

Animals' Angels Investigation of the Texas Export Facilities for horses slaughtered in Mexico Areas of Concern

1. Background Information:

The investigation was influenced by information received from the European Food and Veterinary Office. FVO inspectors visited Mexican plants and US export facilities in 2010 and found the following:

1. All slaughter horses imported into Mexico are identified by microchip. Additionally, a sworn statement about past veterinary treatments is requested for all horses; however, there are no official controls in place to verify their authenticity or reliability.
2. When the inspectors visited the US export facilities, 12 out of 30 animals present in the consignment were rejected due to advanced pregnancy, health issues or injuries. Data received from OISA showed that between January and October 2010, **226 consignments had horses rejected. Out of 62,560 horses presented for import in that time period, 5,336 horses were rejected.**

Animals' Angels wanted to find out if it is true that so many horses are rejected and what happens after a horse is refused at the border. Additionally, we wanted to take a close look at the conditions for the animals at the export facilities and check if the composting violations previously observed at the Morton Feedlot have been addressed. In 2008, Animals' Angels reported the Beltex Feedlot to the Texas Department of Environmental Quality. The feedlot was operating without a permit and horse carcasses were found in the same area where the live horses were kept.

A. The Morton Feedlot

Location:

2180 CR 120
Morton, TX 79379

Owner:

"Frontier Meat" is a large horse and buffalo feedlot. The facility is owned and operated by the BELTEX Corporation. The Nauwelaers Family from Belgium owns the BELTEX Corporation and Eric Nauwelaers serves as President. Beltex also owns *Empacadora de Carnes de Fresnillo*, a Mexican slaughter plant that continues to slaughter America's horses.

Veterinarian:

Muleshoe Veterinary Clinic
Dr. Larson
Muleshoe, TX 79347

Observations:

5/14/11-5/16/11

When the investigators arrived at the feedlot there was a white Peterbilt truck with a single deck trailer delivering horses. The name on the side of the truck was Jeff Smith from Hutchinson, KS (DOT #1262330 – **DOT # listed as inactive or invalid**)

Other trucking companies observed:

Dennis Chinn, KS DOT 279114

DOT Violations:

395.8	Log violation (general/form and manner)	1
395.8(f)(1)	Driver's record of duty status not current	2

Charles Carter, CO DOT 1373008

DOT Violations:

395.8	Log violation (general/form and manner)	5
395.8(f)(1)	Driver's record of duty status not current	2

Investigators checked on the composting area first. It appeared to be in compliance with composting guidelines. There were very few horse bones visible and no decaying animals or body parts were exposed. The area is now segregated from the pens where the live animals are kept.

The pens looked cleaner and the horses appeared to be in better condition then during our last visit. There were approx. 1000 horses at the feedlot. No dead horses were observed in the pens and no injuries with the exception of one horse that had a small cut on the hip. A few horses were thin. In one of the pens were 5 mares that had babies with them. One newborn foal was observed and the mare still had the placenta attached.



Mare with newborn foal



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In two segregated pens were a few horses that appeared to have respiratory problems.

Groups of horses started walking towards the investigators when they were filming, they were very friendly and trusting. It was a heartbreaking sight to see so many young, healthy and beautiful horses there.



While observing the lot, a man approached us who introduced himself as the feedlot manager and inquired what we were doing. After telling him who we were he stated that he was very familiar with Animals' Angels. "Tim" told us that he had been employed at the lot for 7 months and confirmed that there were 1000 horses and 400 bison at the feedlot.

Other information received at the feedlot:

- They currently have a 3% death rate at the feedlot.
- The horses do not have slaughter tags when they arrive at the feedlot, they are micro chipped by the shipper and the chip is checked at the lot. The slaughter tag is then attached for the final transport to the export pens and the slaughter plant.
- The Transport of Equines to Slaughter Regulations do not cover the horses transported **to** the feedlot.
- Sometimes horses return to the feedlot because of being refused at the export pens by the Mexican vets. They have created 4 "recovery pens" for these horses. (These were the pens we observed the horses with the respiratory problems) Approx. 50% of the horses in the pens were returned at the border.

