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Via Electronic Mail

March 9, 2006

Docket Clerk
U. S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, S. W.
Room 102 Cotton Annex
Washington, D.C. 20250

Re: Food Safety and Inspection Service Docket No. 05-0361F

To Whom It May Concern:

These comments are submitted on behalf of the American Horse Defense Fund (AHDF) and its members.

Interest of AHDF

AHDF is a non-profit, membership organization whose mission is to facilitate the protection, conservation, and humane treatment of members of all Equid species. AHDF works to address inhumane treatment of horses, ponies, donkeys, mules and burros, both wild and domestic through education, advocacy and litigation when necessary in the state, federal and international arena. AHDF is composed of members throughout the United States who rely on AHDF to voice their concerns about the inhumane treatment afforded domestic and wild horses to Congress, the United States Department of Agriculture (USDA) and the Bureau of Land Management (BLM), the two primary federal agencies responsible for the care of domestic and wild horses, respectively. Since 2000, AHDF has worked to end the slaughter of America's domestic and wild horses for shipment to and consumption abroad.

Since 1980, over 3,850,690 horses and ponies have been slaughtered in the United States, by foreign-owned plants that purchase and slaughter equids to satisfy a taste for an item considered a delicacy overseas. Thus, to this end, roughly 440 horses have been slaughtered in this country every day for the last 24 years.

AHDF is the only organization which has directed its efforts to educate the public of the many alternatives to slaughter that are available to persons and organizations who are no longer able to care for their horses. In 2004, AHDF published a 300 plus page book entitled, "Alternatives to Auction and Slaughter: A Guide for Equine Owners (A Better Way)." This book was intended to serve as a practical resource for horse owners so they may plan for and find safe, humane alternatives to selling any horse through a livestock auction or horse sale, because these options often result in the eventual slaughter of the horse at one of America's three foreign-owned horse slaughterhouses. The book was also intended to assist in setting up a new infrastructure to support the humane treatment and kinder fate for this nation's horses, ponies and burros.

AHDF has also worked for passage of national legislation that would prevent horses from being slaughtered in the United States. AHDF's efforts on this subject, as well as those of other humane organizations, in addition to a broad-based coalition of horse-breeding, showing and racing organizations, resulted in Congress' passage of an Amendment to the FY2006 Agriculture Appropriations Act.

The Amendment to the FY 2006 Agriculture Appropriations Act

The amendment to the FY 2006 Agriculture Appropriations Act, which addresses inspection of horses before slaughter (hereinafter "amendment"), provides:

Effective 120 days after the date of enactment of this Act, none of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. § 603) or under the guidelines issued under section 903 of the Federal Agricultural Improvement and Reform Act of 1996.

This amendment is to be effective tomorrow, March 10, 2006.

Both of the provisions referred to in the Amendment address inspection of horses *before slaughter*. Regulations implementing the Federal Meat Inspection Act (FMIA) (21 U.S.C. § 603) and governing inspection of horses, and other livestock, before slaughter, are referred to as *ante-mortem inspection*. See 9 C.F.R. § 309 et seq. Section 903 of the Federal Agricultural Improvement and Reform Act of 1996 (FAIR) requires USDA inspectors to inspect horses during their transportation to slaughter, i.e. before slaughter. In conclusion, both of the provisions in the Amendment address inspection of horses while they are still alive. And Congress provided that none of funds appropriated for inspection of horses under the FMIA or the FAIR are to be expended after March 9, 2006.

In contrast with these provisions which govern inspection of equids while alive, i.e., before slaughter, USDA has implemented post-mortem inspection regulations. See 9 C.F.R. § 310 et seq. While both ante-mortem and post-mortem inspection is authorized under the FMIA, Congress' reference in the Appropriations amendment to the FMIA,