

Equine Slaughter Debate Continues

By Chris E. Wittstruck, Esq.



*Chris E. Wittstruck,
Esq.*

Though the practice of horse slaughter for the purpose of human consumption of the resultant meat ended in America almost three years ago, the debate over the practice is far from over. Opinions concerning slaughter remain quite divergent, and these conflicting views are nowhere better reflected than in recent political and governmental doings regarding the issue.

Last month, Illinois State representative Jim Sacia withdrew his bill to restore legalization of horse slaughter from the agenda for the 2010 legislative session. The Land of Lincoln was the last jurisdiction in the nation to have a processing plant for such purpose. When Cavel International closed its Illinois plant in 2007 after a federal appeals court refused to enjoin the enforcement of a new state ban on horse slaughter, it effectively ended the practice in this country. While Sacia's bill passed in the House Committee on Agriculture and Conservation on March 2, Illinois Governor Pat Quinn vowed a veto if the legislation made it to his desk. With the withdrawal, processing of horses won't happen again in Illinois, at least for now.

In Florida, where the lucrative "black market" for horse meat continues, there has been a recent rash of horse thefts in the Miami-Dade area. On March 1, Miami Representative Luis Garcia and Tampa Senator Victor Crist introduced identical legislation in their respective houses. In addition to making horse cruelty a felony, the introductions call for a ban on the, "sale of horse meat for human consumption unless the horse meat is clearly stamped, marked, and described as horse meat for human consumption." Inasmuch as federal law suspended funding for USDA inspectors at horse slaughter plants even before the last few plants were shuttered, all horse meat sales in Florida would be illegal if the bills were enacted into law.

In Missouri, state Rep. Jim Viebrock has introduced a bill that would permit the establishment of horse slaughter processing facilities in that state. Reportedly, the practice hasn't occurred in the state for decades. While slaughter advocates point to a steep rise in the number of unwanted horses in the state, it's hard to fathom how they will be able to export the meat given the inability to secure USDA inspectors. The same problems face Montana State Legislature Representative Ed Butcher. His 2009 bill seeks to build a horse slaughter facility in that state.

On the federal level, legislation banning horse slaughter for human consumption nationwide and the live export of American horses across U.S. borders for the same purpose is pending before Congress. The companion bills (H.R. 503 and S. 727), titled the Prevention of Equine Cruelty Act of 2009, seek to amend the federal criminal code by imposing a fine and/or prison sentence for possessing, shipping, transporting, purchasing, selling, delivering, or receiving any horse, horse flesh, or carcass with the intent that it be used for human consumption. Though heavily debated in public forums, there has been

no major action on the bills since they were committed to committees in House and Senate over a year ago.

The United States Government Accountability Office (GAO) has been studying the impact of the closure of American equine slaughterhouses, specifically examining how horse welfare, horse rescue organizations, farm industry income, and overall horse sales, imports and exports have been affected by the closures. A report detailing the results of the study is expected to be issued shortly.

Despite the wide range of domestic policy laws and initiatives regarding the practice, possibly the most significant edicts that will affect the slaughter of American horses into the foreseeable future emanate from the very places where the horses are processed and consumed.

Previously, the European Union (E.U.) required all horses born or imported to be issued a single identification document, or passport, linked to a radio frequency identification (RFID) device, or “microchip.” The regulation provides for a standardized format to exclude an equine animal from the food chain if a certain medicinal treatment was applied or to suspend its slaughter for human consumption for 6 months if treatment was carried out with a particular set of listed medications. Starting this month, the European Union will begin enforcing a directive for the 6-month pre-slaughter quarantine of all North American horses destined for human consumption.

Since 2007, there has been a dramatic increase in the export of horses for processing to Mexico and Canada, with over 100,000 horses per year ending up in slaughter plants in those countries. Rather than follow the strict quarantine guidelines of the E.U., the Canadian Food Inspection Agency (CFIA) will require that starting on July 31, plants slaughtering horses for human consumption have complete records for all equines (domestic and imported) presented for slaughter, as well as a record of illness and medical treatments administered to the animal for the six-month period prior to slaughter. While the task of compiling such records would appear daunting, there is a more significant aspect to the Canadian regulations, especially when racehorses are involved.

The rules distinguish between two classes of treatment medications. One class is not permitted in the horse within six months of slaughter. The other list, compiled as late as January of this year, is a list of veterinary drugs that are not permitted for use in equine slaughter for food at any time. On the total ban list are none other than Phenylbutazone (Bute) and Clenbuterol (Ventipulmin® syrup). Bute is a commonly used non-steroidal anti-inflammatory drug (NSAID) or “horse aspirin.” Clenbuterol is a bronchodilator. Both are dangerous in horses if administered on a long-term basis. In humans, both drugs can and have caused toxic reactions. Bute has been determined to be carcinogen by the National Toxicology Program, and has long been banned in domestically raised food animals. Clenbuterol is often abused by human athletes due to its muscle building properties.

Click on the following link to read the new regulations issued by the Canadian Food Inspection Agency:

<http://www.inspection.gc.ca/english/fssa/meavia/man/ch17/annexee.shtml>

Both Bute and Clenbuterol are widely used in the treatment of racehorses. Even backyard ponies are treated with Bute. Thus, between the need for recordkeeping, the lifetime ban on use of these drugs and the probability that a non-compliant horse will be quarantined for up to half a year, it is hard to imagine that Standardbreds and their Thoroughbred cousins can be profitably exported to Canada for processing. Still, as with all regulations, the efficacy of the rule will depend upon the vigilance with which it is enforced; something that only time will tell. Moreover, there is no clear statement regarding how the government of Mexico, the other destination for American horses sent to slaughter, will satiate the concerns of the end user countries in Europe, if at all.

Whether you believe equine slaughter is a problem or a solution, this brief update makes it clear that the issues involving slaughter are as varied as the opinions about the subject.

Chris E. Wittstruck, an attorney and Standardbred owner, is the founder and coordinator of the Racehorse Ownership Institute at Hofstra University, New York and a charter member of the Albany Law School Racing and Gaming Law Network.