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- After a meeting with Eric Nauwelaers it was decided to start refusing horses from the owner/shippers if they are likely to not pass inspection at the border. These horses are returned with the shipper.
- A shipper recently unloaded 70 pregnant mares at the feedlot. Feedlot manager Tim managed to find homes for most of them, the mares and babies we observed were the remaining few left from that load.
- They have a veterinarian on the premises every day who checks on the horses and provides euthanasia if necessary.

B. Del Rio Export Pens

(Information collected during multiple visits)

Location:

1582 Cienegas Road

Del Rio, TX 78840

Phone: 830-775-1519 - Fax: 830-775-7361

Management/Pen Operator:

Texas Department of Agriculture/Jon Garza (Director, Commodity Reporting & Livestock Exports)

512-463-6098 - jon.garza@tda.state.tx.us

Joe Sanchez, Pen Operator

Veterinarian:

There is a Mexican veterinarian sent by Senasica present at the export pens prior to loading. Senasica is the National Service of Agro Alimentary Health, Safety and Quality, a decentralized body of Sagarpa. (Department of Agriculture)

Trucking Companies:

- Wrangler Grain, TX , DOT 1516049 (transporting for James Mc Daniel)

DOT Violations:

395.8	Log violation (general/form and manner)	2
395.8(a)	No driver's record of duty status	1
395.8(f)(1)	Driver's record of duty status not current	9
395.8(k)(2)	Driver failing to retain previous 7 days' logs	1

- Trent Saulters, TX, DOT 1754583

DOT Violations:

395.5(a)(2)	15- hour rule violation (Passenger)	1
395.8	Log violation (general/form and manner)	2
395.8(a)	No driver's record of duty status	1
395.8(f)(1)	Driver's record of duty status not current	1
392.2S	Speeding	3
392.71(a)	Using or equipping a CMV with radar detector	2

- Rubio Arizpe, CH, DOT 00558393

DOT Violations:

383.23(a)(2)	Operating a CMV without a CDL	2
391.11(b)(2)	Non-English speaking driver	787
391.11B2S	Driver must be able to understand highway traffic signs and signals in the English language	4
391.11(b)(5)	Driver lacking valid license for type vehicle being operated	1

Observations:

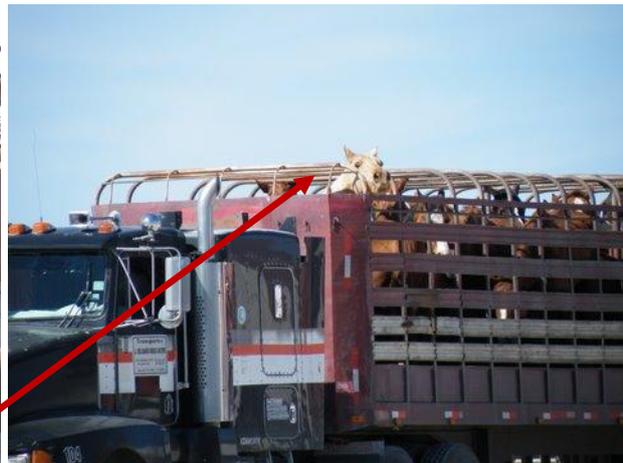
The pens and the loading ramp are visible from the road. The pens have shelter and water troughs. The gates remain locked during the night and are opened when the first pen employees arrive at around 8:00am. Information received from Mr. Sanchez, the pen operator:

- Horses have access to water but no hay. *“They travel better on an empty stomach”* However, they do receive hay if they have to stay overnight.
- Horses arrive around 8:00am and are shipped in the afternoon after 6hrs of rest. They receive between 1-2 loads of horses a day, which are shipped to Zacatecas, Mexico and slaughtered within 3 days
- Horses are refused and returned with the owner/shipper if there is a problem with the paperwork or if they are injured or sick. The pens do not accept stallions.
- Owner/Shipper that deliver to the pens are Saulters Livestock (Waco, TX) and James B. McDaniel, OK. Public records show that Mc Daniel was fined \$3,535.00 for violation of the *“Transport of Equines to Slaughter Regulations” (TX 06044)*

An open roof trailer was parked next to the pen area. One of the bars on the top of the trailer was broken, putting the horses transported in that trailer at risk of severe head injuries.



