Importation of Certain Cattle from Mexico: Identification Requirements

Animal Rights International

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IMPORTATION OF CERTAIN CATTLE FROM MEXICO
IDENTIFICATION REQUIREMENTS

DOCKET NO. 93-006-2

THE HEAD AND VENTRAL NECK OF THE RUMINANTS

Textbook of Veterinary Anatomy, W.B. Saunders Co 1987. P401

FIGURE 25-8. Skin innervation of the head.

1. Cornual n.; 2. auriculotemporal n.; 3. infraorbital nerve; 4. mental n.
PRELIMINARY STATEMENT

Animal Rights International (ARI) strongly supports the proposed rule of the Animal and Plant Health Inspection Service of the United States Department of Agriculture to eliminate the hot iron face branding requirement for cattle imported into the United States from Mexico. It is the position of ARI that face branding is cruel and unnecessary, more humane identification methods are available and more effective means of controlling tuberculosis should be utilized. Face branding constitutes a violation of public policy and many states' cruelty to animals statutes, the USDA should revise all of its regulations to ensure that face branding is no longer a permissible method of identifying animals and that the final rule to ban face branding be adopted immediately after the expiration of the comment period for Docket No. 93-006-2.

POINT I- FACE BRANDING IS INHERENTLY CRUEL

_Tears streamed down the side of the animal's face. Her tongue extended forward out of her mouth. A reflex action caused by the pain of the burn._

Harold Meyers, DVM

(Describing a cow's reaction to hot-iron face branding, The Fresno Bee, April 6, 1986)

Veterinarians, farmers and others knowledgeable about animal husbandry and care agree that face branding is cruel and should be eliminated.

Dr. Temple Grandin, one of the world's foremost livestock handling consultants, has stated that there are more sensitive nerve endings around an animal's face than on an animal's rear and that as the face brand heals, the jaw bone would move back and forth underneath the skin of the face where the brand is located. According to Dr. Grandin, this would be likely to cause pain when the animal eats. (Discussion with Dr. Grandin, September 22, 1994)

Dr. Charles E. Short, a veterinarian and professor at Cornell University testified in 1986 in the case of Humane Society of Rochester and Monroe County for the Prevention of Cruelty to Animals, Inc., v. Lyng, 633 F. Supp. 480 (W.D.N.Y. 1986), that hot-iron facial branding was painful, could damage underlying facial structure (muscles used in chewing, salivary glands, and eyes), and that, because of the extent of enervation of the facial area, hot iron branding was an "inhumane approach." Dr. Theodore Friend, a professor of applied animal behavior at Texas A & M University and a specialist in animal stress...
physiology, also testified in this case that a brand should not be applied to the face of a cow. Additionally, Dr. Harold Meyers, a large animal veterinarian, stated back in 1986, in response to the USDA's requirement that cows in the federal government's dairy termination program be branded on the face with a hot iron, that "This type of brand is particularly painful because of the thin skin on the jaw. The nerve endings are much more sensitive on the face than on the flank or shoulder." (The Fresno Bee, April 6, 1986) And according to Dr. Holly Cheever, a large animal veterinarian in New York State, "Face branding is an unreasonably cruel method to permanently identify cattle. It is cruel because of the intense pain inherent in hot iron branding, and also due to the aversion that bovines feel when being approached from the front. In addition, it necessitates the use of nose tongs which constitute a painful method of restraint." (Cheever Position Statement, March 3, 1994)

According to New York dairyman Nick Verburg, "This [hot iron on the face] is a silly and ruthless practice." Bruce Norris, also a farmer, has stated that cows "are victims. They will stand there and scream when they get a hot iron on the cheek." And Tom Shultz, a farm adviser to dairymen, has stated that "I agree it's cruel to put a big X on a cow's jaw..." (The Fresno Bee, April 6, 1986)

The California Cattle Feeders Association issued a written statement which says that "Regarding hot iron branding, we do not favor on the face because of the very thin musculature of the flesh on the cheek." (Letter dated January 27, 1981) More recently, the Colorado Cattlemen's Association issued a statement saying that "[W]e encourage U.S.D.A to adopt viable alternatives to jaw branding." (Letter dated April 7, 1994)

**POINT II- FAR LESS CRUEL ALTERNATIVES TO FACE BRANDING ARE AVAILABLE**

*Surely we can ensure public health without slipping back into the dark ages in the manner in which we handle, restrain, and identify these animals...*

Holly Cheever, DVM
(Position Statement, March 3, 1994)

There are methods of identifying animals that meet the government's criteria of permanency, recognizability and visibility but do not cause the unnecessary pain and suffering inherent in hot-iron face branding.
Indelible dye marks, ear punching, paint and tattoos have all been suggested as more humane methods to identify cattle as have the use of ear tags and microchips as supplements.

