

H.R. 503 – The American Horse Slaughter Protection Act
Testimony of Congressman John E. Sweeney

Subcommittee Hearing – Commerce, Trade & Consumer Protection
Committee on Energy & Commerce
Tuesday, July 25th, 2006

Chairman Stearns, Ranking Member Schakowsky, members of the Subcommittee, distinguished guests, let me begin by thanking you for the opportunity to testify in support of H.R. 503, the American Horse Slaughter Protection Act.

This is an issue that is extremely important to me, and I sincerely appreciate your willingness, and Chairman Barton's willingness, to consider this issue before your committee. As the representative of Saratoga Springs, New York, which is known for its beautiful Victorian homes, rich history, and most of all, horses. This issue resonates deeply in my Congressional District. Saratoga Springs is home to the Saratoga Racetrack, the oldest thoroughbred racetrack in the nation.

Saratoga prides itself on horses. For 6 magical weeks each summer, people come in droves from all over the country – and the world – to watch these majestic and graceful animals barrel down the stretch. Mr. Chairman, I am happy to say, that the Saratoga Racetrack opens its gates tomorrow for the 2006 season. That is why it is incredibly timely I sit before your committee this afternoon.

Saratoga Springs is one example of why the horse plays such a prominent role in American culture, business, and history. We watch in awe when a horse "wins by a nose," we find it therapeutic to sit atop a horse as it trots through a field, and throughout history, we have relied on these able-bodied creatures to plow our fields and explore our continent. We as Americans, hold the horse in a very high regard – for good reason. This is why many in our country find it shocking to hear that each year, 90,000 horses are slaughtered in the country, then shipped overseas to Europe and Asia, where they are served in restaurants as a delicacy.

The reason I sit before you today is to advocate for my legislation – H.R. 503, the American Horse Slaughter Prevention Act. This legislation effectively bans the slaughter of horses in the United States for human consumption. Before I discuss this bill in greater detail, I would appreciate the opportunity to provide a brief historical background on the issue of horse slaughter, to demonstrate why this legislation is necessary.

In 2002, a horse named Ferdinand, who won the 1986 Kentucky Derby, the most prestigious horse race in the world, was slaughtered and served as a meal somewhere in Europe or Asia. This horse, who also was the winner of the 1987 Horse of the Year title and the 1987 Breeder's Cut Classic, certainly did not deserve such a fate. Like me, Americans were shocked to hear that such a thing could ever occur to an animal that was

so loved and respected. Unfortunately the cruel truth is that it happens 90,000 times over each year. It was Ferdinand's death that brought this issue to the forefront.

Since 2001, the United States Congress has had the opportunity to act on legislation to end this horrible act through bill introduced by various members. Since the 108th Congress, I have been the champion of this legislation and have been actively engaged in banning this despicable foreign trade in the United States. Both bills, H.R. 857, the bill I introduced in the 108th Congress and H.R. 503, my effort in the 109th Congress, have received overwhelming, bi-partisan support by members of the House, Senate, the Horse Industry and the citizens of the United States.

There have also been many attempts to curb this practice at the state and local level as well. Many states across the country have worked to pass legislation to outlaw this practice. Texas has had a law prohibiting the sale of horsemeat for human consumption on its books since 1949.

In 1998, California passed a comprehensive and popular law by ballot initiative that prohibited horse slaughter as well as the sale and transport of horses to slaughter. The law is working, and working well. There has been no rise in abuse and neglect cases in the state since the law came into effect, as some had warned would occur. Instead, according to the California Bureau of Livestock Identification, the state has seen a 34% decrease in horse theft since the law came into effect.

There is also legislation pending in the Illinois, New York and Delaware legislature that bans horse slaughter or severely impedes the ability of individuals to slaughter horses for human consumption.

We have made substantial strides in curbing horse slaughter recently, yet we remain very far from the finish line. Last year, I offered an amendment to the FY06 Agriculture Appropriations bill, which prohibited taxpayer dollars from inspecting horses intended for slaughter. Without these inspections, it would impossible to slaughter horses in, or transport horses to slaughter outside, the US, thereby providing a temporary ban on horse slaughter. I offered this as a short-term solution to the problem as I continued to push my authorizing legislation, H.R. 503. My amendment passed by an overwhelming majority vote of 269-158 ¹. Similarly, a companion amendment in the Senate, offered by Sen. Ensign of Nevada, passed by a vote of 69-28 ².

