

UNITED STATES
DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

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PUBLIC MEETING

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Comment Gathering
on
Proposed Regulation Changes to HPA

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Tuesday,
August 9, 2016

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Embassy Suites
1200 Conference Center Boulevard
Murfreesboro, Tennessee

Reported by Stephen Anderson

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:02 a.m.)

3 MR. TUCK: Good morning, everyone.

4 Good morning and welcome to the first Public
5 Meeting APHIS Animal Care is holding to gather
6 your comments regarding the proposed regulation
7 changes to revise and strengthen the Horse
8 Protection Act regulations. My name is Mike Tuck
9 and I'm from the APHIS Center for Animal Welfare
10 in Kansas City. We'll be facilitating this
11 meeting.

12 You may ask what does a facilitator
13 do. Well, my job is to make sure the meeting
14 runs smoothly without interruption and that
15 everybody has a chair. Well, I already failed
16 there.

17 First thing I want everybody to do
18 though is to take their cell phones out and turn
19 them off, put them on vibrate. If you need to
20 take the call, please do it out in the hall or
21 outside.

22 Most importantly it's vital that we

1 all pay attention to the speakers without
2 interruptions even if you don't agree with what
3 they're saying. We want to keep this meeting on
4 a professional level and give everyone the
5 opportunity to be heard. Further we do not allow
6 anybody to make any personal attacks on anybody
7 in the room.

8 I would like to introduce Bernadette
9 Juarez, who earlier became the Deputy
10 Administrator for Animal Care this year,
11 replacing Dr. Chester Gibson. Bernadette.

12 Also I would like to introduce Dr.
13 Robert Givens, who is the Director of Operations
14 out of Fort Collins, Colorado.

15 Both Bernadette and Bob are here to
16 preside over the meeting and listen to your
17 comments. They will not be responding to any
18 comment at this hearing.

19 In addition we have a person, Steve
20 Anderson, who will be transcribing the meeting.
21 This transcription will be available along with
22 the transcriptions from the other public meetings

1 on the AFIS Animal Care web page.

2 As I mentioned, this is the first
3 public meeting being held. Other meetings will
4 be tomorrow in Lexington, Kentucky; next Tuesday,
5 August 16th, in Sacramento, California; and
6 Tuesday, September 6th, in Waterville, Maryland.
7 We will also be holding a virtual public meeting
8 by phone on Thursday, September 15th, where
9 anyone can call in and provide comments. Again
10 details can be found on the Animal Care web page,
11 which is www.afis.usda.gov/animalwelfare.

12 These meetings are only one way to get
13 your comments on the record. The public comment
14 period began July 26th and runs through September
15 26th. A link on that web page goes directly to
16 regulations.gov, which enables you or anyone
17 unable to attend a hearing to provide additional
18 comments.

19 I hope everyone has had the
20 opportunity to sign in and indicate if they were
21 to speak. I will use that list to call you up to
22 the podium. Once up here please begin by stating

1 your name and company or affiliation of your
2 membership. You will have approximately three
3 minutes because we have a lot of speakers here
4 today to present your comments. We do this so
5 everyone will have an equal opportunity to speak.
6 I will let you know when you need to wrap up your
7 comments and you may leave a copy of your
8 comments with me when you've finished. I will
9 call five people at a time and one person will
10 speak, the next four will be here just to save
11 time going back and forth, back and forth.

12 And any questions about the procedures
13 here today? Yes, ma'am.

14 UNIDENTIFIED FEMALE SPEAKER: If I
15 have registered online, this is what happens out
16 here, right? This is online?

17 MR. TUCK: You should be on the list.
18 I will give everybody an opportunity to make sure
19 they're on the list. We'll probably take a break
20 halfway through.

21 Yes, sir.

22 UNIDENTIFIED MALE SPEAKER: Do you

1 want us just to make comments or can we ask you
2 all some questions?

3 MR. TUCK: No, we're not going to
4 respond to any comments or questions.

5 UNIDENTIFIED MALE SPEAKER: No
6 questions?

7 MR. TUCK: No, sir.

8 Yes, ma'am.

9 UNIDENTIFIED FEMALE SPEAKER: What's
10 the time limit?

11 MR. TUCK: Three minutes.

12 Okay, I would like Nathaniel Jackson,
13 Deena Dargos, Jenny Jackson, Jerry Harris, and
14 Denise Roland to come up, please.

15 Deena, would you like to go ahead and
16 start?

17 Again please start by stating your
18 name and association. Thank you.

19 MS. DARGOS: Thank you. My name is
20 Deena Dargos. I'm a lifelong horse woman who has
21 ridden and competed in many disciplines for over
22 40 years. I've lived in Tennessee five years and

1 I'm active in a number of equine welfare groups.
2 Thank you for letting me speak.

3 The USDA already knows soring is
4 abusive. That's why the Horse Protection Act was
5 passed. Forty-six years later we are still
6 dealing with the willful violations that are
7 characteristic of big lick abuse. The Tennessee
8 walking horse industry said it would regulate the
9 performance horse class itself in accordance with
10 the HPA. It hasn't; it didn't; it won't. The
11 fact is an extremely small segment of the
12 population continues to make their living by
13 engaging in these cruel, unnecessary, and
14 inhumane practices that are obsolete at best.
15 These are the people against the new USDA rules.

16 Of course they are biased. Their
17 financial gain depends on the continual violation
18 of the Horse Protection Act. Is this how we
19 decide what is ethical versus what is cruel and
20 inhumane, by how much profit is to be made?

21 The big lick faction are solely to
22 blame for the financial disaster and public

1 outcry they have brought upon themselves, not the
2 animal welfare groups or the public who won't
3 accept animal abuse as entertainment. How
4 foolish or arrogant do you have to be to see
5 attendance dropping every year and think if you
6 just ignore the loss and lie about the abuse
7 nobody will notice as you systematically maim
8 these horses and ruin the reputation of the
9 breed.

10 While membership grows in groups like
11 WHOA, who promote flat shod versatility shows,
12 the big lick events are being exposed for what
13 they are, a bizarre, unnatural caricature of a
14 once proud tradition. All that is left of the
15 unethical abusers who strong arm the community
16 into playing by their rules. Frankly asking them
17 whether they are abusing their horses is like
18 asking someone running a dog fighting ring is it
19 hurts the dogs.

20 The great majority of the citizens of
21 the United States and in fact even in the
22 Tennessee Walking Horse Breeders and Exhibitors

1 Association are opposed to the big licks. We
2 don't hold to soring, the action devices, or the
3 rest of the abusive practices. We don't want the
4 intimidation or the controversy and we don't this
5 horse or this state to be associated with pain,
6 greed, and corruption. We just want it to stop.

7 Please, USDA, make it stop. Thank
8 you.

9 MR. TUCK: Nate.

10 MR. N. JACKSON: Good morning. My
11 name is Nathaniel Jackson. To some you know me
12 as the Preacher. I wear my uniform today that I
13 wore some 45 years ago in Vietnam as a Combat
14 Medic. Up until last year I was ashamed to say
15 that I fought in Vietnam, not because of what I
16 did, because of what America made me feel that
17 was wrong and that I should be shameful.

18 I've felt that way about the Tennessee
19 walking horses that I've owned. When I would
20 meet somebody and they would say, oh, you've got
21 horses. What kind of horses do you own? I have
22 Tennessee walking horses. And they would make me

1 feel ashamed. Oh, you've got those horses with
2 the -- oh. And I hid it for a long time.

3 And last year I start planning my
4 pride after I was diagnosed with a stage four
5 prostate cancer that has metastasized to my whole
6 skeletal system, all the way from the top of my
7 skull, my chest and ribs, my spine, and my hip.
8 And I decided I'm not going to be ashamed
9 anymore. I love this horse; I love this breed.
10 And I loved it so much that after fighting for
11 God and country in Vietnam I came back and I
12 ended up marrying a licker in 1983.

13 God did some work with us in our
14 hearts, in our minds, in our soul and we
15 converted from that and we decided we were no
16 longer going to do that. But not only that we
17 weren't going to do it anymore, we were going to
18 advocate for the horse.