At 1:55pm, a truck (DOT # 00558393; Jose Belisario Rubio Arizpe) arrived at the pens and backed under the open roof trailer. Then the truck left again and drove to scale near the border to check the weight. Afterwards, it returned to the pens and backed up to the loading dock. The Mexican veterinarian checked the horses and they started to load.



The loading was finished at 2:35pm and the truck left the export pens. The horses were observed hitting their heads on the metal beams of the trailer. The driver drove back to the scale to weigh the truck again, indicating that he was paid by the pound which requires two weight tickets. The truck then proceeded to the border and crossed into Mexico 35 minutes later.



The next day, investigators started pen observations at 5:52am. A truck, loaded with horses was parked on the side of the road. Trucking company: Wrangler Grain Inc; DOT #1516049. The driver was sleeping. At 7:01am, a Saulters Livestock truck arrived at the pens and pulled on the side of the road across from the pens.



Ten minutes later, the pen operator arrived and woke the first truck driver up. The truck entered the pens and backed to the loading dock. The other truck followed. Trent Saulters approached the investigators and ask what they were doing. After informing him about the purpose of the investigation, he became angry. He stated that he didn't care about laws or regulations, that he "had two or three logbooks" and that he "could drive 14 hours a day"

All of the horses walked off the trucks and no injuries were observed. Afterwards, both trucks left the pens and Saulters drove to the truck stop at the intersection of Las Vegas St & Spur 239 to sleep. The investigators notified the Texas Department of Public Safety/Commercial Vehicle Enforcement of the conversation with Trent Saulters and then returned to the export pens.

The horses in the pens were moving around and searching the ground for food.



At 3:02pm, the Mexican Veterinarian arrived at the pens. At 3:50pm, a red Kenworth truck arrived at the pens and backed up to the loading dock. The aluminum sides of the single deck trailer had multiple holes in them, several large enough for a horse's leg to get stuck. This is a severe safety concern, because horses kick and fight during transport and if one horse kicks through one of the holes and can't get the leg out again it will result in a terrible injury and possible death.



The driver and the pen employees had problems getting the horses in the trailer. A worker was running on top of the trailer and one worker was on a ladder on the side making noise trying to get the horses to move forward.

4:30pm

The truck finished loading and a second truck with an open roof trailer arrived. That trailer had an old tarp across the top, however, the tarp had large holes in it and therefore did not offer the horses any protection from the metal beams. Both trucks were from the same trucking company observed the day before, left together and crossed into Mexico at 5:30pm.



When investigators returned to the pens, the Wrangler Grain truck was backed up the loading docks and was unloading horses. Afterwards, two horses were loaded back on the trailer. Investigators spoke with the driver and were informed that the horses were refused because of ticks. Additionally, the driver said that the horses would be returned to the owner/shipper immediately, facing another nine hour transport without being given water or food or a chance to rest at the export pen.

C. Eagle Pass Export Pens
 (Information obtaining during multiple visits)

Location:
 205 Industrial Blvd
 Eagle Pass, TX 78852
 Phone: (830) 773-2359

Management/Pen Operator
 Texas Department of Agriculture/Jon Garza (Director, Commodity Reporting & Livestock Exports)
 512-463-6098 - jon.garza@tda.state.tx.us

Ricardo Perez, Pen Operator

Veterinarian:
 There is a Mexican veterinarian sent by Senasica present at the export pens prior to loading.

Trucking Companies observed:

- Gonzales DOT 1631053

DOT Violations:

391.11(b)(2)	Non-English speaking driver	32
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- Coahuila DOT 555620

DOT Violations:

383.23(a)(2)	Operating a CMV without a CDL	1
391.11(b)(2)	Non-English speaking driver	7
391.41(a)	Driver not in possession of medical certificate	1

- B & B Livestock DOT 200608

Insufficient Data

- Pedro Zepeda DOT 994185

DOT Violations:

383.23(a)(2)	Operating a CMV without a CDL	1
391.11(b)(2)	Non-English speaking driver	3
391.41(a)	Driver not in possession of medical certificate	1
395.3(a)(2)	Requiring or permitting driver to drive after 14 hours on duty	2
395.8	Log violation (general/form and manner)	5

- De Luna DOT 1485129

DOT Violations:

395.3(b)	60/70- hour rule violation	1
395.8	Log violation (general/form and manner)	6

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Observations:

The pens and the loading ramp are visible from the road. The pens have shelter and water troughs. The gates remain locked during the night and are opened when the first pen employees arrive at around 8:30am.

