

**Testimony of  
Congressman Charles W. Stenholm**

**to the**

**House Committee on the Judiciary  
Subcommittee on Crime, Terrorism, and  
Homeland Security**

**July 31, 2008**

## **Congressman Charles W. Stenholm Ericksdahl, Texas**

Chairman Scott, Ranking Member Gohmert, and Members of the Committee, I appreciate the opportunity to testify here today on behalf of all animal agriculture. I want to start by stressing one thing: we can *all* agree that all animals should be treated humanely from birth to death, but we can agree to disagree on the definition of humane treatment.

We have all been told a time or two to be careful what you wish for, because you might just get it. That is no less true now than it has ever been. The livestock industry, horse owners, and professional experts continuously warned Congress of the unintended consequences that would arise from a ban on processing unwanted horses; but Congress chose to act anyway. In fact, the larger part of this Subcommittee has, in the past, repeatedly voted for measures to further restrict the processing and consumption of horses. While I respect the views of everyone, even those activist groups who choose to exploit and distort the issues based on emotion rather than fact, I believe everyone is entitled to their own opinion—but not to their own facts.

Activist groups and Congress got what they wished for. The problem is they got a whole lot more. Since the banning of horse processing in the United States, the abuse and abandonment of animals has increased, honest and legal businesses have suffered, and American exports of horses and imports of horse meat have dramatically increased. I hope this hearing allows the opportunity to shine a light on the negative consequences from this ban that are being experienced around the country today.

The legislation we are discussing, H.R. 6598, the Prevention of Equine Cruelty Act of 2008, would criminalize the domestic or international sale, delivery, or receipt of a horse for processing for human consumption. Passage of H.R. 6598 would further complicate an already dire situation and increase the negative impact on horses and the industry.

### **Industry Warning Becomes Reality**

Policy makers needed a more comprehensive plan to deal with unwanted horses after they banned horse processing. They did not have one, so we have seen the unwanted horse situation manifest into the problem it is today. Some might claim the “problems” are not as bad as they seem, but this is simply not the case.

According to the Illinois Department of Agriculture, the number of horse welfare complaints increased from 210 in 1995 (17 percent of all dockets) to 618 in 2007 (38 percent of all dockets) when the Cavel processing plant was permanently closed. A recent report entitled, “Colorado Unwanted Horse Environmental Assessment, Executive Summary, A report of the Colorado Unwanted Horse Alliance,” includes Colorado Bureau of Animal Protection data stating that Colorado equine cruelty investigations increased from 1,067 cases in fiscal year 2006 to 1,498 cases in fiscal year 2007. And

these are just two states. Many livestock markets around the country no longer accept foals for sale because neither processing nor other buyers want them. These animals become the most at risk for inhumane treatment and abandonment in a decreased market, where there is no cost-effective humane disposal available to their owners.

According to U.S. Department of Agriculture (USDA) statistics, U.S. horse trade has seen a significant shift since the closure of our domestic horse processing facilities. USDA estimates that U.S. exports of horses for processing to Mexico increased from 10,783 head in 2006 to 44,475 in 2007, a 312 percent increase, and exports to Canada rose from 24,866 head in 2006 to 35,000 head in 2007, a 41 percent increase. With this dramatic increase in exports, it is important to note the significant differences between humane processing regulations in the United States and those in Mexico. The United States currently has a system for the humane processing of horses, but Congress chose to remove the funding for this system.

U.S. imports of horse meat have also increased from 30,864.4 pounds (worth \$17,000) in 2006 to 708,778.9 pounds (worth \$502,000) in 2007, when in years 2004-2005 imports were zero. A contributing factor to the steep increase in horse meat imports is that zoos rely heavily on horse meat for numerous breeds of animals, and with the closure of U.S. horse processing facilities, they must rely on imported horse meat. The meat zoos purchase is labeled "for human consumption" and comes from facilities that meet USDA-equivalent animal welfare and food safety standards. Therefore, domestic industries are losing out on a one-half million dollar market that is safe and humane because of restrictions our own government imposed.

Market operators have indicated that if their processing buyers disappear because horses can no longer be transported across our borders to Mexico or Canada, they will be forced to close their horse sales altogether, removing an important outlet for the sale and transfer of horses for all manner of purposes. One particular market in the United States, with a large monthly horse sale, has indicated that about half of the 700-800 horses typically being sold through his market are purchased for processing. If those buyers are no longer on the seats, he has indicated that he is likely to discontinue his monthly horse sale as it would no longer be an economically viable business. Once you remove these horse sales from the rural areas of our country, you will have removed another important aspect of the economic engine that helps keep the rural areas of this country viable.

### **Impact of H.R. 6598**

As you can see, the current regulations that are in place have created numerous unintended consequences, and the bill we are here to discuss today will only make the situation worse. Besides stripping horse owners of their private property rights, the legislation will create enforcement difficulties, cause negative economic impacts, and further decrease the welfare of unwanted horses.

This bill requires the government to ensure the "humane placement" of horses that would otherwise be processed. The placement of these animals requires additional resources,

both physically and financially. Increasing concerns for some rescue facilities include their capability to care for incoming horses, increases in neglect and abuse, and limited euthanasia options.