19 Now I went out there, as many of you
20 know, and I showed. In 1998, I came down here to
21 show my horse in the World Grand Championship
22 class at the Celebration. But my horse was flat

1 shod. No, you can't do that. Hasn't been done
2 in 45 years. But after two years of wrangling,
3 legal wrangling with the powers to be at the
4 Celebration and those people that were in power
5 in Shelbyville, I won the right because it was
6 right. There was no loophole. It was the law.
7 I could show my horse in World Grand Championship
8 class. They made us jump through so many
9 loopholes, it wasn't even funny.

10 Now the idea of me showing my horse
11 people never got it. But I'm going to tell you
12 why I did it. Because it was impressed upon me
13 in my heart that this was an abomination with
14 those pads, chains, and soring and the attitudes
15 that went along with it. Abomination. We don't
16 hear that word very much today, but it was used
17 in the Bible. It was used as something that was
18 to say that it was a complete offense to the very
19 senses of God. The time has come this has got to
20 stop. It's over with; it's done.

21 And I challenge anyone who comes up
22 here and says this is still something that they

1 can do and it's their right to do it. It's
2 against the moral principles of God. It offends
3 him. It offends many of us. That we should
4 still be in a place right now that we are even
5 still considering chaining up, poisoning up these
6 horses.

7 This will probably be the last time
8 that I will probably do anything in this breed.
9 As one of my bucket list, I'd like to be able to
10 go up and see the northern lights. I would like
11 to be able to see my grandkids graduate high
12 school. And I want to see the end of pads and
13 chains and chemical abuse in this breed.

14 I praise God that He has given me this
15 opportunity to finally be able to say it's done,
16 folks.

17 MR. TUCK: Thank you.

18 Jimmy Johnson. Jimmy not here?

19 Jerry.

20 MR. HARRIS: First I'd like to say I'm
21 glad to see so many horse people out here today.
22 I have videos or documents to confirm every

1 statement I'm going to make today. I make these
2 statements because I'm tired of the injustices
3 done to this industry, such as those former HPA
4 Enforcer Chester Gibson referred to when he told
5 United States Representative Scott DeJarlais the
6 walking horse industry needs to get used to the
7 injustices like he did in the '60s.

8 In my opinion the rulemaking is an
9 attempt to bypass Congress because they refuse to
10 pass the law that would help deprive owners and
11 trainers of their constitutional rights using
12 guilt by association to condemn and destroy the
13 horse show industry with no regard for the lives
14 or businesses of those involved.

15 At one time I believed it was just
16 incompetence by the USDA Inspectors. But once
17 they started creating ways to hide and cover up
18 that incompetence, the entire inspection process
19 became corrupt. I believe the USDA uses these
20 corrupt inspections to falsely accuse trainers
21 and owners of abusing their horse. The proof is
22 a list of over 13,000 names on the website,

1 USDA's website, that have been accused of
2 violating the HPA but never given their day in
3 court because there is no proof they broke the
4 rule.

5 USDA does, however, share that list
6 with the public and groups with agendas against
7 the walking horse show industry, such as the
8 Humane Society of the United States. USDA is
9 feeding the Humane Society false information
10 which leads to untrue stories being written in
11 newspapers like the Nashville Tennessean, where a
12 recent article by Humane Society CEO Wayne
13 Purcell said, "Sharp objects are placed under the
14 pads of a performance horse." Purcell
15 conveniently failed to mention that thousands of
16 horses have been X-rayed and had their shoes
17 pulled with no object ever being found.

18 It appears that USDA enhances numbers
19 through subjective inspections of the performance
20 horse while doing very little inspection of flat
21 shod horse shows. An example is at a multi-night
22 show, flat shod show, with over 1,600 entries,

1 only 13 horses were inspected and a hook tester
2 was never used when it is well known in the
3 industry that is the proper way to inspect a flat
4 shod horse.

5 On the other hand, at a multi-night
6 performance horse show with 1,392 entries, there
7 was 525 horses inspected using eye scan
8 equipment, tomography blood test, hook testers,
9 even on performance horses, X-ray machines,
10 swabs, subjective palpation method. The eye scan
11 is used to identify your horses that have been
12 turned down so they can target them again. Some
13 methods to target horses are requesting entry
14 forms and reading industry papers prior to the
15 inspection to see which horses are listed as
16 major contenders, such as Honors.

17 One of the most blatant injustices
18 carried out by the USDA employees was when prior
19 to a show an industry DQP received a text message
20 from USDA employee Rachel Cesar, who's known as
21 the inside contact for the Humane Society of the
22 United States, said there will be heck to pay if

1 this horse wasn't turned down. And even though
2 Honors was taken to Auburn and LSU Veterinarian
3 Schools to be inspected, where no scar or no
4 abuse was found, HPA employee Jeff Paper
5 continued to turn the horse down on a scar
6 violation.

7 The use of unethical tactics by the
8 USDA to apparently satisfy the Humane Society
9 over the years has cost charities and shows
10 millions of dollars. The Celebration alone at
11 one time brought over forty million dollars to
12 the local economy during the 10-day event. The
13 move being adopted by the USDA says no show back
14 has resulted in a loss of thousands of entries
15 because the USDA incompetence of knowing which
16 horses they had turned down and which horses they
17 had passed. An example of that is Starliner
18 McCash.

19 Recently the USDA created a new way to
20 threaten and intimidate show managers by
21 demanding they alter inspection area in a way
22 which creates a major inconvenience for owners,

1 trainers, and spectators. Then to add insult to
2 injury, they started to manage -- show managers
3 agreed to let them use these corrupt inspections
4 to turn down horses in their name or they would
5 file a federal charge against them for each horse
6 they say is in violation. They claimed it is the
7 HPA, but in fact if it is, they have been
8 breaking the law for over 40 years.

9 MR. TUCK: Jerry, you need to --

10 MR. HARRIS: I just lack a little bit.

11 Congressman Whitfield, sponsor of the
12 PAST Act, was found guilty by his peers of
13 unethical behavior because of his connection with
14 the Humane Society of the United States. And I
15 believe if the USDA were to investigate it today,
16 corruption would be found from Vilsack down to
17 the employees who perform the inspection. Time
18 will tell the truth. The truth will be known.

19 Denying a citizen of their
20 constitutional right by changing existing laws
21 using manufactured and unsubstantiated excuses as
22 the only reason is as corrupt division as I can

1 think of. There are several points of interest.
2 Not only is it unconstitutional, it will decrease
3 the value of our horse, cause owners to lose
4 millions of dollars, businesses will be forced to
5 close, lay off thousands of employees, charities
6 will lose their funding by their business.

7 My business alone depends on the
8 performance horse. I have 19 employees; all of
9 them will be looking for a job. You say the
10 shows will pick up the inspection process. But
11 last year when we did a show, we only made
12 \$8,200. So it looks like for us to maintain that
13 we'd have to come up with \$11,000 more just to
14 pay for the inspections. It can't be done. It's
15 a pipe dream.

16 MR. TUCK: Thanks, Jerry.

17 It's kind of important that we stick
18 to our time limits here because if everybody
19 speaks it may take all afternoon. And we don't
20 have that time.

21 Denise.

22 Again please state your name.

1 MS. ROLAND: Good morning. My name is
2 Denise Roland and I oppose this regulation. I
3 find that this proposal, this rulemaking, is a
4 blatant attempt to bypass Congress and to
5 implement the HSC (unintelligible) PAST Act, an
6 amendment to the Horse Protection Act that
7 contains such draconian measures that it has not
8 moved out of committee since it was first
9 introduced in 2012. These regulations go beyond
10 that.

11 The new Horse Protection Act was
12 written under the Commerce clause because it was
13 and actually is a consumer protection act with
14 the intent to aid commerce by guaranteeing a
15 valid product, the sound show horse. And that
16 product competes on a level playing field. It
17 was never meant to destroy an industry by
18 eliminating that animal nor to become a tool for
19 the animal rights groups to further their
20 agendas. In fact the directive from President
21 Ford was to not harm the industry. To say these
22 proposed regulations will not harm the industry

1 is to say the Titanic took on just a little bit
2 of water.

