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Policy Options to Address Domestic Equine Welfare Concerns in Colorado

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Background and Objectives:

This document builds on the report, "[The Extent of Equine Cruelty/Neglect in Colorado and Case Studies of Equine Welfare Programs/Policies in Other States](#)," which summarizes the extent of equine cruelty occurring in Colorado and lessons learned from other states where programs/policies have been implemented for equine facilities.

The purpose of this document is to provide a range of potential programs/policy options for the state of Colorado for addressing the four potential key issues or outcomes related to equine welfare identified in the report:

- Key Issue #1:** Reducing equine investigations/cruelty cases for the 21% of investigations occurring in equine facilities/large-scale operations in the state;
- Key Issue #2:** Reducing equine investigations/cruelty cases for the 79% of investigations into private/small scale equine operations occurring in the state;
- Key Issue #3:** Ensuring there are adequately resourced equine sanctuaries/rescues for unwanted horses that adhere to animal welfare standards, such as is provided through the New Mexico rescue licensure program and Equine Shelter Rescue Fund; and
- Key Issue #4:** Promoting equine consumer protection and the CO equine industry by ensuring public soliciting equine facilities are adhering to basic animal welfare standards, such as is provided through the MHIB in Maryland.

Below, we discuss four potential policy options: status quo, education and resources for owners in need, opt-in certification, and mandatory licensure (with options for different types of licensure for different types of facilities). We describe how each policy option could be implemented in Colorado and the potential benefits and limitations of each for addressing the four key issues described above.

Policy Options and Impact on 4 Key Issues Related to Equine Welfare

Status Quo:

Maintaining the status quo of no programs/policies focused on any of the four key issues related to equine welfare in Colorado would have the benefit of not incurring additional programmatic costs to the state or costs and requirements to equine owners/facilities. However, the status quo would have the drawback of enabling the approximately 350 horses removed by regulatory agencies/law enforcement from situations of neglect/cruelty each year and the over 800



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investigations into equine facilities every two years to continue moving forward, resulting not only in the animal welfare impacts to the horses mistreated, but also the significant resources deployed by law enforcement/regulatory agencies to address these cases (**Key Issue #1 and #2**). In the status quo option, horses removed from situations of neglect/cruelty would likely continue being placed in non-profits or other facilities that are not regulated by the state and that are being funded solely by private donations (**Key Issue #3**). This could potentially result in some horses being removed from situations of neglect/cruelty and put into facilities that don't meet animal welfare standards. Further, the status quo would not ensure public soliciting equine facilities are adhering to basic animal welfare standards. Thus, consumers buying horses from Colorado breeders, getting trail rides from dude ranches/outfitters, boarding their horse in a Colorado facility, donating to an equine sanctuary/rescue, or using an equine therapy facility have no guarantee or way of knowing if the facility is adhering to acceptable equine welfare standards or is being reported, investigated, or charged for cruelty/neglect (**Key Issue #4**).

Education + Resources for Owners in Need: One option to address these potential desired outcomes would be an educational program, which could be developed to provide outreach and training for owners on equine welfare standards. This could involve brochures, webinars, pamphlets, and other informational resources for equine owners implemented by one additional FTE. A benefit to such an educational approach would be that it is low cost and could have the potential to reduce equine neglect/cruelty by equine owners perpetuating mistreatment due to lack of information (**Key Issue #1 and #2**). However, a drawback is a lack of information is likely not the driver of neglect/cruelty in many cases (in particular, those that result in criminal charges or civil action), and there is no incentive for equine owners to receive/seek out this information.

Resources for equine/facility owners in need (e.g., hay resources or vouchers for veterinary or farrier care for owners experiencing difficult times) could also be added to this program option to help prevent additional drivers of cruelty/neglect beyond a lack of information. Given that equine cruelty complaints investigated in Colorado involve not just providing food and water but also a lack of veterinary and farrier care, having resources to prevent all of these types of mistreatment may be important for reducing overall cruelty/neglect cases. The addition of resources focused on prevention may help reduce more cases of cruelty/neglect than education alone. However, such resources don't guarantee reductions in most cruelty/neglect cases because owners would have to voluntarily pursue these resources and these resources would have to be sufficient to address the barriers to providing proper care to horses (**Key Issue #1 and #2**).

