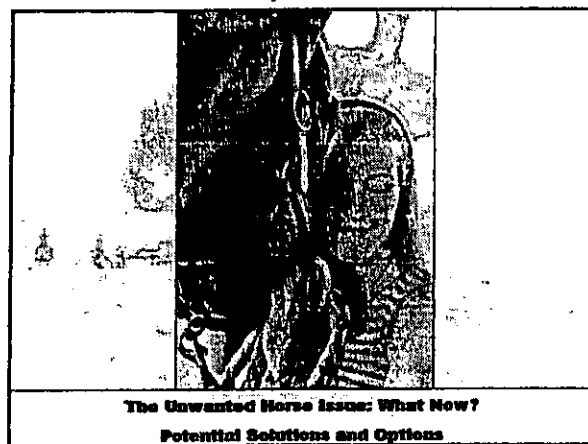
Creativity and Imagination
Extreme Mustang Makeover - Look at similar program at breed organizations
Fundamentals of Horsemanship Futurity
Kentucky Quarter Horse Association Quarter Horse Breeders Challenge Sale & Futurity

EXTREME

QHA

KENTUCKY
QUARTER
HORSE
ASSOCIATION

The Unwanted Horse Issue: What Now?
Potential Solutions and Options



Panel: Potential Solutions and Options

Unwanted Horse Questions: What They Are and How to Ask Them

Al Kane

USDA/APHIS/BLM Wild Horse and Burro Partnership
USDA/APHIS/VS/Centers for Epidemiology and Animal Health
Fort Collins, CO




**Unwanted Horse Questions
What They Are
and
How to Ask Them**

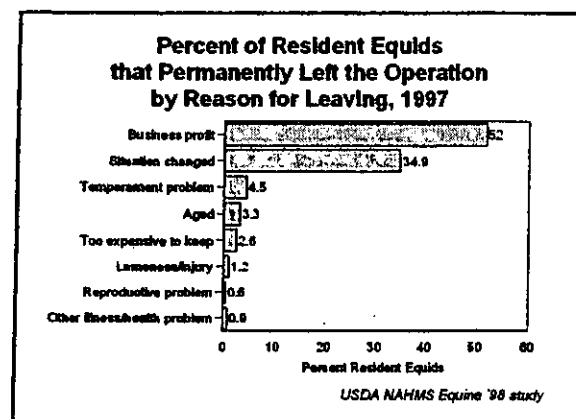
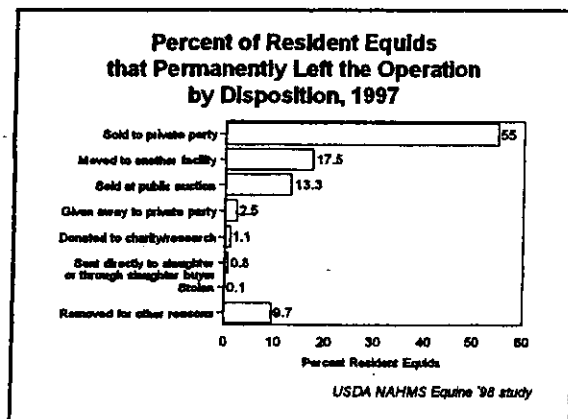
Albert J. Kane, DVM, MPVM, PhD
Veterinary Epidemiologist

Senior Staff Veterinarian, USDA APHIS VS
APHIS/BLM Wild Horse & Burro Partnership

"Disposition" of Resident Equids

- USDA's NAHMS Equine '98 study
- National survey management practices across the United States
 - all breeds, disciplines, sizes of operations
- **equids leaving operations**
 - ~ 20% of operations had an equid leave
 - ~ 13% of equids left home permanently

USDA NAHMS Equine '98 study



Prepurchase Exam Study

- Dart, UC Davis 1988 - 1990
 - presented as sound for prepurchase examination
 - 60% at VTH, 40% ambulatory service
 - 134 cases, medical records and telephone follow-up
 - average asking price = \$6,500; range \$0 - \$15,000
- 63% NOT serviceable for intended use**
- 55% were lame!**

JAVMA 1992;201:1061-1067

Prepurchase Exam Study

- van Hoogmoed, UC Davis 1991-2000
 - presented as sound for prepurchase examination
 - 70% at VTH, 30% ambulatory service
 - 510 cases, retrospective medical records
 - 173 cases, prospective telephone follow-up
 - 30% Tb, 20% CH, 20% warmbloods
 - ave. age = 8 years, range 4 - 17 years
 - median asking price = \$7,500, range \$400 - \$150,000
- 53% lame at time of exam**
- lameness not associated with asking price**

EVJ 2003;35:375-381

First Step

- to address the issues or "solve the problem" is to **describe the scope, etc.**
 - **What is an unwanted horse?**
 - need to agree
 - at least for the purpose of discussion
- need to be specific, accurate and unbiased.
- **honest with ourselves, and others.**



The Unwanted Horse

- there may not be just one definition, but we need to define what we are discussing
 - may vary depending on issues at hand
 - abandoned horses
 - neglected horses
 - seized horses
 - rescued horses
 - horses at markets
 - that sell or don't sell
 - horses sold for commercial processing



Describe Subjects

- start with a "case" definition
- **Demographics of Human Populations**

| Humans | Horses |
|---|---------------------------------------|
| age, sex, race | age, sex, breed |
| occupation | previous use, training level, value |
| socioeconomic status | "age appearance" |
| height, weight | breed, type, body condition |
| mental health (drug, alcohol) | behavior problems, temperament, vices |
| chronic disease hx (diabetes, heart dz, etc.) | acute and chronic medical problems |
| | lameness, founder, Rx care |

Do We Know?

What does the population look like?

- Do we have unbiased data?
- If we look at a parking lot at a country club, do we get the impression everyone drives a Cadillac or a Mercedes because it is true, or because those are the cars we remember seeing?
- Do we get the impression unwanted horses are mostly lame, sick or untrained because it is true, or because those are the ones we remember?

Descriptive Study, Survey

- sample unwanted horses at starting point
 - sold or given away in the newspaper
 - taken to livestock markets
 - relinquished to rescue organizations
 - **abandoned**
- measure those demographic variables
 - age, breed, sex, color, markings, size
 - previous use, health status, soundness, temperament, level of training

Surveys

- questionnaire for people selling horses at livestock markets
 - challenging environment
 - often not the original point of sale
- people who relinquish horses to rescue organizations
- rescue organizations that receive horses

Value of a Descriptive Study

- establish the size of the problem
 - Is it 10, 20 or 60K or 80K per year?
 - justify funding to do analytic studies
- what are alternatives for unwanted horses
 - If a large % are untrained or have temperament problems are therapy and police horse programs really realistic alternatives?
- need to define an apple to know when we're discussing apples, not oranges

Analytic (Comparative) Study

- answer the questions:
 - What makes a horse end up as unwanted?
 - Are unwanted horses more or less serviceable for use?
 - What makes a horse more likely to be placed in an adoptive home?
 - successfully after a year?
 - Are unwanted horses more of a problem in some segments / breeds than others?

