

# HORSE PROTECTION PROGRAM RESOURCE MANUAL

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Module 1:

Introduction to the Horse Protection Act and  
Regulations



# Introduction

Horses are inspected for compliance with the Horse Protection Act (HPA or Act) at horse shows, exhibitions, sale, and auctions by USDA Veterinary Medical Officers (VMOs) and by Designated Qualified Persons (DQPs) that are licensed by Horse Industry Organizations or Associations (HIOs) with a USDA-certified DQP training and licensing program.

This informational module is intended to familiarize VMOs and DQPs with the HPA, the regulations issued thereunder, and their interpretation.

The material in this module is derived from the HPA and regulations. Nothing in this module is intended to replace or supersede any provisions contained in those documents.

# Topics

- Overview of the HPA
- What is a Sore Horse?
- Prohibitions
- Management Responsibilities
- DQP Responsibilities
- VMO Responsibilities

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# OVERVIEW OF THE HPA

# Background

In 1970, Congress enacted the HPA to end the practice of soring horses.

The practice of soring is intended to improve the performance of a horse at horse shows and exhibitions by altering its gait through the use of a device, substance, or other physical practice that causes the horse to suffer, or reasonably be expected to suffer, pain, inflammation, or lameness while walking, trotting, or moving.

This practice can produce a high-stepping gait that has been prized in certain competitions involving Tennessee Walking Horses and other breeds.

This practice is inhumane and results in unfair competition that may damage the integrity of the breed.

# Background

The HPA is codified in the United States Code (U.S.C.), Title 15, Chapter 44 (“Protection of Horses”), Sections 1821-1831.

The HPA can be found online at:

<https://www.gpo.gov/fdsys/pkg/USCODE-2015-title15/pdf/USCODE-2015-title15-chap44.pdf>

Please take a moment to familiarize yourself with the HPA. Can you find §§ 1823 (“Horse shows and exhibitions”), 1824 (“Unlawful acts”), and 1825 (“Violations and penalties”)? We will be discussing the content of each of these sections in turn next.

# Inspections

The HPA authorizes the Secretary to inspect any horse show, exhibition, sale, or auction, any horse at such events, and all other things (including records) bearing on compliance with requirements of the HPA.

The HPA also directs the Secretary to establish regulatory requirements for the appointment by management of persons qualified to detect and diagnose a horse which is sore or to other inspect horses for purposes of enforcing the HPA (i.e., DQPs). These requirements include prohibitions on the appointment of persons who, after notice and opportunity for a hearing, have been disqualified by the Secretary to make such detection, diagnosis, or inspection.

The Secretary has established these regulatory requirements in the Code of Federal Regulations (C.F.R.), Title 9, Part 11 (“Horse Protection Regulations”), available at:

[http://162.140.57.127/cgi-bin/text-idx?SID=cb6fb3a2d664bd147efcc5eae19427a2&mc=true&node=pt9.1.11&rgn=div5#se9.1.11\\_13](http://162.140.57.127/cgi-bin/text-idx?SID=cb6fb3a2d664bd147efcc5eae19427a2&mc=true&node=pt9.1.11&rgn=div5#se9.1.11_13)

# Unlawful Acts

The HPA establishes a multi-tiered structure to combat the practice of soring. Among other prohibitions, the HPA make it unlawful for any person to:

- Enter, show, or exhibit a sore horse in a horse show or exhibition,
- Sell, auction, or offer for sale a sore horse in a horse sale or auction, and/or
- Use any equipment, device, paraphernalia, or substance in a horse show, exhibition, sale, or auction that the Secretary by regulation prohibits to prevent the soring of horses. (These prohibitions are set forth in 9 C.F.R. § 11.2.)

The HPA also holds horse owners responsible for allowing such unlawful activities.

# Unlawful Acts

The HPA also entrusts management of horse shows, exhibitions, sales, and auctions with ensuring sore horses do not unfairly compete with horses that are not sore. Management may be held liable for failing to disqualify or prohibit a sore horse from being shown, exhibited, sold, offered for sale, or auctioned.

However, if management appoints and retains a DQP, the HPA limits the liability of management for the showing, exhibition, sale, offering for sale, or auction of sore horses. Specifically, management that appoints and retains a DQP may be held liable for a potential violation of the HPA only if:

- A horse is sore; AND
- Management has knowledge that the horse is sore OR has been notified by its DQP or the Secretary (i.e., a VMO) that the horse is sore; AND
- Management failed to disqualify the horse from being shown, exhibited, sold, offered for sale, or auctioned.

# Unlawful Acts

The HPA also prohibits (among other things):

- Failing to establish, maintain, or submit records, notices, reports, or other required information.
- Failing or refusing to permit access to or copying of records or to permit entry or inspection.
- Removing any marking required by the Secretary to identify a horse as being detained.
- Failing or refusing to provide the Secretary with adequate space or facilities to conduct inspections and other authorized activities.

# Violations and Penalties

An update to penalties can be found here:

<https://www.law.cornell.edu/cfr/text/7/3.91>

The HPA requires that no person can be assessed a civil penalty or an order of disqualification unless the person has been given notice and an opportunity for a hearing before the Secretary.

The USDA's Administrative Law Judges issue initial decisions and orders in adjudicatory proceedings, which become effective unless a party appeals the decision to the Judicial Officer, who issues final decisions for purposes of judicial review. Decisions are issued after a hearing, upon the written record, or on motion by litigants. Judges approve consent decisions that the parties enter to resolve disputes by settlement.

