

CRS Report for Congress

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Horse Slaughter Prevention Bills and Issues

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Summary

More than 90,000 U.S. horses were slaughtered for human food in 2005, mainly for European and Asian consumers. Congress voted to limit the use of FY2006 appropriated funds for such slaughter, but the practice continues, funded by industry user fees. Debate continues on the acceptability of horse slaughter, and how to care for and/or humanely dispose of horses if they no longer went for human food. Pending bills to ban horse slaughter include S. 1915 and H.R. 503, which the House Agriculture Committee reported unfavorably in July 2006. This report will be updated.

Overview

More than 90,000 U.S. horses were slaughtered in 2005 for human consumption, virtually all for export, according to the U.S. Department of Agriculture (USDA). The largest markets were France, Belgium, Switzerland, Italy, Japan, and Mexico. The United States exported about 18,000 metric tons of horse meat valued at \$61 million in 2005. Most of these horses are raised for other purposes — the majority for riding — but no longer wanted by owners; they are collected by dealers who supply the foreign-owned plants from auctions, boarding facilities, and elsewhere. Two Texas plants and a third plant in Illinois slaughter them. Although U.S. horse slaughter has been rising since 2002, it remains below levels of the 1980s, when more than 300,000 were processed annually in at least 16 federally inspected plants.

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 2005; a small portion of these were shipped from the United States. (According to USDA, the United States in 2005 exported more than 21,000 live horses to Canada and more than 11,000 to Mexico. Many are believed to have been destined for slaughter for food.)

Legal Authorities

Federal laws neither ban the use of equines for food nor set on-farm 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. However, 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 requires USDA to inspect all cattle, sheep, swine, goats, and equines slaughtered and processed into products for human food. This act, administered by USDA's Food Safety and Inspection Service (FSIS), aims to ensure that meat and meat products from these animals are safe, wholesome, and properly labeled.

FSIS safety inspection is mandatory, and most costs must be covered by appropriated funds, except for overtime and holiday periods. 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.

Plants also can request that USDA's Agricultural Marketing Service (AMS) graders be placed in their plants to assign official grades to their products based on quality traits and yield. Plants pay user fees for this inspection service, which is voluntary and conducted under authority of the Agricultural Marketing Act (AMA) of 1946 as amended (7 U.S.C. §§1621 *et seq.*). The 1946 AMA is also the authority FSIS uses to provide voluntary food safety inspections of animals and products not specifically covered by either the Federal Meat Inspection Act or the Poultry Products Inspection Act.

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 (APHIS) developed the guidelines with the cooperation of horse groups, and they became effective February 5, 2002.¹

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 ante-mortem inspection of horses under the meat inspection act. On September 20, 2005, the Senate adopted an identical floor amendment by Senator Ensign, by a 69 to 28 vote. The final conference report (H.Rept. 109-255), signed as P.L. 109-97 on November 10, 2005, retained this amendment, but delayed the effective date for 120 days.

Because the FMIA has long required FSIS inspection of equines (like other designated livestock species) before the meat may enter commerce, the amendment's supporters presumed that these three plants could no longer process them for human food. However, 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."

¹ Other federal laws protect horses used in research, and ban "soring" for shows. See CRS Report 94-731 A, *Brief Summaries of Federal Animal Protection Statutes*, by Henry Cohen.

Subsequently, the three plants, on November 23, 2005, petitioned USDA for voluntary ante-mortem inspection under the 1946 AMA, with the ante-mortem portion funded by user fees. The plants and other horse slaughter supporters noted that the relatively narrow wording of the Sweeney-Ensign language only prohibits use of funds for ante-mortem horse inspection under the FMIA, not for other, post-slaughter inspection activities. They also cited the conference report language, which states that USDA still is obliged to conduct inspections.