Prospective Cohort Study (Longitudinal Follow-up Study)

- enroll horses on arrival at a sale barn
- measure the attributes under study prior to the sale
 - observation, questionnaire, interview
- determine the outcome of the sale
 - direct consignment to slaughter facility, sale into commercial pipeline or into private home
- identify factors associated with commercial use, resale, sale to long term home

Strengths – analytic study

- adequate sample sizes, easy to obtain
 - expected differences between groups of horses are large
 - on order of hundreds or few thousands of horses, not dozens or tens-of-thousands
- analysis relatively straight forward
- even focused studies would be worthwhile
- would end *some* of the debate
 - that debate saps the energy of many involved

Challenges – analytic study

- accurate, unbiased data
 - will be difficult to collect
- cooperation of sellers
- depth of knowledge at an auction
 - many sellers do not accurately know history
- climate of mistrust, harassment already established at some locations
- controversy of subject scares off some would-be researchers in the subject area



Analytic Study

- is not enough to study unwanted horses
- must also study wanted horses
- must make comparisons between wanted and unwanted horses in a similar environment
- only this approach will identify risk factors for being an unwanted horse

Goals

- understanding who is the unwanted horse and why is (s)he unwanted
- identify *alterable* risk factors associated with becoming an unwanted horse
 - direct resources at changing those factors
- can rescue horses one at a time or can try to prevent them from being unwanted

Ongoing Work

- some studies have been done / started / planned
 - the Animal Assistance Foundation contracted for an environmental assessment of the status of unwanted horses in Colorado
 - Colorado Unwanted Horse Alliance
 - results will be released soon
 - USDA in process of funding a UC Davis proposal to characterize unwanted horses in US, Dr. Carolyn Stull
 - Unwanted Horse Coalition survey
 - others?

CONCLUSIONS

- more information is needed to make an informed assessment
- it is possible to design studies to get that information
- this will not solve problems, but it would be a good start

QUESTIONS



APPENDIX C

Written Questions from Audience for Proceedings

SUMMARY OF WRITTEN QUESTIONS

All allotted time for speaker responses to questions was taken by verbal questions. The purpose of this section is to provide the reader insight into the type of question asked at the forum and the concerns of participants.

The following question form was used in addition to the option to use the microphone to ask a question of a speaker:

Audience Question
The Unwanted Horse Issue: What Now?
June 18, 2008
Washington, DC

Audience members will be provided the opportunity to ask questions at the microphone or in written format.

There may be more questions than can be accommodated during the question and answer session for speakers and panels, so all questions will be included in the revised proceedings.

This question is directed to: _____.

My question is: _____.

Questions are provided in the random order in which they were provided. If the question is generic, no "Directed to" person is indicated. Obvious spelling corrections were made without indicating the correction. Difficult to read comments were provided, with an indication of potential error.

Question 1. Part 1 Directed to: Lynn Cross

How many more horses can you accommodate? How can we contact you? [please note that all speaker contact information is provided in the revised proceedings] You indicated that "we" were very concerned about economic factors—yet you quoted in many instances the dollar value of a horse. How/why do (you) have that information?

Part 2 Directed to: Holly Hazard

If horses are companion animals as in "Horses: Companions for Life", will the HSUS rally for laws that will allow people to keep their companions in their yards?

Question 2.

For those organizations that are focusing on the front end of this problem: What programs are being developed to provide "hands-on" training your problem horses?

Question 3. Directed to: Fact or Fiction Panel

To what extent is the production of biofuels preventing the economics of owning a horse, and is it leading (directly or indirectly) to an increase in unwanted horses?

Question 4. Directed to: Lynn Cross

How does Child Protective Services help you in your horse endeavor?

Question 5. Directed to: Lynn Cross

You said all or almost all horses were to be sent to slaughter and you would buy them. How do you know it was slaughter vs. auction?

Question 6. Directed to: Holly Hazard

Is HSUS opposed to the humane slaughter of horses?

Question 7. Directed to: Holly Hazard

Is one of HSUS's goals to take the horse off the livestock category from the Dept. of Agriculture?

Question 8. Directed to: Holly Hazard

How many rescued or unwanted horses do you personally own?

Question 9. Directed to: Holly Hazard

Has the HSUS sponsored training clinics for horses? Train not trade.

Question 10. Directed to:

Why are advocates for animals so unable to compromise when it is clear that their approach is not the best for the welfare of the animals because there are not enough qualified rehabilitation or rescue facilities, or money to store horses at BLM? Why does the horse industry continue to produce excess animals that only add to glut of horses?

Why is it not acceptable to humanely kill these extra "unwanted" horses and the dangerous horses and use them for food or leather?

Why is the welfare of horses placed as a lower priority than human preferences, laziness, and/or greed?

How is humane euthanasia using AVMA approved methods by a vet using a drug different from humane euthanasia at a slaughter plant by trained personnel, and who have close supervision, such as was discussed for horses slaughtered in Canada? Does a dead horse care what happens after it is dead?

Question 11. Directed to: Panel

Is slaughter the polar opposite of euthanasia?

Question 12. Directed to: The Panel

Does horse slaughter stimulate supply/demand for unwanted horses?

Question 13. Directed to: Holly Hazard

You stated today that one solution to the unwanted horse issue is the focus on determining acceptable methods of euthanasia. AAEP and AVMA consider the use of the captive bolt (formerly used at US processing plants) as an acceptable and humane method of euthanasia. What scientific evidence and facts can you provide to support your claim today that "slaughter is brutal and inhumane"?

Question 14. Directed to: Holly Hazard (and?)

Is HSUS opposed to the slaughter of cattle, swine, poultry and other common food animals?

Rendering—uses for horses euthanized with phenobarbital

Question 15. Directed to: David Meeker

Is there the possibility of rendering for an animal euthanized with sodium phenobarbital?

Question 16. Directed to: Lynn Cross

What is your average cost per head for rehabilitation? Would you expect that previous owner to take this cost on?

Question 17. Directed to: Holly Hazard

When and how did horses become a H.S. venue?

Question 18. Directed to: Lynn Cross

You mentioned that you want horses "humanely euthanized" rather than "slaughtered". What specifically makes euthanasia at a farm more desirable than euthanasia at a slaughter facility (assuming the methods are the same)?

Question 19. Directed to: Holly Hazard

You stated HSUS/your position is that horse slaughter is inhumane, what is HSUS/your position regarding slaughter of other livestock species?

Question 20. Directed to: ...

Real world—owners should be responsible but they are not. How will funds to be used to care for unwanted horses be secured/limited—and a safety network maintained?

Question 21. Directed to: Holly Hazard

Your presentation and paper represent that increases in neglect and abuse of horses since the partial and then complete closure of US processing plants is a fallacy. Colorado's Bureau of animal Protection reports a 29% increase of cruelty investigations with corresponding impounds. USDA records show dramatic increases in export certifications for horses originating in Colorado going to Canada and Mexico, since plants closed. Horse rescues in Colorado participated in a structured interview in which 61% of identifiable horse rescues (31 total) said they were at or near capacity. Capacity for these interviewed was 611 animals, with a 40% annual turnover. Those documented facts contradict your assertions. Please elaborate on the thoroughness, sources, and quality of the research by the John Holland, cited in your talk.

Question 22. Directed to: Holly Hazard

What does HSUS say to a horse owner that is no longer in a position to take proper care of a horse due to job loss, sick family member, as a result of the economy or if a horse comes down with a chronic illness or infirmity?

Question 23. Directed to: Holly Hazard

Colorado has documented significant increases in the number of equine neglect/cruelty investigations since 2004. We export horses for the purpose of slaughter currently. If H.R. 503/S.311 pass and the U.S. no longer has this option does HSUS foresee an increase of abandonment issues? If not, why? If so, what do law enforcement officials do with these unwanted horses when rescue facilities are already at, near, or even over capacity?

