

National Tribal Horse Coalition



May 26, 2022

Honorable Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Honorable Cathy McMorris Rogers
Ranking Member
Committee on Energy and Commerce
2322 Rayburn House Office
Washington, DC 20515

Honorable Jan Schakowsky
Chairman
Subcommittee on Consumer Protection
and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Honorable Gus Bilirakis
Ranking Member
Subcommittee on Consumer Protection
and Commerce
2322 Rayburn House Office
Washington, DC 20515

Re: HR 3355, the SAFE Act of 2021

Dear Chairman Pallone and Schakowsky, Ranking Members Rogers and Bilirakis
and Honorable Committee Members,

I write on behalf of the National Tribal Horse Coalition ("NTHC") to oppose the SAFE Act of 2021,
which would permanently ban the intrastate or foreign export of horse meat for human consumption.

The NTHC is comprised of five federally recognized Native Nations: the Confederated Tribes and Bands of the Yakama Nation (Washington), the Confederated Tribes of Warm Springs, the Confederated Tribes of the Umatilla Indian Reservation (both of Oregon), the Confederated Tribes of the Colville Reservation (Washington), and the Shoshone Bannock Tribes (Idaho). These Nations all hold the horse in high esteem. Historically, this animal served a vital role in our cultures by offering a means to travel and trade. Our people continue to respect the horse for the variety of benefits that it provides: livestock economy, farming, gathering of livestock, hunting, recreation, and ceremonial purposes.

Therefore, the NTHC's opposition to the SAFE Act is not the result of a disregard for the horse as a species. However, wild horse (more accurately, "feral" horse) populations are having a profound and problematic impact on our Nations' resources, including those held in trust by the federal government for our benefit. For example, by exceeding the carrying capacity of our tribal lands, horses cause significant forage depredation and diminish vegetation needed by big and small game. Feral horses also damage plants and animals important to Native culture, spiritual practices, and medicine. Finally, excessive feral

horse populations consuming all manner of vegetation and traveling through tribal lands cause valuable soils to roll off from denuded slopes, thereby degrading streams important to sport and subsistence fisheries. See the attached photos, one showing healthy bunchgrass that horses can't get to and another a hillside on the Yakama Reservation that has been totally denuded of all vegetation by hungry horses.

Feral horse populations, which are a non-native, invasive species, must be reduced in order to rebalance our fragile ecosystems. Today, there are well over 30,000 wild horses on tribal lands in the Pacific Northwest region alone. Other regions, including the Navajo Nation whose lands are in Arizona, New Mexico and Utah are experiencing even greater horse numbers. We have also heard from tribes in Nevada, Montana and Wyoming about problems they are having with an overabundance of feral horses. Wild horse populations can increase at an average of twenty percent every year. To compound the problem, many non-Native people who have horses and can no longer afford them are using Indian reservations as a place to abandon them. We have found horses with brands on them roaming our lands.

The SAFE Act would exacerbate these problems by eliminating the last remaining option for Native Nations to humanely and economically dispose of these animals by exporting them to a foreign country that will process horses for human consumption. Due to a troubling rider on the Ag Appropriations bill, we are already precluded from sending captured feral horses to domestic processing facilities, which the rider has effectively closed. The SAFE Act would further limit our ability to mitigate the problem of wild horses because, rather than rounding up feral horses for export to foreign countries, we would be forced to end their lives on tribal lands using toxic euthanasia or other undesirable means. Furthermore, we would lose the financial incentive of exporting these animals, which provides much-needed economic benefit to our people and wildlife departments that can be used to protect truly native species and important habitats. We also ask the members and staff of this committee to check with the American Veterinary Medical Association on what it is that constitutes humane euthanasia of horses. These professional veterinarians have written numerous papers chronicling the fact that the use of a penetrating captive bolt gun is a humane way of ending a horse's life. Yet the HSUS, AWI and other advocates of HR 3355 insist that injecting poison into a horse is the only humane way to put a horse down. Not only is this contrary to what veterinarians tell us (and therefore contrary to the humane practices used at facilities in Canada), but what then do we do with a thousand-pound dead horse chocked full of poison? Pay hundreds of dollars to have it buried by renting a backhoe? Risk other animals (coyotes, wolves, birds of prey) consuming the poison now in the dead horse's carcass? And what sense does this make when the horse meat involved constitutes a perfectly good source of sought after and low-cholesterol protein?

