

CRS Report for Congress

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Horse Slaughter Prevention Bills and Issues

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Summary

Nearly 66,000 U.S. horses were slaughtered for human food in 2004, mainly for European and Asian consumers. Congress has been debating whether to ban such slaughter and has limited USDA's FY2006 funding for slaughter inspectors, but the practice could continue. Debate has focused on the acceptability of this practice, and whether existing facilities could provide sufficient care for such horses if they no longer went for human food. This report will be updated if events warrant.

Overview¹

Nearly 66,000 U.S. horses were slaughtered in 2004 for human consumption, virtually all for export, according to the U.S. Department of Agriculture (USDA) and horse protection groups. The largest markets were France, Belgium, Switzerland, Italy, Japan, and Mexico. The United States exported more than 12,000 metric tons of horse and mule meat valued at about \$39 million in 2004.

U.S. horse slaughter numbers have been rising since 2002, when they reached a recent annual low of 42,000, according to USDA estimates. U.S. slaughter remains well below levels of the 1980s, when more than 300,000 were processed annually in at least 16 federally inspected plants. Most of these horses were raised for other purposes but are no longer wanted by owners; they are collected by dealers who supply the plants from auctions, boarding facilities, and elsewhere. Two Texas plants and a third plant in Illinois slaughter them. Foreign firms have invested heavily in these North American facilities.

Also, the U.N. Food and Agriculture Organization estimates that Canada and Mexico respectively slaughtered a total of 88,000 and 626,000 head for horsemeat in 2004; a small portion of these were shipped from the United States. (According to USDA, the United States in 2004 exported a total of 22,458 live horses, asses, and mules to Canada and 7,187 to Mexico. Many are believed to have been destined for slaughter for food.)

¹ Sources include USDA; the American Association of Equine Practitioners (AAEP) and American Veterinary Medical Association (AVMA), both professional associations; and the American Horse Protection Association (AHPA), a horse welfare advocacy organization.

Current Legal Authorities

U.S. horse slaughter plants are subject to the Federal Meat Inspection Act of 1906, as amended (21 U.S.C. 601 et seq.), which has required USDA to inspect all cattle, sheep, swine, goats, and equines to be slaughtered and processed into products for human consumption. This act, administered primarily by USDA's Food Safety and Inspection Service, is designed to ensure that meat and meat products from these animals are safe, wholesome and properly labeled. Meat inspectors also are charged with enforcing the Humane Slaughter Act (7 U.S.C. 1901 et seq.), which requires that livestock (but not poultry) be rendered unconscious prior to slaughter.

Horses often must be shipped long distances to reach the few plants now slaughtering them. Horse practitioners and welfare groups gained passage of language in the 1996 farm bill (P.L. 104-127, Title IX-A, Commercial Transportation of Equine for Slaughter, 7 U.S.C. note) that authorizes the Secretary of Agriculture to issue guidelines for regulating such transport, subject to available appropriations. USDA's Animal and Plant Health Inspection Service developed the guidelines with the cooperation of horse groups, and they became effective February 5, 2002. However, federal laws neither ban the use of equines for food, nor set care standards. Protection usually is subject to varying state and local laws. Some of these laws may set care standards, although more are likely to be anti-cruelty measures.²

Recent Legislation

Amendment to FY2006 USDA Appropriation. During debate on USDA's FY2006 appropriation (H.R. 2744), the House on June 8, 2005, approved, 269 to 158, a Sweeney amendment to prohibit funds provided in the measure to pay for the inspection of horses under the meat inspection act. On September 20, 2005, the Senate adopted a virtually identical floor amendment by Senate Ensign, by a 69 to 28 vote. The final conference report on H.R. 2744 (H.Rept. 109-255), cleared for the President's anticipated signature in early November 2005, retains this amendment, but delays the effective date for 120 days following enactment.

Because the Federal Meat Inspection Act has long required FSIS inspection of equines (like other designated livestock species) before their meat may enter into commerce, the presumption was that these three plants could no longer process them for human food. It might be possible, however, for the plants to continue to slaughter horses for food if other funds could be found for inspection.

The final House-Senate report states: "It is the understanding of the conferees that the Department is obliged under existing statutes to provide for the inspection of meat intended for human consumption (domestic and exported). The conferees recognize that the funding limitation in Section 794 prohibits the use of appropriations only for payment of salaries or expenses of personnel to inspect horses." Those interested in the horse slaughter provision are now studying this additional conference language to determine

² Other federal laws protect horses used in research, and ban "soring" for shows. See also CRS Report 94-731 A, *Brief Summaries of Federal Animal Protection Statutes*, by Henry Cohen.

whether it anticipates that horse slaughter will continue under some other arrangement, such as voluntary FSIS inspection. Voluntary inspection is now conducted by FSIS for some species, like bison, under authority of the Agricultural Marketing Act of 1946, with funding through industry user fees rather than through FSIS appropriations.

