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Docket No. APHIS-2006-0168
Regulatory Analysis and Development, PPD
APHIS, Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD 20737-1238

Re: Docket No. APHIS-2006-0168—Commercial Transportation of Equines to Slaughter

Dear Dr. Cordes:

We appreciate the opportunity to comment on Docket No. APHIS-2006-0168, in which USDA-APHIS seeks input on an amendment to the regulations for the commercial transport of equines to slaughter that would add a definition of *equine for slaughter* and make other changes extending protections afforded to equines bound for slaughter to those delivered first to an assembly point, feedlot, or stockyard. In commenting, the AVMA has reviewed the current regulations for transport of equines to slaughter as provided in 9 CFR part 88, as well as pertinent provisions of the Federal Agriculture Improvement and Reform Act of 1996 (FAIRA) in which Congress authorized the Secretary of Agriculture to issue guidelines for the regulation of the commercial transport of equines for slaughter by persons regularly engaged in that activity in the United States.

The FAIRA defines *equine for slaughter* as “any member of the equidae family being transferred to a slaughter facility, including an assembly point, feedlot, or stockyard.” The definition of *equine for slaughter* as presented in the docket and proposed for inclusion in the implementing regulations, as well as subsequent adjustments to the regulations to accommodate the new definition, seem more consistent with the intent of the Act than language in the current regulations, which limits their applicability to equines moved directly in commercial transportation to slaughtering establishments. In addition, the AVMA believes horses being transported for slaughter should be afforded protection during all segments of their journey and not simply during its final stage. Furthermore, the AVMA shares the concerns of USDA/APHIS regarding reports that some shippers may avoid compliance with existing regulations by transporting horses to intermediate assembly points and concurs that this may place these equines at greater risk for inhumane treatment and injury.

The USDA-APHIS has indicated its particular interest in comments regarding the impact of the ban on double-deck trailers for use in transporting equines for slaughter. The AVMA does not have sufficient information to comment on the related economic impacts of such a ban. However, we have reviewed limited data within the scientific literature that suggest increased rates of injury associated with the use of double-decked conveyances for transporting horses.^{1,2} In addition, sources, such as the National Agriculture Safety Database³ and various manufacturers producing trailers specifically for

horse transport⁴ recommend heights of 7 to 8 ft as being necessary for the safe and comfortable transport of horses (i.e., adequate headroom for the horses to stand comfortably with their heads in normal position); it appears difficult, if not impossible, to meet such recommendations via the use of currently configured double-deck trailers, particularly for taller horses. Furthermore, current interstate highway regulations⁵ require a minimum vertical clearance under overhead structures of 16 ft in rural areas and 14 ft in urban areas, with vertical clearance through truss bridges of at least 17 ft. It is difficult to see where any double-decked trailer loaded appropriately on two levels (i.e., with the recommended headroom clearances for equines) could meet these requirements.

In summary, the AVMA supports the extension of protective coverage for equines bound for slaughter to those delivered first to an assembly point, feedlot, or stockyard as presented in this docket, including prohibitions on the use of double-deck trailers, unless such trailers can be shown to provide for the safe and humane transport of equines, using reliable scientific data from peer-reviewed research.

The objective of the AVMA is to advance the science and art of veterinary medicine, and the Association has a long-term concern for, and commitment to, the welfare and humane treatment of animals. The AVMA represents more than 76,000 veterinarians and is the recognized voice for the profession in presenting its views to government, academia, agriculture, animal owners, the media, and other concerned members of the public. We appreciate the opportunity to offer comments.

Sincerely,



W. Ron DeHaven, DVM, MBA
Executive Vice President

AWC/WRD/GCG

¹Stull CL. Responses of horses to trailer design, duration, and floor area during commercial transportation to slaughter. *J Anim Sci* 1999;77:2925-2933.

²Grandin T, McGee K, Lanier JL. Prevalence of severe welfare problems in horses that arrive at slaughter plants. *J Am Vet Med Assn* 1999;214(20):1531- 1533.

³Margentino MR, Malinowski K. Horse trailer maintenance and trailering safety. As reported in the National Agricultural Safety Database available at: www.cdc.gov/nasd/docs/d000801-d000900/d000842/d000842.html.

⁴See, for example, www.equispirit.com/info/articles/trailersize.htm.

⁵American Association of State Highway and Transportation Officials. A policy on design standards—interstate system. Incorporated by reference in 23 CFR 625. See: <http://wwwcf.fhwa.dot.gov/legregs/directives/fapg/0625sup.htm>.