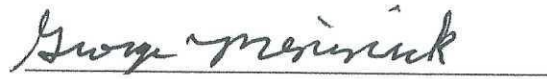
While on the subject of the novel and often misleading arguments being used to advance this legislation, the committee should really do a deep dive into the suggestion that all horse meat is tainted with drugs and therefore unfit for human consumption. How is it that horse meat is eaten in Quebec and throughout many European and Asian countries? Why don't the residents of those countries become ill when eating horse meat whose origin is often the US and Canada? You are often told of the danger of Bute in horse meat, but what the bill's proponents don't tell you is that Bute has a half life of 6 hours and that it would be nearly impossible for Bute to be consumed by a person eating horse meat. Please see the attached paper authored by four well know professors of equine science including Dr. Sheryl King, PhD, PAS, the Director of Equine Studies at Southern Illinois State University. And of course, the feral horses on Indian land have not been administered any drugs.

Finally, the advocates of HR 3355 tell us that our problem can be solved by injecting (darting) our mares with the contraceptive drug called porcine zona pellucida, or PZP. While that may work on small herds in limited land areas such as the wild ponies of Chincoteague Island in Virginia and Maryland, it is not a practical solution to regularly dart thousands of horses on Indian reservations that constitute hundreds of thousands of acres – some exceeding 1 million acres – of land. The Navajo Nation is over 16 million acres in size.

Consistent with the federal government's obligation to protect the resources of federally recognized Indian Tribes, the NTHC urges you to stand with us in opposition to the SAFE Act. The export of feral horses is a critical tool for responding to the feral horse populations on our respective Nations. Any attempts to make this practice illegal or impracticable through regulation will result in severe impacts to trust resources and therefore should not move forward.

The NTHC appreciates your attention to this matter. If you have any questions or concerns regarding this letter, please contact me at (509) 865-5121, extension 4335.

Sincerely,

A handwritten signature in cursive script, reading "George Meninick", is written above a horizontal line.

