

September 5, 2024

The Honorable Letitia James
Attorney General, State of New York
Office of the New York State Attorney General
The Capitol
Albany NY 12224-0341

Via email

RE: Requesting enforcement to prohibit consumption of equine parts

Dear Attorney General James:

In December of 2023, New York became the fifth state to ban the slaughter of horses for human consumption (after Texas, California, Illinois, and New Jersey) following Governor Hochul's signing of S.2163B/A.5109A.¹ This comprehensive legislation built upon an earlier prohibition passed by the New York State Legislature in 2021 regarding the slaughter of racehorses specifically. As the bill's "summary of specific provisions" states, "[t]he term 'horse' includes all members of the equine family, including horses, ponies, donkeys, mules, asses, and burros. The term horse flesh means any part of the horse's body."²

Our organizations are gratified that the state of New York has taken this significant step to protect equines; our thousands of supporters in the state care deeply about this issue and we continue to advocate for a federal prohibition on the slaughter of equines for human consumption. A number of our groups have direct experience taking in and rehoming at-risk horses, donkeys, and mules. And as animal protection and equine rescues, we are all committed to advancing the humane treatment of equines.

While S.2163B/A.5109A is associated with stemming the export of American horses to slaughter abroad, its broader prohibition extending to all equines puts New York on solid ground to also help curb the growing global trade in donkey skins for the production of a gelatin known as "ejiao." Despite the lack of proven health benefits, ejiao is used in some traditional Chinese remedies, cosmetics, supplements, aphrodisiacs, and foods. The United States is the third largest importer of ejiao products, with an estimated \$12 million in imports each year.³ Many of these products can be readily purchased online.

Unfortunately, the ejiao industry claims the lives of millions of donkeys each year. Donkeys that fall victim to the trade endure immense suffering, including appalling transport conditions without food, water, or rest, arriving at slaughterhouses with severe wounds and infections, and being beaten and subjected to unsuccessful stunning attempts prior to slaughter.^{4,5} As the skins are the valuable part, there is no incentive to ensure the welfare of these animals, or even to keep them alive during transport.

¹ The ban went into effect on April 11, 2024.

² Full text available: <https://www.nysenate.gov/node/12013557>

³ "Ejiao and the Donkey Hide Trade." Congressional Research Service. March 3, 2023. Available: <https://crsreports.congress.gov/product/pdf/R/R47441>

⁴ "Under the Skin." The Donkey Sanctuary. November 2019. Available: <https://www.thedonkeysanctuary.org.uk/sites/uk/files/2019-11/under-the-skin-report-revised-2019.pdf>

⁵ As the New York legislation's Summary of Specific Provisions and Justification explain, it seeks to spare equines from the "callous treatment" and "prolonged suffering" associated with their slaughter.

In February of 2024, the African Union passed a moratorium on slaughtering donkeys for their skin given the steep decline in their numbers and the unique importance of these trusted working animals to countless communities around the globe. With increasing demand for ejiao, China's own population of donkeys has dropped from an estimated 11 million in 1992 to roughly 2 million, meaning many of the donkeys being brutally killed for their hides now come from North and South America, as well as from Africa.⁶

In February of 2023, a nonprofit in California filed suit against Amazon for allowing the sale of ejiao in California despite the state's clear prohibition on the consumption of equines (Prohibition of Horse Slaughter and Sale of Horsemeat for Human Consumption Act codified at CA Penal Code § 598d). See *A.F. Rothschild Fund v. Kirchmeyer, et al.*, No. 23-cv-00708 (Cal. Super. Ct., San Mateo Cnty., filed Feb. 14, 2023). In December, Amazon settled the suit and agreed to forgo selling ejiao products in California.

This outcome bears direct relevance to New York in light of the newly enacted law barring the consumption of equines and import, export, sale, or other transfer of their parts. As the summary of the legislation states, the law "prohibits any person, corporation, association, or other entity from possessing, selling, importing, etc., a horse or horseflesh if such person, corporation, association, or other entity knows or should have known that any part of such horse or horseflesh will be used for human or animal consumption." "Horseflesh" is defined specifically to include "viscera", "skin", "hide", "hooves", and "bones."

Ejiao – made from donkeys – expressly falls under New York's own prohibition given the text, legislative intent, and history of S.2163B/A.5109A. We respectfully urge you to examine whether Amazon and other vendors of ejiao products in New York state are violating state law and, if so, take appropriate action to notify such entities that the sale of ejiao falls under the clear prohibition against consuming equines in New York.

Thank you for your consideration of this important animal protection matter.

Sincerely,

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⁶ "How China's demand for donkey hide is devastating African communities." Reuters. April 16, 2024. Available: <https://www.reuters.com/graphics/AFRICA-CHINA/DONKEYS/xmpjrdgbxpr/>

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