On February 8, 2006, USDA-FSIS cited the AMA authority to publish such an interim rule. FSIS amended existing regulations that apply to “exotic species” (bison, deer, etc.), adding a new subpart that applies to horses starting March 10, 2006. Under the new rule, USDA uses many of the same FMIA guidelines for ante-mortem horse inspection. Also, post-mortem horse inspection continues under the FMIA, using appropriated funds.²

Congressional supporters of the original Sweeney and Ensign amendments objected to the rule, declaring that it circumvents their clear intent to halt horse slaughter. A pending lawsuit by several animal welfare groups and individuals is challenging the legality of the interim rule.³

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 original bills, as introduced, differ 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 would 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.

On July 27, 2006, the House Agriculture Committee significantly altered the Sweeney bill and then voted to report it unfavorably. Approved by the committee were amendments to permit the three current plants to continue operating; to make the bill a pilot program for Kentucky and New York, where none of the three operate; to require USDA to compensate any horse owner for economic losses incurred due to a ban, and to assume responsibility for all unwanted horses; to require USDA to reimburse state and

² USDA’s rule estimates that the new fees will amount to between \$68,000 to \$102,000 during FY2006. Total salary costs for the six federal inspectors who staff the three horse processing plants are about \$400,000 per year; this excludes some expenses such as lab fees and the costs of relief inspectors. Source: May 16, 2006 telephone communication with FSIS budget official.

³ *Humane Society v. Johanns*, No. 1:06CV00265 (D.D.C. Feb. 14, 2006). For a February 17, 2006 general distribution memorandum that discusses possible legal arguments for and against the rule, contact Stephen R. Vina at 7-8079 or Geoffrey S. Becker at 7-7287.

local governments for their costs in dealing with unwanted horses; and to exempt the slaughter of horses for food for charitable and humanitarian purposes.

The committee's markup immediately followed a hearing where all of the witnesses testified against H.R. 503. A hearing two days earlier before the House Energy and Commerce Committee received testimony from proponents as well as opponents of the bill. (The Energy and Commerce Committee did not take action on it, essentially ceding responsibility to the Agriculture Committee.)

The intent of the original Sweeney and Ensign bills is similar to that of legislation (H.R. 857 and S. 2352) they offered in the 108th Congress. However, H.R. 503 and S. 1915 as introduced differ in detail. For example, the earlier Sweeney/Ensign measures did not amend the Horse Protection Act. Their 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. 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 FY1988.⁴

These changes were supported as a cost-effective way to help 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. Pending bills (H.R. 297; S. 576) propose to overturn the changes to wild horse/burro management enacted during the 108th Congress, i.e., those 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.

⁴ 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.

Selected Arguments

Most U.S. and Canadian consumers view horses as performance and companion animals rather than food. 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.”⁵

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 international groups to provide humane care for horses intended for slaughter and maintain as much consensus and practicality on these issues as possible.”⁶

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.⁷ 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.”⁸

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.

⁵ 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.”

⁶ Reece and others, “Equine Slaughter Transport — Update on Research and Regulations,” *Journal of the American Veterinary Medical Association*, April 15, 2000.

⁷ Personal communication, May 4, 2004, AHPA.

⁸ Habitat for Horses, Inc., Texas, at [<http://www.habitatforhorses.org/rescues/rescuelinks.html>].

Some, including the Humane Society of the United States (HSUS), observe that equine shelters are less well-established than cat and dog shelters, which 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.”⁹ 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. A more recent study estimates the annual cost of caring for an unwanted horse at \$2,340.¹⁰

NHPC has argued: “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 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.¹¹

Bill opponents also contend that the need to dispose of many 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 90,000 horses easily could be absorbed into the existing system, they maintain.¹²

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.¹³

⁹ HSUS, *Animal Sheltering*, May-June 2000 issue.

¹⁰ “The Unintended Consequences of a Ban on the Humane Slaughter (Processing) of Horses in the United States,” for the Animal Welfare Council, May 15, 2006. The study sets the total U.S. horse population at 9.2 million. [<http://www.animalwelfarecouncil.org>].

¹¹ NHPC website, accessed in May 2004 at [<http://www.horse-protection.org/info.php?id=30>].

¹² One expert estimated that almost 200,000 deceased horses 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.

¹³ AVMA, “The Unwanted Horse,” at [<http://www.avma.org/onlnews/javma/feb05/050201d.asp>].