

# FARM SANCTUARY



P.O. Box 150 Watkins Glen, NY 14891

(607) 583-2225

Dear Senator,

I am writing to ask you to support a bill that will prevent unconscionable animal suffering without causing economic difficulty. "The Downed Animal Protection Act of 1992" (S. 2296) introduced by Sen. Daniel Akaka (D-HI) would ban the sale of downed animals (animals too sick even to walk) at stockyards. This bill would empower the Packers and Stockyards Administration (of U.S.D.A.), which is visiting stockyards already, to enforce minimal humane treatment standards.

Please review the attached informational materials which describe the "downed animal" problem and the need for federal legislation. I think you'll agree, "The Downed Animal Protection Act of 1992" is good, sound legislation. It will serve to prevent unnecessary animal suffering without adversely affecting the livestock industry. Furthermore, this bill will not require increased spending on the part of government.

In 1991, several national news programs reported the abuse of downed animals at stockyards (NBC Nightly News, NBC News Expose, Larry King Live, ABC Home Show, Washington Post, Associated Press, National Public Radio, Paul Harvey News). Consumers were appalled to learn of wanton animal suffering at stockyards, and they were very upset to think that they might be eating sick animals.

"The Downed Animal Protection Act of 1992" addresses the downed animal problem in a timely and reasonable manner. I hope we can count on you to support this fundamental legislation.

Thank you very much for your consideration. Please don't hesitate to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Gene Bauston".

Gene Bauston, Director  
Farm Sanctuary



# Downed Animals:

## Why Federal Legislation Is Needed

There is no economic incentive to treat downed animals (animals too sick or injured to walk) humanely, and animal welfare concerns are inherent whenever downed animals are sold at stockyards. Incapable of walking to food or water troughs, downed animals are allowed to suffer for hours or days without receiving their basic needs. They are denied necessary veterinary care, and many die of gross neglect. There is no means available for moving downed animals (especially large animals) humanely. Downed animals are often moved by dragging, a process which causes injuries ranging from bruises and abrasions to broken bones and torn ligaments.

Although, downed animals comprise a small percentage of livestock sold at stockyards, most stockyards have had to deal with downed animals at one time or another. There is no defined method for handling downed animals, and confusion surrounds this problem. In many cases, stockyards are hesitant to euthanize downed animals, because stockyards do not legally own these animals, and they fear reprisal by the animals' owners.



*Living sheep (far right of photo) dumped on pile of dead animals behind stockyard.*

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### Existing Laws

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Some states specifically exclude farm animals from anti-cruelty statutes. In other states, anti-cruelty statutes are vaguely written and interpreted to exclude farm animals.

On the federal level, no laws or regulations address the humane treatment of farm animals at stockyards. The Packers and Stockyards Act defines and empowers the Packers and Stockyards Administration, the U.S.D.A. agency which oversees stockyards. The prevailing interpretation of the Packers and Stockyards Act, as it may pertain to animal welfare, is stated in a June 3rd, 1991 letter from Jo Ann Smith, U.S.D.A. Assistant Secretary. Jo Ann Smith writes, "If it is found that the care and handling of livestock at a stockyard is in any way unjust, unreasonable, or discriminatory, rules, regulations, and practices can be prescribed for the handling of such livestock to the extent necessary to protect the quality and value of the animal". Not only does this interpretation of the law fail to protect animal welfare, but in the case of downed animals, this interpretation increases animal suffering. In order to "protect the quality and value" of a downed animal, the animal may be allowed to suffer for hours or days without being humanely euthanized. (Living animals are more valuable because they can be sold for human consumption, while dead animals are used for less valuable items like soap and fertilizer.)

**Federal legislation banning the sale of downed animals at stockyards would resolve uncertainty and unnecessary animal suffering surrounding this topic. In addition, it would exact impartiality across state lines. When states pass legislation banning the sale of downed animals at stockyards within their boundaries, less conscientious stockyards in neighboring states may benefit unjustly. Similarly, stockyards who adopt "no downer" policies (i.e. those who chose not to sell downed animals) may lose business to less scrupulous stockyards who persist in selling downed animals. Unless federal legislation prescribes an appropriate, standardized remedy to this problem, confusion will continue to cloud this issue and facilities with higher standards will be penalized for making improvements.**