3 The industry is composed of its
4 stakeholders, those who have actual skin in the
5 game, not someone sitting on a computer with a
6 theory about how animals should be treated. I am
7 a stakeholder. For the last 42 years I've owned
8 Tennessee walking horses. I've owned
9 saddlebreds, another breed that's coming under
10 fire in this regulation. I have bred them; I
11 have nursed them; I have buried them. I've
12 raised four generations of horses specifically
13 for the performance show ring, suitable in
14 temperament, confirmation, and ability.

15 By eliminating the equipment used and
16 thereby eliminating the disciplines that these
17 horses compete in, it destroys their use and
18 their value. It destroys 40 years of work and
19 Lender's bloodlines and the animals who carry
20 those bloodlines is valueless. It is at least an
21 illegal taking and it is a travesty and heinous
22 overreach of government.

1 The impact of this destruction will be
2 felt in every community. It will be felt
3 especially hard in Shelbyville and in Bedford
4 County. I moved to Shelbyville in 1998. I have
5 spent on equine agriculture related products
6 approximately 2.4 million dollars. This money
7 went to farmers for feed, for hay, equipment
8 dealers, tack suppliers, and other ag related
9 businesses. This county is an ag related county.
10 It has a lot of money involved in agriculture.

11 That figure does not include close to
12 one million dollars invested in land, barns, and
13 house which because of the Tennessee walking
14 horse still located in Bedford County. There is
15 no other reason for me to be here. The property
16 taxes from that land go to support schools and
17 other community funding. The property had an
18 accrued value of 1.5 million dollars in 2005. It
19 is now worth \$850,000. While values have
20 declined overall due to general economic
21 conditions, they have not rebounded here in
22 Shelbyville as they have in other areas.

1 Agricultural property focused on
2 equine continues low in value due to the
3 devaluation by the U.S. government of the
4 Tennessee walking horse industry. The
5 uncertainty caused by capricious inspection
6 procedures, never ending threats of changes that
7 do not benefit the horse have destabilized the
8 equine economy. That figure also does not
9 include my daily living expenses spent in my
10 community and the surrounding areas, the
11 restaurants, grocery stores, dry cleaners, and
12 just my general expenditures. I am one of many
13 in Bedford County within this range of figures.

14 Now in regard to your seven person
15 expert survey done by the USDA, I do more than
16 question its validity. The supposed secrecy of
17 the survey was breached by one of the
18 participants who called me asking for help on how
19 to answer the questions. The questions posed
20 were worded in a manner that was not compatible
21 with the standard billing practices in this
22 industry. They also demanded answers that could

1 not be provided accurately by a third party.

2 Seven people does not a survey make.
3 And to draw any conclusions from it shows a lack
4 of commitment to accuracy and truthfulness.

5 Your statement that these regulation
6 changes will not have any significant impact is
7 in fact hogwash.

8 To further expand on these economics
9 as a show manager, these changes are impossible
10 to deal with. They're economically unfeasible.
11 The cost will put horse shows out of business and
12 the recording or all the paperwork will drive
13 charities from participating in this activity.

14 While I have much, much more to say,
15 they have definitely restricted me to three
16 minutes which are up. I will finish by saying
17 the 101 page manifest that was written needs to
18 be addressed more completely which I will do
19 online and further comments. But in my 64 years
20 I have never seen such blatant disregard for the
21 rights of citizens, their property, and the
22 separation of powers or the subation of states'

1 rights. Thank you for your time.

2 MR. TUCK: Thank you, Denise.

3 Can we have Bill Williams, Julie
4 Lambert, Ray Maynard, and Anita Howe please come
5 up? Have a seat up here.

6 Bill, you're first.

7 MR. WILLIAMS: I'm Bill Williams and
8 I'd like -- quite a few of you know me. You know
9 I Am Jose, my pride and joy horse, that was
10 turned down after she won two Worlds Grand
11 Championships and the USDA Horse Destruction Act
12 personnel Inspectors wrote her up for scar rule.
13 A very good veterinarian gave her a complete
14 physical. She had no scar whatsoever and yet she
15 was disqualified. Has never been able to show
16 again. And you know the people sat in the arena
17 and there's the ad that we had run for her. They
18 sat there and tapped the ad, said, "Get that
19 horse." So she was written up for the scar rule.

20 How many of us have been turned down
21 with beautiful horses that are beautifully cared
22 for and trained to show on the scar rule and had

1 a veterinarian say there is no scar, none
2 whatsoever? That we got nailed for it?

3 I tried to -- after this happened to
4 me on several occasions with my horses, I wrote a
5 letter. I got in trouble for that, too, with the
6 government. It's sad when we're in this
7 situation. Letter from Great Oaks Farms in
8 Ripley, Tennessee, letter to fellow citizens of
9 the USA. We own a beautiful and talented
10 Tennessee walking horse named I Am a Proud
11 American. He, like me and many other Tennessee
12 walking horse owners, breeders, and trainers,
13 have been used, abused, and confused by the
14 USDA's Horse Protection Act personnel, which
15 should be Horse Destruction Act.

16 Many fine horses, many jobs, and many
17 good families' incomes will be destroyed because
18 of the Horse Protection programs. These programs
19 are supported and motivated by the Humane Society
20 of the United States, which is carefully studied
21 for their use of contributions by goodhearted
22 people who don't know what the Humane Society is

1 doing with their money.

2 Like my horse, Proud American, I used
3 to be a proud American. Now I'm an old, sad,
4 tired American who served as an officer in the
5 U.S. Air Force for 10 years. During that service
6 I was stationed with the U.S. Air Force in
7 Germany for three years. While in Germany I
8 joined a German riding club, riding German horses
9 and making wonderful great friends. Some of the
10 older ones shared their memories of World War II
11 and the Nazi party. They told of the horrors and
12 their fears of the Gestapo SS troops.

13 The way we sad Americans, who used to
14 be proud Americans, are being treated by the U.S.
15 government Horse Protection Act personnel and
16 Lois Lerner's IRS treatment of Tea Party members
17 and the activities of the Humane Society of the
18 United States strongly reminds me of the sad
19 stories told by old German friends about their
20 Gestapo memories.

21 What's happened to the United States?
22 We must seek change and speak out for the future

1 of the United States. As an old 78-year-old
2 former proud American, I just hope and pray we
3 can work, speak, and do to change some of the
4 problems in the United States so that our young
5 people can again be proud Americans.

6 Since I wrote this letter to the USDA
7 and Congressmen from Tennessee, USDA personnel
8 have gotten worse in stopping horse shows with
9 the scar rule. And how many times have we been
10 written up from showing a horse with the scar
11 rule, taking it to a very good equine
12 veterinarian, and found absolutely nothing wrong
13 with the horse?

14 So let's stop this new litigation that
15 they're trying to push through now. And it's
16 going to take all of us to care about it so we
17 can all again be proud Americans. Thank you.

18 MR. TUCK: Julie.

19 MS. LAMBERT: My name is Julie Lambert
20 and I'm going to speak as the show manager of the
21 Christmas in July show and Walking for the Angels
22 show. Because of this I oppose this rule. The

1 money that's raised from the show, which is
2 around \$30,000 each year, go to support the
3 children of Bedford County. Last year we bought
4 for 344 kids during the Christmas season. We
5 also participate in Stuff the Bus program in July
6 each year and buy backpacks and school supplies
7 for many of the children of our town. We also
8 participate in a coat drive each year in January
9 for children and we usually supply around 50
10 coats on top of that.

11 If we lose a division to our show
12 horse, it would be -- it would have devastating
13 effects on horse show charities to raise monies
14 for causes like this, not only in our communities
15 but in other communities also. Thank you.

16 MR. TUCK: Thank you, Julie.

17 Ray.

18 MR. MAYNARD: Thank you for allowing
19 me the opportunity to address this forum. As a
20 Tennessee walking horse owner, I generally
21 support the U.S. Secretary of Agriculture, Tom
22 Vilsack, and his courageous decision to eliminate

1 the scourge of pads and chains from the Tennessee
2 walking horse. Normally I am opposed to more
3 government regulation. During this instance it
4 appears the only solution to the problem.

