

Investigation of the Texas Slaughter Horse Export Pens

1) Presidio Export Pens

Date:

7/9/14

Locations:

-Alvarado/C4 Pens

-Baeza Pens

-Ruben Brito Pens

All pens are located on Cattle Drive, Presidio, TX



Presidio Holding Pens

Observations:

Investigators arrived at the Presidio pens at 9:00am. They immediately noticed that all three pens already held horses, indicating that deliveries had taken place during the night before. There was only one US truck still at the pens, he was parked empty next to the C4 pen entrance. The trucking company was *C & L Trucking* (DOT 1765925) based out of Tecumseh, OK, which is 691 miles away from Presidio. A review of the company's driving performance on the FMCSA website revealed that *C & L Trucking* has multiple violations and has exceeded the intervention threshold:

395.3(a)(2)	Requiring or permitting driver to drive after 14 hours on duty	117
395.3(a)(3)(ii)	Driving beyond 8 hour limit since the end of the last off duty or sleeper period of at least 30 minutes	207
395.3(b)	60/70 - hour rule violation	117
395.8	Driver's record of duty status (general/form and manner)	401
395.8(e)	False report of driver's record of duty status	117
395.8(f)(1)	Driver's record of duty status not current	605



C & L Trucking parked at export pens



Old Ruben Brito pens

The investigators noticed that the old **Ruben Brito pens** had been completely demolished and that the business had moved to a new location across the street. The new pens have a small office building, a *Senasica* inspection station and a loading ramp in the front of the premises and an extensive pen area in the back.



Loading Ramp



Senasica inspection station

All pens have a metal water troughs and small metal roofs for shelter. However, the roofs are very small and do not provide enough shade for all the horses in the pen area. A small amount of hay had been scattered along the fence line. The more dominant horses were observed guarding the hay and prohibiting access for all horses.



Shelter



Horses inside pens

The majority of the horses were in average condition, several were thin with ribs showing. A grey mare had a swollen, bleeding wound over her left eye, likely a transport injury.



Grey horse with eye injury



Bay horse with ribs showing

The **C4 pens** appeared even more dilapidated than during our 2013 visit, a lot of trash was visible on the premises and large manure piles covered with bones were all around the pen area. The horses still had no shelter from the desert sun. A very small amount of hay was visible in the front pens and a group of approx. 15 horses, of which several were quite thin, was gathered around it. However, ever since our complaints to law enforcement about the conditions at these pens, the majority of the horses are held all the way in the back of the premises far away from the public's eye. The condition of these back pens as well as the existence of food, water or shelter is currently unknown.



Horses, trash and manure pile at C4 pens



Thin horses at Baeza pens

At the **Baeza pens**, a group of 12 slaughter tagged horses was visible in the front pens. Several of them were very thin. The pens provided them some hay, but still no shelter had been installed. In a separate pen, a small group of mares & foals was visible.

There was no activity and the investigators drove to the border to see if any truck were already crossing. When they returned to the pens at 11:00am, the *C & L truck* just left the Baeza pens with a load of "rejects" (Horses that have been rejected by the Mexican veterinarian and therefore cannot be exported)

Investigators followed the truck as he was heading north towards Marfa. The driver was speeding, at times driving as fast as 90 mph. When the truck had to slow down on a steep hill, investigators overtook the vehicle to film the horses inside the trailer. The driver reacted extremely angry and tried to push the investigator's car off the road.



Angry driver trying to push investigator's car off the road



Truck leaving Presidio with rejects

In Marfa, the driver pulled over next to a gas station to get something to eat. The investigators were able to document the conditions of the horses inside the trailer. One of them had a horrific injury on his left hind leg. The lower leg was swollen to almost twice its regular size and an open, severely infected wound stretched all the way from his ankles to his knee. Flies were present on the exposed flesh. After documenting the injury, investigators called local law enforcement right away. However, the police never arrived on the scene and the truck continued towards Oklahoma.



The investigators decided to return to Presidio to watch the export of horses to Mexico in the afternoon. Meanwhile, the temperature had risen to 100 degrees Fahrenheit. Back at the **C4 export pens**, a Mexican transport truck loaded with horses was parked in full sun. The red truck (Trucking Company: *Moreno*) was pulling a single deck, aluminum trailer with small air holes on both sides. However, the holes were quite small and not enough to guarantee sufficient air flow inside the metal trailer and one can only imagine the temperatures inside.



At the other pens, multiple other Mexican transport trucks were parked loaded with horses. Approx. 30 minutes later, the trucks departed from the pen area and drove to the US customs broker office to have their paperwork checked. Again, all trucks loaded with horses parked in full sun.