# Violations and Penalties (Continued)

Any person who violates § 1824 (“Unlawful acts”) may be assessed a civil penalty of not more than \$2,200 for each violation.

The Secretary may also disqualify violators from showing or exhibiting any horse, or judging or managing any horse show, exhibition, sale, or action for a period of not less than 1 year for the first violation and not less than 5 years for any subsequent violation.

Any person who knowingly fails to obey a disqualification order and any management that knowingly allows a person under disqualification to participate in any horse show or other regulated event can be assessed a civil penalty of not more than \$3,300 for each violation.

# Test Your Knowledge!

*True or False?*

DQPs are responsible for inspecting horses for compliance with the HPA and regulations and notifying management of any horse which, in his opinion, is sore.

# Answer

If you said true, you are correct!

# Test Your Knowledge!

*True or false?*

Management must appoint and retain a DQP to inspect horses for compliance with the HPA and regulations.

# Answer

If you said false, you are correct!

The HPA does not require management to appoint and retain a DQP to conduct compliance inspections. However, management that does so bears limited liability for the showing, exhibition, sale, or auction of sore horses.

# Test Your Knowledge!

Hypothetical:

After a hearing, a person is found to have violated the HPA by showing three sore horses. The maximum civil penalty that can be assessed in this case is:

- A. \$2,200
- B. \$6,600
- C. There is no maximum penalty

# Answer

If you said the answer is “B” (\$6,600), you are correct!

The maximum civil penalty is \$2,200 for each violation of the HPA. Accordingly, the maximum civil penalty for three violations is \$6,600.

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# WHAT IS A SORE HORSE?

# What is a Sore Horse?

Let's explore the HPA's definition of a "sore" horse together. Please find and read that definition in § 1821 ("Definitions") by following this link:

<https://www.gpo.gov/fdsys/pkg/USCODE-2015-title15/pdf/USCODE-2015-title15-chap44.pdf>

# What is a Sore Horse?

As you can see from the definition of “sore,” there are several aspects to that definition. Stated more simply, a horse is sore if:

- A person used a substance or device or engaged in a practice involving a horse, *and*
- the horse can reasonably be expected to suffer physical pain, distress, inflammation, or lameness when walking, trotting or otherwise moving.

This term does not include the therapeutic treatment of a horse under the supervision of a licensed veterinarian.

# What is a Sore Horse?

Signs of physical pain and distress may include:

- Consistent and repeatable withdrawal responses to palpation of the pastern
- Reluctance to lead
- Gait abnormalities or problems with locomotion
- Abnormal reactions of the eyes, ears, and head in response to palpation
- Tucking of the flanks
- Flexing of the abdominal muscles
- Shifting of weight to the rear legs (e.g., stepping forward with the rear limbs while the front limbs remain lightly planted)
- Changes in the depth and rate of respiration
- Excessive perspiration of the skin and hair coat

# What is a Sore Horse?

Inflammation is the response of living tissue to injury, including physical trauma, burns, and chemical agents. The principal effects of inflammation are:

- Pain
- Heat
- Swelling
- Redness
- Loss of function (including hair loss)

There are different stages of the inflammatory process, including acute inflammation, which lasts only a few hours to days, and chronic inflammation, which lasts for a prolonged duration (e.g., weeks to months).

The inflammatory process is continuous with the process of repair. Chronic inflammation may result in scar formation.

# What is a Sore Horse?

The regulations issued under the HPA restate the definition of “sore” in 9 C.F.R. § 11.1.

A horse that does not meet the scar rule criteria is also considered to be a sore horse (9 C.F.R. § 11.3).

# Scar Rule

The scar rule applies to all horses born after October 1, 1975.

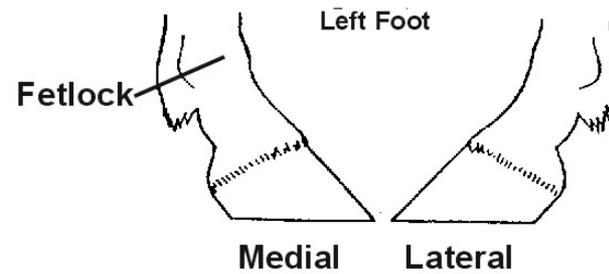
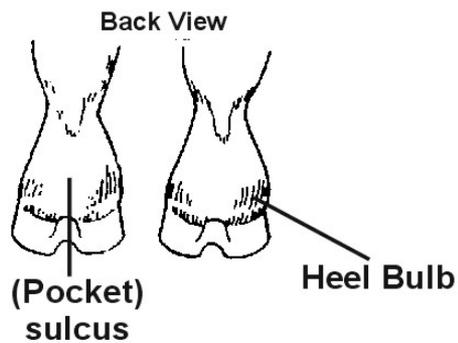
Noncompliances with the scar rule criteria are bilateral in nature, i.e., they are present on the pasterns of both forelimbs.