However, despite passage in both chambers, the U.S. Department of Agriculture (USDA) circumvented clear congressional intent of the bill amendment and offering slaughter plants a fee-for-service option, allowing slaughter houses to pay for inspections. The

¹ United States. Cong. House. 109th Congress, 1st Session. Roll Call Vote 233. H.AMDT. 236 to H.R. 2744 - Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 [Amdt. introduced in the U.S. House; 8 June 2005].

² United States. Cong. Senate. 109th Congress, 1st Session. Roll Call Vote 237. S.AMDT. 1753 to H.R. 2744 - Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 [Amdt. introduced in the U.S. House; 9 September 2005].

slaughter plants themselves, not USDA would actually pay for the inspection process. This permitted the practice of slaughter to continue. Horse advocacy groups filed suit against the USDA to prevent the fee-for-service inspection option, yet the DC Superior Court ruled in favor of the USDA and slaughter plants, allowing the option to continue.

Furthermore, there was additional language added in the FY06 Agriculture Appropriations Conference Report that impedes me from effectively offering this amendment again. This was a technical change of the definition of animals under the jurisdiction of the Federal Meat Inspection Act. Horses were grouped into a new animal category - "amenable" species classification, precluding us from ever offering a similar amendment to future appropriations bill.³

In addition to amendments to the Agriculture Appropriations bill, Congressman Rahall, Congressman Whitfield, and I also offered an amendment to FY06 & 07 Interior Appropriations banning the sale and slaughter of wild free-roaming horses. This prevented the Bureau of Land Management from selling horses for slaughter after a provision that was snuck into the FY05 Omnibus Appropriations bill, which allowed wild horses to be slaughtered for human consumption overseas. While these amendments strictly dealt with wild horses, unlike the Agriculture amendment which dealt with all horses, the amendments passed the House in FY06 with overwhelming support - 249 – 159 and agreed to by voice-vote in FY07. Unfortunately this provision was not included in the FY06 Interior Appropriations Conference Report, and I am saddened to say that it is unlikely it will be included in the FY07 Conference Report as well.

The lopsided victories of these amendments demonstrate the need for my legislation to be considered before the full House of Representatives. My legislation amends the Horse Protection Act of 1970 to prohibit the "shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines for Slaughter for human consumption." Basically, this makes it impossible for an individual to slaughter a horse in the United States, but also for an individual to transport a horse to Canada or Mexico for the purpose of slaughter. The purpose of the bill is to prohibit the slaughter of horses for human food.

H.R. 503 also permits the USDA to detain, for examination and evidence, any horse for which it has probable cause that the animal will be slaughtered for food. Violators would be subject to specified criminal and civil penalties (\$5000) and prison terms (2 years) per violation.⁴

H.R. 503 differs significantly from prior legislation aimed at banning horse slaughter, in that it does not actually ban the act of slaughter. Allow me to explain why I chose to go this route. My legislation in the 108th Congress, H.R. 857, specifically banned the act of slaughter of horses for human consumption. That legislation, sat in the Committee on

³ Section 798. Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006, Pub. L. no. 109-97. (2005).

⁴ Section 6. Horse Protection Act. 15 U.S.C. §§ 1821 1831

Agriculture, as did other similar bills, introduced by Rep. Morella and Reynolds, with absolutely no consideration.

Therefore, I rewrote my legislation as an amendment to the Horse Protection Act of 1970, a bill that was considered under the sole jurisdiction of the House Interstate and Foreign Commerce Committee, which has since been consolidated into the current Energy and Commerce Committee. The Horse Protection Act prohibited the act of “soring,” or branding of the feet, horses or transporting sore horses. Since H.R. 503 prohibits the “shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption,” this bill effectively deals with issues pertaining to commerce, thus justifying its referral to this committee.

The time has come for this legislation to be considered. Not only do a vast majority of Members of Congress support my efforts, but a majority of Americans do as well. Recent public opinion polls have clearly demonstrated this. Surveys conducted in Texas, Kentucky and Virginia indicated that, 72% of Texas voters⁵, 82% of voters in Kentucky⁶, and 74% of Virginia voters⁷ oppose horse slaughter for human consumption. In California, the 1998 ballot initiative (Proposition 6) banning horse slaughter for human consumption was passed with an overwhelming 60% of the vote. Over 481 reputable horse organizations, representing thousands of industry professionals, owners and riders, horse farms, state organizations and celebrities are on record in support of H.R. 503.

