



**Animal and Plant  
Health Inspection  
Service**

November 29, 2016

**Animal Care  
4700 River Road  
Riverdale, MD 20737**

Dear Management of Horse Shows, Exhibitions, Sales, and Auctions (“Management”):

Thank you for the work you have done this year to further the goals of the Horse Protection Act (HPA). As we begin preparing for 2017, I write to provide you with an update on the refinements the Animal and Plant Health Inspection Service’s (APHIS) HPA program has made this year and to reaffirm our commitment to partnering with you to end the practice of soring horses and restore fair competition.

APHIS recently released a new strategy for our HPA and Animal Welfare Act (AWA) programs.<sup>1</sup> The plan has two key goals: building relationships and promoting animal welfare. To this end, we have been meeting with as many of Animal Care’s stakeholders as possible, including horse industry organizations and associations, exhibitors, trainers, owners, and some managers. In these meetings, we consistently heard a desire for change. Our plans for change are reflected in both the strategic plan and the refinements APHIS has made to the program over the year.

First, we shifted responsibility for the day-to-day oversight of the HPA inspection program from Animal Care’s Headquarters office to its Animal Welfare Operations unit. This will provide new opportunities for continual improvement of the HPA inspection process, provide more direct oversight and leadership of HPA inspection functions, and align HPA inspection and oversight functions with those we carry out under the AWA. APHIS is in the process of filling an Assistant Director of Animal Welfare Operations position that will lead our HPA inspection activities.

Second, APHIS issued a proposed rule<sup>2</sup> to further the goals of the HPA by refining the process for licensing and training of persons qualified to detect soreness in horses and expanding the prohibitions on devices and substances connected with the soring of horses. To ensure we received comments from as many perspectives and stakeholders as possible, APHIS held four public hearings across the country and one virtual public hearing, and extended to 90 days the comment period for the proposed rule.<sup>3</sup> Although not everyone will support all of the tenets in the proposed rule, we want you to know we are carefully considering all comments as we proceed with our deliberations.

Third, recognizing the important role management holds under the HPA, we are working to strengthen our engagement with you. For example, in August, we began reminding management that, pursuant to the HPA, the responsibility for disqualifying a sore horse is placed solely on management, not APHIS. In the past, because APHIS sometimes communicated management’s decision to a horse’s custodian, there may have been a mistaken belief APHIS Veterinary Medical Officers had taken on the responsibility to disqualify horses. To ensure the placement of this responsibility is transparent to

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<sup>1</sup> [https://www.aphis.usda.gov/animal\\_welfare/hp/downloads/strategic\\_plan/AC-Strategic-Plan-2016-2020\\_092716.pdf](https://www.aphis.usda.gov/animal_welfare/hp/downloads/strategic_plan/AC-Strategic-Plan-2016-2020_092716.pdf).

<sup>2</sup> <https://www.federalregister.gov/documents/2016/07/26/2016-17648/horse-protection-licensing-of-designated-qualified-persons-and-other-amendments>.

<sup>3</sup> <https://www.federalregister.gov/documents/2016/09/22/2016-22855/horse-protection-licensing-of-designated-qualified-persons-and-other-amendments>.

everyone, APHIS no longer accepts responsibility for communicating management's decision and will not accept any delegation from management.

Instead, and based on process refinements since August, an APHIS representative now notifies management in writing after the conclusion of an inspection when s/he has reason to believe a horse is sore. Separately, APHIS informs the owner, trainer, or custodian of the horse of any alleged HPA violations identified during an inspection, at which point such person may request that APHIS re-inspect the horse, as provided in the HPA regulations. Management may continue to observe and record inspections, and may ask the APHIS representative any questions management may have about APHIS' inspection. It is then up to management to render its decision and communicate it to the custodian. Under the HPA, no civil penalty or USDA disqualification may be imposed for an alleged HPA violation before the owner, trainer, exhibitor, custodian, transporter or management is given notice and opportunity for a hearing before an Administrative Law Judge. To better support you and this process, we issued three Tech Notes that summarize: management's responsibilities;<sup>4</sup> APHIS' inspection process;<sup>5</sup> and rights and responsibilities of exhibitors and transporters under the HPA.<sup>6</sup> APHIS will continue applying the process at all HPA-covered events, in the upcoming year and beyond. We appreciate your support with this process and welcome any questions you have.

Fourth, we initiated a comprehensive review and update of Animal Care's website, publications, and correspondence to eliminate out of date content and improve the information provided. For example, Animal Care removed stale foreign substance reports from 2007-2011 and reports of Horse Industry Organization assessed suspensions and fines from 2010-2014. In addition, APHIS updated its Official Warning, the cover letter, and related Frequently Asked Questions to ensure recipients understand the nature of the correspondence and its dual purpose of providing notice of noncompliance and the opportunity to demonstrate future compliance.<sup>7</sup> And, we continue to update and post show activity reports that provide information about HPA inspections.

We believe strengthening our inspection program, our working relationship with you and others in the horse industry, transparent communication, and enforcement of alleged HPA violations, will enable us to end the practice of soring horses and restore fair competition. The strategic plan that we issued last month sets forth our plan for accomplishing this, and the refinements outlined above affirms our dedication to these approaches.

We look forward to continuing to work with you toward achieving our common goals and wish you and yours a wonderful holiday season.

Warm regards,

*Bernadette Juarez*  
Deputy Administrator  
Animal Care

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<sup>4</sup> [https://www.aphis.usda.gov/publications/animal\\_welfare/2016/October-2016-HPA-management-tech-note-final-102116.pdf](https://www.aphis.usda.gov/publications/animal_welfare/2016/October-2016-HPA-management-tech-note-final-102116.pdf).

<sup>5</sup> [https://www.aphis.usda.gov/publications/animal\\_welfare/2016/October-2016-HPA-Manager-Inspection-Process-Tech-Note-final-102116.pdf](https://www.aphis.usda.gov/publications/animal_welfare/2016/October-2016-HPA-Manager-Inspection-Process-Tech-Note-final-102116.pdf).

<sup>6</sup> [https://www.aphis.usda.gov/publications/animal\\_welfare/2016/October-2016-HPA-Exhibitor-and-Transporter-Tech-Note-final-102116.pdf](https://www.aphis.usda.gov/publications/animal_welfare/2016/October-2016-HPA-Exhibitor-and-Transporter-Tech-Note-final-102116.pdf).

<sup>7</sup> [https://www.aphis.usda.gov/animal\\_welfare/hp/downloads/Tech-Note-HPA-7060-Q-and-A-updated-09152016.pdf](https://www.aphis.usda.gov/animal_welfare/hp/downloads/Tech-Note-HPA-7060-Q-and-A-updated-09152016.pdf).