

**U.S. DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

Valley Meat Company, LLC

Plaintiff,

v.

TOM VILSACK, Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, DC 20250

AL ALMANZA, Administrator,  
Food Safety and Inspection Service  
U.S. Department of Agriculture  
1400 Independence Ave., SW, Room 331-E  
Washington, DC 20250

Defendants.

12-CV-1083-JCG-CG

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**AFFIDAVIT OF CAREN COWAN IN SUPPORT OF  
NEW MEXICO CATTLE GROWERS ASSOCIATION'S  
MOTION TO INTERVENE**

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STATE OF NEW MEXICO        )  
  ) ss.  
COUNTY OF BERNALILLO    )

I, Caren Cowan, being duly sworn upon oath hereby depose and state as follows:

1. I, Caren Cowan, am over the age of 18 years, and have personal knowledge of the facts contained herein.
2. My address is P.O. Box 7517, Albuquerque, New Mexico 87194.
3. I am, and have been, the Executive Director of the New Mexico Cattle Growers' Association ("NMCGA") since July, 1997.

4. **NMCGA is a nonprofit corporation formed in 1914 for the purposes of advancing and protecting the cattle industry of New Mexico. Individuals and businesses joining the NMCGA must make an application and pay the appropriate membership dues.**
5. **NMCGA's mission includes the creation and maintenance of an economic climate that will provide members of the Association the opportunity to obtain optimum return on their investments within the free enterprise system.**
6. **NMCGA has over 1,500 members representing all of New Mexico's 33 counties as well as some nineteen other states.**
7. **Our governing board met on February 11, 2013 and voted to join in the above-entitled litigation.**
8. **Horses have been a part of the cattle industry since both species came to North America. They are a tool that is used daily on many ranches for work, sport, and companionship. NMCGA has had interaction with horse slaughter since its' inception.**
9. **It is the moral and ethical responsibility of horse owners and users to care for their animals in the best possible way. That includes an exit from life humanely and with dignity. Horse slaughter has for decades provided a method to that end. The loss of the ability to humanely dispose of horses has impacted not only ranchers, negatively, in that there is no economic market for unusable horses, but it has impacted all horse owners. Those without means to appropriately dispose of horses, for whatever reason, are turning horses loose on our members lands or leaving horse carcasses on our lands. Not only is this practice cruel to the horses involved, but it creates a bio-hazard and a predator management problem for ranchers.**
10. **I have been employed by the NMCGA since July 1997 and have worked on the horse slaughter/unwanted horse issue since it became a national issue nearly a decade ago.**
11. **The United States Department of Agriculture (USDA) is charged by Congress to provide inspection to insure humane slaughter.**
12. **While I personally do not partake of horse meat, I know people who do, and who have suffered no ill-effects in doing so. It is well-documented that countries other than the United States have horse meat in their diets. There has been no scientific evidence to cause me to be concerned that horse meat is not safe for human consumption. In fact, few countries in**

the world have the luxury of selection of protein sources that Americans enjoy.

13. The slaughter of horses will not have any collateral effects on the environment and the safety of the nation's food supply. In fact, it is quite the opposite! The environment is suffering the consequences of NOT having slaughter as a humane method of horse disposal. Grass ranges are being destroyed by over-population of horses. Unwanted horses are being left to die on rural and rural/urban interface lands creating bio-hazards and predator management issues that threaten human health and safety. There is no evidence that prior to horse slaughter and the cessation of the horse slaughter inspection in 2006 that there were any threats to the safety of the nation's food supply.
14. NMCGA members will be adversely impacted if the FSIS fails to timely inspect the Valley Meat plant. Unwanted horses will continue to be released on their lands which create predator management and bio-security issues. I personally will continue to suffer the mental anguish and great distress of knowing that animals are being harmed through neglect or that they are being shipped thousands of miles away to foreign slaughter plants that do not maintain the humane standards that are required by the USDA.
15. NMCGA members will even be further adversely impacted if the FSIS is not allowed/or required to complete inspections of any horse processing facilities in a timely manner.
16. NMCGA members and I personally will be adversely affected if the inspection process is delayed by the imposition of the NEPA process. The imposition of the NEPA process on the inspection process will stifle, if not eliminate, the inspection process completely. NEPA will open up the entire inspection process to endless appeals and litigation. I have witnessed that our nation and its' forests have suffered the ills of management by NEPA with millions of acres charred, watersheds and water supplies destroyed, homes and lives lost at a cost of billions to our nation. Our nation's food supply cannot afford the same kind of management.
17. The USDA has ample standards and safeguards in place to ensure humane and adequate management of horse slaughter facilities. The use of NEPA is usually required for a "major federal action". The definition has already been expanded to well beyond what the framers of the new law ever intended. The overuse of NEPA is crippling federal lands and wildlife agencies to the detriment of the environment, wildlife and humans.