There are scar rule criteria for the:

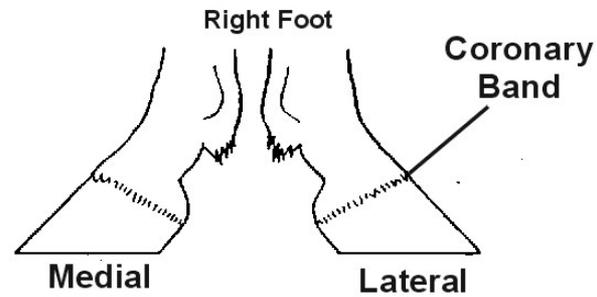
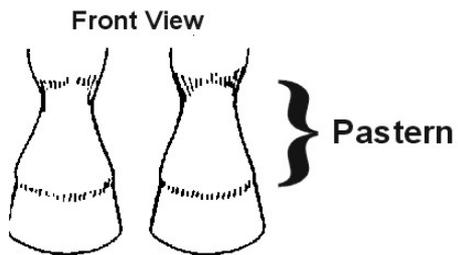
- *Anterior and anterior-lateral surfaces* of the fore pasterns (extensor surface), and
- *Posterior surfaces* of the pasterns (flexor surface).

# Directional Terms

## (Posterior)



## (Anterior)



# Scar Rule

The *anterior and anterior-lateral surfaces* of the fore pasterns must be free of:

- Bilateral granulomas,
- Other bilateral pathological evidence of inflammation, and
- Other bilateral evidence of abuse indicative of soring including, but not limited to, excessive loss of hair.

Note: A “granuloma” is defined as any one of a rather large group of fairly distinctive focal lesions that are formed as a result of inflammatory reactions caused by biological, chemical, or physical agents.

# Scar Rule

The posterior surfaces of the pasterns, including the sulcus or “pocket,” may show bilateral areas of uniformly thickened epithelial tissue if such areas are free of:

- Proliferating granuloma tissue,
- Irritation,
- Moisture,
- Edema (e.g., localized swelling), or
- Other evidence of inflammation (e.g., scars).

# Test Your Knowledge!

*True or False?*

If a horse has an accidental field scar on one of its pasterns, the horse is not in compliance with the scar rule criteria.

# Answer

If you said false, you are correct!

An accidental field scar on a pastern does not meet the scar rule criteria in 9 C.F.R. § 11.3. The scar rule refers to the bilateral scarring, evidence of inflammation, and evidence of abuse indicative of soring. The scar rule does not penalize a horse that bears a scar resulting from accidental injury.

# Test Your Knowledge!

Which of the following may be signs of physical pain and distress?

- A. Consistent and repeatable withdrawal responses to palpation of the pastern
- B. Reluctance to lead
- C. Gait abnormalities or problems with locomotion
- D. Shifting of weight to the rear legs
- E. All of the above

# Answer

If you said “E” (All of the above), you are correct!

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# PROHIBITIONS

# Overview

Pursuant to the HPA, the Secretary, in 9 C.F.R. § 11.2, has prohibited the use of certain equipment, device, paraphernalia, or substance in a horse show, exhibition, sale, or auction to prevent the soring of horses.

Before proceeding, please locate and read these prohibitions online at:

[http://162.140.57.127/cgi-bin/text-idx?SID=cb6fb3a2d664bd147efcc5eae19427a2&mc=true&node=pt9.1.11&rgn=div5#se9.1.11\\_13](http://162.140.57.127/cgi-bin/text-idx?SID=cb6fb3a2d664bd147efcc5eae19427a2&mc=true&node=pt9.1.11&rgn=div5#se9.1.11_13)

# General Prohibitions

The regulations prohibit the use of any device, method, practice, or substance with respect to any horse at any horse show, exhibition, sale, or auction, if such use causes or can reasonably be expected to cause a horse to be sore.

# Specific Prohibitions

In addition, the regulations specifically prohibit the use of any of the following devices, equipment, or practices on any horse at any horse show, horse exhibition, or horse sale or auction....

# Specific Prohibitions (Continued)

- All beads, bangles, rollers, and similar devices, *except* rollers of uniform size, weight and configuration made of hardwood, aluminum, or stainless steel and weighing less than 6 ounces



# Specific Prohibitions (Continued)

- Chains weighing more than 6 ounces
- Chains with twisted or double links, or with links not of uniform size and weight
- Chains with drop links



# Specific Prohibitions (Continued)

- Multiple action devices on any limb (e.g., two sets of chains on a single limb)
- Action devices that are not smooth and free of protrusions or rough or sharp edges
- Action devices that strike the coronary band



# Specific Prohibitions (Continued)

- Boots or collars with protrusions or swellings, or rigid, rough, or sharp edges or seams
- Boots or collars weighing more than 6 ounces, except for soft rubber or leather bell boots used for protective purposes



# Specific Prohibitions (Continued)

- Shoeing or hoof trimming that can reasonably be expected to cause a horse to suffer pain or distress
- Any object or material inserted between the pad and the hoof other than acceptable hoof packing

