

## California and the “Unwanted” Horse

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More than one million horses reside in California, which is approximately 15 to 20% of the nation’s horses. A grass-roots organization, “Save the Horses,” developed Proposition 6 for the November 1998 California ballot. Proposition 6 was entitled “Prohibition of Horse Slaughter and Sale of Horsemeat for Human Consumption Act of 1998,” and made it a felony to possess, transfer, receive or hold any horse, pony, burro or mule with intent to having it killed for human consumption. Sale of horse meat is also prohibited as a misdemeanor offense, with subsequent violations punishable as felonies. More than 3,000 horses were shipped out-of-the state in 1997 for slaughter and marketing as meat for human consumption. Arguments for supporting Proposition 6 contend that historically humans and horses have enjoyed a special relationship. Supporters believed that Californians wanted to protect their companion and recreational animals from slaughter for human consumption, as previously prohibited legally in the state for dogs and cats. Opponents of the Proposition suggested this violated free market principles and the commerce clause of the US Constitution. Other arguments in opposition included the abandonment of unwanted horses, which may spread disease or contaminate ground water. Proposition 6 was successfully passed by 60% of the voters in November 1998.

The direct impact of Proposition 6 has not been extensively analyzed. No violations have been recorded or violators prosecuted. Since 1991, The California Department of Food and Agriculture had the authority to enforce the California Equine Protection Act which included mandatory inspection of all horses leaving the state for slaughter. This program was designed to assist in detecting and recovering stolen horses. But the program has been dissolved since the passage of Proposition 6, thus modifying the mechanism to recover stolen or missing horses. In the years of 1994 through 1998 prior to Proposition 6, 199 horses were reported missing or stolen and 90 of these horses (45%) were recovered. This compares to years of 1999 through 2004 following the

passage of Proposition 6, when only 138 horses were reported stolen and 36 horses (26%) were recovered.

Other impacts of Proposition 6 are less easily evaluated, such as the shipment of horses through diverted marketing channels in neighboring states, an increase in the number of abandoned or neglected horses, and the lower residual value of unwanted or unusable horses in California. Certainly the success of Proposition 6 in California acted as a “springboard” for the development and support of the proposed federal legislation in 2003, currently in 2005 denoted as H.R. 503. This proposed legislation, if passed, would prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines for slaughter for human consumption.

One area of public concern is the transportation conditions of horses to slaughter facilities, especially during long distances that may cross several states. Since the passing of Proposition 6, the Animal Plant and Health Inspection Service established (December, 2001) specific regulations on commercial transportation of equines to slaughter (9 CFR Parts 70 and 88). The regulations cover maximum transit times, fitness of the horse for travel, and two or more stacked levels (“pot-belly” trailers) are prohibited from transporting equines 5 years from the date of publication of the final rule (e.g., 2006).

One proposed impact of Proposition 6 is the decrease in the number of horses presented at local auctions and the loss in their residual value (meat market value) in California. Personal communication with the owner of an established central valley livestock market (J. Warren, Livestock 101, Aromas, CA) has observed other interesting trends in selling horses at auction. Prior to Proposition 6, approximately 300 horses per year were sold with more than 90% as usable riding horses at the auction facility. Since Proposition 6, less than 30 horses per year are sold at the facility. Currently, horses appear at the auction to be much older and have experienced a loss in care and ability. This may be due to owners losing interest in horse activities, but still considering the horse a companion animal within the family. Then as time marches on, this relationship weakens, often with horses placed in pastures or other facilities with less care and

training. Subsequently, a decision is made to sell the horse through the auction. Since the horse is now older and less fit with a guarded potential physical activity level, its market value and the number of new prospective owners are also compromised. Thus, the value of equine candidates at auction is depressed due to the older age, and loss of fitness with extended length of ownership prior to making the decision to market the horse.

California Equine Retirement Foundation (CERF) was founded in 1986, and in the past 19 years has evaluated more than 400 Thoroughbreds for transitioning from racing careers to new performance careers. Their \$350,000 annual budget supports the Foundation's activities with the majority of the budget providing salaries for five caretakers/trainers and a secretary. Under the guidance of Director Grace Belcuore, racing Thoroughbreds are brought to the facility by their racing owners. Typically an adoptable horse stays between 1 month and a year while undergoing a rehabilitation program depending on their individual soundness and "psychological" status. Owners are charged \$275 per month board, which covers all expenses. The adopting party is screened and works with the horse at the Foundation prior to relocating the horse. Horses are not sold, but adopting parties are asked to give a donation. Some horses are permanent residents at the facility. Director Belcuore has not experienced any change in the number of horses presented to the facility following the passing of Proposition 6. She feels that Proposition 6 has extended the "agony" of the horses going to slaughter, since there is no mechanism or financial commitment for enforcement of Proposition 6's regulations. Horses in California may be collected, loaded and then shipped to an intermediate site out-of-state, and subsequently transported to slaughter facilities.