5 The Horse Protection Act was passed
6 and signed into law December 9th, 1970, nearly 46
7 years ago. Since that time this practice that's
8 caused the United States Congress to pass a law
9 intended to eliminate it, little has changed.
10 Instead of eliminating this scourge on the breed,
11 the very organization charged with the promotion
12 of the Tennessee walking horse, the Tennessee
13 Walking Horse Breeders and Exhibitors
14 Association, TWHBEA, has done everything it could
15 to circumvent the law.

16 They set up their own allied horse
17 inspection organization to do show inspections.
18 Oddly they seem to find very few violations. Yet
19 when the USDA Inspectors show up, the numbers
20 shot up alarmingly. When the USDA threatened to
21 decertify their HIO, their reaction was to file
22 suit against USDA.

1 In 2014 a courageous member of TWHBEA
2 Soring Committee sent a poll questionnaire to the
3 registered members of TWHBEA asking their opinion
4 of prevent all soring tactics at, which was minus
5 the PAST Act. The response was 63 percent in
6 favor, 37 opposed to the PAST Act, the one they'd
7 -- pads and chains. Nearly two to one.

8 What was the TWHBEA's response? Did
9 they embrace the will of their own members?
10 Quite contrarily. They cancelled the committee
11 members' privileges and blackballed them out of
12 the organization. Not to countenance this and to
13 prevent any further resistance in September 2014,
14 they shoved through a bylaw change to ensure the
15 sound horse members would not be fully
16 represented on TWHBEA Board.

17 In case anyone thinks there's a few
18 bad apples, there's a database containing 12,863
19 violations of the HPA, many of which are repeat
20 offenders. It's 50 years past the time for this
21 to end. The proponents of this practice planned
22 to ruin an industry.

1 The industry that's built on animal
2 cruelty is a tiny percentage of the Tennessee
3 walking horses, let alone the total horse
4 industry. I believe that lifting the stigma of
5 soring from the breed might help grow the breed,
6 especially in the area that it excels. The
7 fastest growing segment of horse owners or
8 recreational riders in Tennessee walking horse
9 with its running like gait is one of the finest
10 riding horses ever created.

11 The court of world opinion has reached
12 a verdict and that verdict is no more abuse of
13 this wonderful breed. Thank you.

14 MR. TUCK: Anita. Again state your
15 name.

16 MS. HOWE: My name is Anita Howe.
17 Many of you may know me by reputation if not
18 personally. I've ridden, trained, and trained
19 gaited horses for 20 years, professionally for
20 15. I've authored a book titled Freedom to Gait,
21 released numerous training videos, and traveled
22 the country teaching clinics and presenting at

1 horse expos. All this focused on developing the
2 natural gait in all gaited breeds.

3 I've always had a particular focus for
4 the Tennessee walking horse because I've owned,
5 raised, and have often shown them over the last
6 two decades. I work exclusively with barefoot
7 and flat shod horses because I believe in
8 developing the whole horse is an understanding of
9 biomechanics involved in each gait. I have given
10 tremendous study to both the foundation and gaits
11 of the Tennessee walking horse breed and actually
12 what is involved within the industry over these
13 many years.

14 I have many things I wanted to say
15 today regarding the necessity of ridding this
16 breed of the action devices that have made them
17 the monster truck equivalent of the equine
18 community. While I would not own them, I have
19 nothing against monster trucks because they're
20 machines. But what is done to living, breathing,
21 hurting and innocent animals is reprehensible.
22 But we all know this. All of us here today on

1 both sides of this issue agree that soring is
2 inhumane.

3 So I have two points I wish to make
4 today. Ladies and gentlemen, this song and dance
5 has been going on for decades. And I'm not
6 speaking only of soring the performance walking
7 horse but of this industry promising to clean it
8 up. I'm also speaking of the U.S. Department of
9 Agriculture saber rattling and threatening first
10 to decertify the HRS system of inspection and
11 later to take away the stacks and action devices
12 as part of negotiation in backing off that
13 threat.

14 Before we had big lick, we had the
15 sore lick of the '50s and '60s and promises were
16 made by the industry to clean it up, to take
17 control. Then came the stack and the change of
18 the '70s and Horse Protection Act of enforcement.
19 Again the industry said they would clean it up
20 and the USDA taught us to take inspections from
21 the HRS. Now we've seen this scenario in various
22 versions play out over the last 40 some odd

1 years.

2 New generations have come, both into
3 the industry and the USDA. Again and again each
4 assuming their role in a never ending play of
5 trust, promise, trust, promise. And all this
6 time the horses continue to pay the price, both
7 individually and collectively as a breed.

8 Which brings me to my second point.
9 Folks, this breed is in decline and has been for
10 many decades of the step and chained horses. We
11 are seeing a loss of strength, stamina,
12 sturdiness, endurance, and calmness that made
13 this horse so special. As typical the show world
14 is responsible for such a huge percentage of the
15 breeding so we see greater looseness brought in
16 to increase stride lengths that now compromise
17 stifle and supra to such an extent that off stride
18 is seen in epidemic proportions and to such and
19 these lamenesses are happening at so early the
20 young horses do not get the opportunity to
21 condition and strengthen before they're sidelined
22 with a hitching stride from which they'll never

1 fully recover. This is what I see coming into
2 the pleasure horse.

3 We see performance horse call so low
4 for next to nothing to a pleasure horse buying
5 public that do not understand that having current
6 champion breeding and being stounded as a
7 performance horse is absolutely nothing to prize,
8 but most certainly something to be rehabilitated
9 from.

10 We see these horses sold as finished
11 that have little or no foundation horsemanship
12 training and no conditioning for sub-character
13 balance. The absolute best option for these
14 horses is to undergo extensive basic training and
15 reconditioning. Their forward impulsion is so
16 unbalanced and very few can achieve the signature
17 walking horse canter that it was so very prized
18 in the days of Moonlights on the Merry-go-way.

19 Their minds also need time to heal.
20 As they have to relearn to once again trust
21 humans. I've often referred to the walking horse
22 as the golden retriever of the horse world

1 because they're docile, trusting, and socially
2 natured for which they were developed and
3 intended as a using horse. But decades of
4 single-minded breeding for a mechanical
5 performance gait and the training regimen they
6 undergo scars not only the body but the mind
7 often to the point of being unable to look at
8 people, only shy away.

9 Is it any wonder that the pleasure
10 horse market is turning around in droves to
11 breeds with less to offer and fewer problems to
12 overcome and devil reputation. As the market
13 goes, the quality of the breeding for good solid,
14 using horses go as well. I saw this happening 20
15 years ago when introduced to this breed, even
16 more so with each decade that passes. Thank you.

17 MR. TUCK: Okay, Candace Wade, Mary
18 Marrow, Chase Williams, and Jackie Baron please
19 come up.

20 Candace, you can start. Again start
21 with your name, please.

22 MS. WADE: I appreciate the

1 opportunity to address this body. My name is
2 Candace Wade. My focus is on the action devices,
3 the heavy platform shoes, the chains, and
4 pressure shoeing. I support the proposal.
5 Through my experience these action devices are
6 soring. My experience has been personal exposure
7 to Tennessee walking horse rehab, reading of the
8 white papers presented by equines that the author
9 has studied. I am a contributing writer for
10 Horse Nation. My piece or my series of saving
11 Theo is an ongoing chronicle of the mental and
12 physical rehab out at Crockett Barn of an ex big
13 Tennessee walking show horse.

14 I also wrote a piece called Foot
15 Freaks. My research included interviews with
16 rough peelers, farriers, vets, representatives
17 from I call it TWHBEA most of the time, and a big
18 lick trainer. Through the rehab of Theo, I
19 exhausted extensive effort to try to save Theo's
20 shattered hoof and infected feet believed to be
21 the result of action devices. He also has a
22 slightly rotated pastern bone. After 11 months

1 we're still not sure if his feet will be sound
2 enough to sustain him.

3 His difficult rehab we have is his
4 mental rehab. Theo knew nothing about how to be
5 a horse. He had to be taught not to freak out
6 around normal things outside like a cat, a cloud,
7 wind, and a roll of hay. He had to be taught
8 that moving at a relaxed pace was allowed. I
9 draw significance to farrier work and speak of
10 his personal experience in the big lick. He was
11 tacitly disgusted.