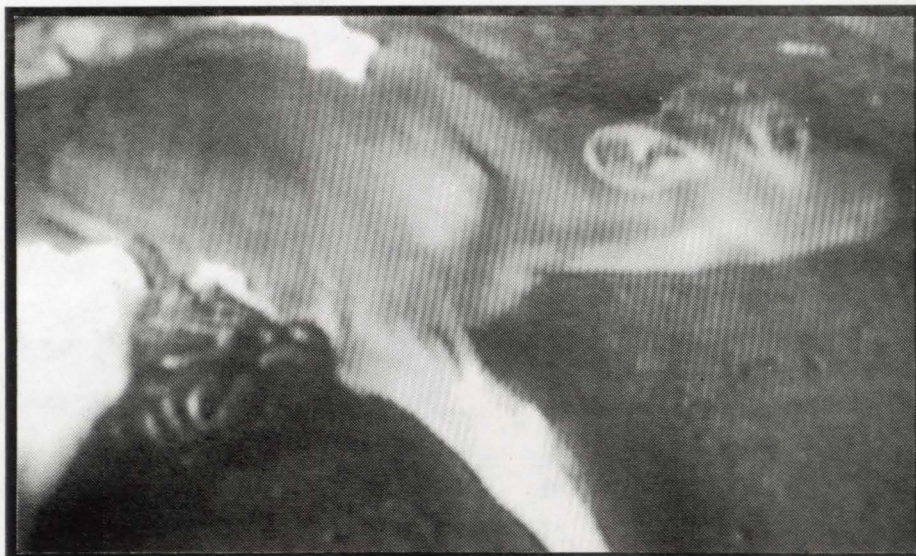
# Downed Animals:

## *A Recurring Problem in Spite of Industry Efforts*

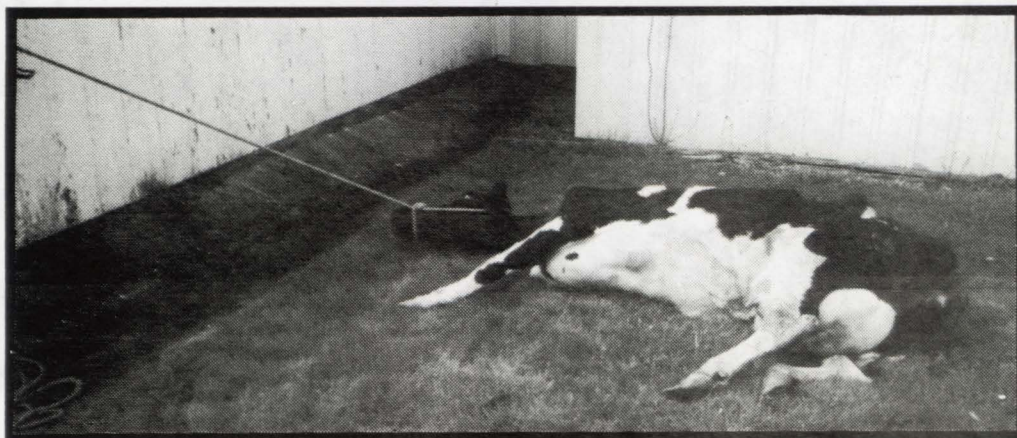
Downed animals, animals too sick or weak to walk, suffer horribly at stockyards. Downed animals are denied their basic needs, and many die of gross neglect. Those who survive the stockyard are dragged to slaughter, often with chains.

Concerned about animal suffering, and other problems associated with selling downed animals at their facilities, a number of U.S. stockyards have instituted "no downer" policies. Stockyards with such policies have stated that they do not accept and/or sell downed animals.

These stockyards are to be commended for attempting to resolve this problem. However, field research has shown that these stockyards are unable to police themselves. **Pictured at right are examples of downed animals, left to suffer, at stockyards which have declared "no downer" policies.**



Lancaster Stockyards (Lancaster, PA)  
*Downed calf, intestines protruding from his abdomen, left to suffer untreated.*



Empire Livestock Market (Pavilion, NY)  
*Downed cow dragged off truck by rope around her head.*

***For More Information Contact:***

***Farm Sanctuary  
P.O. Box 150  
Watkins Glen, NY 14891  
(607) 583-2225***



Empire Livestock Market (Bath, NY)  
*After being dragged through the auction ring, this downed calf was left in a pen to die slowly.*



# Downed Animals:

## *Study of Twenty-Four Stockyards Uncovers Severe Problems*

In 1991, the issue of farm animal suffering received considerable attention in national media. In particular, the inhumane treatment of downed animals (animals too injured or sick even to walk) at stockyards upset the American public. The livestock industry and the United States Department of Agriculture, embarrassed by this negative publicity, took steps to remedy downed animal problems.