Question 24. Directed to: Holly Hazard

Regarding the "Greenness" eliminating the slaughter option, how does the HSUS reconcile or justify negative environmental effects of carcass disposal (i.e., euthanasia solutions in landfills, etc.) vs. using unwanted horses for a useful purpose by feeding people in areas of the world where protein is limited? Essentially "recycling" horses.

Question 25. Directed to: ...

Do we need to establish a National Guidelines as to the overall condition, financial stability, overall care and treatment, and handling of the equine?
I'm concerned that "backyard" rescues starting and being unable to support the animals over a period of time because of increased costs to maintain.

Question 26. Directed to: HSUS

Isn't HSUS against eating any meat?

If processing horses for slaughter met with HSUS standards would it be an acceptable process?

Question 27. Directed to: Rep. Winfield and/or Cong. Stenholm

It is generally accepted in the United States that the free market system works. Financials, commodities, raw materials, energy and food supplies are all traded in accordance with the laws of supply and demand. Tampering with free market systems is not tolerated by regulators and demands congressional investigation. Why is the wholesale destruction of horse market by the animal welfare organizations being tolerated in a free market economy? Signed.

Question 28. Directed to: Tim Cordes

Under recommendations, confining [?] horses in vehicle no longer than 24 hr (+4?) hours without food and water...

Question 29. Directed to: Jennifer Woods

When horses cross your border—they must be slaughtered within 4 days—what is the care of these horses in these 4 days—Fee? Lodging? Water?

Question 30. Directed to: Holly Hazard and Tom Lenz

Is it H.S.'s aim to have horses removed from the heading of livestock?

Question 31. Directed to: David Meeker

Is it your intent as Renderers to keep horses listed as livestock?

Question 32. Directed to: Dave Meeker

Where are the 25 renderers located—how can we find them?

Question 33. Directed to: Congressman Stenholm

Do you support BLM?

Question 34. Directed to: Congressman Stenholm

Do you support slaughter houses in US for horses?

Question 35. Directed to: Congressman Stenholm

What is your stand on cattle grazing on BLM land?

Question 36. Directed to: Tom Lenz

Does AVMA (American Veterinarians) support horses as livestock?

Question 37. Directed to: Dr. Cordes

Do you have any information (other than anecdotal) on horse slaughter methods in Mexican plants?

Question 38. Part 1 Directed to: Holly Hazard and Nat Messer and Tom Lenz

It's great to talk about up-front education, but that's a long term solution—and there will still be some unrehomeable horses. The main current problem (short term) is the horses that would have gone to slaughter. What do we do with those horses, especially if transportation to slaughter is prohibited (which will further increase the numbers)? The question from the Colorado Animal Protection Bureau person was never answered. What options are available for those owners who cannot rehome and can't afford to euthanize their horses? Would there be a possibility of a program to help such people pay for the cost of euthanasia and disposal (assuming proof of poverty and the inability to rehome)?

Part 2 Directed to: Question for Nat Messer/Tom Lenz/Unwanted Horse Coalition: Would it be possible to create a list of possible funding sources to help with horse rescues? For example, United Animal Nations has a program to help treat sick/injured animals that might be applicable to a particular rescue. International fund for animal Welfare is a kind of brokerage that might be willing to help in certain situations. If rescues had a source to go to in order to find out where they could ask for help in emergency situations, perhaps they could rescue more horses.

Question 39. Directed to: Holly Hazard

You were asked about slaughter of other livestock and if you define horse slaughter as inhumane. You did not answer. Do you consider slaughter methods for beef, hogs, sheep humane and how can we reinstitute horse slaughter to match these other methods?

Question 40. Directed to: Camie Heleski

What are your actual suggestions for handling the "unwanted" horse issue? Your discussion largely remained on slaughter vs. the ethical solutions for which we all came to hear. P.S. (Zoo animals do not consume horses at a substantial rate.)

Question 41. Directed to: Lynn Cross and other speakers

1. How do we as an equine industry monitor, educate and evaluate rescues as for their quality and care? How do we prevent "animal hoarders"?
2. Is humane euthanasia not a better option than retraining for many horses?
3. How does the industry evaluate a person's ability to train/retrain horses? License?
4. How does the industry address the liability issue of rehabbing a horse—volunteers injured or even killed?

Question 42. Directed to: Tom Persechino—AQHA

Would the AQHA consider offering a euthanasia program to its members who may be needing financial assistance to euthanize and/or bury, render, cremate, etc. their horses?

Question 43. Directed to: The Panel

Does horse slaughter stimulate the creation of unwanted horses?

APPENDIX D

Groups Involved In Horse-Related Work

We have developed this list for informational purposes only.

We suggest that you do an Internet search for these organizations in order to view their mission statements, position statements, etc.

We do not accept responsibility for accuracy of information presented at these web sites, nor do we state agreement/disagreement with their positions.

Inclusion on this list was based on groups who contacted us and asked to be placed on this list.

Alberta Farm Animal Care

American Association of Equine Practitioners

American Horse Council

Animals' Angels USA

AVMA (American Veterinary Medical Association)

Animal Welfare Council

Animal Welfare Institute

CANTER -- providing new careers to Thoroughbreds retiring from racing

DonateMyHorse - "The #1 place to donate a horse or adopt a horse online"

Equine studies at the University of Maryland

Florida Thoroughbred Breeders' and Owners' Association, Florida Thoroughbred Retirement Farm

Finger Lakes Thoroughbred Adoption Program

Fur Commission USA

Homes for Horses Coalition

Horse Quest -- information portal for credible, reliable equine information

Humane Society of the United States

International Society for Equitation Science

Kentucky Horse Council

Kentucky Equine Humane Center

Lifesavers Wild Horse Rescue

My Horse University – online equine learning opportunities
Ohio Horseman's Council

Rerun – Thoroughbred adoption program

Standardbred Retirement Foundation

Thoroughbred Charities of America

Unwanted Horse Coalition

Veterinarians for Equine Welfare

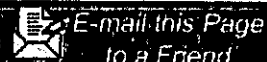
Int'l Fund for Horses


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[Resumes](#)


Protecting Horses
through
Intervention
and Legislation

Fk 713 513 7513

info@fund4horses.org



Slaughter USA: Fact Sheet

Update: Slaughter House in the USA are currently closed.

On This Page

- Introduction.
- Why does this industry still exist?
- How many horses are slaughtered in the United States?
- What types of horses are slaughtered?
- Where do the horses come from?
- How are the horses slaughtered?
- If slaughtered is banned, where will all the horses go?
- If horse slaughter is banned, won't abuse and neglect increase?

Introduction

One of the most baffling issues surrounding the equine world, and one that many Americans are still unaware of, is that every week in this country our young, healthy horses are slaughtered for human consumption overseas. The largest number are Quarter Horses, although Thoroughbred race horses, and even some of our wild Mustangs are routinely slaughtered.[1] Their meat is processed, freeze packed and shipped to countries like Belgium, France, Italy and Japan, where it is considered a delicacy.

Why does this industry still exist?

Horse slaughter exists in the United States for one reason and one reason only — for the sole purpose of providing horsemeat for human consumption in foreign markets.

Although the number of horses slaughtered declined sharply for a period of years, there has been a recent resurgence in demand. Horse meat is viewed as "clean meat" and a good alternative to beef and other traditional meats because of BSE and other contamination scares. Europeans and Asians

who consume horse flesh are willing to pay a high price for American horsemeat, which is described by butchers and purveyors of horsemeat as the very best on the market.

