

# History of U.S. equine welfare and legislation

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## Summary

The history of equine welfare and legislation in the United States is to some extent a reflection of the traditional views and background of its diverse society. In 1641, the Massachusetts Bay Colony drafted a law which forbade cruelty to farm animals including horses. The federal legislation entitled "Horse Protection Act" of 1970 prohibits the use of irritating or blistering agents on the limbs of competitive horses. State legislation has been enacted to prohibit the use of medication in sport horses, poling of jumping horses, docking of tails, and the elimination of some rodeo events in both traditional rodeo and Mexican-style rodeo. Emerging issues, with the possibility of drafted legislation, include transportation issues and minimum exercise requirements for confined horses.

**Keywords:** equine welfare, equine legislation, cruelty, abuse, animal rights

## Geschichte des Pferdeschutzes und der Gesetzgebung in den Vereinigten Staaten

In den Vereinigten Staaten ist die Geschichte des Pferdeschutzes und der Gesetzgebung in gewisser Weise ein Spiegelbild traditioneller Ansichten und der Hintergründe seiner vielfältigen Gesellschaft. Im Jahr 1641 erließ die Massachusetts Bay Colony ein Gesetz, das Grausamkeiten gegenüber landwirtschaftlich genutzten Tieren verbot, was die Pferde einschloß. Das Bundesgesetz mit dem Namen "Acta zum Schutze des Pferdes" aus dem Jahr 1970 verbietet, die Beine von Sportpferden mit Wirkstoffen zu behandeln, die Reizungen oder Brennen hervorrufen. In verschiedenen Bundesstaaten wird per Gesetz die Verabreichung von Medikamenten an Sportpferde, das Barren von Springpferden, Coupieren der Schweife, sowie einige Rodeo-Veranstaltungen, sowohl im traditionellen als auch im mexikanischen Stil, verboten. Aktuelle Streitpunkte, zu denen wahrscheinlich Gesetze erlassen werden, sind Sachverhalte, die den Transport von Pferden betreffen und die Frage nach der minimalen Belastung von Pferden in Boxenhaltung.

**Schlüsselwörter:** Tierschutz, Gesetzgebung, Grausamkeit, Mißbrauch, Rechte der Tiere, Pferd

## Introduction

Equines are found on every continent; perhaps this is an indication of the enormous utilitarian value which this versatile species has been to societies throughout the world. As these societies developed in different ways, it is perhaps inevitable that differing views of how equines should be treated also developed. A simple example is that some societies use horse flesh as human food, while others do not. Over the centuries, people of diverse ethnic origins have come to live in the U.S.A. Some have brought horses with them. The history of equine welfare and legislation in the U.S. is to some extent a reflection of the traditional views and background of these diverse people.

## Early legislation: 1641–1905

In 1641, the Massachusetts Bay Colony drafted a law which forbade cruelty to farm animals, which also included the horse. The law specifically stated that rest, feed and water should be provided to animals led, driven or ridden. Thus, the United States was the first country in the world to pro-

vide legal protection of farm animals (England enacted its first anti-cruelty law in 1822).

The early nineteenth century found horses pulling wagons, carts, coaches and city streetcars. New York City was especially overcrowded with carriages, and the first horse drawn street railway was developed in 1832. These streetcars numbered in the hundreds with miles of track and were packed with passengers. In winter months, the horses also endured the slippery, icy, and salted streets. The overloading of streetcars with passengers and the housing conditions of the streetcar horses became the focus of Henry Bergh, founder of the American Society for the Prevention of Cruelty to Animals. Henry Bergh was known to stop overloaded cars and refuse to allow them to continue until excess passengers disembarked. Sometimes passengers refused to comply, bringing traffic to a halt and causing huge traffic jams. One newspaper ridiculed Bergh in the following context, "One is compelled to believe him insane or to conclude that he is a mere seeker after personal notoriety at the expense of public convenience."

The first specific legislation for equines was drafted in 1866 by Henry Bergh. This legislation for the state of New York provi-

ded specific language to protect horses and mules from abandonment: "Every owner, driver, or possessor of an old, maimed, or diseased horse or mule, turned loose or disabled in any street lane or place of any city in this state, who shall allow such horse or mule to lie in any street, lane or public place for more than three hours after knowledge of such disability, shall, on conviction be adjudged guilty of a misdemeanor." Much of the language in Bergh's legislation is incorporated in many other states' anti-cruelty and abandonment laws.