The fact remains that to Americans, the horse is held to a different standard. Horses are known personally. Everyone knows who Mr. Ed, Secretariat and Silver are. I dare anyone to name a list of famous cattle or chickens. They are American icons that deserve to be treated as such. Would we ever think of slaughtering and serving a bald eagle in this country? The same should be true of the horse. Horses and other equines play a vital role in the collective experience of the United States and deserve protection and compassion.

Furthermore, horses and other equines are domestic animals that are used primarily for recreation, pleasure, and sport. Unlike cows, pigs, and many other animals, horses and other equines are not raised for the purpose of being slaughtered for human consumption. If another country, France or Japan, chooses to raise horses for food, then so be it. That is their choice as a sovereign nation to do so. However, they should not serve American horses, marketed as “eating an American champion,” as Ferdinand was. Horsemeat is not consumed nor is there a demand in the United States. According to the USDA, more than 90,000 U.S. horses were slaughtered in 2005 for human consumption, virtually all for export, to the largest markets of horsemeat, France, Belgium, Switzerland, Italy, Japan, and Mexico. The United States exported about 18,000 tons of horsemeat valued at \$61 million in 2005.

⁵ Survey conducted on May 4-6, 2003 by Mason-Dixon Polling & Research for Blue Horse Charities.

⁶ Survey conducted by Voter/Consumer Research on behalf of the National Horse Protection Coalition in Oct. '05

⁷ Survey conducted by McLaughlin & Associates on behalf of the National Horse Protection Coalition.

Despite a 50% percent increase since 2002, resulting from the reopening of a slaughter facility in Illinois, slaughter remains lower than it was over 15 year ago. According to the USDA, 342,877 horses were slaughtered in 1989, compared to 91,757 in 2005.⁸ Overall more than 4 million American horses have been brutally slaughtered since 1980. However, the US does not even rank within the top 5 countries, which slaughter horses. Asia, Europe and Mexico out-slaughter the US by over 700-900% more.

Only 3 slaughter-plants remain in the US today, all foreign owned. While they operate the United States and slaughter American horses, both the meat and the money go overseas. There are two slaughter plants located in Texas – Dallas Crown in Kaufman and Beltex Corporation in Fort Worth. These plants in Texas operate in clear violation of Texas state law. However since these horses are transported from and to destinations outside of Texas, the slaughter facilities claim they this state law is a violation of the Interstate Commerce Clause. This demonstrates the need for my federal legislation.

The third plant, Cavel International, is located in DeKalb, Illinois. Some have expressed concerns that after passage of H.R. 503, these facilities would be forced to shut down, thus eliminating jobs. This is simply not true. All three plants have the capacity to continue to operate by processing other animals, should H.R. 503 pass.

Furthermore, it is widely suspected that many of the laborers in these facilities are undocumented illegal immigrants. I suggest to my colleagues that these individuals should not even be employed in the country to begin with. Finally, if my legislation actually had negative effects on local economies, then the local municipalities would certainly actively oppose H.R. 503. However, the fact remains that these host communities of these slaughter facilities do not want them in their backyards. In March of 2006, the Kaufman Board of Adjustment voted unanimously to close Dallas Crown due to violations of zoning ordinances and pollution (smell and discharge to city's sewer system) to the local environment. The plant filed a counter suit, and a final ruling is expected at the end of this month.

According to a court affidavit by Paula Bacon, Mayor of Kaufman, TX, "Dallas Crown began operating in Kaufman in the early 1980's and has caused massive economic and environmental problems since its inception. It has also violated, and is currently in violation of, a multitude of local laws pertaining to waste management, air and water quality, and other environmental concerns...29 citations for wastewater violations have been issues to Dallas Crown, each carrying with them a potential fine of \$2,000."⁹

The claim that H.R. 503 would hurt local economies is just one of the many false claims made by the opposition to my legislation. They claim that this legislation would result in an overpopulation of horses, which would actually lead to an increase of horse abuse and

⁸ U.S. Horse Slaughter Statistics. USDA's National Agricultural Statistics Service. Online. <http://www.saplonline.org/horses_stats.htm>

⁹ Declaration of Paula Bacon. Plaintiffs' Exhibit 9. Civ. No. 02-0265 (CKK). The Humane Society of the United States, et al. vs. Mike Johanns et al.

death. This is simply untrue. The horse population is estimated at 9 million. Each year, roughly 900,000 horses die of various causes. Of those 900,000 horses that die, about 90,000 (or only 1% of the horse population) are actually slaughtered. Surely this relatively small percentage of horses can be easily absorbed into the community.