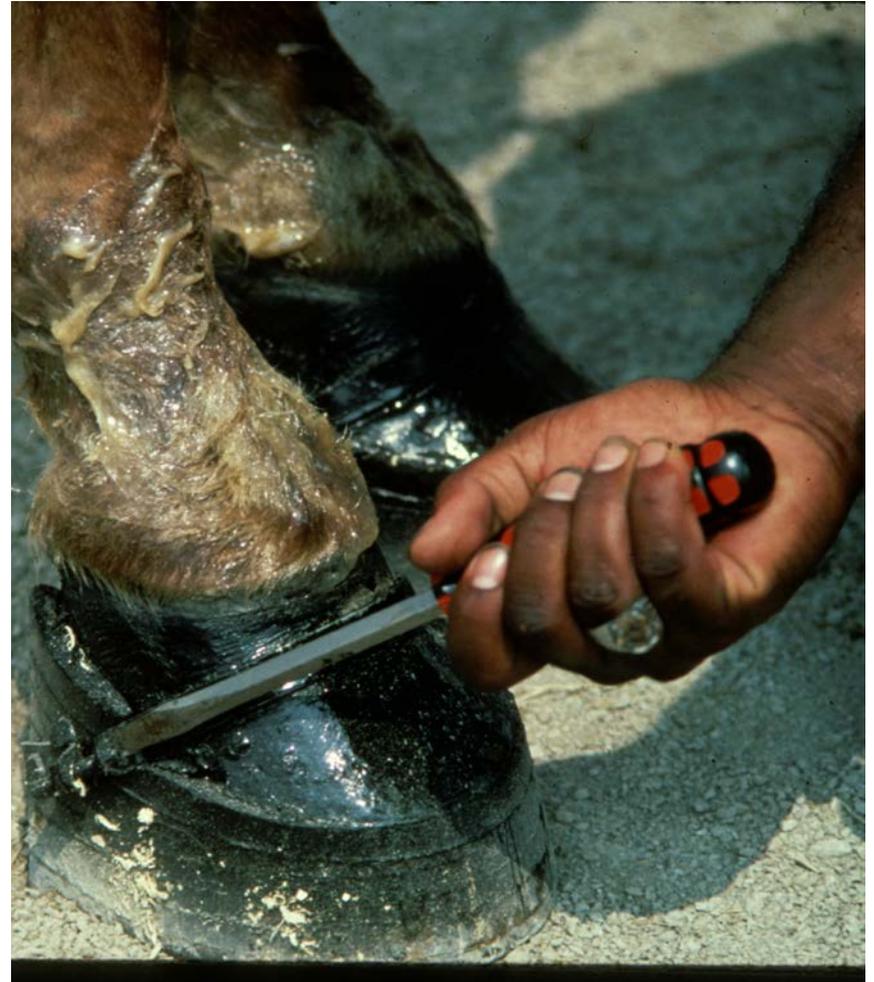
# Specific Prohibitions (Continued)

- Pads not made of leather, plastic, or other pliant material
- Weights attached to the outside of the hoof wall, horseshoe, or any portion of the pad
- Single or double rocker bars on the bottom surface of horse shoes extending more than 1 ½ inches back from the point of the toe



# Specific Prohibitions (Continued)

- Metal hoof bands placed less than  $\frac{1}{2}$  inch from the coronary band
- Metal hoof bands that can be easily loosened or tightened

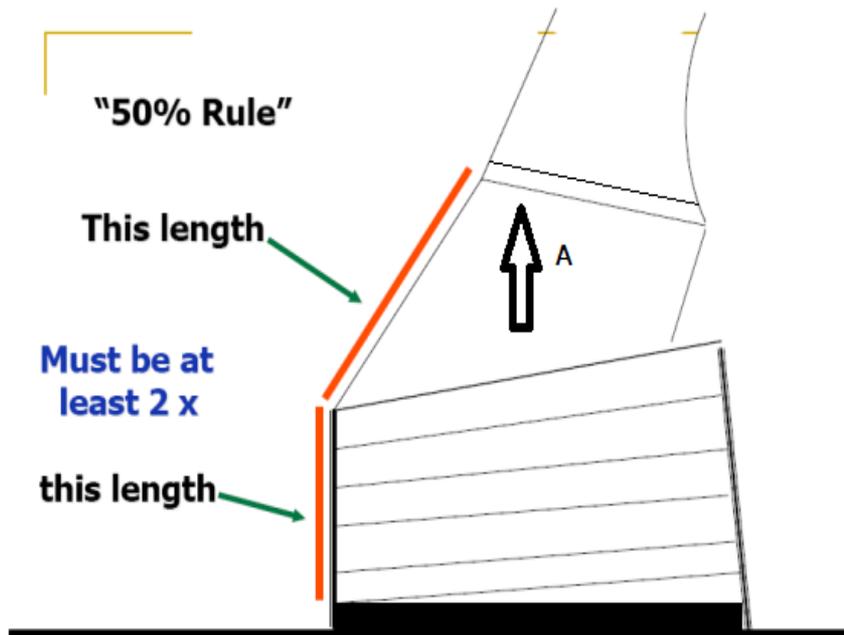


# Specific Prohibitions (Continued)

- Artificial extensions of toe length that exceed 50 percent of natural hoof length (referred to as the “50 Percent Rule”)
- Toe length that does not exceed the height of the heel by 1 inch or more (referred to as “Heel/Toe Ratio”)