Trailer with tiny air holes



Loaded trucks parked in full sun

One of the Mexican trucks was pulling a single deck trailer with completely closed, wooden sides. (DOT: 00556446; *Autotransportes de Candos*, Camargo, Chihuahua), which makes it next to impossible to even tell that there are live animals inside the trailer and eliminates airflow significantly. The fact that the sides were closed completely is very concerning. How is the driver checking the horses during transit?



Truck & trailer with completely closed sides crossing border

3:30 pm: The trucks proceeded to the border crossing. To avoid the possibility of anyone looking inside the trailer, the trucks pulled all the way into the border check point. After a brief stop in the office to have their paperwork examined, the drivers returned to their vehicles and crossed into Mexico.

Areas of Concern:

- The horses at the Presidio export pens still have insufficient shelter and protection from the desert sun. It is also questionable that the horses at the C4 pens receive enough food, since this has been a problem in the past and only very small quantities were visible during this visit.
- A horse, rejected by the Mexican veterinarian due to a severe leg injury, was loaded and returned with the US shipper. Based on the condition of the injury, no veterinary care had been provided.



- Trailers used to transport horses to Mexico are still inadequate and do not offer enough airflow. Trailers with completely closed sides were observed, offering no airflow and no possibility to quickly check on the animals during transit.
- Loaded horse trailers were still parked in full sun for an extended period of time during an incredible hot summer day.

Violations:

A) Texas Law

Texas Penal Code § 42.09. Cruelty to Livestock Animals

(a) A person commits an offense if the person intentionally or knowingly:

- (1) tortures a livestock animal;
- (2) fails unreasonably to provide necessary food, water, or **care** for a livestock animal in the person's custody;

Texas Health and Safety of Animals § 821.021. Definition

In this subchapter:

- (1) "Cruelly treated" includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, **care, or shelter, cruelly confined**, or caused to fight with another animal
- (3) "Owner" includes a person who owns or has custody or control of an animal

B) USDA Regulations

9 CFR § 88.3 Standards for conveyances.

(a) The animal cargo space of conveyances used for the commercial transportation of equines for slaughter must: (1) Be designed, constructed, and maintained in a manner that at all times protects the health and well-being of the equines being transported (e.g., provides adequate ventilation, contains no sharp protrusions, etc.).

2. Eagle Pass Export Pens

Date: 7/11/14

Texas Department of Agriculture Export Pens

Location:

205 Industrial Blvd
Eagle Pass, TX 78852
Phone: (830) 773-2359

Management/Pen Operator

Texas Department of Agriculture
Mr. Jon Garza (Director, Commodity Reporting & Livestock Exports)

Ricardo Perez, Pen Operator

Observations:

7:15am: Investigators arrived at the TDA export pens to find *Larry Anderton* from Corsicana, TX (DOT 752261) and *Tres Trucking* (DOT 2195024) from Morton, TX waiting to unload outside the closed pens. The horses inside the *Tres Trucking* trailer appeared extremely overcrowded and a lot of kicking, fighting and biting was observed. A paint horse in the front compartment of the trailer had a severely swollen eye, likely as a result from fighting in transit. While investigators observed the trailer, a grey horse in the middle compartment started kicking the horse next to him with both hind legs, hitting the other horses' side several times with full force.(video documentation available)



Crowded trailer and horse with eye injury

At 7:40am, both trucks entered the export facility and the *Larry Anderton* truck backed up to the loading ramp.

At 8:26am, a *Stanley Brothers* truck from Hamburg, AR (DOT 451845) arrived and entered the pen area. A review of the company's driving performance on the FMCSA website revealed that C & L Trucking has multiple severe violations and has exceeded the 65% intervention threshold significantly (96,2%):



Requiring or permitting driver to drive after 14 hours on duty	1	17
395.3A2-PROP	Driving beyond 14 hour duty period (Property carrying vehicle)	337
395.3(a)(3)(ii)	Driving beyond 8 hour limit since the end of the last off duty or sleeper period of at least 30 minutes	307
395.3A3-PROP	Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)	117
395.8	Driver's record of duty status (general/form and manner)	901
395.8(a)	No driver's record of duty status	115
395.8(f)(1)	Driver's record of duty status not current	505
395.8(k)(2)	Driver failing to retain previous 7 days' logs	225

Driving a CMV while CDL is suspended for a safety-related or unknown reason and in the state of driver's license issuance.			
Driver not in possession of medical certificate			
Expired medical examiner's certificate	2	0	1
Driver uses or is in possession of drugs	1	1	10
Possession/use/under influence alcohol-4hrs prior to duty	1	1	5

A yellow *Charritos Auto Express* with canvas top trailer and an orange *Transportes Villareal* truck with a “homemade” ex-refrigerator trailer were already parked next to the pens.