Information received from Mr. Perez, the pen operator:

- Horses have access to water but no hay. However, they do receive hay if they have to stay overnight.
- Horses arrive around 8:30am and are shipped in the afternoon after 6hrs of rest. They receive between 60-80 horses/day.
- Horses are refused and returned with the owner/shipper if there is a problem with the paperwork or if they are injured or sick. The pens do not accept stallions.
- Horses are micro chipped at the pens upon arrival. (Apparently only horses passing through the Morton feedlot are micro chipped in advance)

Shortly thereafter, a white pick up truck loaded with a bale of hay arrived at the pens. The driver approached the investigators and introduced himself as broker for the B&B Trading Company. He confirmed that he buys all the slaughter horses from the US dealers and then sells them to the Mexican plants. Furthermore, he stated that he would not accept any sick or injured horses and that those would be returned with the shipper.

At 11:30 am, the US veterinarian and his assistant arrived at the pens. At noon the pen operator moved a group of horses from the outer pens to the area behind the TDA building to prepare them for inspections. The veterinarian and his assistant then started to microchip the horses. The horses were very agitated and were kicking inside the metal chute.

At 3:21 pm, workers moved the first group of horses to the loading ramp. An empty trailer was backed up to the ramp. The Mexican veterinarian checked the horses prior to loading. The loading itself was calm and went smoothly. The loading was finished at 3:57pm. At 4:25pm, a De Luna truck (DOT # 1485129) arrived and backed under the loaded trailer of horses. The truck pulled out of the pens and parked on the side of the road, probably to finish some paperwork. The investigators checked on the horses inside the trailer.



The horses in the trailer were agitated, some of them were searching the trailer floor for food. The truck then proceeded to the Mexican border and entered Mexico at 5:05pm.



Several other trucks were loading horses for transport into Mexico. Some of the trailers they observed had large pieces of the metal roof missing, putting the horses at risk of getting their heads caught and suffer terrible injuries. Other trailers had pieces of the wooden boards that are nailed across the floor missing and sharp nails were exposed. Several open roof trailers were observed.



Missing piece of board with exposed nails

Large holes in trailer roof

Late in the afternoon, investigators observed one truck with horses already on the trailer parked on the side of road. The horses were loaded very densely and several of them were emaciated. After two hours and 30 minutes, the driver returned to the truck and the truck crossed into Mexico. The investigators learned that the export pens close at 5:00pm and all trucks have to be loaded and off the premises by then. However, the trailer with the horses has to be weighed, the paperwork faxed to the Mexican Department of Agriculture and cleared before the truck is allowed to cross the border. If Mexican trucks arrive late at the pens, they have to load the horses before getting the paperwork in order to meet the 5 o'clock deadline. This procedure causes the horses to be confined on the trailer for hours longer than necessary.