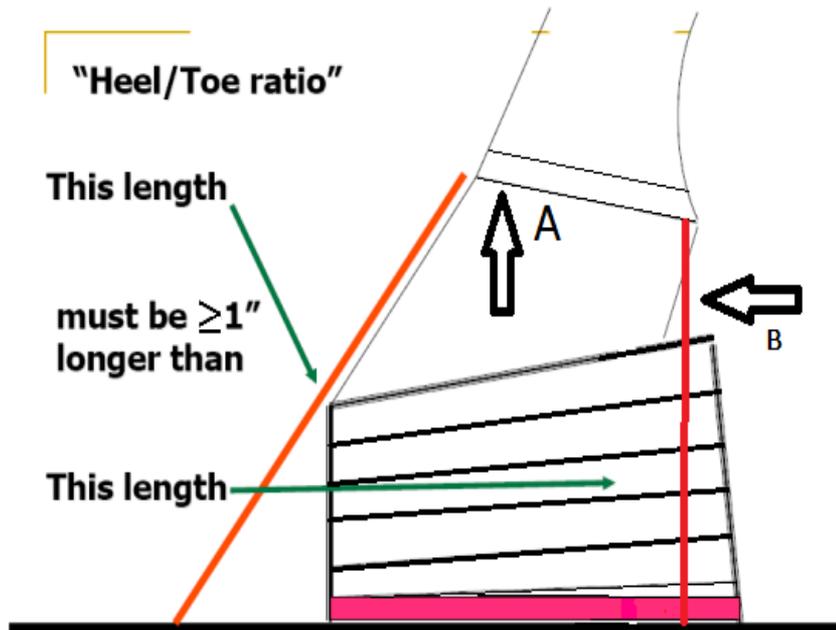
# “50 Percent” Rule



**Natural hoof length:** measured from the coronet band (arrow “A” in the diagram), at the center of the front pastern along the front of the hoof wall, to the distal portion of the hoof wall at the tip of the toe.

**Artificial extension:** measured from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle to the proximal (foot/hoof) surface of the shoe.

# Heel/Toe Ratio



**Toe length:** measured from the coronet band (arrow "A" in the diagram), at the center of the front pastern along the front of the hoof wall, to the ground.

**Heel height:** measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, at the rear of the shoe (arrow "B" in the diagram). The heel measure excludes normal caulks at the rear of a horseshoe that do not exceed  $\frac{3}{4}$  inch in length. That portion of caulk at the rear of a horseshoe in excess of  $\frac{3}{4}$  of an inch is added to the height of the heel.

**Note:** The exclusion of  $\frac{3}{4}$  inch in length only applies to horseshoes with caulks. If a horseshoe does not have a caulk (i.e., a rubber bottom horseshoe), the heel is measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, at the rear of the shoe.

# Specific Prohibitions (Continued)

## Prohibitions on yearlings:

- Pads or other devices that elevate or change the angle of the hoof more than one inch at the heel
- Any weight, except a keg or similar shoe, and any shoe weighing more than 16 ounces



# Prohibited Substances

- All substances on the legs above the hoof are prohibited on any Tennessee Walking Horse or racking horse while being shown, exhibited, or offered for sale at any horse show, exhibition, sale, or auction, with one exception....



# Prohibited Substances (Continued)

- The regulations provide an exception to this prohibition for lubricants, such as glycerine, petrolatum, or mineral oil, if management agrees to furnish such lubricants and to maintain control over them when used at the horse show, exhibition, sale or auction.
- Also, such lubricants can be applied only after the horse has been inspected and under the supervision of management.



# Test Your Knowledge!

Is this Heel/Toe ratio compliant, or not compliant?