Should H.R. 503 be signed into law, a number of resources and opportunities exist for horses that are no longer bound for slaughter. Should an owner no longer desire to keep the horse, it can be humanely euthanized by a licensed veterinarian for a nominal fee of approximately \$225. Horses that are not humanely euthanized can continue to be kept by their owners, sold to a new owner, or can be placed in one of the hundreds of horse sanctuaries and rescue facilities springing up across the country. Education within the horse community about these humane alternatives to slaughter is already occurring, and will continue to do so.

According to the American Horse Defense Fund, 540 rescue facilities, and 34 Equine Sanctuaries operate around the country, with additional facilities being established. These equine rescue organizations will take horses that are unwanted and find them homes. The Association of Sanctuaries and the American Sanctuaries Association provide accreditation programs, a code of ethics and guidelines for the operation of sanctuaries and rescue organizations. Horse rescue groups must also provide for the welfare of horses in their custody in compliance with state and local animal welfare laws.¹⁰

Another myth disseminated by the pro-slaughter entities is that slaughter of horses is the same as humane euthanasia. Nothing could be further from the truth. Slaughter is not euthanasia. According to the American Veterinary Medical Association's 2000 Report on the Panel of Euthanasia, euthanasia, is the act of inducing humane death in an animal, ensuring that if an animal's life has to be taken, it is done with the highest degree of respect, and with an emphasis on making the death as painless and distress free as possible.¹¹

Euthanasia is administered properly, according to the AVMA and the National Horse Protection Coalition, primarily by chemical injection and in some emergency situations, gunshots.¹² Veterinary euthanasia averages from \$50 to \$225 per horse.¹³ Slaughter is conducted via a captive bolt pistol, which is a metal rod shot into the horse's brain. Many times in slaughterhouses, this administered by an untrained laborer, which results in unnecessary suffering of the horse and even some horses to remain alive and semi-conscious as they are being processed.

Additionally, horses suffer horribly on the way to slaughter. The Animal and Plant Health Inspection Service (APHIS), a division of USDA, stipulates and requires that

¹⁰ Ibid.

¹¹ 2000 Report of the AVMA Panel on Euthanasia. JAVMA, Vol. 218, No. 5, March 1, 2001.

¹² Ibid.

¹³ American Horse Defense Fund. Alternatives to Auction and Slaughter: A guide for Equine Owners. 2005

humane transport of horses to slaughter must include food, water, and rest be provided to each animal prior to shipment to the slaughter house.¹⁴ However these regulations only adhere to treatment prior to transport, thereby allowing horses to be transported long distances often in deplorable conditions, in poorly equipped trucks and trailers, where they are exposed to bad weather and often inadequate rest, food, and water.

Since horses are not raised for slaughter in the US, they are crammed together and driven to slaughter in double-decker trucks designed for cattle and pigs. The truck ceilings are so low that the horses are unable to hold their heads in a normal, balanced position. In September 2004, a double-deck livestock trailer traveling from Minnesota to Kentucky, carrying 50 horses on the way to slaughter overturned. 21 horses were killed, and many sustained injuries, two of which were severe.

The AVMA and APHIS regulations for the transport of horses clearly state that horses by nature need to be separated.¹⁵ During transport stallions, mares, and foals are unnaturally forced together, making fighting and injury common. This can lead to serious injury, or even death, en route to slaughter.

In conclusion, I testify before you not looking to attack other industries with thriving markets within the United States. We are not out to ban the slaughter of cows, pigs, or chickens. These animals are raised in the United States for food and do not share the cultural and historical prominence that the horse does. Plain and simple, our horses deserve better. This is an industry that exists only outside the borders of the United States, where horsemeat is consumed only as a delicacy. The practice of horse slaughter is a contradiction to our culture, history and economy. The time has come to end it. Again, I thank you for the opportunity to testify before the panel and urge support for this important legislation.

¹⁴ USDA, Animal and Inspection Service Publication. "Take Care of Our Horses – Commercial Transportation of Equines to Slaughter."

¹⁵ Ibid.