Animal control and protection service in California is a working entity consisting of both non-profit and governmental organizations. Their expertise in the care of horses and facilities for horses varies throughout the state from no expertise to extensive shelter facilities for horses. The non-profit organizations of the Humane Society and Society for the Prevention of Cruelty to Animals operate under a variety of names at the local level. These organizations provide investigative efforts, education outreach, rescue services, legislative activities, and may have both paid and/or volunteer staff. The Societies can

appoint humane officers for the enforcement of laws for the prevention of cruelty to animals. These duties may include the ability to make arrests and serve search warrants, and the officer may carry firearms after satisfactory completion of specified training.

Animal Control agencies are entities of city and county government and their Animal Control officers are granted enforcement powers for local and state laws. Animal Control programs are usually administered by the Police or Sheriff's department, Agricultural Commissioner, or Public Works/Park department. Funding is provided by taxes and other service and license fees. A Society can contract with cities or counties to provide Animal Control services.

Two major organizations, State Humane Association of California and California Animal Control Directors' Association, represent the non-profit organization and governmental agencies concerned with animal welfare, protection, and control in California. These associations provide extensive training, networking, professional standards, and legislative support for the members.

Most Societies or Animal Control agencies do not have full-time equine veterinarians on staff, but will contract with a local private practitioner depending on the need. Some veterinarians are hesitant to interact with animal protection due to a variety of factors including the lengthy time element, legal proceedings, lack of proper facilities for examining the horses, fee coverage, media attention, and lack of training in investigative or legal procedures such as record keeping and seizure proceedings. Some veterinarians are cognizant of their professional reputation in the equine community depending on details and extent of the case. Another challenge is that the veterinarian may be expected to be the "expert" in areas with little or no training such as nutritional formulations for horses. However, often the veterinarian's opinion carries maximum credibility with both the legal system and the animal protection investigators. Another difficult challenge for a veterinarian is reporting cruelty or neglect of a client owned horse. This presents an ethical dilemma between client confidentiality and the horse's welfare. Often, education of the owner by the veterinarian will remedy the situation, but

other factors such as an owner's chronic sickness or economic constraints are sometimes the basis of the compromised welfare state of the horse.

The only data that is published on the number of equine neglect and cases in California is from a mail survey collecting information from the years 1994 and 1995, prior to the passing of Proposition 6. Questionnaires were mailed to 410 Animal Control services and Societies requesting information on cases of equine malnutrition. There was a 38% response, with 45.6% of the agencies indicating they did not investigate equine cases. Of the 3,242 total investigations, 1,484 and 1,758 investigations were conducted in 1994 and 1995 respectively. There were a total of 2,177 malnutrition cases, with 321 horses impounded for periods ranging from 15 days to 7 months. The average cost for impounding was \$10.50 per day or \$225 per month. The most common reason (67% response) for equine neglect was owner ignorance, with economic hardship as the second leading cause. Approximately half of the respondents stated that there were often more than one horse per location suffering from malnutrition, and owners were frequently repeat offenders. Litigation costs averaged \$5735 per case. From recent personal communication with several directors of Societies and Animal Control services in California, there does not appear to be an increase in the number of equine neglect cases since the passing of Proposition 6. The number of requests for equine training of Animal Control or Humane officers has not noticeably increased (personal communication) over the last few years, and this may be supported by an apparent lack of growth in the number of equine investigations conducted in their jurisdiction.

One equine neglect case in California recently "tested" the capacity of the system including the community, multiple agencies, volunteers, number of adoption prospects, budgets, shelter resources, and the legal system. This case was initiated in August 2003 in Santa Barbara County with complaints from neighbors, many with extensive equine experience, that there were hundreds of weak and thin mustangs roaming the 2,000-acre ranch. Two seizures were conducted by the Santa Barbara Sheriff's Department and Animal Control Services to confiscate 167 thin and emaciated horses. Ultimately, a plea agreement (no contest) was reached (September 2004) with the owner agreeing to

relinquish the remaining 460 horses to the County to be offered for adoption. This “adoption” process immediately exceeded the capacity and budgets of non-profit sanctuaries and rescue shelters in California, such as Wildhorses in Need and Lompoc Return to Freedom Wild Horse Sanctuary. Over half the horses (220 horses) were “adopted” in six states other than California, while 48 horses are presently waiting on the ranch to be adopted. A total of 26 groups or individuals have accepted the adoptions of these horses. Thus, the potential number and capacity of facilities/individuals to adopt these “unwanted” horse is exhausted. The cost of this investigation exceeded \$500,000, and much of the assistance with the initial seizures was through volunteers in the equine community.

### **Bibliography**

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