"I only buy American meat, which is red and firm. In butchering terms we call it 'well-structured', the best you can get. Out of a thousand animals, only the American ones are really worth buying. But they don't eat horsemeat in America. They raise horses for foreigners."

A Butcher in France.[2]

Consequently, business is thriving for the three foreign-owned slaughter plants operating in the U.S., two in Texas and the other in Illinois. If current trends continue, it is highly likely that demand is only going to increase and so is the slaughtering of our horses.

How many horses are slaughtered in the United States?

According to the USDA, more than 50,000 horses were slaughtered in 2003. With the re-opening of Cavel International in Illinois in 2004, the number rose to more than 66,000, and in 2005, nearly 95,000 of our horses were slaughtered for their meat.[3]

This does not include the approximately 20,000 - 30,000 horses that are exported to Mexico to be slaughtered in their abattoirs[4], or the thousands exported to Canada.[5]

[TOP]

Together, these numbers represent about 1% of the total number of horses in the U.S., and the entire industry is only .001% of the size of the U.S. meat industry.

What types of horses are being slaughtered? Aren't these old, sick horses?

According to 2001 field studies conducted by Temple Grandin et al., 70% of all horses at the slaughter plant were in good, fat, or obese condition; 72% were considered to be "sound" of limb; 84% were of average age; and 96% had no behavioral issues.[6] Slaughter plants do not want old, sick horses for obvious reasons.

Where do the horses come from?

Horses are not raised for slaughter as they are not traditional food animals, so they must be bought. Licensed horse dealers, known as "killer buyers," act as middlemen for the slaughterhouses and frequent the auctions where horses are sold. Mass quantities of horses are bought by these dealers at unbelievably cheap prices, who then transport the horses and resell them to the slaughterhouses for profit. Many times an auction house and the dealer will not turn away an unfit animal, because as long as it can live till it gets to a slaughterhouse, they can be killed for their hides. These horses are called "skinners." Slaughterhouses typically have a tannery either on site or nearby for this reason.

A number of the horses who end up at slaughterhouses are stolen, and can disappear without a trace. However, statistics from one of the largest groups that assist owners in the recovery of their stolen horses, Stolen Horse International (netposse.org) show that approximately 60% of stolen horses are killed at slaughter plants.

How are the horses actually slaughtered?

Horses are transported, often thousand of miles, from all over the country to Texas and Illinois in double-decker trailers designed for cattle in all types of weather with no food or water. Often there is not enough clearance for the horses to hold their heads in a fully upright position.

No consideration is given to the gender or the condition of the horses as they are crammed into these trucks. Horses are often injured and some even arrive at the slaughterhouse dead. The ones who survive the ordeal of transportation are held in pens until it is their turn to be butchered. The horses stand in the killing line smelling the blood, sensing the terror ahead. They are electrocuted or speared into the "kill box" where they shake violently, falling, unable to stand from fear.

According to federal law, horses must be rendered unconscious prior to slaughter, usually by captive bolt. With their long necks and aversion to anything approaching their foreheads, many horses require multiple strikes. However, some are improperly stunned, even with repeated blows.

The USDA's March 1998 report, *Special Report on Humane Slaughter Methods and AnteMortem*^[7] shows the animals can and do regain consciousness after they have been stunned. Therefore some are still conscious when shackled, hoisted by a rear leg, and cut across the throat to be bled out.

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."

[TOP]

From the book "Slaughterhouse" by Gail Eisnitz

A major misconception is that animals being readied for slaughter are stunned with a captive bolt in order to make the process more humane. The fact is, the captive bolt stunning mechanism was designed to protect slaughterhouse workers from the flailing limbs of terrified animals and to increase the speed of the production line.

If horse slaughter is banned, where will all the horses go?

The number of horses slaughtered in 1990 was a staggering 350,000, a number that dropped to an all time low of 42,000 in 2002. Between 1992 and 1993 alone, the number of horses slaughtered dropped 79,000. These decreases did not create a glut of "unwanted horses." Society absorbed these horses, and the market remained stable, just as it will when horse slaughter is eliminated altogether.

The phrase "unwanted horses" is a myth created by horse slaughter supporters. The number of horses slaughtered each year is the one used by them to arrive at the number of so-called "unwanted horses" for the same time period. In actuality, the number of horses slaughtered each year is the number of horses the horse slaughter plants have the capacity to butcher and process.

There are many alternatives to horse slaughter. Horses can be given another chance at life through retraining and adoption programs as pleasure horses, with rescues, retirement homes, and sanctuaries. Horses can also enjoy second careers as Mounted Police horses, at riding schools and as therapy horses.

If a horse becomes old, infirm or mortally ill, then the horse should be euthanized by a qualified veterinarian. There are a wide variety of options for disposing of their bodies that range from the costly to economical. These include burial (where permitted), cremation, rendering, composting and landfills. [8] Texas A&M, in response to this question, released a special report on composting as a viable alternative that

would be both environmentally and politically beneficial, predicting that this could become a big market when horse slaughter is banned. [9]

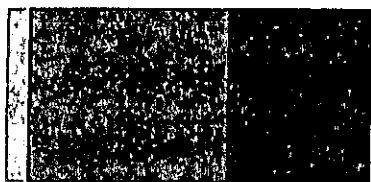
If horse slaughter is banned, won't abuse and neglect increase?

California banned horse slaughter in 1998. California has experienced no increase in abuse case, and even noted a decrease 3 years following the ban. During the 4 years that Cavel was closed, Illinois saw a noticeable decrease in abuse and/or neglect cases. Texas, which had the only two slaughter plants in 2003, had among the nations highest rates of cruelty and theft.

The conclusion is clear – horse slaughter does not decrease abuse and neglect but actually encourages it.

[TOP]

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2

Testimony before the Senate Appropriations Committee on

1496 Economic Study of Equine Processing

Senator Joe Miller

Park River - District 16

Mr. Chairman and members of the Senate Appropriations Committee, I am Senator Joe Miller of District 16, Park River, North Dakota.

It is important that we acknowledge the challenges and regulations involved in an equine processing facility. Over the past few years, there have been many efforts at the federal level to stop this industry cold. Currently we have HB 503 and HB 305 in Congress that ban the slaughter of horses for human consumption and ban the transportation of horses for the purpose of slaughter, respectively. It's these federal issues that concern those in the industry, and it's this reason that we need this study.

It is my belief that the Commerce Department has the capacity and the ability to examine the challenges of building a slaughter facility in North Dakota. It's no doubt that the rural nature of our state has its advantages to such a facility, but North Dakota's proximity to markets creates the real challenge. The purpose of this bill will be to help plan out a cost effective path that leads to an equine processing facility.

The immense cost of creating a humane plant that is capable of turning a profit can deter potential investors, but add to that a minority of persons that are hell bent on stopping the industry simply because of an emotional attachment can make it financially unworkable.

There are complex laws and politics involved. This will take money, this will take effort, and this will take the commitment state. We need to show that we are resolved in helping preserve the right of animal agriculture in North Dakota.

Why is this so important and so urgent of a problem? Even the Animal Welfare Institute and other anti-slaughter groups acknowledge there is a problem with unwanted horses. This problem has greatly escalated since the closure of the plants in Chicago and Texas. It is estimated that there are over 180,000 unwanted horses in the U.S.

It is becoming financially impossible for some to maintain their horses. Recently, we have seen the consequence of no market on the pages of North Dakota newspapers. On a farm near Edgeley, thirty-five horses were seized due to malnutrition. This may or may not be directly related, but it is no secret that these instances will increase without any market or ability cull herds.

