

Horse slaughter arrest tests law

Prosecutor cites challenges in statute banning transport of animals for killing



Former standardbred racehorses rest in a paddock at a Saratoga County farm last month after being rescued from a truck carrying them to a Canadian slaughterhouse. State Police seized 25 horses, about half of them ex-racehorses.



State Sen. Dan Stec visits rescued horses. A New York law that took effect two years ago bans transporting horses through the state for slaughter.



Cascada is a once-prominent standardbred racehorse who was rescued from a truck transporting 25 horses to a Canadian slaughterhouse. The horse, above at a Saratoga County farm last month, had to be euthanized last week due to a serious health condition.

BY BRENDAN J. LYONS
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ALBANY — State troopers pulled over the red Freightliner as it traveled north along U.S. Highway 11 in a remote part of St. Lawrence County.

It was the middle of the night on Sept. 2, and there were 25 horses jammed into the truck's cramped, windowless livestock trailer, including 13 former standardbred racehorses. Many of them were overheated and afflicted with various injuries and a

highly contagious respiratory infection.

Three days earlier in Pennsylvania, they had been inspected by a veterinarian with the U.S. Department of Agriculture, who certified in writing that they were free from disease and healthy enough to be transported to a Canadian slaughterhouse, according to a copy of the USDA report obtained by the Times Union.

State Police in upstate New York had been on the lookout for the Pennsylvania semitruck after receiving tips from horse rescue advocates. The agency had also been urged by a North Country state senator to try and stop the rig that the advocates said would be traveling through the region under the cover of darkness on its way to the Quebec slaughterhouse.

The ensuing traffic stop and a misdemeanor charge leveled against the driver marked the first time that police in New York enforced a new section of Agriculture and Markets Law that took effect in 2024 and banned buying, selling, transporting or possessing horses for slaughter.

The new statute, which received bipartisan support in the state Legislature, had augmented another New York law that took effect in 2021 and banned the slaughter of thoroughbred and standardbred horses for human or animal consumption. Although there are no horse slaughterhouses operating in the U.S., many states still allow the sale and transportation of equines to Mexico or Canada to be slaughtered for their meat.

Until last month, supporters of the legislation said that they had been unable to convince New York police agencies to enforce the laws. They said that has led to so-called kill buyers in other states appearing to ignore New York's statutes and continuing to secretly transport horses through the state to Canadian slaughterhouses.

Some lawmakers and equine advocates hailed the traffic stop and the low-level criminal charge leveled against the driver, Robert M. Seitz of Lewiston, Pa., as an important breakthrough in the yearslong efforts to protect horses, including former racehorses, from being slaughtered.

But the case pending against Seitz in De Kalb Town Court has quickly exposed arguable shortfalls in the statute and raised questions about whether it can sustain viable prosecutions.

"They say in the law that it's a misdemeanor, but it's really not under the Penal Law; it's only a violation because he can only be fined with a conviction," said St. Lawrence County District Attorney Gary M. Pasqua, noting that the statute does not carry a potential jail sentence.

“The other issue is the section that he’s charged under specifically says that the person has to be the owner or the person taking ownership of the horses, and in this case we’re dealing with someone who was just driving the horses to their destination, so that’s another difficulty,” he added.

Pasqua said the section of the law under which Seitz was charged also does not include a provision for forfeiture of the horses, so it's unclear how their possession will be resolved when the case is adjudicated.

“On a global scale ... the law itself may be unconstitutional because it’s affecting interstate commerce,” Pasqua added. “My understanding is, from what we’ve seen, the USDA approved of these horses being transported to Canada.”

Seitz has hired a local attorney in St. Lawrence County, Edward F. Narrow, and is scheduled to appear in Town Court later this month. Narrow could not be reached for comment.

State Sen. Dan Stec, a Republican who supported the antislaughter legislation, had been instrumental in helping the equine advocates convince State Police to stop the truck Seitz was driving in St. Lawrence County last month. Two other trucks carrying horses to a Canadian slaughterhouse apparently made it across the border that night, according to a person briefed on the matter.

Stec said he initially became involved because the advocates believed the trucks were going to come through his district, which stretches from Glens Falls to the Canadian border. He said that after the horses were seized and the driver issued a citation, he has also heard growing concerns about the efficacy of the antisllaughter laws, which many advocates say need to be federal statutes to be effective.

“But my understanding from some of the advocates is that they think an argument can be made that this is animal cruelty, which is a misdemeanor, and I think that they’ve tried to present that or suggest that to the (district attorney),” Stec said, adding that the antislaughter legislation may need to be strengthened. “It wasn’t my bill, but I’m sure that the advocates and the sponsors of the legislation will to try tighten it down.”

Stec said he is also troubled that 13 standardbreds — some of them horses that had raced at New York harness tracks or had a New York owner — ended up in a slaughter pipeline.

“The horse racing industry in New York ... they became supportive of the legislation three years ago, because I think they realized the optics on this,

like, ‘Hey, we don’t want our horses associated with this practice.’”