12 We on the interview -- we even
13 communicate with Dr. Bilbob of UT College of
14 Veterinary Medicine. He is a vocal opponent of
15 action devices. I learned that the former Dean
16 of UT College of Veterinary Medicine in
17 Knoxville, Dr. Michael Bluntwell, the America's
18 Vet Net Association, and the AAEP are also
19 opponents.

20 In 2015 I was invited to moderate a
21 panel on soring at the Equis Film Festival in New
22 York City. The panel was balanced with

1 representatives from rescue organizations, an
2 equine veterinarian, and an activist who was
3 against the pads out. The film festival has an
4 international audience that has expressed support
5 to end Tennessee walking horse action devices.

6 I have attended big lick shows at
7 Columbia, Tennessee and at Celebration in
8 Shelbyville. My husband and I have friends
9 showing horses at these events years ago.
10 Knowing nothing, I was puzzled about the wild-
11 eyed, flaming nostril, agitated beast I
12 witnessed. Why did they seem -- (Uproar from
13 audience) Excuse me, excuse me. Why did they
14 seem to struggle, seem to stumble and look clumsy
15 at their gait?

16 Then we started to trail ride on the
17 Cumberland Plateau in Tennessee. Contrary to the
18 horses in the show arena, these Tennessee walkers
19 were calm, surefooted, resilient, and very
20 comfortable ride. We'd ride for hours without
21 the horses getting sweated up as one sees of very
22 few passes around an arena during big lick class.

1 Without the performance devices the horses don't
2 stumble, and are balanced.

3 Learning to ride as an adult, I'm an
4 avid student. I've learned that roundness is
5 fundamental to walking horse gait as with any
6 horse. Flexibility, bend, and the rider's
7 attention to balance is necessary for a sound
8 horse. I've seen none of this in the big lick
9 walking horse training and exhibiting with
10 devices. The altered step of the front and back
11 feet and awkward adjustments the horses must make
12 to endure the action device create a uniquely
13 unbalanced horse.

14 The Auburn study was quoted to me by
15 a representative of TWHBEA. I was told the study
16 showed the action devices do not sore. I read
17 the study. I will skip that. You all know about
18 that.

19 Okay, I have been challenged by the
20 industry's lament over their possible economic
21 hardship. This could be resolved by learning how
22 to raise, train, shoe, ride, and to exhibit

1 horses with the same time honored balanced gait -
2 - excuse me -- balance between horse and rider in
3 the Tennessee net walking horse national
4 uncorrupted gait.

5 To borrow Field of Dreams, if you
6 support it, we will come and we will spend money.
7 Thank you.

8 MR. TUCK: Okay, thank you.

9 Candace Wade. I mean -- I'm sorry --
10 Mary Marrow.

11 MS. MARROW: Good morning, USDA
12 representatives. Welcome to the great state of
13 Tennessee. My name is Mary Marrow Webinar and
14 I'm so honored to be able to speak to you this
15 morning in defense of the beautiful horses named
16 for our state. I was born in Kentucky and raised
17 in Tennessee. I'm a lifelong lover of horses.
18 When I was 11 years old, my grandmother bought me
19 a buckplow to horse around the house and I
20 thought it meant I would be getting my own horse
21 to live in my house. That did not pan out.

22 But growing up in Memphis, I attended

1 the Germantown Charity Horse Show. I loved the
2 beauty and the power of show horses. They seemed
3 to have it all: looks, strength, talent, shiny
4 manes, and expensive tuck. Some of them seemed
5 to tremble, I thought with excitement, as they
6 moved. It wasn't until later that I learned
7 about the terrible actions trainers were willing
8 to take to create that exaggerated look that
9 comes from physical pain and caustic chemicals
10 that are cooked into the flesh.

11 We have a chance right now in our
12 lifetime as a society to end the practice of
13 soring. It's illegal and yet it continues.
14 Let's bring it out into the light. I believe
15 trainers know that what they're doing is wrong.
16 Veterinarians know. Farriers know and Inspectors
17 know. Young audience members may not know yet,
18 but eventually they will. Don't you?

19 I realize there are some who will get
20 up and say it's their right and their history to
21 create horses who walk the big lick. But to them
22 I would say look around you. Society doesn't

1 want entertainment that comes with the price tag
2 of torturing sentient beings. We don't want
3 elephants in the circus. We don't want one of us
4 contained and we don't want to cheer for horses
5 who have been maimed with chemicals and chains.
6 Those days are over and good riddance.

7 We are offended when the rich pay to
8 kill rhinos and the economy from that love life
9 is not going to be sustainable and neither is
10 soring. Society doesn't want horses treated that
11 way anymore and they've already stopped attending
12 shows that include the big lick. We will
13 continue to educate the public and the attendance
14 will continue to drop.

15 There's still a place in the show ring
16 for the incredible Tennessee walking horse and
17 other gaited horses and those who love them and
18 want to treat them with reverence. But their
19 natural gait is beautiful and should be respected
20 and honored and preserved. Thank you.

21 MR. C. WILLIAMS: Good morning. I'd
22 like to thank the USDA for allowing me to speak

1 today. I rise in opposition to this amendment.
2 This rule change is a gross, deliberate violation
3 of the delegation of powers set by Congress. You
4 can see in recent Supreme Court decisions where
5 the Supreme Court has turned down the FDA and the
6 EPA for proposing such types of regulations.
7 This rule is 100 percent against the directive
8 set out by Congressman Harold Rogers. His
9 directive was that the USDA work with the
10 industry and to promote the horse show industry,
11 not gut it through and through.

12 In approving the 2016 fiscal year
13 budget, the USDA and the Appropriations Committee
14 specifically noted that the committee had
15 continually encouraged APHIS to work more closely
16 with the stakeholders pursuant to the Horse
17 Protection Act. Specifically the Agency has been
18 directed to provide greater and more consistent
19 transparency to work more closely and in turn
20 inspection, APHIS is to get rid of subjective
21 inspection methods for more objective inspection
22 methods.

1 The Agriculture Appropriations

2 Committee has also noted that there was a -- they
3 were disappointed that the Agency had not worked
4 in good faith to address the committee's request,
5 which was to promote the industry in a safe
6 manner. The committee also went on the record
7 saying that any substantive changes to the
8 statute or its intent should be made by Congress,
9 not through rulemaking. We can only hope that
10 the Agriculture Appropriations Committee will be
11 disappointed enough with your blatant disregard
12 for their order to order full investigation into
13 APHIS.

14 My third point, the HPA is not now nor
15 has it ever been an equine welfare law. It is a
16 consumer protection law and a commerce law. The
17 proposed rule would change its heart and intent
18 irrevocably. It will turn it from a commerce law
19 to a welfare law. The USDA does not have the
20 authority to do that, only Congress.

21 As a licensed Tennessee walking horse
22 trainer and professional horse show organist

1 (sic), I have firsthand seen the damage that is
2 done by the USDA. By way of example, and since
3 2009 the loss of income to myself has been almost
4 \$20,000 a year annually based upon the number of
5 shows that the USDA has put out of business with
6 their pseudo-science, bullying, and intimidation
7 tactics.

8 I'm also the grandson of the former
9 General Counsel for the State Department of
10 Tennessee's Agriculture. I can tell you this
11 rule violates many set principles of agricultural
12 oversight and forever changed the Tennessee
13 walking horse industry for the worse.

14 At a time of great economic downturn,
15 we as a people and a government should be working
16 together to promote all industry, not destroy it.
17 Thank you.

18 MR. BARON: Hello. My name is Jackie
19 Baron from Kingsport, Tennessee, Baron's Stables.
20 This rule will be devastating effects on my life.
21 I've devoted 38 years of my life to this horse
22 business. I have a full-time employee and a

1 part-time employee. They depend on me for their
2 salaries.

3 This rule will have a domino effect to
4 a host of other businesses. These include but
5 are not limited to the company where I purchase
6 my food; the farmer who sells me hay; the
7 charities we support, Small Miracles for
8 Children, American Legion Post 3, Veterans
9 Memorial Services, St. Jude's Hospital, Lions
10 Clubs to support the blind; the fuel company
11 where I purchase to travel and to service my
12 vehicles, the company from which I purchase
13 shavings; two farriers who shoe my horses.