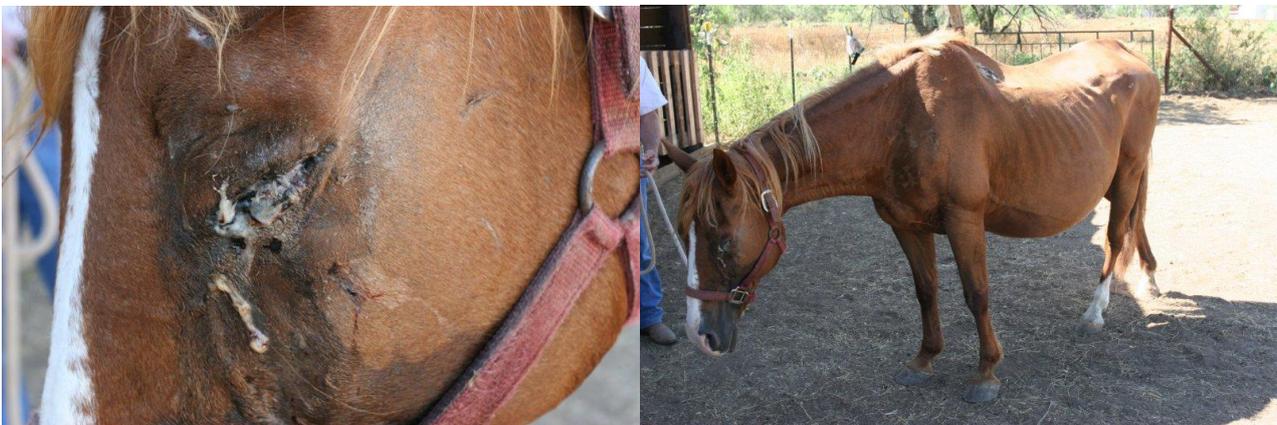


Emaciated horse inside trailer

Information received from other sources:

- Pregnant mare delivered to Eagle Pass

Animals' Angels was informed that on 6/18/10, a pregnant mare (Slaughter tag # 3695) in appalling condition was delivered to the Eagle Pass export pen. She was very close to foaling, extremely emaciated and her left cornea had perforated. There was a melting ulcer on the left cornea with part of her iris hanging out.



The mare was refused by the Mexican veterinarian and would have been returned with her shipper in this condition, if she had not been rescued. At the rescue, she received immediate veterinary care. Her eye had to be removed and she lost her foal. She was extremely dehydrated and had to be treated for colic. The export pen

management did not inform local law enforcement or APHIS. Animals' Angels reported this incident to APHIS and also asked for information who delivered the horse to the pen in this condition. However, we were informed that APHIS does not maintain a database with slaughter tag information, which makes it impossible to trace an individual horse back to the shipper. Additionally, we were told that the case does not violate the Commercial Transport of Equines to Slaughter Regulations.

- Horses returned from export pens die on truck

<http://margotbnews.wordpress.com/category/specieism/>

Summary of Events:

Seven horses refused at one of the export pens and returned with the shipper were found in severe distress on a trailer at a truck stop on Interstate 35. The horses had nothing to drink for at least 8 hours and the temperatures in the trailer were about 135 Degrees. Several horses were extremely malnourished and two horses had died. A passerby had found the horses inside the trailer at a truck stop and called 911. The horses were on their way back to Kansas when the truck broke down.

2. Conclusions

The investigations confirmed the findings of the FVO report and revealed multiple areas of concern:

A. Horses returned at the border:

Concerns:

- What happens to all these horses after they are returned with the shipper? What is the kill buyer going to do with a horse that he can't ship to slaughter? It is highly unlikely that a kill buyer will spend money for veterinary care and/or food until the horse recovers from the condition that caused its rejection by the Mexican veterinarian. Animals' Angels has documented the fate of such horses in the past, when they found an emaciated horse with a slaughter tag still attached at a kill buyer lot in Bastrop, LA.



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- There is currently no accountability due to the fact that there is no system in place at the export pens to record and effectively monitor horses that have been rejected and link them to their shipper. Additionally, APHIS does not maintain a database to trace slaughter tags of individual horses. The export pens & the Beltex feedlot apparently do not report cases of unfit horses to APHIS or to local law enforcement.

- Horses that are rejected at the border, are often loaded back on the trailer right away, without being given water, food or a chance to rest. In some cases horses arrive at the pens from locations that are 12 + hours away. Trucking companies prefer to use solo drivers to deliver these horses in order to keep the costs low. If the exhausted driver takes a break before heading back home (which he also is required to do by law), the horses are likely to face transport times of 25+ hours.

Suggestions:

- Any horse rejected by the Mexican veterinarian has to be given food, water and a chance to rest for at least six hours before being loaded back onto the trailer.