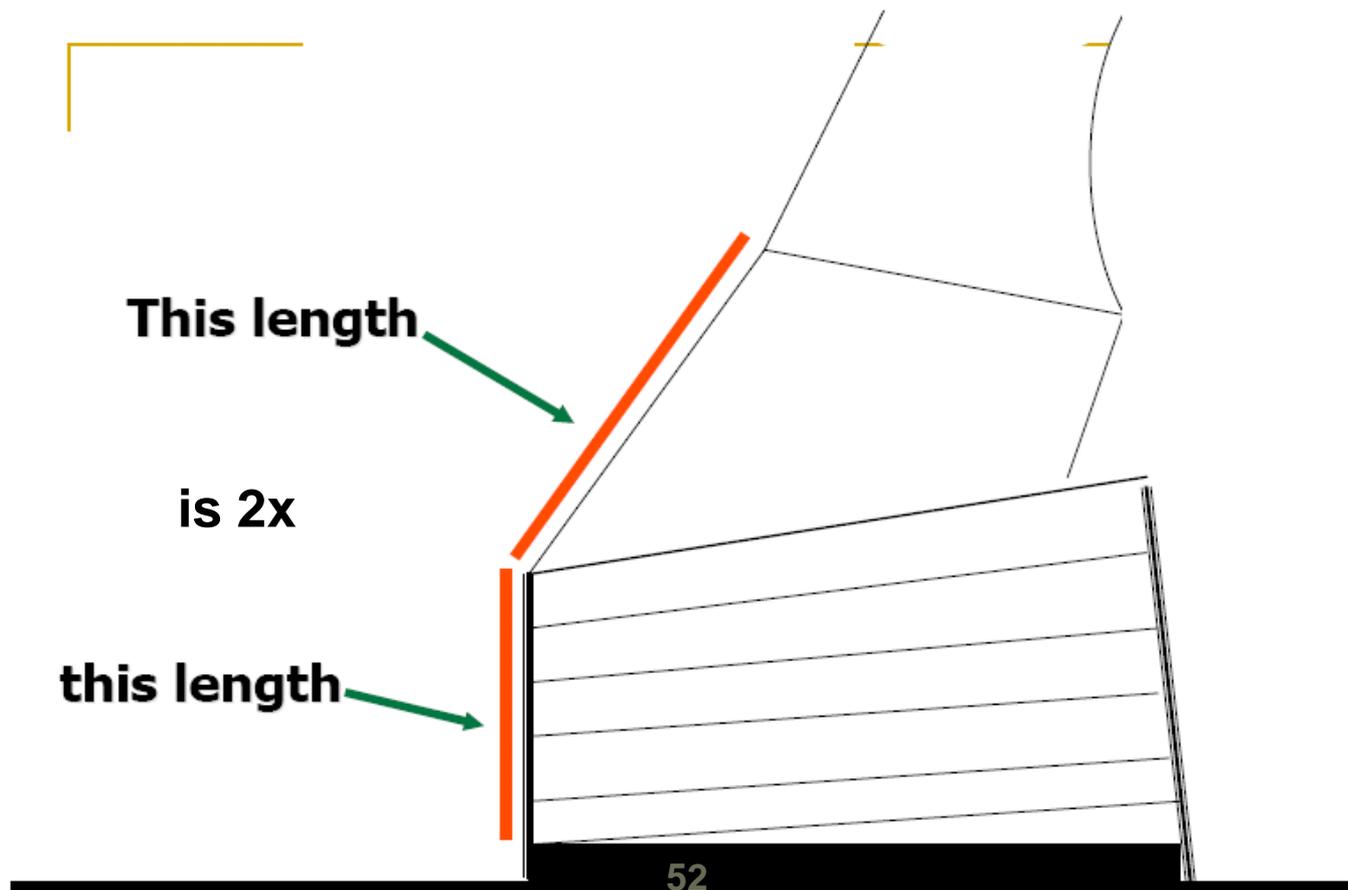
# Answer

If you said not compliant, you are correct!

The regulations prohibit toe length that does not exceed the height of the heel by 1 inch or more.

# Test Your Knowledge!

Is this horse compliant with the “50 percent” rule?



# Answer

If you said compliant, you are correct!

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# MANAGEMENT RESPONSIBILITIES

# Who is Management?

“Management” refers to any person who organizes, exercises control over, administers, or is responsible for organizing, directing, or administering any horse show, exhibition, sale, or auction. Examples include, but are not limited to, the sponsoring organization and show manager.

Management’s primary responsibility under the HPA is to disqualify sore horses from being shown or exhibited and prohibit sore horses from being sold, offered for sale, or auctioned.

# Access, Space, and Facility Requirements

At all horse shows, exhibitions, sales, and auctions, management must:

- Allow APHIS representatives unlimited access to all areas of the horse show, exhibition, sale, or auction for inspection purposes.
- Allow APHIS representatives to examine and make copies of any and all records pertaining to any horse, during ordinary business hours or such other times as may be mutually agreed upon.
- Provide sufficient space and facilities for APHIS representatives to carry out their duties under the HPA, including:
  - Sufficient space to inspect horses..
  - Protection from the elements of nature (i.e. rain, snow, sleet, hail, etc.).
  - A means to control onlookers so that APHIS representatives can work safely and without interference.
  - An accessible, reliable, and convenient electrical power source if requested.
  - Appropriate areas for horses awaiting inspection and for detained horses.
  - An adequate, safe, and accessible area for the visual inspection and observation of horses while they are competing, performing, being sold or auctioned, or offered for sale or auction.

# Competition and Other Restrictions

At all horse shows, exhibitions, sales, and auctions, management must:

- Ensure that only the horse, the rider, the groom, the trainer, the DQP(s), and APHIS representatives shall be allowed in the warm-up area.
- Furnish and maintain control over approved lubricants (petrolatum, mineral oil or glycerine, or mixtures of these only) for use on horses after inspection.
- Limit the workouts, performances, and exhibitions of 2-year-old Tennessee Walking Horses and racking horses to no more than two 10-minute workout sessions, with a minimum 5-minute rest period between sessions for each performance, class, or workout.

# Inspection Requirements

If management decides to use a DQP, management must:

- Appoint and designate at least two DQPs when more than 150 horses are entered in the horse show, exhibition, sale, or auction.
- Allow DQPs unlimited access to all areas of any horse show, exhibition, sale, or auction for the purpose of inspecting any horse, or any record required to be kept by regulation or otherwise maintained.
- Refrain from influencing or interfering with a DQP in carrying out his or her duties or making decisions concerning whether or not a horse is sore or otherwise not in compliance with the HPA.

# Inspection Requirements (Continued)

If management decides to use a DQP, management must:

- Disqualify or disallow from being shown, exhibited, sold, or auctioned any horse that is identified by the DQP as being sore.
- Immediately notify APHIS and the licensing organization or association of any concerns regarding DQP performance, including an explanation as to why his or her performance was inadequate or otherwise unsatisfactory.
- Refrain from appointing a person to conduct inspections who does not hold a valid, current DQP license, who has had his or her license cancelled by the licensing HIO, or who is disqualified by the Secretary from performing such inspections under the HPA.

# Inspection Requirements (Continued)

If management decides *not* to use a DQP, it must:

- Identify and disqualify or disallow any horses that are sore from participating or competing in the horse show, exhibition, sale, or auction.
- Inspect all horses that place first in any Tennessee Walking Horse or racking horse class or event to determine if they are sore or otherwise not in compliance with the HPA or the regulations.

# Reporting Requirements

Within 5 days following the conclusion of any horse show, exhibition, sale, or auction, the management must submit the information listed under the subheading “Maintaining Records,” below, for each Tennessee Walking Horse or racking horse excused or disqualified from being shown, exhibited, sold or auctioned, and the reasons for such action. If no horses were excused or disqualified, management must submit a report so stating.

If the horse show, exhibition, sale, or auction contains no Tennessee Walking Horses or racking horses, management must inform APHIS, within 5 days following the conclusion of the show, exhibiting, sale, or auction, of any case where a horse was excused or disqualified because it was found to be sore.