An education and prevention resources program alone would not guarantee a network of rescues/sanctuaries that can take in unwanted horses and that are abiding by certain animal welfare standards (**Key Issue #3**); however additional funding could be provided to rescues/sanctuaries as part of this program to increase resources available to rescues/sanctuaries to take in unwanted horses. This program would also not ensure public soliciting equine facilities are adhering to basic animal welfare standards (**Key Issue #4**). Thus, consumers buying horses from Colorado breeders, getting trail rides from dude ranches/outfitters, boarding their horse in a Colorado facility, donating to an equine sanctuary/rescue, or using an equine therapy facility have no guarantee or way of knowing if the facility is adhering to acceptable equine welfare standards or is being reported, investigated, or charged for cruelty/neglect.



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Opt-In Certification: An additional approach to address the key issues associated with equine welfare is an opt-in certification program, where facilities could opt in to be certified by the state as a facility abiding to certain equine welfare standards. This could include facilities with, for instance, more than 10 horses and/or facilities that solicit the general public (i.e., breeding, boarding, rescues/sanctuaries/therapeutic facilities, dude ranches/outfitters). Receiving a state equine welfare certification could involve a facility submitting an application describing how the facility abides by generally agreed upon animal welfare standards and passing annual inspections by state personnel on these standards. This option would likely require at least 1 FTE staff to conduct inspections and maintain the program.

This option has the primary benefit of addressing **Key Issue #4** because it could give the public access to a list of public soliciting equine facilities that are certified by the state as adhering to basic animal welfare standards. Thus, consumers buying horses from Colorado breeders, getting trail rides from dude ranches/outfitters, boarding their horse in a Colorado facility, donating to an equine sanctuary/rescue, or using an equine therapy facility can use this list of certified facilities if they want to ensure they are supporting a facility adhering to acceptable equine welfare standards. This option also has the benefit of partially addressing **Key Issue #3** because rescues/sanctuaries could have the option of becoming certified as well. When law enforcement/regulatory agencies remove horses from situations of cruelty/neglect, this policy option thus enables them to have a list of rescues/sanctuaries to bring horses to (which have chosen to be certified) that they know are adhering to animal welfare standards. However, the impact of this program on the number of cruelty/neglect cases is uncertain (**Key Issue #1/2**), as the facilities opting into the certification may not be the facilities that are perpetuating cruelty/neglect.

Licensure: A final option to address these potential desired outcomes would be a licensure program. Licensure programs would require certain types of equine facilities to obtain a license to operate in the state, which would involve annual inspections to ensure they adhere to pre-defined animal welfare standards. Based on the case studies of licensure programs in other states, we outline three different potential licensure programs below and the benefits and drawbacks of each with regard to the four different key issues related to equine welfare:

- 1) ***Licensure for Rescues/Sanctuaries Only (modeled after New Mexico program)-***
This option would involve a licensure/registration program only for rescues/sanctuaries/retirement facilities, which could be defined similarly to New Mexico's program as facilities that "advertise of [or] solicit for horses and provide lifelong care or find new owners for horses that are unwanted or have been neglected or abused or captured wild horses that cannot be returned to their range." This program would require fairly limited FTE working for the state (e.g., New Mexico's program operates with one FTE who coordinates with others in the New Mexico Livestock Board on their program; with almost twice the number of horses in Colorado, approximately 2 FTE would likely be needed in Colorado).

A licensure program for only these facilities would likely result in a reduction of cruelty/neglect cases investigated in rescues/sanctuaries in Colorado only, which are currently approximately 5% of total investigations in the state (**Key Issue #1**), but would



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likely not impact the other 95% of cruelty/neglect cases investigated (**Key Issue #2**). Such a program could ensure that sanctuaries/rescues that can take unwanted horses adhere to animal welfare standards, and like New Mexico, could also involve providing state funding to licensed rescues/sanctuaries taking in unwanted horses, including those removed by state/law enforcement from cruelty/neglect situations (**Key Issue #3**). Because this program would only license rescues/sanctuaries, this would likely not achieve the goal of promoting equine consumer protection and the CO equine industry overall (**Key Issue #4**). Additionally, it is possible the program could be seen as unfairly placing regulation only on non-profits attempting to provide care for unwanted horses rather than for-profit operations.