14 Most importantly is the support of my
15 family.

16 My request is you do not pass these
17 rules which will absolutely destroy my
18 livelihood. My prayer is that you please
19 consider this request before making this decision
20 that will so negatively affect so many lives.

21 Thank you.

22 MR. TUCK: Could I have Dan Yadell,

1 David Williams, Jack Wade, and Jeffrey Howard?

2 MR. YADELL: My name is Dan Yadell and
3 I'm a third generation Tennessee walking horse
4 trainer. And I'm here today to strongly oppose
5 the rules and regulations that the USDA has
6 proposed. Many of the businesses have made the
7 case that the proposed rules will have long
8 lasting detrimental economical effect on our
9 industry. This I strongly believe to be true,
10 but I oppose the new regulations for a deeper
11 reason than money.

12 As long as I can remember, I had one
13 dream in life and that was to train Tennessee
14 walking horses. But not only Tennessee walking
15 horse, the performance Tennessee walking horse.
16 They have been a passion of mine, my first love,
17 and in my opinion the greatest horse God ever
18 created. If these proposed regulations go into
19 effect, they will destroy the performance
20 Tennessee walking horse.

21 I gave up a college education, a
22 chance to play college baseball to chase this

1 dream. And I've been fortunate enough to have
2 lived this dream. But now I'm facing having my
3 dream taken away by people who quite frankly
4 don't know me or the horses I train.

5 Make no mistake, I love the flat shod
6 walking horses well. I train them as well and
7 they have an equal valuable place in this
8 industry. But to me and many others there's
9 nothing like the feel, the power, the joy of
10 riding a performance Tennessee walking horse.

11 I've read all the proposed rules and
12 regulations as well as the Horse Protection Act.
13 And, no, I'm not a very educated man, but I do
14 have enough common horse sense to know that if
15 the USDA would enforce the Horse Protection Act
16 as it is written, we would not be here today.

17 With all due respect to the
18 Department, the VMOs, and the HOs, it's safe to
19 say that I have seen many more horses than any of
20 the above mentioned and I can honestly say that I
21 cannot remember the last time I saw a
22 deliberately sored Tennessee walking horse.

1 Horses that I did see as a small child, horses
2 that were abused and needed some relief.

3 The last horse I saw was several years
4 ago at a small show in Mississippi that was
5 justly disqualified by the HIO. This horse was
6 also trained by a backyard trainer who no longer
7 trains anymore. Unfortunately it's people like
8 him that give all of us as Tennessee walking
9 horse trainers, owners, and lovers a bad
10 reputation.

11 As I have read and interpret the HPA,
12 there should be very few if any scar rule
13 violations written because that horse does not
14 exist anymore. And if they do, I have not seen
15 one with obvious scars from abuse in many years.

16 This horse does not get any credit for
17 how they quote, "walk the cones" when presented
18 for inspection. You cannot hide a sore horse and
19 a sore horse does not walk free and easy around
20 the cones, nor does he run and buck or jump
21 around as he moves. If that free walking,
22 rambunctious horse reacts to any palpation, he

1 will be considered in violation of the HPA and
2 disqualified from competition.

3 Ask any veterinarian worth a grain of
4 salt what he or she looks for in a lame horse and
5 I guarantee you they will tell you how they walk.
6 And for the life of me I do not understand why
7 horses do not get any credit for how they move
8 walking the cones.

9 I ask you today to please consider my
10 reasons for opposing these regulations and please
11 realize that we horse trainers became horse
12 trainers because we love this horse, not to abuse
13 this horse. And thank you so much.

14 MR. TUCK: David Williams.

15 MR. D. WILLIAMS: Hard to follow that.
16 My name is David Williams. As a multi-
17 generational participant in the Tennessee walking
18 horse breed, as a manager of the largest breeding
19 farm of Tennessee walking horses that exists, and
20 as Vice President of the Tennessee Walking Horse
21 Breeders and Exhibitors Association, I oppose
22 these amendments to the Horse Protection

1 Regulations.

2 The performance Tennessee walking
3 horse is the star athlete of this group. Its
4 animation and spectator supported presence is
5 vital to the existence, growth, and prosperity of
6 the Tennessee walking horse shows. Whereas flat
7 shod only venues have some popularity, the
8 combined venues of the padded performance, flat
9 shod, and versatility have historically been the
10 best attended and financially successful.

11 As a breeder who personally owns many
12 mares and stallions and helps others in their
13 breeding arrangements of Tennessee walking
14 horses, the padded performance stallion is the
15 choice 97 percent of the time for breeders with
16 intentions to raise future show horses in the
17 padded performance and flat shod divisions.
18 Their bloodlines have been developed, studied,
19 and compared more over the years than any other
20 classification of Tennessee walking horses.

21 With the elimination of this
22 classification of walking horse with the removal

1 of the pads, action devices, and other equipment,
2 a glut of horses that will not be shown in their
3 classification will flood the other divisions and
4 many unfortunately will turn into unwanted
5 animals and be disposed of. This will in turn
6 bring the breeding of Tennessee walking horses of
7 all classifications by farmers and those that
8 raise horses for profitable intentions to a halt.

9 As a commercial breeder I know
10 personally that the flat shod only stallions are
11 not as popular as those who have attained world
12 champion status in padded performance ranks. As
13 Vice President of the Tennessee Walking Horse
14 Breeders Association, our stallion reports
15 reflect that. And these stallions that are the
16 winning padded performance Tennessee walking
17 horses and/or related to other padded performance
18 Tennessee walking horses are the most desired by
19 breeders. Breeders are financially rewarded for
20 raising these due to the increased prices they
21 can obtain for the yearlings.

22 We currently have seven employees at

1 the farm I manage. This is down from 40
2 employees I managed at a previous breeding
3 facility that has gone out of business due to the
4 lack of demand on breeding from the current
5 atmosphere of government overreach in the
6 inspection of Tennessee walking horses. In the
7 past we averaged annually in the seven figure
8 range for stallion fees served. Now a six figure
9 sales year is considered a success.

10 These proposed rule changes will be
11 the death blow to competitive showing of
12 Tennessee walking horses and lead to the
13 extinction of farms that breed horses on a
14 commercial basis and small breeders that attempt
15 to breed for a profit. The unintended
16 consequences of this rulemaking will be far
17 reaching and costly not only to me personally but
18 to all those who participate at all shows and
19 vendors regardless of their preference of showing
20 the padded performance or the flat shod horse of
21 any breed. Their vendors, professional service
22 people, suppliers of all their goods and services

1 will be financially affected or completely
2 eliminated.

3 I can understand the concern of the
4 humane treatment of Tennessee walking horses.
5 Humane treatment of these horses are first and
6 foremost in the minds of the breeders that are my
7 customers. The current HIO situation is working
8 and has alleviated our show rings over sore
9 horse. Those that fail inspection are eliminated
10 from showing so the intent of the Horse
11 Protection Act is currently being enforced. The
12 HIOs were rented by the USDA and for the lack of
13 coverage USDA Inspectors were able to give all
14 the shows.

15 I was a participant during those early
16 days of HIO, so I'm very familiar with that. And
17 those that were not around at its implementation
18 are destined to repeat history and eliminate them
19 thinking that the newly created horse protection
20 Inspectors, HPIS, will solve this problem. I
21 question -- on some details I question why HPIS
22 can only be licensed vets or vet techs.

1 Showmen across the country are very
2 able to make a profit from their shows and
3 they're benefitting charities. The cost of
4 veterinarians if you can find one who will do
5 this on the weekends and take away his time from
6 his practice will be far more than the showmen
7 will be willing to pay. That cost will then be
8 passed to participants. The unintended
9 consequences of this burden will be the
10 complaints filed to the State Licensing Board.

11 In closing one last thought in regard
12 to elimination of equipment and one detail. As
13 stated, the pads and bands and stacks be
14 eliminated for all groups, the farriers alone
15 that specialize in the animated show horse such
16 as the Tennessee walking horse American saddle
17 bred, Arabian, national show horse, rack, and
18 even dressage will all suffer financially and the
19 need for them eliminated.

20 Again the financial impact of these
21 changes will be great and far reaching for a very
22 large portion of show enthusiasts at all levels

1 of the United States. How can those involved
2 with this rulemaking be this shortsighted?