# Recordkeeping Requirements

Management must keep the following required records for at least 90 days (or longer if requested by APHIS) after the event:

- Date and place of show, exhibition, sale, or auction.
- Name and address of the sponsoring organization and each horse show judge.
- The name and address of DQPs, if any, employed to conduct inspections and the name of the licensing organization or association.
- A copy of the official show, exhibition, sale, or auction program.
- The identification of each entered horse, including the name of each horse, the name and address of the owner, trainer, and rider or other exhibitor, and the address of home farm or other facility where the horse is stabled.
- A copy of each class or sale sheet containing the names of the horses, the exhibition number and class number, or sale number assigned to each horse, and the names and addresses of horse owners, the person paying the entry fee and entering the horse in the horse show, exhibition, sale, or auction.

# Test Your Knowledge!

*True or false?*

Exhibitors can apply their own lubricants to horses after inspection.

# Answer

If you said false, you are correct!

Only management can furnish lubricants for use on horses after inspection.

# Test Your Knowledge!

If management decides not to use a DQP, it must:

- A. Inspect all horses that place first in a class or event.
- B. Inspect all Tennessee Walking Horses and racking horses that place first in a class or event.
- C. Identify and disallow any horses that are sore from participating or competing in an event.
- D. A and C above
- E. B and C above

# Answer

If you said “E” (B and C above), you are correct!

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# DQP RESPONSIBILITIES

# DQPs

DQPs are responsible for inspecting horses for compliance with the HPA and regulations and notifying management of any horse which, in his opinion, is sore.

Pursuant to the regulations, this notification to management must be done immediately for any horse which, in the opinion of the DQP, is sore or otherwise not in compliance with the HPA or regulations.

DQPs are also responsible for informing the custodian of a horse if that horse has been found by the DQP to be sore or otherwise not in compliance with the HPA or regulations.

# Selecting Horses for Inspection

The DQP must physically inspect for compliance with the HPA and regulations:

- All Tennessee Walking Horses and racking horses entered for sale or auction.
- All Tennessee Walking Horses and racking horses entered in any animated gait class.
- All Tennessee Walking Horses and racking horses entered for exhibition before they are admitted to be shown, exhibited, sold, or auctioned.
- All Tennessee Walking Horses and racking horses tied first in their class or event.

The DQP must also observe horses in the warm-up ring and during actual performances whenever possible and inspect any Tennessee Walking Horse or racking horse at any time he/she deems necessary to determine whether the horse is in compliance with the HPA or regulations.

# Inspection Procedures

The DQP must perform the following inspection procedures as outlined in 9 C.F.R. §11.21 of the regulations:

- Direct the custodian of the horse to walk and turn the horse in a manner that allows the DQP to determine whether the horse exhibits signs of soreness. The DQP shall determine whether the horse moves in a free and easy manner and is free of any signs of soreness.
- Digitally palpate the front limbs of the horse from knee to hoof, with particular emphasis on the pasterns and fetlocks. This includes:
  - Examining the posterior surface of the pastern by picking up the foot and examining the posterior (flexor) surface,
  - Apply digital pressure to the pocket (sulcus), including the bulbs of the heel, and continuing the palpation to the medial and lateral surfaces of the pastern, being careful to observe for responses to pain in the horse, and
  - Extending the foot and leg of the horse to examine the front surfaces, including the coronary band.

# Inspection Procedures (Continued)

- Inspect the horse to determine whether the provisions of 9 C.F.R. § 11.3 are being complied with.
- Observe and inspect all horses for compliance with the prohibitions in 9 C.F.R. § 11.2(a)-(c). All action devices, pads, and other equipment must be observed and/or examined to assure that they are in compliance with the regulations.
- Examine the rear limbs of all horses exhibiting lesions on, or unusual movement of, the rear legs. The DQP may also examine the rear limbs of any other horses when he deems it necessary.

# Inspection Procedures (Continued)

- Instruct the custodian of the horse to control it by holding the reins approximately 18 inches from the bit shank.
- Inspect horses no more than 3 classes ahead of the time the horse is to be shown, and no more than 2 classes ahead of the time in those shows with 150 or fewer horses.
- Not permit horses to leave the warm-up area before showing.
- Allow only the horse, the rider, the groom, the trainer, the DQPs, and APHIS representatives in the warm-up area.
- Carry out additional inspection procedures as the DQP deems necessary to determine whether the horse is sore.

# Restrictions on DQPs

- A DQP cannot not exhibit or purchase any horse at a horse show, exhibition, sale, or auction at which he or she has been appointed to inspect horses.
- A DQP cannot not inspect horses at any horse show, exhibition, sale, or auction where horses owned by a member of the DQP's immediate family or the DQP's employer are competing or being offered for sale.
- A person cannot hold a valid DQP license if he/she has been convicted of a violation, or paid a fine or civil penalty in settlement of an alleged violation of the HPA or regulations.
- A person who has been so convicted or fined can be licensed only after at least 2 years following the first violation, or after at least 5 years following the second or any subsequent violation.

# Recordkeeping Requirements

DQPs must keep the following records on any horse that he/she recommends be disqualified or excused:

- Name and address of the show and the show manager.
- Name and address of the horse owner.
- Name and address of the horse trainer.
- Name and address of the horse exhibitor.
- Exhibitor's number and class or sale number of the horse.
- Date and time of the inspection.
- Detailed description of all the DQP's findings and nature of the alleged violation.
- Name, age, sex, color, and markings of the horse.
- Name of the show manager or management representative notified by the DQP that the horse should be excused or disqualified.