Mr. Chairman, I do fully believe that providing a humane manner of slaughter will be in the best interests of the horse and horse owner. This bill provides an option for a new badly needed industry in North Dakota that will allow for the continuation of the rich heritage of the family-owned ranch, and provide jobs and growth for rural America.

Thank you and I would gladly take any questions.

North Dakota



STOCKMEN'S ASSOCIATION

407 SOUTH SECOND STREET
BISMARCK, NORTH DAKOTA 58504
Ph: (701) 223-2522
Fax: (701) 223-2587
e-mail: ndsa@ndstockmen.org
www.ndstockmen.org

Attachment # 3

HB 1496

Good morning, Mr. Chairman and members of the committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

The Stockmen's Association supports HB 1496, as it will provide the framework for North Dakota to address the critical situation the horse industry has been in since the nation's three processing facilities were closed. The processing ban has stripped horse owners of their property rights, crippled the domestic horse market, skyrocketed the number of abandoned animals and, overall, diminished the plight of animals.

There is substantial interest in developing a horse processing facility here in North Dakota. When the plant comes to fruition, it will provide a source of economic development for our state, as well as a usable source of protein for people around the world. In a time when the job market across the country is bleak, North Dakota can be adding industry infrastructure and jobs for hardworking citizens.

The Senate Ag Committee's amendment for pay-back provisions to the state make this a virtually no-risk investment, and we'd ask for your favorable consideration of the bill as you appropriate funds.

Good afternoon

Thank you committee members: I am here today to oppose the HB 1496. I know more about this industry than any one person should know or want to know. I am mostly amazed that this bill has even made it this far in our legislator. What I would like to do today is try to expose this industry for what it really is and expose the horrors of what other states have had to endure. Believe me this is but a fraction of what I have learned about this fleecing of America if you will

What we are doing here is challenging Federal regulations that are already in place. Federal funding has been pulled for ALL inspectors of horse slaughter plants and that is that!! We are wasting money and this money will not be able to be recouped. When the federal bill passes : No horses will be slaughtered, no money will be generated locally, and no meat can leave our state. It will also open up the flood gates and generate so much bad publicity for our state and being we are ranked 37th I believe in tourism according to yesterdays paper I don't think this is something we need.

Make no mistake about it. This is NOT about ND horses. Its not about keeping horses from starving and it is most definitely not about old and injured horses. This is about a few Midwestern states who are going after the Federal legislation now in Washington. And they are going to try use our taxpayer money to do it. Take note that there are no loose horses running around on our highways and being abandoned by the thousands. It is astounding how all of these claims cannot be backed up with one bit of proof. There fore I have put documentation in the back of your folders about a group that has set up rewards for cases regarding abandoned horses. I also have more information about this and its available at your request it was simply to much to print all of it for you today.

The horse industry is not a regulated food industry. The restrictions on feed, medications, etc. that apply to the beef, pork, and poultry industries do not apply to horses. Thus, the meat obtained from these animals is not fit for consumption here according to our regulations. So it is shipped abroad. What makes us think that we are immune from prosecution from abroad? This is a litigious time in our history. If we have learned nothing from mad cow disease and the peanut butter recall, we should have learned that!!! How are they protected from harmful side effects? What about the increased reservoir of West Nile, Rabies and Encephalitis that will result from the slaughter facility itself? How are the neighbors of the facility protected?

With that I would like to get into your folders and lets look at some VIOLATIONS!!

Karen Thunshelle
111 50th St SW
Minot, ND 58701
Rthunsh@srt.com
701 839 6210

Paula Bacon
Former Mayor, City of Kaufman
Kaufman, TX 75142

March 16, 2009

To the Honorable Lawmakers of North Dakota:

You will soon be asked to vote on H.B. 1496, legislation regarding the commercial slaughter of American horses. No doubt you have heard from lobbyists and organizations who want you to support the practice and bringing it to North Dakota, but before you do, you should ask yourself why the residents of Texas and Illinois worked so hard to rid their states of their horse slaughter plants. The answer may surprise you.

As a mayor who lived with this plague in her town for many years, who knows what the horse slaughter industry really is and what it does to a community, please allow me to tell you what we experienced. The industry caused significant and long-term hardship to my community which was home to Dallas Crown, one of the last three horse slaughter plants in the United States.

All three plants were foreign-owned, and since the market for horsemeat is entirely foreign, the industry will always be dominated by these foreign interests. The corporations involved in this industry have consistently proven themselves to be the worst possible corporate citizens.

The Dallas Crown horse slaughtering facility had been in operation in Kaufman since the late 70's and from the beginning had caused problems both economically and environmentally. I have listed some of the specific issues below.

I will gladly provide you with detailed reports from my former City Manager, Police Chief, and Public Works Director regarding odor and wastewater effluence violations at the Dallas Crown horse slaughter plant in the City of Kaufman. The reports reference "decaying meat [which] provides a foul odor and is an attraction for vermin and carrion," containers conveyed "uncovered and leaking liquids," there are "significant foul odors during the daily monitoring of the area," and "Dallas Crown continually neglects to perform within the standards required of them."

Therefore, in August of 2005, our City Council decided by unanimous decision to send the Dallas Crown issue to the Board of Adjustments for termination of their non-conforming use status. In March of 2006, the Board of Adjustments voted to order Dallas Crown closed, but the plant was able to tie the enforcement up in the courts until they were finally closed under state law in February of 2007.

Dallas Crown repeatedly described itself as a "good corporate citizen." I will be straightforward in asserting that they are the very antithesis of such.

- **Dallas Crown had a very long history of violations to their industrial waste permit, 'loading' the capacity of the wastewater treatment plant.**
- **Despite requirement by city ordinance, court order and city permit**

agreement, Dallas Crown denied the City access to their property for wastewater testing beginning October 1, 2004 until July 6, 2005.

- In 2004 City staff reported that a \$6 million upgrade to our wastewater treatment plant would be required even though population growth did not warrant such an expansion, and the plant was planned and financed to last through 2015.
- Odor problems resulting from the outside storage of offal and hides over several days persisted not only in the traditionally African-American neighborhood known as "Boggy Bottom", but at the nearby Presbyterian Hospital, the daycare center, and surrounding areas.
- Transport of offal and fresh hides on City and state thoroughfares was conducted in leaking containers without covers.
- City documents reveal an extended history of efforts to have Dallas Crown address various environmental issues. Staff's own reports include descriptive language such as "blood flowing east and west in the ditches from your plant," "It has been over 45 days [it had been 59 days] and no apparent cleanup has occurred," "Your system has not improved and subsequently it has gotten a lot worse," "Words cannot express the seriousness" of recent violations and the "adverse effects on the wastewater treatment plant," and "Please be sure trailers are secured before leaving your premises to prevent spills" [this predates the 600-gallon blood spill of 9/30/03], noting also "bones and blood laying in front of the facility," problems with bones and parts in neighboring yards and the attraction of "dogs and other animals."
- In response to 29 citations for wastewater violations, each accompanied by a potential fine of \$2,000, Dallas Crown requested 29 separate jury trials, potentially causing yet another economic strain to the City's budget.
- Dallas Crown took 11 months to submit a mandatory "sludge control plan" to assist efficient emergency operation of the wastewater treatment system though City staff requested it orally and in writing many times.
- The City Manager advised me that the City would have to spend \$70,000 in legal fees because of Dallas Crown problems, which was the entire legal budget for the fiscal year.
- Dallas Crown paid property taxes that were less than half of what the City spent in one month on legal fees directly related to Dallas Crown violations.
- Generally, Dallas Crown had the economic ability to prevail, to exceed the constraints of the City's budget.