Another provision in the final bill, specifically, Section 798, amends the Meat Inspection Act to alter the definition of livestock which are required to undergo mandatory inspection if destined for human food — from “cattle, sheep, swine, goats, horses, mules, and other equines” to “amenable species.” The section then defines “amenable species” to mean:

- (1) “those species subject to the provisions of the [Meat Inspection] Act on the day before the date of enactment” of the 2006 appropriation. [One of those species is horses];
- (2) “any additional species of livestock that the Secretary considers appropriate.”

Horse Protection Act. Representative Sweeney and Senator Ensign have introduced other legislation (H.R. 503; S. 1915) into the 109th Congress that would prohibit the movement and slaughter of horses for human food. The legislation differs from the above language now in the USDA FY2006 appropriation. H.R. 503 and S. 1915 would amend the Horse Protection Act (15 U.S.C. §1821 *et seq.*), which currently makes it a crime to exhibit or transport for the purpose of exhibition any “sore” horse (i.e., one whose feet have been injured to alter its gait). The Sweeney and Ensign bills would prohibit the “shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of any horse or other equine to be slaughtered for human consumption.” The bills permit 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 and prison terms. The bills would increase the authorization of appropriations for administering the act from \$500,000 to \$5 million annually.

The bill's intent is similar to that of legislation (H.R. 857 and S. 2352) offered in the 108th Congress by Representative Sweeney and by Senator Ensign. However, H.R. 503 and S. 1915 differ in detail. For example, the earlier measures did not amend the Horse Protection Act. The earlier bills also explicitly would have required officials to work with animal welfare societies and animal control departments to place confiscated horses temporarily with a nonprofit animal rescue facility, and required the owner of a confiscated horse to post a bond sufficient to provide for necessary care for at least 60 days. Any confiscated horse not returned to an owner because of a conviction, voluntary surrender, or failure to post a bond would have been “placed permanently with an animal rescue facility or other suitable facility.” Another provision in the earlier bills would have required the Secretary to make grants to specified animal rescue facilities willing to accept confiscated horses.

Wild Horses and Burros. A somewhat related issue revolves around provisions of the Wild Free-Roaming Horses and Burros Act of 1971 (16 U.S.C. §1331 *et seq.*), which seeks to protect wild horses and burros on federal lands. In the 108th Congress, a provision in the Consolidated Appropriations Act for FY2005 (§142, P.L. 108-447) gives federal agencies new authority to sell, “without limitation,” excess animals (or their remains) that essentially are deemed too old (more than 10 years old) or otherwise unable

to be adopted (tried unsuccessfully at least three times). A second change removed provisions of law that had barred wild horses and burros and their remains from being sold for processing into commercial products. A third change removed criminal penalties for processing into commercial products the remains of a wild horse or burro, if it is sold under the new authority. Also, the law did not expressly prohibit the Interior Department's Bureau of Land Management (BLM) from slaughtering healthy wild horses and burros, as had annual appropriations bills apparently each year starting in FY1988.

These recent changes were supported as providing a cost-effective way of helping the agencies achieve "appropriate management levels" (AMLs), to improve the health of the animals, protect range resources, and restore a natural ecological balance on federal lands. The changes have been opposed, particularly by animal rights activists, as potentially leading to the slaughter of large numbers of healthy animals. About 8,400 wild horses and burros are affected by this law, according to BLM. There are about 7,000 animals available for sale currently, with 1,445 having been sold and delivered as of September 20, 2005. About 32,000 wild horses and burros currently are on the range, with the national AML set at about 28,000, according to BLM estimates. BLM manages another 24,500 animals in holding facilities.

Representative Rahall has introduced legislation in the 109th Congress (H.R. 297) to overturn the changes to wild horse and burro management enacted during the 108th Congress. Specifically, the bill would repeal provisions of law that allow the sale of certain excess animals or their remains and that remove related criminal penalties for processing into commercial products the remains of such animals. The measure also would bar the sale of wild horses and burros or their remains for processing into commercial products. Senator Byrd has introduced a related measure (S. 576).³

Selected Issues

Most U.S. and Canadian consumers have never embraced horsemeat as food, instead preferring the horse as a performance and companion animal. Horse protection and animal welfare groups contend that Americans overwhelmingly favor an end to horse slaughter for human food, a practice such groups have called cruel and unnecessary. According to these groups, horses are 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. At the slaughterhouse, "the suffering and abuse continue unabated.... Death is not swift for these terrified and noble animals."⁴

However, a veterinary journal article counters: "Market demand for horsemeat for human consumption is almost certain to continue and may grow in the foreseeable future. It is therefore proper and necessary that we continue to work with national and

³ For updates on wild horses and burros, see CRS Issue Brief IB10076, *Bureau of Land Management (BLM) Lands and National Forests*, by Ross W. Gorte and Carol Hardy Vincent (coordinators), from which this section is adapted.