# Recordkeeping Requirements (Continued)

The DQP must submit all of those records to the DQP's licensing organization within 72 hours of the end of the show, exhibition, sale, or auction.

Management may have the DQP keep records other than those listed above, such as records of entries in the various classes or events.

# Test Your Knowledge!

*True or false?*

DQPs must examine the rear limbs of all horses.

# Answer

If you said false, you are correct!

DQPs must examine the rear limbs of all horses exhibiting lesions on, or unusual movement of, the rear legs. DQPs may also examine the rear limbs of any other horses when he deems it necessary.

# Test Your Knowledge!

*True or false?*

DQPs must examine all Tennessee Walking Horses and racking horses entered in any animated gait class.

# Answer

If you said true, you are correct!

Horse Protection

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# VMO RESPONSIBILITIES

# VMOs

VMOs are responsible for inspecting horse shows, exhibitions, sales, and auctions, and for inspecting any horse at those events, for purposes of enforcement of the HPA and regulations.

These inspections extend to all things (including records) bearing on compliance with the requirements of the HPA.

Accordingly, the role of a VMO is to inspect for all aspects of compliance with the HPA and regulations, including the compliance of management, DQPs, and exhibitors with their regulatory responsibilities.

# Arrival

Upon arrival, the lead VMO will initiate introductions with management and the DQPs, if present, and provide management with a copy of the following documents:

- [Tech Note: Responsibilities of Management of Horse Shows, Exhibitions, Sales, and Auctions](#)
- [Letter to Management of Horse Shows, Exhibitions, Sales, and Auctions](#)
- [Tech Note: Responsibilities of Horse Exhibitors and Transporters under the Horse Protection Act](#)

The lead VMO will review these publications with management to ensure the manager has a solid understanding of his/her responsibilities under the HPA and APHIS' inspection process at HPA-covered events.

Please take a moment to read over these documents yourself before proceeding to the next slide. You can access them by clicking on the links above.

# Arrival (Continued)

- The lead VMO will ask management to whom the VMOs should convey inspection findings to so that management may decide whether or not to disqualify the horse from participating the event and communicate its decision to the custodian.
- The inspection team may also take the opportunity at this time to collect copies of the class schedule and class sheets, and/or ask management for a point of contact for questions on such documents.
- It is management's responsibility to ensure that APHIS officials have safe and adequate spaces that are free from interference to carry out their duties under the HPA. If the facilities provided are inadequate, the lead VMO will contact management and ask that any needed changes be made.

# Selecting Horses for Inspection

When conducting inspections at an HPA-covered event, VMOs may consider a variety of factors when selecting horses for inspection, including:

- Inspections across classes (e.g., flat shod, Country Pleasure, Park Pleasure Performance, Performance, etc.) and before and after events (e.g., pre- and post-show inspections, inspections of horses in barns and stalls, etc.)
- Concerns about the horse's way of going, appearance, or demeanor
- Concerns about the completeness of the DQP's inspection

# Inspection Procedures (Continued)

VMOs must follow the uniform inspection procedures for inspecting horses as outlined in 9 C.F.R. § 11.21. When conducting inspections, VMOs will:

- Ask the custodian to walk the cones to observe the horse's movement to determine whether the horse exhibits signs of soreness.
- Approach the horse from the left side and making contact with the horse in a gentle manner.
- Use digital palpation to determine whether there are any signs of soreness.
- Inspect the horse to determine whether the provisions of 9 C.F.R. § 11.3 are being complied with.
- Observe and, as warranted further examine, horses for compliance with the prohibitions in 9 C.F.R. § 11.2(a)-(c).
- Monitor for stewarding during the inspection process.

# Notification and Re-Inspections

If and when a VMO has reason to believe a horse is sore or otherwise noncompliant, the VMO will inform the custodian and advise the custodian that he/she may request that a second VMO re-inspect the horse, as provided in 9 C.F.R. § 11.4.

If, based on both the first and second inspections, APHIS has reason to believe the horse is sore, the second VMO will communicate the inspection result to the custodian.

The VMO will also report the result to management so that management may decide whether or not to disqualify the horse from participating in the event and communicate its decision to the custodian.

# Evaluation of DQPs

When a VMO observes a DQP conducting inspections, the VMO should assess whether the DQP is following the uniform inspection procedures in 9 C.F.R. § 11.21 and otherwise performing their duties in accordance with the HPA and regulations.

If a concern is noted in the way the DQP is examining horses or performing his/her other duties, the VMO should discuss the matter with him/her directly and seek appropriate changes. This conversation should be noted in the nightly report for the show or other covered event.

If the concern continues to persist after discussing the matter with the DQP, the VMO should also document his/her concerns in a declaration for the inspection at issue.

# Evaluation of Management

If a VMO observes that management is failing to perform one of its responsibilities under the HPA, the VMO should notify the lead VMO, who will contact management to ask that any needed changes be made.

If management fails to correct the area of concern, APHIS will document management's failure or refusal to abide by the HPA or regulations in a declaration and the nightly report. In addition, APHIS may elect to cease inspection activities if management fails to perform its responsibilities, depending on the circumstances.

# Test Your Knowledge!

*True or false?*

VMOs are only responsible for inspecting horses for compliance with the HPA.

# Answer

If you said false, you are correct!

VMOs are responsible for inspecting horse shows, exhibitions, sales, and auctions, and for inspecting any horse at those events, for purposes of enforcement of the HPA and regulations. These inspections extend to all things bearing on compliance with the requirements of the HPA.