Dallas Crown had a negative effect on the development of surrounding properties, and a horse slaughter plant was a stigma to the development of our city generally. I have since learned that these problems were mirrored at the other two plants. Fort Worth's Beltex horse slaughter plant also violated Ft. Worth's wastewater regulations several times, clogged sewer lines, and both spilled and pumped blood into a nearby creek (San Antonio Current, June 19, 2003). Texas State Rep. Lon Burnam, D-Fort Worth, whose district includes Beltex, and Rep. Toby Goodman, R-Arlington, fought hard against legislation that would have legalized horse slaughter in Texas in 2003.

The horse slaughter plant in DeKalb, IL had a similar pattern. It was destroyed by fire in 2002, and rebuilt in 2004. The plant was charged and fined by the DeKalb Sanitary District almost every month from the reopening until its closing in 2007 under a new state law for consistently exceeding wastewater discharge parameters. I can provide you with the documentation of those violations. Like Dallas Crown, Cavel refused to pay their fines for years.

During this time, I learned that an estimated \$5 million in Federal funding was being spent annually to support three foreign-owned horse slaughter plants. And when Dallas Crown tax records were exposed in the City's legal struggle, we found that they had paid only \$5 in federal taxes on a gross income of over \$12,000,000.

Moreover, I have learned that the parent company of Cavel has since moved its operations to Canada where they have apparently become even more blatant, dumping huge untreated piles of entrails onto open ground and even using a tanker truck to discharge blood and refuse into a local river.

I have mentioned only the pollution issue, but this is but one negative aspect of horse slaughter. I have subsequently learned of a USDA document covering 11 months of 2005 and containing a staggering 900 pages of graphic photos that show the brutality the horses were subject at the plant in my city and in Fort Worth. Behind the privacy fences of these plants, were quite grim violations of federal and state regulations, from mares birthing foals to horses with eyes dangling from their sockets and legs ripped from their bodies.

The more I learn about horse slaughter, the more certain I am: There is no justification for horse slaughter in this country.

It is accurate to say that my city was little more than a door mat, a door mat for a foreign-owned business that drained our resources, thwarted economic development and stigmatized our community. Bringing horse slaughter to North Dakota would be a profound economic and environmental error in judgment, and something you would be forced to suffer for years to come.

Best regards,

Former Mayor Paula Bacon
Kaufman, TX

4. That during the last six months of calendar 2004, Cavel International exceeded the established monthly average for BOD of 500 mg/liter and the Daily Maximum of 2000 mg/liter as follows:

- a. BOD exceeded daily maximum (3 times) and monthly average for July
- b. BOD exceeded daily maximum (twice) and monthly average for August
- c. BOD exceeded monthly average for September
- d. BOD exceeded daily maximum (once) and monthly average for October
- e. BOD exceeded daily maximum (once) and monthly average for November
- f. BOD exceeded monthly average for December.

5. Therefore, Cavel International, Inc. is in "significant" non-compliance for the above period as defined in Part 5, Paragraph 12.A of Permit 130.

NOW, THEREFORE, under the authority granted in Ordinance 259, Section 5E.1.,

IT IS HEREBY ORDERED AS FOLLOWS:

- A. A fine in the amount of \$500.00 is being imposed upon the Permittee, Cavel International, Inc.
- B. That said fine is due and payable immediately.
- C. The penalty herein imposed shall not be construed to be the exclusive sanction for said violation(s) or for any future such violations and the Approval Authority hereby reserves the right to take such future action as may be deemed necessary or advisable.
- D. The Permittee shall have the right to appeal from this Order as set forth in Ordinance 259, section 5D.12.

ENTERED this 17th day of MARCH, 2005.

BOARD OF TRUSTEES OF
DEKALB SANITARY DISTRICT

By: Michael Zemi
District Manager

**DEKALB SANITARY DISTRICT
PUBLIC NOTICE OF SIGNIFICANT NON-COMPLIANCE**

Listed below are the significant industrial wastewater discharge violators of 40 CFR Part 403 (General Pretreatment Regulations) for the calendar year 2005:

Industry Name: Cavel International, Inc. Address: 108 Harvestore Drive, DeKalb, IL 60115

Violations:

- 1) BOD exceeded the monthly average in January.
- 2) BOD exceeded the daily maximum twice and the monthly average in February.
- 3) BOD and TSS exceeded the monthly average and there was one pH violation in March.
- 4) BOD exceeded the daily maximum 3 times and the monthly average and TSS exceeded the daily maximum once and the monthly average in April.
- 5) BOD exceeded the daily maximum twice and the monthly average, TSS exceeded the monthly average, and Ammonia exceeded the daily maximum once in May.
- 6) BOD exceeded the daily maximum once and the monthly average and Ammonia exceeded the daily maximum twice and the monthly average in June.
- 7) Ammonia exceeded the daily maximum 3 times and the monthly average in July.
- 8) BOD and TSS exceeded the monthly average and Ammonia exceeded the daily maximum 3 times and the monthly average in August.
- 9) BOD exceeded the monthly average and Ammonia exceeded the daily maximum 4 times and the monthly average in September.
- 10) Ammonia exceeded the daily maximum 4 times and the monthly average in October.
- 11) Ammonia exceeded the daily maximum 3 times and the monthly average and there were 2 pH violations in November.

Actions Taken:

- 1) Notice of Violation 2/8/2005
- 2) Notice of Violation 2/28/2005
- 3) Notice of Violation 4/5/2005
- 4) Notice of Violation 5/2/2005
- 5) Notice of Violation 5/31/2005
- 6) Notice of Violation 7/5/2005
- 7) Notice of Violation 8/2/2005
- 8) Notice of Violation 9/6/2005
- 9) Notice of Violation 10/3/2005
- 10) Notice of Violation 11/1/2005
- 11) Notice of Violation 12/5/2005.

Penalties:

- 1) Administrative Order dated 3/17/2005: A fine of \$500.00 (for calendar year 2004 violations.)
- 2) Administrative Order dated 1/30/2006: A fine of \$500.00 for each month in which any monthly average limitation was exceeded (11 months during 2005 totaling \$5,500.00.)