Many of the abuses which concerned Henry Bergh disappeared as electric trolley cars replaced the horsecars, and the subject of proposed U.S. legislation paralleled the changes in the use of the horse from draft power and transportation to diverse sporting events. For example, California's statute of 1905 forbade the docking of a horse's tail, which was defined as the removal of the lower portion of the tail for the purposes of shortening it.

### Modern era legislation

The genesis of today's renewed concern for animal welfare in the U.S. is partially credited to the publishing of the British book entitled "Animal Machine" in 1964. The book was widely read in the U.S. and focused principally on livestock with the use and misuse of antibiotics, housing of veal calves in individual stalls and conditions of laying hens in cages. Now, production agricultural animals and horses in the U.S. are receiving part of the focus, especially confinement issues, painful management techniques, transportation practices, and slaughtering techniques.

Perhaps, the first big impact on the U.S. horse industry came with the Horse Protection Act of 1970. This federal regulation prohibits the utilization of irritating or blistering agents, lacerations, or injected substances to the limb of a horse for the purposes of altering its gait. The Act drafted by Congress, states that the soring of horses is cruel and inhumane, and was mainly directed at the high stepping gait of the Tennessee Walking Horse, but covers all competitive activities of show horses such as jumpers or event horses. The Act was amended in 1976 making "soring" a felony offense punishable by imprisonment up to three years or fines up to \$5000. The United States Department of Agriculture's veterinary medical officers inspect competitive events and examines individual horses by visual appraisal, palpation, and currently is incorporating the utilization of thermography technology to detect soring.

Only the states of California and Wisconsin prohibit the "poling" of horses with the penalty of a misdemeanor; however, many sponsoring organizations of competitive jumping events disallow poling practices on the show grounds. California legislation (1975) is specific in its language "Poling is a method of training horses to jump which consists of (1) forcing, persuading, or enticing a horse to jump in such a manner that one or more of its legs come in contact with an obstruction, consisting of any kind of wire or a pole, stick or rope or other object with brads, nails or other sharp points embedded therein or attached thereof . . . "

The misuse of medications and drugs in competitive and race horses is usually self-governed under the auspice's state ra-

cing commission or sponsoring organization. The state government of California in 1987 initiated drug testing at public horse shows, competitions, and sales. This program is funded by an additional fee per horse at the time of entry.

Rodeo competitions originated from the cattle industry and have emerged as a sport with a large entertainment value, particularly in the western U.S. Competitive events utilizing horses include the bucking events which are judged and the roping and steer wrestling events that are timed. Professional rodeos are self governed by the Professional Rodeo and Cowboy Association on animal welfare issues such as attending veterinarians, transportation, care and handling techniques. Rhode Island in 1990, passed the legislation which placed severe restrictions on competitive calf roping events. This legislation was drafted and passed in response to societal concerns about humane practices of rodeo.

Confinement issues have trickled down from intensive livestock systems to the equine industry with the specific language (California Legislature 1991-1992, Assembly Bill 3175) stating minimum requirements for confined horses: "...an equine shall be provided with either supervised exercise or access to an area where equine may move freely for a minimum of seven hours per week." This legislation, however, exempted horse racing activities! This legislation was vetoed due to problems of enforcement and lack of scientific data supporting minimum exercise requirements.

The U.S. states bordering with Mexico, including California, Texas and New Mexico, have enacted legislation concerned with the prohibition of the horse tripping events in the Mexican-style rodeo called "charreada." The events consist of either roping a galloping horse's hind legs (piales en el lienzo) or front legs (mangana) and, if done correctly, gently bringing the horse into a shoulder roll. The issue was debated on the issues of animal cruelty, often illustrated with video tape or the argument that the events represent culture and tradition. California adopted (1994) the legislation by amending the code and penalties associated with the prohibited practice of "poling".

Currently under debate are legislative bills on the transport of horses to slaughter, specifically with the intention of exempting the two-tiered trailers. The animal protection organizations are preparing strategies for the Olympic games in Atlanta with concerns on the well-being of competitive horses, especially under possible severe summer humidity/environmental temperature or difficult course designs.

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