



United States
Department of
Agriculture

JUL 16 2012

Animal and
Plant Health
Inspection
Service

1400 Independence
Avenue, SW

Washington, DC
20250

Ms. Lisa Griffith
[REDACTED]

Dear Ms. Griffith:

This is in response to your letter of April 29, 2012, to Under Secretary Hagen regarding the treatment of horses intended for slaughter for human consumption. Because our Agency of the Department of Agriculture (USDA)—the Animal and Plant Health Inspection Service (APHIS)—is charged with enforcing the Commercial Transportation of Equines for Slaughter Act (CTESA), your letter was referred to us for a response.

We appreciate your concern for the welfare of transported horses and are pleased to respond. CTESA requires shippers to ensure that equines are fit to travel and are provided with food, water, and rest while in transport. In general, equines are considered fit for travel if: 1) they are not blind in both eyes; 2) when pregnant, they are not likely to foal during transport; 3) they are able to bear weight on all four limbs; 4) they are able to walk unassisted; and 5) they are over 6 months of age. As the information you enclosed indicates, on September 7, 2011, USDA published a rule that extends protection to horses delivered to collection points en route to slaughter, such as the privately owned pens in Presidio, Texas, and Chavez, New Mexico. Our Agency has several ongoing investigations related to the issues of concern to you at the pens in Presidio. Accordingly, it would be inappropriate for us to comment further about that matter at this time. However, we assure you that we will take enforcement action as warranted by the evidence.

It is important to note that once a horse being exported to Mexico for slaughter has been rejected for entry into that country and is not being transported for slaughter, the animal is no longer covered under CTESA. At that time, the person bearing responsibility for the well-being of the animal is defined by State and local laws and that person must meet the applicable regulatory requirements enforced by the State in which the animal is located. However, because the animal was intended for export, it likely does not have the necessary health documentation or tests to be released from the pens. Our Agency has discussed this issue with officials in Texas and New Mexico, and we are working with our counterparts to ensure that those involved are aware of their responsibilities. We will continue to engage with our State partners to ensure that horses rejected for entry into Mexico and that fall outside of our Agency's regulatory authority are not abandoned and are cared for in a humane manner.



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Ms. Lisa Griffith

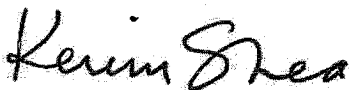
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With regard to the January 28, 2012, article you enclosed, we apologize for the regrettable comments made by Dr. William Brown, an Agency veterinarian, and we appreciate the opportunity to provide clarification of the situation. Dr. Brown is assigned full time to the port in Mexico and he is responsible for ensuring that animals being imported into the United States are accompanied by the necessary health certificates and other required documentation. While Dr. Brown's duties do not include reviewing Coggins certificates accompanying animals for export, we assure you that our Agency does employ an animal health technician to visit the pens in Presidio regularly to review the required paperwork and conditions of the animals at the pens. If we note noncompliances with our regulatory requirements, we take appropriate action. Again, we currently have open investigations related to several pens in Presidio and cannot comment further at this time.

While there are currently no facilities approved for horse slaughter in the United States, in November 2011, Congress lifted the ban on pre-slaughter inspection of horses, referred to as antemortem inspections. Since then, two facilities, one in New Mexico and one in Missouri, have applied for a grant of inspection for equines. USDA's Food Safety and Inspection Service (FSIS)—the Agency charged with conducting antemortem inspections at federally-approved establishments—is currently reviewing those applications. Should either of those facilities be approved for horse slaughter, FSIS would screen horses for drug residues not suitable for human consumption and would ensure compliance with the requirements of the importing country.

We hope this information is helpful and assure you that we will thoroughly review all evidence as we proceed with our investigations of the pens in Presidio. For more information about our Slaughter Horse Transport Program, you may visit www.aphis.usda.gov/animal_health/animal_dis_spec/horses/horse_transport.shtml.

Sincerely,



Kevin Shea
Acting Administrator

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