3 My name is David Williams and I oppose
4 the amendments to the Horse Protection
5 Regulations.

6 MR. TUCK: Start out saying your name.

7 MR. WHITE: My name is Jack White.

8 I've been in the horse business or in association
9 with the Tennessee walking horse since I was six
10 years old. I was, as very few of us are, around
11 with the inception of the Horse Protection Act.

12 And as a trainer and not a trainer and an owner,
13 I not only find this amusing to watch as a United
14 States citizen.

15 But I want to address a few of the
16 things that have been addressed already today.
17 And one of the main concerns, we're not opposed
18 to inspection. We just have to have fair
19 inspection. We have to find some pressure point
20 that any horse can stand for inspection and still
21 be asked to step with any type of action device
22 and/or no action device.

1 As far as the action device that we
2 have, I challenge you with a six ounce chain on a
3 Tennessee -- on a thousand pound horse of any
4 breed is no different than any type of necklace
5 and/or anklet that somebody else would have. I
6 challenge you that the pad and shoe on a
7 Tennessee walking horse in correlation with body
8 weight will not exceed my Red Wing boot in
9 correlation with my body weight.

10 Once again I go for experience. I'm
11 probably champion of aged horses in the horse
12 business. A horse that brought my family to
13 fruition that many flat shod people will know,
14 Horse Protection people, Silver Design, one of
15 the greatest horses ever to take a step. I
16 challenge you at any time to find that horse out
17 of compliance. I will tell you at 22 years old
18 he won three Reserve World Championships. How
19 many other breeds can make that claim? I venture
20 to say none.

21 Once again every child in my family
22 has participated in the Tennessee walking horse

1 industry. I have a son that is a flat shod
2 trainer, one of the best that I know of. Trains,
3 sells horses to some of the richest people in the
4 United States. I have another son in the
5 construction business that rode Silver Design to
6 those World Championships.

7 I have another son who showed up at
8 Panama City, Florida to show one of his father's
9 horses that got written that scar rule coming out
10 of the ring seven minutes after that federal
11 Inspector said he was okay to go in, gets a
12 federal case against him, who is now working for
13 the Department of Defense. That shows up in his
14 resume, as you may say, in his background check.
15 And that child will probably never set on a horse
16 again.

17 Once again we're not opposed to
18 inspection. We have to have fair inspection.
19 The scar rule was written for that callus that
20 comes down the front or the back as big as my
21 thumb. And I saw them all, every one that was a
22 kid from Ebony's Senator to Ebony's Black Market.

1 I could go on and on and on. Now today a scar
2 can be simply a wrinkle in the horse's foot that
3 could be caused strictly from the confirmation of
4 the foot, okay?

5 If this matching apply to anything
6 that makes any sense, not to mention the fact
7 that over 40 horses -- and I don't think this has
8 been mentioned. Over 40 horses that have been
9 punched for scar rule, I think only two of them -
10 - I don't have the facts, but somebody does --
11 actually show up as having scar tissue.

12 Now the rules keep changing. My
13 daughter's horse just turned down right after the
14 scar rule. Shown 149 times, had two scar rule
15 tickets or three in his life. He has no hair
16 behind. Dr. Baker has none on his head if I
17 could call him out, okay? Has nothing to do with
18 an action device, nothing to do with chemicals,
19 which by the way have never been injected in the
20 foot that I have ever seen and I've been doing it
21 all my life. Has nothing to do with that shoe
22 that is on his foot. Zero.

1 My daughter cries till her heart that
2 maybe next time. No, sir. One person's scar
3 rule is not the next person's scar rule. One
4 person's sensitivity is not the next person's
5 sensitivity. All we're looking for is fair
6 inspection. A sore horse, it's been said, is
7 very, very obvious.

8 And I again oppose this regulation and
9 it's for me, it's absolutely for my family and
10 everybody that I know that uses common sense,
11 whether it's stock and all. Thank you very much.

12 MR. TUCK: Jeff, you got it.

13 MR. HOWARD: My name is Jeffrey
14 Howard. Our family business founded in the early
15 1970 publishes the Walking Horse Report, an
16 industry publication that provides coverage of
17 Tennessee walking horse shows across the country.
18 We employ over 50 people, have our operations in
19 Shelbyville, Tennessee. I'm also a Director of
20 the Tennessee Walking Horse National Celebration.

21 I strongly oppose the proposed rules
22 by USDA. The rule would have a devastating

1 impact on our industry and thus our family
2 business and the people that work for us. The
3 rule would not only impact the performance
4 Tennessee walking horse, but would affect all
5 shows regardless if it's padded, pleasure, or any
6 other type of horse. The costs associated with
7 the proposed change and inspection for show
8 management will simply eliminate the shows in the
9 industry.

10 The ban on the equipment is a failed
11 attempt by the USDA to address the real problem.
12 The industry and the USDA share a common goal to
13 eliminate soring. Yet the USDA fails to work
14 with the industry to accomplish this goal.

15 The USDA did not consult with the
16 largest industry stakeholders prior to publishing
17 this proposed rule even though executive orders
18 require them to do so.

19 In addition the USDA uses false
20 statistics as a basis for the rulemaking. Even
21 with the misleading statistics quoted, the USDA
22 agrees that a super majority of Tennessee walking

1 horses are in compliance with the law. The USDA
2 foreign substance testing statistics fail to take
3 into account basic testing objectives and uses
4 zero tolerance level that is simply not logical
5 or scientifically accepted in the veterinary
6 community.

7 At last year's Celebration a panel of
8 world renowned veterinarians and labs conducted
9 blood testing based on veterinarian accepted
10 protocols and found zero violations. Yet the
11 USDA with their testing supposedly found over 80
12 percent of the horses in violation.

13 The result variance begs two
14 questions. How could these results be so
15 different? And why has the USDA with their
16 supposed objective tests never prosecuted a
17 single foreign substance violation?

18 The industry and Celebration has
19 offered to provide the results and protocols of
20 its testing program at the last two Celebrations
21 to the USDA and begged the USDA to share its
22 results and work together. The USDA has declined

1 those repeated attempts. A solution exists to
2 find common ground. However, the USDA doesn't
3 seem interested in working with the industry to
4 find that solution and would rather propose a
5 rule that eliminates the industry and thousands
6 of jobs in the industry and the millions of
7 dollars of economic impact.

8 Secondly if the basis for the
9 rulemaking is the continued violations that exist
10 in the industry, why has the USDA not prosecuted
11 a single foreign substance violation they found?
12 If the results of the USDA tests are accurate,
13 why not prosecute them and have the violations
14 instead of eliminating the entire industry?
15 Could the answer be the USDA knows its testing
16 protocols, including the zero tolerance, would
17 never hold up in court?

18 The proposed rule seeks input on
19 alternatives to the banned equipment based on
20 science and to an inspection system that
21 continues utilizing the DQP and HO programs.
22 These requests seem disingenuous at best. The

1 only science that exists, the Auburn study and
2 soon to be released study by the University of
3 Tennessee, prove that the kind of equipment
4 allowed does not cause soring. The USDA or any
5 of its affiliates can't produce any science that
6 is contrary to the Auburn study. I would assume
7 the USDA agrees that the equipment does not cause
8 soring as it will allow its continued use in
9 other show breeds.

10 And to ask for input on an alternative
11 to the current HIO system is insulting. The
12 industry, including the Celebration and the
13 Tennessee Walking Horse Breeders and Exhibitors
14 Association has proposed an independent HIO with
15 expert veterinarian oversight that would
16 incorporate objective science based inspection
17 protocols to eliminate soring. It would be
18 completely funded by the industry. The USDA has
19 repeatedly rejected this proposal without even
20 meeting with industry representatives with highly
21 accredited individuals that agreed to serve on
22 the Board and implement the standards. The USDA

1 may seem to be interested in working with the
2 industry to solve the problems; however, their
3 reactions directly contradict this stated intent.

4 The USDA on the other hand has worked
5 hand in hand with the Humane Society of the
6 United States on this proposed rule and the rule
7 will achieve the HSUS's intent of elimination of
8 the industry.