2006 compliance/performance sampling results

N.O.
RESPONSE

| Permit Limits: | BOD
mg/l | TSS
mg/l | NH3
mg/l | pH
S.U. |
|-----------------|-------------|-------------|-------------|------------|
| Daily Maximum | 2000 | 2000 | 24 | 5.5-9.5 |
| Monthly Average | 500 | 400 | 24 | |

Daily Violations = 47

Monthly Violations = 21

Total = 68

| Sample (grab) | | | | | | Sample (grab) | | | | | |
|---------------|----------|-------|-------|------|-------|---------------|----------|---------|-------|-------|------|
| Date | Time(am) | BOD | TSS | NH3 | pH | Date | Time(am) | BOD | TSS | NH3 | pH |
| 1/4/06 | 8:20 | 0 | 30 | 14.1 | 7.06 | 7/5/06 | 8:30 | 421.5 | 120 | 108 | 6.33 |
| 1/11/06 | 8:05 | 1200 | 280 | 52.5 | 7.26 | 7/12/06 | 8:20 | 273 | 140 | 32 | 4.68 |
| 1/18/06 | 8:20 | 1710 | 560 | 29.7 | 7.37 | 7/19/06 | 8:30 | 871 | 210 | 49 | 8.21 |
| 1/25/06 | 8:15 | 570 | 340 | 89.7 | 6.78 | 7/26/06 | 8:45 | 30 | 70 | 24 | 8.21 |
| Mo. Ave. | | 870 | 302.5 | 46.5 | | Mo. Ave. | | 398.875 | 135 | 53.25 | |
| 2/2/06 | 8:15 | 0 | 110 | 25.1 | 6.68 | 8/2/06 | 8:20 | 30 | 140 | 36 | 8.59 |
| 2/8/06 | 8:00 | 1230 | 250 | 6.24 | 4.14 | 8/9/06 | 8:30 | 840 | 90 | 25 | 8.12 |
| 2/15/06 | 8:20 | 810 | 340 | 43.7 | 6.48 | 8/16/06 | 8:15 | 0 | 110 | 23 | 8.65 |
| 2/22/06 | 8:15 | 1020 | 120 | 4.84 | 7.52 | 8/23/06 | 8:50 | 0 | 150 | 89 | 7.13 |
| Mo. Ave. | | 765 | 205 | 20 | | 8/30/06 | 8:25 | 60 | 260 | 27 | 7.3 |
| 3/1/06 | 8:10 | 1500 | 540 | 9.27 | 8.06 | Mo. Ave. | | 186 | 150 | 40 | |
| 3/8/06 | 8:00 | 1650 | 230 | 7.23 | 3.24 | 9/6/06 | 8:50 | 60 | 220 | 16.4 | 6.92 |
| 3/15/06 | 8:20 | 990 | 210 | 62.8 | 9.4 | 9/13/06 | 8:30 | 810 | 400 | 40.1 | 3.61 |
| 3/22/06 | 8:15 | 930 | 230 | 36.9 | 8.93 | 9/20/06 | 8:20 | 750 | 200 | 40.2 | 9.96 |
| 3/29/06 | 8:30 | 960 | 90 | 68.4 | 9.3 | 9/27/06 | 8:15 | 390 | 200 | 50.5 | 7.05 |
| Mo. Ave. | | 1206 | 260 | 36.9 | | Mo. Ave. | | 502.5 | 255 | 36.8 | |
| 4/5/06 | 8:40 | 1050 | 50 | 23.7 | 9.13 | 10/4/06 | 8:15 | 90 | 210 | 66 | 7.27 |
| 4/12/06 | 8:50 | 570 | 160 | 36.4 | 11.78 | 10/11/06 | 8:20 | 2220 | 440 | 78.4 | 9.42 |
| 4/19/06 | 8:45 | 120 | 88 | 29.9 | 7.31 | 10/18/06 | 8:40 | 1290 | 320 | 86.8 | 7.16 |
| 4/26/06 | 8:00 | 810 | 130 | 86 | 8.53 | 10/25/06 | 8:20 | 270 | 110 | 30 | 7.71 |
| Mo. Ave. | | 637.5 | 107 | 44 | | Mo. Ave. | | 967.5 | 270 | 65.3 | |
| 5/3/06 | 8:20 | 1110 | 150 | 28 | 9.4 | 11/1/06 | 8:30 | 1080 | 280 | 106 | 5.58 |
| 5/10/06 | 8:20 | 1320 | 130 | 74.3 | 9.5 | 11/8/06 | 8:50 | 900 | 284 | 58.7 | 7.15 |
| 5/17/06 | 8:45 | 903 | 330 | 19.6 | 5.65 | 11/15/06 | 8:10 | 1680 | 210 | 27.6 | 7.57 |
| 5/24/06 | 8:40 | 390 | 140 | 28.3 | 9.9 | 11/22/06 | 8:10 | 390 | 340 | 20 | 7.35 |
| 5/31/06 | 8:45 | 0 | 150 | 30.9 | 7.62 | 11/29/06 | 8:45 | 1230 | 250 | 14.8 | 7.63 |
| Mo. Ave. | | 744.6 | 180 | 36.2 | | Mo. Ave. | | 1056 | 272.8 | 45.42 | |
| 6/7/06 | 8:15 | 1920 | 730 | 98.4 | 6.1 | 12/5/06 | 8:15 | 210 | 156 | 16.9 | 5.5 |
| 6/14/06 | 8:25 | 1290 | 108 | 40.1 | 7.4 | 12/13/06 | 8:30 | 1200 | 110 | 34.8 | 7.29 |
| 6/21/06 | 8:20 | 1080 | 110 | 63.2 | 7.53 | 12/20/06 | 9:50 | 1200 | 90 | 32.2 | 7.26 |
| 6/28/06 | 8:30 | 2340 | 250 | 16.1 | 7.97 | 12/27/06 | 8:10 | 600 | 180 | 31 | 6.96 |
| Mo. Ave. | | 1658 | 299.5 | 54.5 | | Mo. Ave. | | 802.5 | 134 | 28.78 | |

A Check if a:

- 1 Consolidated return
(attach Form 951)
2 Personal holding co.
(attach Sch. PH)
3 Personal service corp.
(see instructions)
4 Schedule M-3 required
(attach Sch. M-3)

Use
IRS
label.
Other-
wise,
print or
type.

Name

DALLAS CROWN, INC.

Number, street, and room or suite no. If a P.O. box, see page 7 of instructions.

2000 W. FAIR STREET

City or town, state, and ZIP code

KAUFMAN, TX 75142-1868

Employer identification number

Date incorporated

09/13/1994

Total assets (see page 8 of instructions)

\$ 882028

E Check if:

(1)

Initial return (2)

Final return (3)

Name change (4)