George Meninick, Chairman
National Tribal Horse Coalition

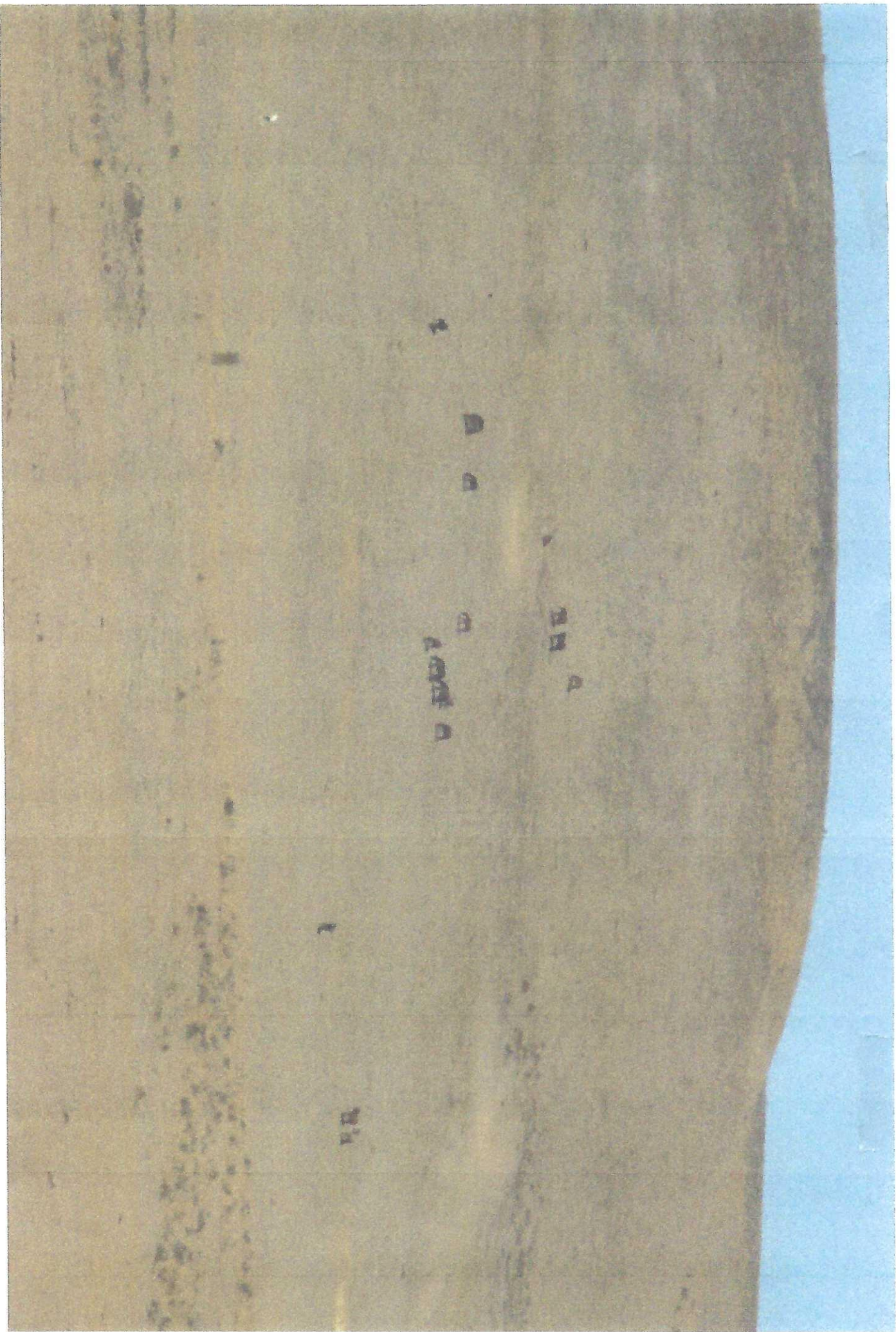
Enclosures

**Yakama Reservation healthy bunchgrass
inside fenced enclosure area**



5.11.2004

Hillside on Yakama Reservation denuded of almost all vegetation by feral horses



Subject: The public health risk of horse meat from American racehorses is unsubstantiated by the 2010 Dodman et al. paper published in the Journal, Food and Chemical Toxicology.

In their paper, "Association of phenylbutazone usage with horses bought for slaughter:

A public health risk", the authors Nicolas Dodman, Nicolas Blondeau, and Ann Marini assert that human consumption of horsemeat following the administration of therapeutic amounts of the anti-inflammatory medication phenylbutazone (PBZ) could hold health risks similar to the direct consumption of the drug. Examples they included were case studies reported 25-62 years ago in which adults and children administered multiple human therapeutic PBZ doses experienced severe and sometimes fatal outcomes, most notably from aplastic anemia, a precursor to Leukemia.

Direct human administration of PBZ was discontinued in the US as a result of these findings. No studies on the risk of these serious side-effects developing from significantly lower (parts per million or less) exposures – such as those that could conceivably occur from consumption of horsemeat products produced from animals recently treated with PBZ – are present in the scientific literature. Experimental Pathologist and Toxicologist, K.N Woodward, author of "Surveillance of Veterinary Residues" in the book Veterinary Pharmacovigilance (1990) states that "it is difficult to associate human health problems with residues of veterinary drugs". In other words, there is no cogent frame of reference for the authors' arguments.

The Dodman et al. 2010 study did not actually measure PBZ levels in any of the horses that were used in this report. Therefore, no conclusions can be drawn – particularly conclusions linking the meat produced by these subject horses and the possibility of human risk. The authors assume that the consumption of horsemeat produced from animals treated with PBZ one week or longer prior to slaughter is unsafe for human consumption. As we consider the millions of pounds of horsemeat consumed each year and the length of time horses have been treated with PBZ we might ask: Why has this risk never been proven?

Indeed, no cause-and-effect relation between consumption of meat products (from horse or other species) from PBZ-treated animals and a single case of aplastic anemia in any child worldwide has ever been reported.