⁴ Animal Welfare Institute, *Horse Slaughter*, at [<http://www.awionline.org>]. As noted, the Humane Slaughter Act was passed to prevent suffering at the plants, and the 1996 farm bill directed USDA to adopt guidelines for humane shipment. AWI calls these guidelines "substandard."

international groups to provide humane care for horses intended for slaughter and maintain as much consensus and practicality on these issues as possible.”⁵

One concern expressed by the earlier bills’ opponents is that “rescued” horses are more likely to become neglected and abused by owners who lack the knowledge, financial resources, and/or interest to care for them. At the same time, the existing U.S. horse infrastructure cannot absorb the large numbers of animals that would be confiscated or otherwise diverted from slaughter as a result of a slaughter prohibition, opponents of such a ban believe. The American Horse Protection Association (AHPA) is opposed to the slaughter of horses for food but did not endorse the slaughter ban bills in the 108th Congress. AHPA, which maintains a list of U.S. and foreign horse sanctuaries, had observed that not all sanctuaries may have the means or business skills to take in large numbers of horses, and that no nationwide standard-setting or oversight system exists for them.⁶ A Texas rescue group stated: “Some equine rescues are large organizations with a system of checks that keep everyone honest. Others may be small one or two person operations. There are no national oversight organizations that can verify the honesty of a nonprofit equine rescue.”⁷

The American Association of Equine Practitioners (AAEP) estimated that the cost of a horse’s basic care approximates \$1,825 annually, exclusive of veterinary and farrier care. Other care estimates (from a brief Internet search of horse adoption, USDA Extension Service, and horse care sites) range from \$1,200 to \$5,500 per year. Horses can live many years after they are retired from service, according to experts.

The National Horse Protection Coalition (NHPC), whose goal was passage of H.R. 857, asserted that sanctuary associations have accreditation programs and “strict guidelines” for the sanctuaries, and that state and local animal welfare laws exist to ensure humane animal care. Others countered that such guidelines, if they exist, have not been developed, endorsed, or overseen by any professionally recognized group or government authority. Also, most state and local laws are anti-cruelty measures used to react to existing cases of mistreatment; they are not proactive care standards, it has been argued.

Some experts including the Humane Society of the United States (HSUS) observed that equine shelters are less well-established than cat and dog shelters, which have been in existence for many decades and often are associated with local governments and humane societies. Citing the “extreme costs” and staff time needed to shelter horses, HSUS warned of needing to be aware of “distinctions between sheltering horses and sheltering other companion animals.”⁸

NHPC responded: “Not every horse currently going to slaughter will be rescued by one of these non-profit organizations, but many horses will be kept longer, will be sold

⁵ Reece and others, “Equine Slaughter Transport — Update on Research and Regulations,” *Journal of the American Veterinary Medical Association*, April 15, 2000.

⁶ Personal communication, May 4, 2004, AHPA.

⁷ Habitat for Horses, Inc., Hitchcock, Texas, at [<http://www.habitatforhorses.org/rescues/rescuelinks.html>].

⁸ HSUS, *Animal Sheltering*, May-June 2000 issue.

directly to a new owner ... or will be humanely euthanized by a licensed veterinarian,” among other alternatives. Euthanasia methods — primarily chemical injection and in some emergency situations, gunshots — are considered by the NHPC and others to be more humane than slaughter, which generally involves stunning with a captive bolt to make the animal unconscious before it is killed and bled. Euthanasia averages from \$50 to \$150 per horse, a “tiny fraction of the cost of keeping a horse as a companion or work animal,” NHPC has stated in response to arguments about the high expense of dealing with a horse diverted from slaughter. Also, with passage of the bill, rescue organizations could redirect resources away from advocating a slaughter ban and outbidding the dealers seeking horses for the meat market, and toward the horses’ care, NHPC had argued.⁹

Bill opponents also contend that the need to dispose of a large number of additional horses each year could create environmental problems, such as soil and groundwater contamination. Bill supporters counter that hundreds of thousands of U.S. horses die naturally or are euthanized each year, and are now safely disposed of. Many are not buried but sent to rendering plants, where their remains are used in industrial products and animal feeds. Renderers already handle millions of cattle and hogs that die before slaughter; another 65,000 horses easily could be absorbed into the existing system, they maintain.¹⁰

The debate over U.S. horse slaughter for human consumption “has brought attention to the plight of tens of thousands of unwanted horses,” the American Veterinary Medical Association (AVMA) declared recently. Many thousands of unwanted horses exist beyond those horses slaughtered for human food and the wild horses rounded up by BLM but not adopted, according to horse experts who participated in a recent panel discussion. Cutbacks in the pregnant mare urine industry last year left an estimated 20,000 mares without homes; another 100,000 or more horses die or are euthanized each year on farms, according to one equine veterinarian.¹¹

⁹ NHPC website, accessed in May 2004 at [<http://www.horse-protection.org/info.php?id=30>].

¹⁰ One expert estimated that almost 200,000 deceased horses (or 3% to 4% of the total U.S. equine population) must be disposed of annually, of which about a third are processed for human food. Source: Messer, Nat T. IV, DVM. “The Plight of the Unwanted Horse: Scope of the Problem,” at an April 19, 2005, Washington, D.C. workshop on unwanted horses. (See also CRS Report RS21771, *Animal Rendering: Economics and Policy*.)

¹¹ At the December 2004, AAEP Annual Convention in Denver; reported February 1, 2005, by AVMA in “The Unwanted Horse,” at [<http://www.avma.org/onlnews/javma/feb05/050201d.asp>].