Further extension and/or expansion of the use of NEPA will have the same affect on a food supply that is already taxed to it's limits.

18. The local community will be adversely impacted if the Valley Meat facility is not inspected in a timely manner so that it may open. Valley Meats was providing approximately 50 skilled jobs in a rural community in southwestern New Mexico. The loss of these jobs will impact every facet of the community -- from taxes that support schools, roads, medical care and the wide variety of services that are provided by the county and local government based on tax collections. The loss of these jobs will also impact commerce in other businesses and industries in the community. Finally, the loss of these jobs harm families and children who are struggling to survive. Statistics indicate that 25% of the children of New Mexico go to bed hungry every night. The loss of even one job has a significant impact on the community and the state as a whole.
19. As the largest populated area in the State of New Mexico, with one of the largest backyard horse populations, without a timely and humane option for disposal, horses will continue to be abandoned in record numbers -- harming the animals themselves as well as the environment in and around Albuquerque. This puts a strain on the state agency responsible for unwanted horses and livestock animal cruelty -- the New Mexico Livestock Board. The Board is funded largely by user fees and livestock taxes. Rather than utilizing those resources for their intended purposes, these resources are being diverted to the public purpose of unwanted horse care and management, causing a hardship to the Board and the entire livestock industry. Additionally, horses are being abandoned at livestock auction markets, negatively impacting their ability to care for animals legally consigned to the sale process.
20. New Mexico sits on the international border of Mexico where horses are being slaughtered without any USDA oversight. New Mexico has become the roadway to the Mexican border creating additional traffic on its state roads system and contributing to air emissions created by large vehicles.
21. There will be a huge economic impact if horse slaughter facilities are not opened. Jobs will be lost and unwanted horses will continue to be an economic burden to state government and those who care about horses.
22. There is no negative environmental impact from horse slaughter facilities. Federal and state regulations are in place to ensure that there are no environmental impacts or consequences to horse slaughter facilities.
23. There are actually positive environmental impacts from horse slaughter facilities. The number of horses impacting the range can be reduced in a

humane manner. This is particularly important during the cyclical drought the nation is presently experiencing. Additionally, there will be an outlet for unwanted horses that are being released and left to compete with other wildlife and domestic livestock for precious forage and water resources.

FURTHER AFFIANT SAYETH NAUGHT.

DATED this 18 day of February, 2013.

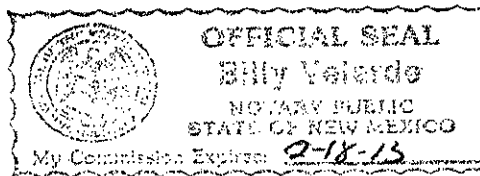



Caren Cowan, Executive Director  
New Mexico Cattle Growers Association

STATE OF NEW MEXICO )  
COUNTY OF ~~BERNALILLO~~ <sup>Santa Fe</sup> ) ss.  
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The foregoing instrument was subscribed and sworn under oath before me by Caren Cowan, this 18 day of February, 2013.

Witness my hand and official seal.



  
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Notary Public  
My Commission Exp: 2-18-13