According to equine rescue organizations and other animal advocates, many standardbreds are sold at auctions after they no longer race and often end up in the hands of Amish farmers, who they allege can be abusive to the animals. From there, the beaten-down standardbreds often turn up in places like Rotz’s Livestock, which is owned by Bruce Rotz and located in Shippensburg, Pa.

The horses that were seized from the truck that Seitz was driving through upstate New York last month were owned by Rotz, according to State Police.

The Times Union published a story in 2022 about his Pennsylvania slaughterhouse as part of a broader investigative series focused on all aspects of the horse racing industry.

One of the standardbreds, Cascada, had a fairly successful racing career, pulling in more than \$100,000 in purses while notching wins and top finishes at harness tracks in the Northeast and Canada. According to horse racing industry records, Cascada had been owned three years ago by Michael L. Torcello, an attorney and a member of the boards of directors with the Western New York Harness Horsemen’s Association and the United States Trotting Association.

Torcello did not respond to requests for comment. Cascada had to be euthanized last week due to a serious health problem discovered by one of the veterinarians who have been providing treatment for the seized horses, which included many draft horses.

‘They heat up quick’

Seitz, who was pulled over by State Police just before 2:30 a.m. on Sept 2, about 25 miles from a border crossing in Ogdensburg, had been driving the horses to Canada for Rotz, whose name is listed on the USDA inspection report.

The traffic stop had presented challenges for State Police, because they were instructed to take custody of the horses. The effort to off-load the 25 horses from a trailer along an isolated highway and find a place to keep them was made easier when a North Country livestock trader agreed to transport them to his facility for a temporary stay.

That livestock farmer, who asked not to be identified, said State Police called him before dawn for assistance and he went to the scene with two 30-foot

trailers and began pulling the horses out one at a time. He said they were overheated from being crammed together in that trailer's tight quarters.

"I'll tell you my phone rang at 5 in the morning it was a State Police (official) and I've seen less police at a murder scene. ... There was like 14 trooper cars there," he said.

The livestock farmer said he unloaded the horses one at a time and "we watered them and gave them some hay."

"(The Pennsylvania trailer) was pretty well closed up because he didn't want them to know what he was hauling. And when you when you stop transports like that, and they're full of animals, they heat up quick," he explained.

Later that day, the livestock trader transported the horses to a farm in Saratoga County, where they have been cared for by volunteers from the New York State Humane Association and The Dorset Equine Rescue in Vermont. Officials with those organizations said they have spent more than \$100,000 caring for the horses as they work to try and have them adopted.

"A law-enforcement operation involving horses cannot succeed unless there is a safe and humane plan for the animals once a truck is stopped," Patricia Valusek, chair of the New York State Humane Association, said in a statement last month.

Valusek on Friday said the laws that compel police to make arrests for animal cruelty and unlawful slaughter are "an unfunded mandate that leaves the humane agencies paying for the care of the animals."

"The state needs to allocate a pot of money to offset the costs of caring for the animals seized by police, especially horses," she said. "We want the police to enforce the laws, but the state has not allocated the funds to support that enforcement. This needs to change."

Karin Spencer, a lobbyist with the group Horsepower, Inc., which helped lead efforts to pass laws banning the slaughter of thoroughbreds and standardbreds, has also pushed for legislation that would increase the penalties for facilities that attempt to sell injured or ill equines.

In an interview Friday, Spencer said they have been discussing the Seitz case with lawmakers and also are hoping to convince the district attorney in St. Lawrence County to pursue charges against Rotz.

"We are pushing hard to have Rotz charged to the fullest extent of the law, and the fullest extent of the law, as drafted and passed, would allow for

Spencer said she has also been in contact with the lawmakers who sponsored the antislaughter legislation.

Two years ago, lawmakers and advocates who pushed for the antislaughter legislation had said law enforcement agencies, including State Police, the state Department of Environmental Conservation, the state Department of Agriculture & Markets, as well as county sheriff's offices, needed to become familiar with the law and be willing to enforce it.

The Times Union’s 2022 investigative series on New York’s racing industry — Horse Racing Unbridled — found that former New York racehorses were still ending up in neighboring states where they could be shipped to Canada and Mexico for their meat; there have been no slaughterhouses permitted to kill horses for human consumption in the U.S. since the mid-2000s.

Reporting also showed that the new law banning slaughter sales could face implementation challenges. To find violators, authorities would need to identify slaughter-bound horses by breed, though racehorses and other equines are often driven across the state. They must also consider a horse's official sale history, and equines often pass between multiple dealers, across state borders and through livestock auctions before they are shipped.

The New York Racing Association, which runs the state's largest thoroughbred tracks, initiated its own ban on racehorse slaughter in 2009. NYRA threatened to revoke the stalls of any owners or trainers who sold a horse for meat, but its thoroughbreds continued to end up in the slaughter pipeline despite those efforts.