- 2) **Licensure for Equine Facilities that Solicit the General Public (modeled after Maryland Horse Industry Board (MHIB))**. This option would involve a licensure program for all horse facilities in the state that solicit the general public and have one or more horses. The MHIB program includes all stables that solicit the general public and “either give lessons, board horses, have a rental service, offer Equine Therapy or Therapeutic Riding, or are a rescue or sanctuary stable.” If implemented in Colorado, this could also include breeding and dude ranches/outfitters, which likewise provide services to the general public. Like the MHIB, horses used in the production of agriculture (e.g., horses used in the production of food or fiber and/or horses used for herding livestock) could be exempt from this licensure program. The number of full time inspectors needed for Colorado to implement this program would likely be at least twice the number of full time inspectors in the MHIB, given that there are approximately twice the number of horses in Colorado than Maryland according to 2016 data and Colorado covers a larger geographic area. Given that the MHIB program has 4 staff (1 director, 1 outreach/education-focused staff, and two inspectors), a program in Colorado modeled off of MHIB would likely require at least 6 FTE (4 inspectors in addition to a manager and at least one outreach staff member).

This program would likely result in a reduction of cruelty/neglect cases in equine facilities that solicit donations from or provide services to the public (i.e., rescue/sanctuary, boarding, breeding, stables that provide lessons/therapy, and dude ranches/outfitters which together currently account for approximately 20% of the cruelty/neglect cases investigated) (**Key Issue #1**). However, the program would likely not result in a reduction of the 80% of investigations on other types of properties in the state (**Key Issue #2**). This program would have the additional benefits of providing consumer protection, so that customers paying equine facilities (e.g., for boarding or trail rides) know that certain standards of care are being met, which could be beneficial for promoting the equine industry in the state (**Key Issue #4**). Because rescues/sanctuaries would be licensed, this would also ensure there are resourced sanctuaries/rescues for unwanted horses that adhere to animal welfare standards, particularly if the program included a fund for rescues/sanctuaries taking in horses from cruelty/neglect cases (**Key Issue #3**).

- 3) **Comprehensive Licensure Program (modeled after New Mexico, MHIB, and PACFA)**- This option would integrate the models provided by MHIB, New Mexico, and the Pet Animal Care Facilities Act (PACFA) in Colorado to provide more comprehensive



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regulation over any facilities with one or more horses that solicit the general public as well as any additional large-scale facilities, such as those that have 10 or more horses. This program would likely require 1 additional FTE than Licensure Program #2 reported above to account for the additional number of facilities with more than 10 horses that are not public soliciting facilities, or a total of 7 FTE. It could also integrate state funding for rescues/sanctuaries taking in unwanted horses, including those removed from cruelty/neglect cases by regulatory agencies/law enforcement, increasing the state's capacity to provide care for unwanted horses (**Key Issue #3**). This program could have consumer protection and therefore equine industry promotion benefits (**Key Issue #4**); additionally, horses used for livestock purposes (e.g., horses used in the production of food or fiber and/or horses used for herding livestock) could be exempt from the licensure requirement.

This program would likely result in a reduction of cruelty/neglect cases for facilities with 10 or more horses (which account for approximately 21% of total investigations) in addition to any facilities soliciting the general public (approximately 20% of total investigations) (**Key Issue #1**). However, note that the 21% of investigations for facilities with 10 or more horses likely overlaps heavily with the 20% of investigations for facilities soliciting the public. Requiring public soliciting facilities and large-scale facilities (e.g., those with 10+ horses) to have a license would enable regulation over equine hoarding/collecting scenarios among owners who don't identify as a formal rescue/sanctuary. This could reduce the likelihood of a loophole of owners claiming they are not a rescue or other type of public-facing facility to avoid licensure. This program would likely not impact the roughly 79% of investigations on private owners with less than 10 horses or the 80% of investigations on private owners that do not have public soliciting operations (**Key Issue #2**). To address equine welfare issues in these private facilities, this comprehensive licensure program could be integrated with the education and resources program described above, for a total of 8 FTE.