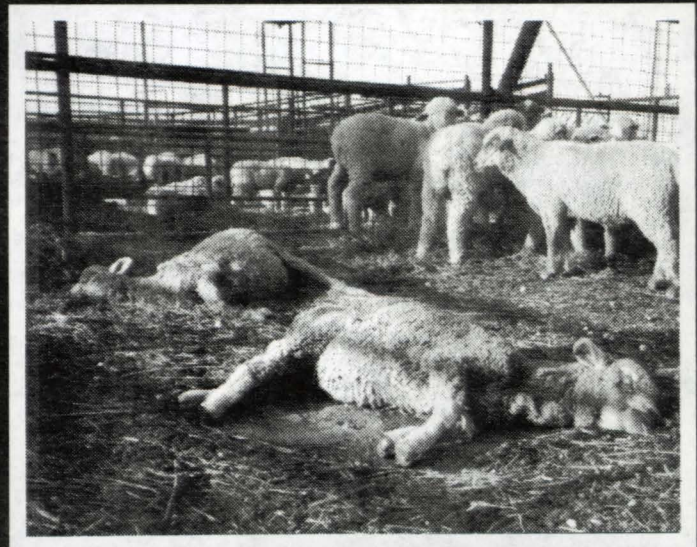
In September, 1991, at the height of industry's efforts to correct animal suffering, Farm Sanctuary conducted a study of 24 stockyards across Texas, Oklahoma, Kansas, and Colorado. Researchers found serious animal welfare problems despite industry's best efforts to clean house. Animals with impaired mobility were found at 71% of the stockyards visited, and downed animals, dying slowly, were found at 17% of the stockyards visited. These pictures show some of the animals found during the study.



*Downed cow with broken neck dying slowly.  
(Mineral Wells, TX - 9/14/91)*



*Downed cow, dying as her calf looks on.  
(McAlester, OK - 9/16/91)*



*Downed sheep foreground, dead sheep in background.  
(San Angelo, TX - 9/10/91)*

***For More Information Contact:***

***Farm Sanctuary, P.O. Box 150, Watkins Glen, NY 14891 (607) 583-2225***



5.2296

2/10/92 DEPT

introduced 2/27/92

102D CONGRESS  
2D SESSION

S. \_\_\_\_\_

IN THE SENATE OF THE UNITED STATES

Mr. AKAKA introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

A BILL

To amend the Packers and Stockyards Act, 1921 to make  
it unlawful for any stockyard owner, market agency,  
or dealer to transfer or market nonambulatory livestock,  
and for other purposes.

1 *Be it enacted by the Senate and House of Rep-*  
2 *resentatives of the United States of America in Congress*  
3 *assembled,*

4 SECTION 1. SHORT TITLE.

5 This Act may be cited as the "Downed Animal Pro-  
6 tection Act of 1992".



1 SEC. 2. UNLAWFUL STOCKYARD PRACTICES INVOLVING  
2 NONAMBULATORY LIVESTOCK.

3 Title III of the Packers and Stockyards Act, 1921  
4 is amended by inserting after section 317 (7 U.S.C. 217a)  
5 the following new section:

6 "SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING  
7 NONAMBULATORY LIVESTOCK.

8 "(a) DEFINITION.—As used in this section, the term  
9 'humanely euthanized' means to kill an animal by mechan-  
10 ical, chemical, or other means that rapidly and effectively  
11 renders the animal insensitive to pain.

12 "(b) UNLAWFUL ACT.—It shall be unlawful for any  
13 stockyard owner, market agency, or dealer to buy, sell,  
14 give, receive, transfer, market, or hold nonambulatory live-  
15 stock unless the livestock has been humanely euthanized."

16 SEC. 2. EFFECTIVE DATE.

17 This Act and the amendment made by this Act shall  
18 become effective 1 year after the date of enactment of this  
19 Act.