Any of these methods would cause significantly less pain and suffering to animals than hot iron face branding.

**POINT III- HOT-IRON FACE BRANDING VIOLATES PUBLIC POLICY AND CRUELTY TO ANIMALS STATUTES**

*It has long been the public policy of this country to avoid unnecessary cruelty to animals... On the testimony before me, the hot-iron face branding of cows appears to constitute a violation of the state anti-cruelty laws...*

Michael A. Telesca
U.S. District Judge

(Language from his decision in Humane Society of Rochester and Monroe County for the Prevention of Cruelty to Animals v. Lyng)

Statutes to prohibit cruelty to animals have been enacted in every state to prohibit persons from causing unnecessary pain, suffering and death to animals. As noted, face branding is inherently cruel and significantly less cruel methods of identifying animals are available. Any requirement of face branding would constitute a clear departure from this country's public policy and laws and would promote unnecessary cruelty.

**POINT IV- MORE EFFECTIVE METHODS OF TUBERCULOSIS DETECTION SHOULD BE IMPLEMENTED**

*Branding Mexican cattle is treating a symptom of a much larger problem. The real solution to the problem is eradicating tuberculosis in Mexico... Branding cattle at the Mexican border is futile. It is like locking the barn door after the horse has been stolen...*

Temple Grandin, Ph. D.
(Grandin Position Paper, January 31, 1994)

The practical solution to the tuberculosis problem, while working to eradicate TB, is to develop tests that are fast, accurate and inexpensive—which would quickly identify animals with TB so that their entry into the United States would be prevented.
POINT V- PROVISIONS FOR FACE BRANDING SHOULD BE ELIMINATED IN ALL USDA REGULATIONS

Identification of animals to be destroyed because of tuberculosis... Reactor cattle and bison shall be identified by branding the letter "T" on the left jaw... Exposed cattle and bison shall be identified by branding the letter "S" on the left jaw...

Identification of animals to be destroyed because of brucellosis... Cattle and bison shall be identified by branding the letter "B" on the left jaw...

(9 CFR 50.6 and 51.5, respectively)

Face branding is cruel whether it is being done to Mexican cattle or any other animal. The USDA should immediately revise all of its face branding regulations to prohibit this unnecessary and cruel procedure. As the USDA noted in its rationale for withdrawing its previous proposed rule requiring hot iron face branding of Mexican cattle, there is "increasing public concern that branding on the jaw causes unnecessary distress to cattle." This concern undoubtedly extends to all animals, not solely Mexican cattle. The USDA's responsiveness to these concerns needs to be applicable to each and every face branding requirement.

POINT VI- THE USDA SHOULD ACT SWIFTLY TO PUBLISH A FINAL RULE TO ELIMINATE FACE BRANDING OF MEXICAN CATTLE AND OTHER ANIMALS

An average of 2700 steer are face branded each day of the year. Any delay in publishing a final regulation to ban this cruel and unnecessary practice means horrific pain and suffering to thousands of animals. Justice often moves slow, but in this instance the USDA has the authority and resources to put an immediate end to needless suffering. We trust that you will act NOW.

CONCLUSION

It is almost a decade since Judge Telesca stated that it was evident that hot-iron face branding constituted cruelty to animals. Unless the physiology of animals change, it is no less cruel now nor will it be any less cruel in the future. The time for final closure on this issue is long overdue. The USDA should immediately ban face branding of Mexican cattle and all other animals, should not propose the face branding of any animal in the future, and should devote its energy and attention to reducing the pain and suffering of farm animals.

Henry Spira

Elinor Molbegott