The authors have taken one serious human health threat, in the form of treatment of humans with pharmacological doses (averaging 100 mg) of PBZ - a threat that has since been eliminated - and erroneously extrapolated it to the consumption of horsemeat. It is important to note that this study produced not one thread of scientific evidence supporting the supposed threats to human health resulting from horsemeat consumption. No reference was cited - in fact, no reference exists - to human disease or death associated with the consumption of horsemeat. In short, this study was specifically designed to be inflammatory, not scientific. The authors had political agendas that were promulgated by this publication. The level of scientific rigor both in the design of the study as well as in the peer review process was lacking. It is indeed surprising that a study of this caliber should make it past the reviewers of this journal.

To better understand the level of possible PBZ residue in horses we suggest the following explanation (this applies to PBZ levels in blood, where it is primarily sequestered – levels in muscle would be far less than those calculated below) ...

The half-life for PBZ in horses is 5 to 6 hrs (MERCK Veterinary Manual). This is the time needed for a horse to naturally remove 50% of the drug from its system. So, by 6 hours post-administration, half of the PBZ has been eliminated from the horse; by 12 hours, half of this remaining half-concentration has been eliminated, and so forth.

Human PBZ dosages of 100mg were reported in the 1960's to increase the risk of bone marrow depression disorders. Considering the half-life of PBZ in the body of the horse, in order for a human to consume a 100mg dose of PBZ, assuming that PBZ is evenly distributed throughout the horse, that person would need to eat at least 100lbs of horse meat produced within one hour after that 1000 pound horse was administered a normal therapeutic dose of 1000mg PBZ.

If the same horse were slaughtered the following day, a person would have to consume 1000 lbs of its meat – in other words, an entire horse and about 2/3 of a second horse (assuming a dressing percentage yielding a 600 pound carcass). For horses processed after 2 days withdrawal, 10,000 lbs would need to be consumed. After 3 days, 100,000 pounds. After 4 days, 1 million pounds. After 5 days, 10 million pounds. After 6 days, 100 million pounds. So then, after just a single week of withdrawal, the shortest holding time reported in this study, a person would have to eat 1 billion pounds of horsemeat to consume 100mg of PBZ.

In effect, an adult would need to consume about 1.5 million horses to receive a single, potentially toxic dose of 100mg. That would be more than the total number of horses than have been exported since US horse processing ceased in 2007.

The authors skirt this issue by claiming that any amount of PBZ, even those that cannot be measured by current toxicological screening methods, has the potential to produce aplastic anemia in children. Where is the evidence for such a bold statement? The authors point to the EU regulations prohibiting PBZ administration at any time in the life of a horse intended to enter the human food chain as their "proof". This doesn't prove a health risk, it merely highlights a regulation created because there have been no studies on a withdrawal period for this drug.

As reported by Dodman et al., PBZ and its metabolite, oxyphenbutazone, are not distributed evenly throughout the horse. Instead they accumulate in the kidneys and liver as they are naturally and continually removed or degraded from the animal. PBZ is not permanently retained by muscle or fatty tissues, thus its concentration in these edible tissues would be far less than in the blood that is drained away. Also noteworthy is that other potential causes of aplastic anemia include toxic chemicals in gasoline and some pesticides, autoimmune disorders and some types of viral infections.

<http://www.mayoclinic.com/health/aplastic-anemia/DS00322/DSECTION=causes>

As indicated in the 11th paragraph of the Dodman et al. 2010 discussion section, the FDA has set no safe levels of PBZ in livestock carcasses. A safe drug withdrawal period can be attained even in animals that

have been administered PBZ at some time during their life, as there is a time following administration of PBZ where it has been completely eliminated from an animal's system with absolutely no detectible residues in any tissues. Perhaps the FDA should work to establish a timeline for withdrawal that results in zero PBZ levels in these carcasses.

If the FDA were to establish a withdrawal period, this would appropriately release an implied and unsubstantiated ban on this important veterinary NSAID for horses. Related public educational programs on drug residues in meat could help provide public assurance on food safety issues and make known how such issues affect food prices and animal agriculture.

Sincerely,

Dr William Day, PhD
Assistant Professor
Morrisville State College Equine Institute
Morrisville, NY

Dr Sheryl King, PhD, PAS
Professor
Director of Equine Studies
Southern Illinois State University
Carbondale, IL

Dr Don Henneke, PhD
Professor
Director of Equine Science
Tarleton State University
Tarleton, TX

Dr Pat Evans, EdD
Director of Equine Science
Scottsdale Community College
Scottsdale, AZ