Currently, there are sanctuaries for unwanted horses in the United States, but realistically these facilities are too few in number and do not have the capacity to adequately protect unwanted horses from abuse and abandonment. There is also a lack of government animal welfare standards that cover these facilities. A comprehensive set of standards would need to be established by the government, in consultation with veterinarian and professional experts, to ensure humane treatment is adequately available in retirement facilities. It has also been reported that with the increased number of unwanted horses, the Bureau of Land Management's National Wild Horse and Burro Program—the largest manager of wild horses at around 40,000—is experiencing budget problems.

This bill will also have a negative economic impact on horse owners, sale companies, and transportation companies. With increasing difficulty in finding buyers, livestock markets are sometimes forced to refuse to accept horses from the owner, or they are left with abandoned horses and must handle the euthanasia process themselves. This situation creates additional costs for the horse owner, the market, and the transport company.

The Livestock Marketing Association routinely receives reports of the abandonment of three to four horses at every sale from auction markets with horse sales at their yards. Horses that go unsold on sale day are routinely left at the market for the market operator to figure out how to dispose of them. Since most of these horse sales occur only once or twice a month, the market owner usually has to have them euthanized and disposed of at his expense, which is on average \$300 per animal. Repeated efforts to get the horse owner to pick up their horse or pay the cost of euthanizing and having the horse rendered are routinely ignored. If this bill were to pass, an already troubling problem becomes even more critical for livestock markets. Market operators fully expect hundreds of horse owners to take the path of abandoning their horses at their facilities, hoping the market operator will know what to do with them. If not abandoning them at the markets, they will certainly find other places to let their horses loose to fend for themselves.

The negative impacts of this legislation reach beyond the industry to taxpayers and consumers. With the government tasked with enforcement, additional costs will also be passed on to the taxpayer. It has been estimated that the cost of caring for one unwanted horse in retirement is around \$2,000 per year. With approximately 150,000 unwanted horses in the United States, this is a pretty hefty price tag to pass along.

An overwhelming majority of states, counties, and local communities are experiencing difficulties due to the current restrictions on horse processing. The National Association of Counties (NACO), the National Association of State Departments of Agriculture (NASDA), and the National Congress of American Indians (NCAI) all continue to express concerns with these ill-fated policies. Passage of H.R. 6598 would be a prime example of federal government regulations that create unintended, negative consequences—an unfunded mandate in the truest sense.



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**CHARLES W. STENHOLM**

Congressman Charles W. Stenholm is currently serving as a Senior Policy Advisor at Olsson Frank Weeda Terman Bode Matz PC. Born in Stamford, Texas, Charlie went on to serve the 32-county 17<sup>th</sup> District of Texas in the United States House of Representatives for 26 years. Charlie was elected to Congress in 1978, serving all 26 years as a Member of the House Committee on Agriculture. He was the Committee's ranking Democrat for his last eight years in office.

Charlie also served on the Budget, Small Business, Veterans, and Armed Services Committees, earning a reputation for building bipartisan alliances in areas as diverse as agriculture, resource conservation, food safety, Social Security, energy, health care, and budget. He was a founder and co-chair of the Blue Dog Coalition, and a co-chair of the Public Pension Reform Caucus and the U.S.-Mexico Business Caucus.

Prior to Congress, Charlie graduated from Tarleton State Junior College in 1959 and Texas Tech University in 1962 with a Master of Science in Agriculture Education. He later became executive vice president of the Rolling Plains Cotton Growers and then general manager of Stamford Electric Cooperative.

Charlie also serves on the Board of the Concord Coalition, the Committee for a Responsible Federal Budget, Centrists.org, the American Council for Capital Formation, and America's Heartland. Charlie holds Honorary Doctor of Law Degrees from Abilene Christian University, Hardin Simmons University, and McMurry University.

United States House of Representatives  
Committee on the Judiciary  
John Conyers, Jr., Chairman

"Truth in Testimony" Disclosure Form

Clause 2(g)(4) of Rule XI of the Rules of the House of Representatives require the disclosure of the following information by witnesses appearing in a nongovernmental capacity.

Hearing: <u>Subcommittee on Crime, Terrorism, and Homeland Security</u> <u>hearing on HR 6598 and HR 4597</u>
Date: <u>Thursday, July 31, 2008</u>

1. Name: <u>Charles W. Stenholm</u>	2. Entity(ies) you are representing: <u>LIVESTOCK MARKETING ASSOCIATION</u> <u>HORSES</u>
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3. Business Address and Telephone Number: <u>(202) 789-1212</u> <u>1400 16th St NW, Ste 400, Washington DC 20036</u>
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4. Have <u>you</u> received any Federal grants or contracts (including any subgrants and subcontracts) during the current fiscal year or either of the two preceding fiscal years that are relevant to the subject matter on which you have been invited to testify?  <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	5. Have any of the <u>entities that you are representing</u> received any Federal grants or contracts (including any subgrants or subcontracts) during the current fiscal year or either of the two preceding fiscal years that are relevant to the subject matter on which you have been invited to testify?  <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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6. If you answered "yes" to either item 4 or 5, please list the source (by agency and program) and amount of each grant, subgrant, contract, or subcontract, and indicate whether the recipient of such grant was you or the entity(ies) you are representing. (Please use additional sheets if necessary.)
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7. Signature: <u>Charles W. Stenholm</u>	Date: <u>7-30-08</u>
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