8:30am: The *Larry Anderton* truck started to unload. The Mexican veterinarian arrived at 8:35am. All horses walked off the trailer with no problems.

8:43am: *Larry Anderton* finished his unloading and *Tres Trucking* backed up to the loading ramp. It had started to rain and the horses inside his trailer were trying to lick some of the rain from the trailer sides, apparently they were very thirsty. All horses were able to walk off the trailer, several appeared weak and walked very slowly. Many horses still had auction tags attached in addition to the green USDA slaughter tags, indicating that they had been purchased and likely shipped straight from the auction.



“Homemade” Trailer



Horse trying to lick rain water

The *Larry Anderton* driver was very upset about being filmed and started to record the investigator’s vehicle information. 8:57am: The *Stanley Brothers* truck was the last one to unload. His trailer also appeared very crowded. Investigators were unable to see the unloading, since another truck blocked their view. However, apparently some horses were rejected by the Mexican veterinarian since not all horses were unloaded. The truck left the export pens and started heading towards the *Chula Vista* pens. The *Chula Vista* pens are owned by local kill buyer *Raul Benavides* and are used as a “storage facility” for rejects. The rejected horses stay there until they have either recovered or died, or are returned with the original shipper after multiple unsuccessful attempts to export them.



09:20am: The *Stanley Bros* truck entered the *Chula Vista* property and dropped off his rejects. The truck remained on the premises.

1:56pm: A silver 1-ton pick-up with a dilapidated, open stock trailer left the TDA pens with 10 horses. The truck had Arkansas plates and all the horse had a red "X" painted on them, indicating that they were rejects. There was no DOT # on the truck, but it is likely that the truck is linked to the Stanley Brothers, since they are the only ones from Arkansas delivering to the Eagle Pass Export Pens. The trailer appeared very overloaded and the horses were struggling to maintain their footing. Some of them started biting each other and were hitting their heads on the low overhead metal pipes of the stock trailer. The truck briefly stopped at a gas station and then left Eagle Pass heading north. Investigators reported the vehicle to the Texas Department of Public Safety and returned to the TDA pens to observe the export of the horses that had been delivered that morning.



Truck with rejects leaving TDA pens

2:30pm: 4 Mexican transport trucks were parked at the TDA pens already loaded with horses, an additional truck was still backed up to the loading ramp. (Trucking Companies: *Charrito's Auto Express* (DOT 2173135) & *Transportes Villareal* (DOT 2199707Z) & *Carnicos de Jerez* (DOT2188748Z) & *Ramon Acosta* (DOT 2199747)) All trailers were parked in full sun.

This is the first time a truck from the Jerez slaughter plant was observed at the Eagle Pass Export Pens. The trucking company has already piled up **44 violations** of US Federal Motor Carrier Safety Regulations due to the fact that their drivers were not able to understand the English language & highway signs.



Carnicos de Jerez Truck

Two of the trailers observed were not suitable to transport animals at all, since they did not provide adequate ventilation and airflow.



Inadequate Trailers

The white *Transportes Villareal* truck with loaded single deck trailer left the pens and drove to the scale station to check his weight. After a brief stay, he returned to the export pens.

A burgundy *Charritos Express* Truck arrived at the pens already loaded with slaughter tagged horses and backed up to the loading ramp. The trailer was very crowded and the horses were observed fighting. The horses were never unloaded, but the truck joined the others heading to the border.



Charritos Express Truck at TDA pens

2:45pm: All 6 trucks left the TDA pens together and proceeded directly to border. All trailers were sealed. At 14:53pm, the first truck crossed the international bridge and entered Mexico. All other trucks followed immediately afterwards.





Areas of Concern:

- Trailers used to transport horses to Mexico are still inadequate and do not offer enough airflow.
- Loaded horse trailers were still parked in full sun for an extended period of time.
- Trailers were overcrowded, resulting in fighting and injuries.

Violations of USDA Regulations:

9 CFR § 88.3 Standards for conveyances.

(a) The animal cargo space of conveyances used for the commercial transportation of equines for slaughter must: (1) Be designed, constructed, and maintained in a manner that at all times protects the health and well-being of the equines being transported (e.g., provides adequate ventilation, contains no sharp protrusions, etc

9 CFR § 88.4 Requirements for transport.

(a) Prior to the commercial transportation of equines for slaughter, the owner/shipper must: (4) Load the equines on the conveyance so that: (i) EACH equine has enough floor space to ensure that no equine is crowded in a way likely to cause injury or discomfort.