

**Congress of the United States**  
Washington, DC 20510

June 27, 2013

The Honorable Thomas J. Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
Jamie L. Whitten Federal Building  
1400 Independence Ave., SW Room 200-A  
Washington, DC 20250

Dear Secretary Vilsack:

We are extremely disappointed that the United States Department of Agriculture (USDA) stands poised to resume horse slaughter inspections despite numerous compelling legal justifications for denying pending applications for USDA inspections of horse slaughter facilities, including the application of Valley Meat in Roswell, New Mexico. We urge USDA to defer any final decision on this issue until the agency has fully considered all the food safety, environmental and animal protection concerns and has acted in accordance with its statutory requirements.

As outlined below, there are serious legal concerns that USDA should closely consider before approving any application to restart horse slaughter inspection:

- Fraudulent Applications—Rick De Los Santos, the owner of Valley Meats Company, committed two federal felonies in the past year, in direct connection with his attempt to begin slaughtering horses, when he submitted materially false applications for inspection to USDA's Food Safety and Inspection Service (FSIS). On December 13, 2011 and on March 1, 2012, De Los Santos wrote the word "none" in the application section inquiring about whether he had any prior felony convictions, but then, in a third application dated March 15, 2013, he acknowledged two prior convictions, one for criminal trespass in 1988 and the other for residential burglary in 1978. On the applications on which De Los Santos stated that he had no convictions, the following was clearly printed: "**WARNING:** Persons willfully making false, fictitious or fraudulent statements or entries are subject to \$10,000 fine or imprisoned [sic] not more than five years or both as prescribed by Title 18 U.S. Code 1001."
- Past Felony Record -- Title 21, Section 671 of the United States Code gives the Secretary of Agriculture the authority to deny an application for inspection of any establishment that is unfit to conduct slaughter operations as a result of any felony conviction of its owner. In an April 15, 2013 letter from USDA Office of Program Evaluation, Enforcement and Review (OPEER) to De Los Santos, USDA OPEER acknowledges that, based on his lies and his convictions, USDA has absolute authority to refuse his

application for inspection. See 21 U.S.C. § 671. USDA is currently prosecuting a False Claims Act claim against a California meat packer for failure to disclose felonies on an application for inspection. (*United States ex rel. the Humane Society of the United States v. Westland/Hallmark Meat Company.*) USDA withdrew (approximately 10 years ago) a California slaughterhouse's grant of inspection for failure to disclose felonies on an application for inspection. (Shayne's Custom Beef.)

- Food Safety Concerns - How will USDA ensure that tainted meat does not enter the food supply? We hope that USDA is fully considering all the issues raised in The Humane Society of the United States' and Front Range Equine Rescue's petition which identified hundreds of drugs and chemicals that are regularly administered to horses and many of which are expressly prohibited for use in animals raised for human consumption. These drugs are often clearly labeled "Not for use in animals used for food/that will be eaten by humans." The aforementioned petitioners requested that USDA classify all horses without a proven lifetime medical history as condemned and unqualified for human consumption. Furthermore, New Mexico Attorney General Gary King ruled on June 10, 2013 that horsemeat fits the legal definition of an adulterated food product under the New Mexico Food Act and under this Act the manufacturing, sale of, or delivery of horsemeat in New Mexico is prohibited.
- Compliance with Humane Handling Laws – Valley Meat Company has a long history of humane handling violations, which calls into question its fitness to operate as a horse slaughter facility. Given that horses are less docile than cows, we question how FSIS can ensure the humane handling of equines at Valley Meat Company in light of the facility's repeated humane handling violations during its operation as a cattle slaughter plant.
- USDA's Ability to Provide Effective Oversight - The initiation of horse slaughter in New Mexico – or anywhere – needs to be carefully reexamined in light of the recent audit by the USDA Office of Inspector General which reviewed FSIS Inspection and Enforcement Activities at Swine Slaughter Plants.<sup>1</sup> According to the report, FSIS's enforcement policies "do not deter swine slaughter plants from becoming repeat violators" of federal law. Consequently, "plants have repeatedly violated the same regulations with little or no consequence," which has resulted in "reduced assurance of FSIS inspectors effectively identifying pork that should not enter the food supply." In addition, auditors found that FSIS "could not ensure humane handling of swine." Notably, pigs in slaughterhouses are far more manageable, as a practical matter, than horses, given the unique nature and temperament of most horses. How can FSIS ensure humane handling of equines – animals whose unique temperament makes humane slaughter essentially impossible – when it cannot ensure humane handling of swine, the mammal most frequently slaughtered for food?
- Wild Horses - Late last year we were distressed to learn that hundreds of American wild horses may have been sold by the Bureau of Land Management to a known kill buyer.

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<sup>1</sup> USDA OIG Audit Report 24601-0001-41.

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Congress' opposition to the slaughter of our nation's wild horses and burros has been repeatedly stated in past appropriations acts, and again in the Fiscal Year 2013 funding act for the Department of the Interior. The Consolidated Appropriations Act for 2012 states, "Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products." (Public Law 112-074). How are USDA personnel and USDA accredited veterinarians working independently and together with the Interior Department to ensure that wild horses and burros do not fall victim to the slaughter industry?

USDA should ensure that it is meeting all of its statutory responsibilities. Americans overwhelmingly oppose horse slaughter because of its brutality, its risks to food safety, and its serious environmental impacts, and we hope you are fully considering all of these concerns.

The President's 2014 Budget formalized his request that Congress defund horse slaughter inspections in this country. In the last two weeks, the Senate and House Appropriations Committees amended their FY2014 Agriculture Appropriations bills to eliminate all funding for the inspection of horse slaughter facilities.

We urge you in the strongest terms possible to use the ample legal authority you have under current law to reject this application.

Sincerely,



Mary L. Landrieu  
United States Senator



Michelle Lujan Grisham  
United States Representative

James Moran  
United States Representative

Jan Schakowsky  
United States Representative

Patrick Meehan  
United States Representative

Michael Grimm  
United States Representative