

## **History of the HPA**

Passed by Congress in 1970, the HPA (PL 91-540) prohibits the showing, sale, auction, exhibition, or transport of sore horses. Congress found and declared that the soring of horses is cruel and inhumane, and that sore horses, when shown or exhibited, compete unfairly with horses that are not sore. Congress amended the HPA in 1976 (PL 94-360), expanding the inspection program by directing the Secretary of Agriculture to prescribe, by regulation, requirements for the appointment of persons qualified to conduct inspections for the purpose of enforcing the Act. The Designated Qualified Person (DQP) program was established by regulations published in the *Federal Register* in 1979. The DQP program is further discussed in Section 3.1.3, “Administration of the HPA.”

“Soring” is defined as the application of any chemical (e.g., mustard oil or diesel fuel), mechanical agent (e.g., overweight chains), or practice (e.g., trimming a hoof to expose the sensitive tissue) inflicted upon any limb of a horse, that can cause or be expected to cause the horse to suffer physical pain or distress when moving. The practice of soring horses is aimed at producing an exaggerated show gait for competition. This practice is primarily used in the training of Tennessee Walking Horses, racking horses and related breeds. Although a similar gait can be obtained using selective breeding and humane training methods, soring achieves this accentuated gait with less effort and over a shorter period of time. Thus, this practice gives the person showing a sore horse an unfair advantage over those showing sound horses.

The HPA prohibits anyone—including trainers, riders, owners, or representative agents—from entering a sore horse into a show, sale, auction or exhibition. The Act gives the management of a horse show or sale the statutory responsibility of identifying sore horses and preventing them from participating in these events. The Act does not give APHIS authority to oversee horse shows or interfere in any way with their production aside from actions necessary to enforce the law.

## **Administration of the HPA**

The HPA is administered by USDA through APHIS. A 1976 amendment to the Act, as explained above, led to the establishment of the DQP program. A DQP is a person who, under the provisions of Section 4 of the HPA, may be appointed and delegated authority by the management of a horse show or sale to detect horses that are sore, and to otherwise inspect horses for the purpose of enforcing the Act. A DQP must meet the requirements set forth in 9 CFR Section 11.7 and must be licensed by a Horse Industry Organization (HIO) certified by the Department.

Individuals who have been licensed as DQPs under Section 11.7 are usually farriers, trainers, or individuals with a basic knowledge of horses and the equine industry. DQP candidates must successfully complete a formal training program before becoming licensed. Additionally, this regulatory section allows a Doctor of Veterinary Medicine accredited by USDA in any State to become licensed as a DQP without having to

participate in formal training. This veterinarian must also be either a member of the American Association of Equine Practitioners, a large-animal practitioner with substantial equine experience, or one who is knowledgeable in the area of equine lameness as related to soring and soring practices.

The DQP program provides one of the primary mechanisms for detecting sore horses. HIOs with certified DQP programs participate with APHIS in yearly DQP training seminars, refresher clinics, and educational forums. APHIS veterinary medical officers (VMOs) provide instruction and guidance at these sessions, which incorporate classroom training as well as “hands-on” instruction with horses. Regulatory policy, procedures, and methods of inspection are reviewed throughout the year with representatives of the horse industry.

In 1999, APHIS entered into a voluntary agreement known as the Horse Protection Operating Plan for the 1999 Horse Show Season (OP99) with the eight HIOs that operated certified DQP programs. This agreement served as the first operating plan for the program and was a continuation of the working relationship established between APHIS and the HIOs in previous years. The plan formally outlined the process of delegating initial enforcement responsibility of the HPA to the HIOs through the DQP program. Due to budgetary constraints, APHIS veterinarians typically attend 10 percent of the horse events affiliated with the certified HIOs; the OP99 was an attempt to increase and achieve more consistent enforcement of the HPA. This operating plan was a one-year plan and expired on December 31, 1999. Since then, APHIS has continued the practice of using operating plans in the administration of the HPA.