- If a horse arrives in a condition that qualifies as a cruelty case under Texas law (such as the pregnant mare refused at Eagle Pass), the pen operators have to call law enforcement and report the incident. If a horse arrives in a condition that qualifies as a violation of the Commercial Transport of Equines to Slaughter Regulations, pen operators have to contact APHIS to report the incident. It is completely unacceptable to cover for offenders and APHIS as well as the Texas Department of AG/Director of Export should instruct pen operators accordingly.

- To ensure accountability, APHIS should create a database for slaughter tag, owner/shipper and other important information, such as the number of horses refused at border or the reason for refusal. It is very concerning that APHIS has currently no system in place to identify an individual horse by its slaughter tag or to trace it back to the shipper. With such a database it would be easy to identify “regular offenders” and encourage improvement.

B. Trailers used for transport to Mexico

Concerns:

The investigation showed that at all pens operated by the Texas Department of AG, trailers are allowed to be used for transport that create a significant risk of obtaining horrific injuries for horses during transit to the plant. Our investigators observed trailers with large holes in the roof, holes on the sides, nails sticking out from the floor and broken metal beams across the trailer. Additionally, the open roof trailers offer no protection from wind or sun during the 17 hour transport to the plant.

Suggestions:

The use of these kinds of trailers is completely unacceptable and needs to stop. Upon arrival at the export pens, all trailers need to be checked by pen employees to ensure there are no holes, nails or other broken parts that could jeopardize the horses' health. Open roof trailers have to be banned completely. Pen employees have to ensure that no horse is loaded onto a trailer that did not pass the visual inspection.

Legal basis:

The final transport to the plant is covered under the protection of the Commercial Transport of Equines to Slaughter regulations until the truck crosses the border into Mexico. The trailers currently used violate the

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regulation, USDA/APHIS therefore has the right and the duty to assist the export pens in achieving the goal to ban these trailers for good. Animals Angels suggests that a USDA representative visits the export pens as soon as possible and maintains a presence there for at least a week to initiate the process. All transport companies should be informed that trailers will be checked at the pens and rejected if they do not meet the standards of the regulations. Transport companies who refuse to come into compliance should be fined as required by the regulations.

9 CFR § 88.3 Standards for conveyances.

(a) The animal cargo space of conveyances used for the commercial transportation of equines to slaughtering facilities must:

(1) Be designed, constructed, and maintained in a manner that at all times protects the health and well-being of the equines being transported (e.g., provides adequate ventilation, contains no sharp protrusions, etc.);

(3) Have sufficient interior height to allow each equine on the conveyance to stand with its head extended to the fullest normal postural height; and

(d) At any point during the commercial transportation of equines to a slaughtering facility, a USDA representative may examine the equines, inspect the conveyance, or review the owner-shipper certificates required by paragraph (a)(3) of this section

C. Access to food and water prior to shipment to the plant

Concerns:

Animals' Angels was informed at all pens that the horses only receive food if they spend the night at the export pen. Our observations confirm this information. Based on the fact the horses arrive at the pens from 12+ hours away, remain at the pens for 6-8 hours and then face another 17 hour transport to the plants, it is realistic to say that many horses will have been without food for 35 hours by the time they finally arrive at the slaughter plant.

Suggestions:

All horses should have access to food and water at all times, not only if they spend the night at the export pen. It is the responsibility of the owner/shipper to provide food & water and it is the USDA's responsibility to enforce the regulation. A USDA representative should visit the pens to establish new procedures. To ensure that all owner/shipper comply with the regulation, the Texas Department of Agriculture could for example increase their current pen fees for slaughter horses to include a mandatory "hay surcharge".

Legal Basis:

§ 88.4 Requirements for transport.

(a) Prior to the commercial transportation of equines to a slaughtering facility, the owner/shipper must:

*(1) For a period of **not less than 6 consecutive hours** **immediately** prior to the equines being loaded on the conveyance, provide each equine **appropriate food** (i.e. , hay, grass, or other food that would allow an equine in transit to maintain well-being), **potable water, and the opportunity to rest;***

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“ We believe that allowing equines access to appropriate food and potable water for at least 6 hours immediately prior to loading is essential to ensure that equines do not undergo serious physiological distress during transit” - Commercial Transport of Equines to Slaughter Regulations, Final Rule, United States Department of Agriculture, APHIS