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Horse Slaughter in America, an increasing practice? (/full-blog/2009/09/horse-slaughter-in-america-increasing.html)

["Horse Slaughter" \(/full-blog?category=%22Horse+Slaughter%22\)](/full-blog?category=%22Horse+Slaughter%22), ["Montana" \(/full-blog?category=%22Montana%22\)](/full-blog?category=%22Montana%22)



(<http://i251.photobucket.com/albums/gg286/freemikeenemigo1/StateCapitalnew.gif>) **This post was written by staff member Katie Shultz.**

Horse slaughtering remains a heated issue in the equine industry with bills constantly being introduced to the members of federal and state House and Senate Committees. In 2007, the three remaining horse slaughterhouses ceased operation after Illinois legislation banned horse slaughter within the state and was upheld under [Cavel Intern., Inc. v. Madigan](#), 500 F.3d 551 (2007) along with the Fifth Circuit Court of Appeals upholding a Texas state law that prohibited the sale of

horsemeat for human consumption. *Empacadora de Carnes de Fresnillo, S.A. de C.V. v. Curry*, 476 F.3d 326 (5th Cir.2007). Last year, in 2008, no horse processing facilities were in operation within the United States but horses continued to be exported to Mexico and Canada and the landscape continues to change.

In Montana, after Gov. Brian Schweitzer allowed H.B. 418 to lapse into law by taking no action, private horse slaughter/processing plant development is now permissible within the state. Pat Raia, *Montana Horse Slaughter Bill Becomes Law*, *The Horse*, available at <http://www.thehorse.com/ViewArticle.aspx?ID=14098>. The bill was introduced by state Representative Ed Butcher. *Id.* Schweitzer vetoed the bill in April 2009 with an amended version for review by the legislators. *Id.* However, the bill was sent back to Schweitzer in its original format. *Id.* This second time, Schweitzer neither vetoed nor signed the bill that has now become law.

H.B. 418 not only allows for horse processing plant development, but it also affords protection from legal challenges. If an action is filed in district court challenging the issuance of a license or permit, the plaintiff must post 20 percent of the horse processing plant's construction or operation costs as a surety bond. *Id.* It also disallows the issuance of an injunction that would stop or delay construction " . . . based on legal challenges or appeals of a permit, license, certificate, or other approval issued in conjunction with environmental laws." H.B. 418, 2009 Leg., 61st Sess. (Mt. 2009).

However, it is certainly only a matter of time before the constitutionality of this law is challenged. It also raises issues regarding food safety compliance. Any meat processing plant operating within the U.S. is subject to USDA inspections and must comply with USDA regulations. USDA, http://www.fsis.usda.gov/HELP/FAQs_Hotline_Inspection/index.asp (last visited September 14, 2009). As such, any horse slaughter/processing plant that may become operational within Montana is subject to USDA regulations and inspections. In 2005, the USDA lost federal funding to inspect horse-processing plants via the Ensign-Byrd Amendment to Fiscal Year 2006 Agriculture Appropriations Bill. The Humane Society of the United States, *Congress Addressing Horse Slaughter Cruelty in Federal Legislation*, Jan. 15, 2009, http://www.hsus.org/press_and_publications/press_releases/congress_introduces_horse_slaughter_bill_011509.html. The question then becomes: where will the meat go and how will it be sold?

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