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March 10, 2006

Docket Clerk
Docket Number 05-036IF
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street SW
Room 102 Cotton Annex
Washington, DC 20250

Dear FSIS Officials:

Following are the comments of the Wyoming Department of Agriculture on the Interim Final Rule on the Ante-Mortem Inspection of Horses.

Our comments are specific to our mission: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed rule affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

We support the proposed final rule which allows official establishments that slaughter horses to be able to apply for and pay for ante-mortem inspection. There are several reasons why we support this proposed final rule.

Current statutes require USDA ante-mortem inspections. As noted in the February 8, 2006, Federal Register Notice, the U.S. Department of Agriculture (USDA) is obliged to provide for inspection of meat for human consumption. The Federal Meat Inspection Act (FMIA) requires the Food Safety and Inspection Service (FSIS) inspectors conduct ante-mortem examination and inspection of all livestock, including horses, before they enter any establishment for slaughter and the meat or meat products used for commerce. Although the FY2006 Appropriations Act specifically prohibits the use of appropriated funds for ante-mortem inspection of horse carcasses, the Joint Explanatory Statement of the Committee of Conference accompanying the FY2006 appropriations bill states, "It is the understanding of the conferees that the Department is obliged under existing statutes to provide for the inspection of meat intended for human consumption (domestic and exported)." Thus, horse meat intended for human consumption must undergo inspection.

The Agricultural Marketing Act (AMA) allows for voluntary, fee-for-service ante-mortem inspection of horses.

Given the ante-mortem funding prohibition of the FY2006 Appropriations Act, if FSIS does not establish a means for establishments that slaughter horses to obtain ante-mortem inspection, these businesses will not be able to operate and could be forced out of business.

The absence of this final rule will have several harmful consequences upon the horses and people of Wyoming.

There are nearly as many horses in our state as there are people, and an estimated 20,000 horses have outlived their usefulness. There needs to be a civilized way to dispose of these horses, just as there are caring ways to euthanize cats and dogs. Fortunately, this final rule allows a humane way to dispose of these horses and at the same time provides a beneficial product for the public good. The Humane Methods of Slaughter Act requires the humane handling and slaughtering of livestock, including horses. Adoption of this final rule allows for these methods. Conversely, without this final rule, the citizens of Wyoming would have little recourse for humane disposal of horses, creating an inhumane, unhealthy, and costly problem for our people, for our horses, and for our environment.

Adopting this final rule provides several advantages. The horse industry benefits economically. Society benefits from a beneficial use of these infirm and aging horses. Natural resources benefit from reduced grazing impacts. Our environment benefits by avoiding the detrimental impacts of thousands of dead horses that can transfer disease to other species and by reducing the impacts of dead horses in landfills.

Adoption of this final rule creates a win-win situation both for horses and people. It is in the best interests of our horses and our people to have official establishments that humanely slaughter horses, and those establishments need to be able to apply for and pay for ante-mortem inspection. Adoption of this final rule provides for those inspections, and, thereby, the continued existence of those establishments. It is for these reasons we support adoption of this final rule.

In conclusion, we appreciate the opportunity to comment on the adoption of this interim final rule, we encourage continued attention to our concerns, and we look forward to hearing about and being involved in proposed actions and decisions regarding this subject.

Sincerely,

Jim Schwartz
Deputy Director

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