Address change

| | | | | | | | |
|----|--|----------|-------------------------------|--|-------|-----|----------|
| 1a | Gross receipts or sales | 12007611 | b Less returns and allowances | | c Bal | 1c | 12007611 |
| 2 | Cost of goods sold (Schedule A, line 8) | | | | | 2 | 7780181 |
| 3 | Gross profit. Subtract line 2 from line 1c. | | | | | 3 | 4227430 |
| 4 | Dividends (Schedule C, line 19) | | | | | 4 | |
| 5 | Interest | | | | | 5 | |
| 6 | Gross rents | | | | | 6 | 2 |
| 7 | Gross royalties | | | | | 7 | |
| 8 | Capital gain net income (attach Schedule D (Form 1120)) | | | | | 8 | |
| 9 | Net gain or (loss) from Form 4797, Part II, line 18 (attach Form 4797) | | | | | 9 | |
| 10 | Other income (see page 9 of instructions-attach schedule) | | | | | 10 | 52541 |
| 11 | Total income. Add lines 3 through 10. | | | | | 11 | 4279973 |
| 12 | Compensation of officers (Schedule E, line 4) | | | | | 12 | 104550 |
| 13 | Salaries and wages (less employment credits) | | | | | 13 | 1877264 |
| 14 | Repairs and maintenance | | | | | 14 | 321347 |
| 15 | Bad debts | | | | | 15 | |
| 16 | Rents | | | | | 16 | 72510 |
| 17 | Taxes and licenses | | | | | 17 | 8677 |
| 18 | Interest | | | | | 18 | 4784 |
| 19 | Charitable contributions (see page 11 of instructions for 10% limitation) | | | | | 19 | 3 |
| 20 | Depreciation (attach Form 4562) | 20 | 87239 | | | 20 | |
| 21 | Less depreciation claimed on Schedule A and elsewhere on return | 21a | | | | 21b | 87239 |
| 22 | Depletion | | | | | 22 | |
| 23 | Advertising | | | | | 23 | 4931 |
| 24 | Pension, profit-sharing, etc., plans | | | | | 24 | |
| 25 | Employee benefit programs | | | | | 25 | |
| 26 | Other deductions (attach schedule) | | | | | 26 | 1798637 |
| 27 | Total deductions. Add lines 12 through 26 | | | | | 27 | 4279942 |
| 28 | Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11 | | | | | 28 | 31 |
| 29 | Less: a Net operating loss (NOL) deduction (see page 13 of instructions) | 29a | | | | | |
| | b Special deductions (Schedule C, line 20) | 29b | | | | 29c | |
| 30 | Taxable income. Subtract line 29c from line 28 | | | | | 30 | 31 |
| 31 | Total tax (Schedule J, line 11) | | | | | 31 | 5 |
| 32 | Payments: a 2003 overpayment credited to 2004 | 32a | | | | | |
| | b 2004 estimated tax payments | 32b | 80000 | | | | |
| | c Less 2004 refund applied for on Form 4466 | 32c | | | | | |
| | d Tax deposited with Form 7004 | 32d | 80000 | | | | |
| | e Credit for tax paid on undistributed capital gains (attach Form 2439) | 32e | | | | | |
| | f Credit for Federal tax on fuels (attach Form 4136). See instructions | 32f | | | | | |
| | g Credit for Federal tax on fuels (attach Form 4136). See instructions | 32g | | | | 32h | 80000 |
| 33 | Estimated tax penalty (see page 14 of instructions). Check if Form 2220 is attached | | | | | 33 | |
| 34 | Tax due. If line 32h is smaller than the total of lines 31 and 33, enter amount owed | | | | | 34 | |
| 35 | Overpayment. If line 32h is larger than the total of lines 31 and 33, enter amount overpaid | | | | | 35 | 79995 |
| 36 | Enter amount of line 35 you want credited to 2005 estimated tax | | | | | 36 | 79995 |

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer

Date

Title

May the IRS discuss this return with the preparer shown below (see instructions)?

☒ Yes ☐ No

Preparer's signature

Date

Check if self-employed

Preparer's SSN or PTIN

Firm's name (or yours if self-employed) and address, and ZIP code

MAURICE B CLARK CPA PC
808 W MAIN STREET GUN BARREL CITY TX 75158

EIN

Phone no. (903) 887-7777

Residents protest packing plan

January 23, 1986

By MARTHA ANDERSON
 "Quite frankly, we don't want you!" This was the reaction of Harry Holcomb and the senior of the Kaufman City Council request by the owners of Crown Packing Company to the Kaufman meat packing Owners Henry Serruys and Kemp faced opposition from Council City Coordinator Norman Smith and several neighbors of the Kaufman City Council last Tuesday night. The plant has never made the

city a dime and never will, I think if you polled the council all would say they wished the plant would be in another town, but we can't prohibit them from opening; we can just close them down if they don't comply with ordinances and regulations," said Mayor Holcomb. During a sometimes heated discussion about the reopening of the plant, Serruys and Kemp offered reassurance that they would attempt to meet pre-treatment and waste disposal regulations set by the city and state.

"We have agreed all along to meet the requirements of the city. We want to be good members of the community," said Kemp. "That plant has been a lousy part of the community in the past and we want to be sure that doesn't happen again," said City Coordinator Norman Smith.

Residents living near the meat packing plant voiced opposition to the reopening, citing examples from past plant operations when residential sewer systems and street were filled with blood and other discharge

from the plant. Concern was also expressed about the smell, insects, and noise from the plant.

"How would you like to have blood in front of your house and have the smell of manure and see flies all around?" said Ed Cave, a resident near the plant.

"We live in the new part of the neighborhood, and for years we were kicked and dogged because of the condition of our houses with no sewer, no streets. Now we have nice homes and want them to stay that way. When that plant was open in

the past the blood would run down the streets and we had to walk through it. With 75 children living in that area, if they get sick from an epidemic of something, the whole town will get it from our kids at school," said one area resident.

City waste water analyst Tag Coolidge told the council and audience that if pre-treatment requirements are met, conditions won't be as bad as in the past.

"If they meet the requirements, it won't be like before. The amount of odor created by wastewater should

CAR-ET 8
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 MRS. RUTH
 1000 W. OF
 KAUFMAN, T



Kaufman

The Herald

VOL. 100 NO. 9

Election '86

Best Copy

its protest packing plan

Germany 23, 1986

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MRS. RUTH CAVE
1000 W. GROVE
KAUFMAN, TX 75142

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"If they meet the requirements, it
won't be like before. The amount of
odor created by wastewater should

be minimized, and they shouldn't
be putting blood into the sewer
because they can sell it, and every
pint of blood they pour down the
sewer is lost money," said Coolidge.
"If they violate the waste-water or-
dinances of the city, they can be for-
ced to come into compliance or be
closed.

City officials stressed the point
that the plant must be allowed to
open. "We have been told by the city
attorney that the site is correctl
zoned for an active plant. Serruys.
Please Turn to Page 2



Kaufman

The Herald

★ City

and Kemp have taken possession
the plant as owners, and we are
allowed by law to deprive the mer
the right to conduct a busine
However, they cannot open u
they meet our pretreatment
other requirements, and once op
if they violate ordinances, we c
close them down," said Smith.

VOL. 100 NO. 9

Election '86

Paula Bacon
Former Mayor, City of Kaufman
Kaufman, TX 75142
March 6, 2009

Update

The horse slaughter plant continues to refuse to pay what has now grown to over \$80,000 in fines to the City of Kaufman, demanding instead a jury trial (over 40 trials) for each and every violation. They have always had 'deep pockets.' They seem to have always been able to outspend the City and get around our laws and regulations.

In 1986 the mayor was quoted in the local newspaper saying, "Quite frankly, we don't want you here!....That plant has never made the city a dime and never will. The city administrator agreed, calling the plant "a lousy part of the community" [page 1, The Kaufman Herald, January 23, 1986].

But the plant was able to re-open despite their very poor environmental history, more recent examples of which I described in my earlier letter to you. They made their promises and the engineers assured the Mayor and City Council that "If they violate the ordinances...they will be closed."

What they did not say is that it would take another 20 plus years to see them close their doors. And though the City was involved in at least three expensive lawsuits with the horse slaughter plant at the time, it was not the City that closed them.

Even after the City's Board of Adjustment, following seven months of hearings, voted unanimously to order the plant closed, it was not the city that closed them since the horse slaughter plant tied up enforcement in the courts.

It was not until an appellate court ruling, that the horse slaughter plant was finally forced to close under state law in 2007.

In addition to the \$80,000 in fines owed the City, the horse slaughter plant also owes approximately \$100,000 in environmental engineering fees. The plant refused to pay for the required regular testing of their effluence and so the City paid for it in order to protect the City's expensive wastewater treatment plant and to aid the City in staying within state environmental laws.

The \$100,000 is tied up in escrow and according to the City Manager, the horse slaughter plant attorneys are attempting "to tie the escrow money to the sale of the property" [email correspondence March 6, 2009].

"I have never been able to get the fines," the City Manager reports. "Not doing well on this."

The total \$180,000 owed the City is a relatively large amount and of course does not include legal fees and other costs to the City. To raise \$180,000, the City would be required to raise the property tax rate by 10 to 15%.