9 I ask the representatives of the USDA
10 just to sit down with the stakeholders in the
11 industry and the expert veterinarians that
12 represent both sides to come up with a solution
13 that makes sense and addresses the real problem,
14 the flawed subjective inspection protocols that
15 exist which this rule would leave in place.

16 USDA Administrator Kevin Shea was
17 questioned in front of Congress last fall and
18 stated that the Tennessee walking industry had
19 every right to exist in its current form. Shea
20 commended the vast majority of participants in
21 the industry that are showing compliant forces
22 and agreed that the USDA should look into

1 objective testing methods, including biopsies
2 that prove current inspection protocols are
3 producing a high number of false positives.

4 So I ask what has changed from last
5 year when the Administrator concluded the
6 industry had every right to exist in its current
7 form to today when his department has proposed a
8 rule that will completely eliminate the industry
9 in its current form. The industry stands ready
10 to work with the USDA and experts to employ a
11 system that makes sense and achieves the goal of
12 eliminating the fraction of soring that exists.

13 I urge the USDA to consider this
14 alternative and seek input for those parties that
15 they're acknowledged prior to issuing the final
16 rule. Thank you.

17 MR. TUCK: Could I have Joe Green,
18 Russ Thompson, Sandra Culbertson, and Mike Inman,
19 please?

20 Joe Green.

21 MR. GREEN: I heard we could speak for
22 an hour. Anywhere between three minutes and

1 seven, so I chose an hour. Is that okay?

2 Thank you for the opportunity to be
3 able to speak and express our comments. My name
4 is Joe Green. I am the Tennessee Sales and
5 Marketing Rep for Hillsboro Feed Company in
6 Hillsboro, Alabama, which began -- which we're
7 relatively new company in 2010. I'm a lifelong
8 resident of the great state of Tennessee and a
9 lifelong supporter of the great Tennessee walking
10 horse.

11 I personally designed a line of feed
12 with the performance and the flat shod Tennessee
13 walking horse in mind, also considering the
14 plight of the horse and the trainers and the
15 participants and the owners.

16 I'm here to discuss this proposed rule
17 change of USDA concerning this Protection act.
18 We, the company, and I fully support any measure
19 to protect any horse of any group. However, the
20 rule is a far overreach in regulation which we've
21 heard so much already.

22 Our company operates in Alabama,

1 Tennessee, and Mississippi. I'm going to give
2 facts, not hear-about. Our gross sales are over
3 2.7 million. We are an equine specialist
4 company. We chose that. We do have other types
5 of feeds, but our primary source of revenue comes
6 from the padded gaited horse, such as the rack
7 and padded horse. We are totally vested in these
8 types of horses while also selling feeds to other
9 equine breeds. We created our feed, as I stated
10 earlier, to help trainers and owners in these
11 industries to have a better feed with less
12 expense in an already over pressured and
13 oppressed industry.

14 Very simply the current proposed rule
15 change will devastate our company. Two thirds of
16 our gross revenue are from padded horses. One
17 point eight million dollar loss. Our tank
18 facilities are worth approximately 2.53 million
19 dollars which is not yet paid for. Destroying
20 the padded horse division will not only cause a
21 loss in sales revenue but more than probably the
22 complete downfall and annihilation of our company

1 with a loss of probably over five million dollars
2 to the economy.

3 If we were to survive by chance, two
4 thirds of our 13 employees would no longer be
5 employed, and there's two to three truck drivers.
6 And the incomes of all these folks would no
7 longer be in circulation. Then there's
8 investment in ownership of the local farm that
9 helps us to raise some of the specialty
10 ingredients that would probably be foreclosed on
11 and we don't know how to put a price on that
12 particular loss in this picture.

13 The states aforementioned will lose
14 thousands of dollars in fuel tax revenue, sales
15 tax revenues, state Ag Departments, USDA,
16 insurance companies, vendors, suppliers, family
17 owned farms, as well as many others will lose
18 revenues.

19 Contingent with these losses, my
20 personal position will be eliminated. We've
21 discussed this in length. My family would
22 suffer; I would suffer. Just like the trainers.

1 The purchase of future equipment would
2 be ended and halted; research development would
3 be sacrificed. The arteries and the veins, the
4 company goes under. Reach further than people
5 comprehend.

6 The pressure and the doubt and the
7 constant unknowing looms over this padded horse
8 industry. New generations of trainers, owners,
9 and exhibitors are not willing to come into this
10 industry due to the constant unfair pressure and
11 burdens.

12 Again we all agree this industry like
13 every other industry in this country needs
14 safeguarding and regulating. However, this is
15 not regulating; this is destruction of an entire
16 industry.

17 I have personally watched now for
18 years improved horses, improved breeding,
19 improved training methods, improved love and true
20 compassion for this animal by the trainers and
21 owners. We all can use improving, but that's
22 impossible and for blame for those in the path

1 that refuse to improve and then we could no
2 longer exist to make any changes.

3 I ask you to save our company. I ask
4 you to save my job and save the padded horse.
5 Please reconsider your rule and its effect on
6 everyone involved. Thank you for the privilege
7 and opportunity to voice these comments again.

8 MR. TUCK: Russ.

9 MR. THOMPSON: My name is Russ
10 Thompson. I'm from California. Train horses. I
11 have about 35 years or more in this business
12 making my living, working with the Tennessee
13 walking horse. I work hard and effortly (sic)
14 under the law to try to keep horses, abused horse
15 out of the ring. I feel that way very strongly.
16 Just to change this law and gut the show horse
17 and the padded horse and the bans and bands and
18 shoes and this would be crazy.

19 But I think the USDA has done a lot of
20 studies on their own. There's a lot of
21 scientific studies that's been done, Auburn. UT
22 working on it now. Texas has done some. And the

1 scientific study shows that we've come a long
2 way.

3 And for you folks that, you know,
4 everything I'd want to say has just about been
5 said. But you folks that thinks this thing ain't
6 come nowhere in the last 40 years just ain't been
7 here 40 years ago. I've been here. It's come a
8 long, long way and we've had a lot of different
9 USDA Heads, Dick Chrysler, Patterson. You know
10 it goes way, way back. And all of them, you
11 know, you see them and talk to them today, they
12 say, well, you all have come such a great, great
13 way.

14 But this thing is bigger than all of
15 us and we've had tremendous success working with
16 the USDA and just bringing it forward, bringing
17 it forward. And I think they have done us good
18 and I think they continue to do us good.

19 But you know this thing of this horse
20 has got some hair off or a wrinkle or something
21 other, I mean you know a scar is a scar and abuse
22 is abuse. A man get taller than 90 foot if you

1 feed it to him every day. And you know they, you
2 know, a scar is no longer a scar. It can be a
3 blemish.

4 And I've tried to study to find out
5 how it is and I know there's three different
6 definitions of a scar in the medical field. But
7 you know a scar on a horse is a scar. We all
8 know what that is. And I honestly think the USDA
9 knows what that is. It's just that they're
10 trying to do their job, but they've gone
11 overboard on the scarring. They've gone
12 overboard on the fine sections, but yet you don't
13 hear much out of it.

14 You just go home, but you know when
15 you go home from California, you've done spent
16 somebody's six or seven thousand dollars to get
17 here. Your customer goes home. He gets to go
18 sit in the grandstand.

19 And that's sort of like in this
20 industry with the pads and chains and bands and
21 this and that. You know all the other breeds,
22 Morgans, saddle bred, packy ponies, Friesians,

1 you know they all use action device and they use
2 bands. Nobody says anything about them. They're
3 all right. Well, you know I show with them every
4 weekend. They work on their horses just like we
5 work on our horses.

6 And you know people say, you know, I
7 seen that horse and he's wild-eyed and this and
8 that. And I was watching the U.S. Olympic team
9 last night. Them fellows in that gymnastic thing
10 you would have thought they was pranks. You know
11 they made a hell of a mess of it right the first
12 go and they tried to come back and they tried to
13 come back hard. And whenever they would do
14 something and hit it just right, I mean you know
15 you'd thought they was on something. And you
16 know they ain't cause they're tested from one end
17 to the other. But they were wild now I'm talking
18 about, but you know that's the way competition
19 is. You get a little wild. These horses get a
20 little wild. They want to win as bad as we do.

21 I had a great horse back, lots of
22 promise. I never knowed how he was going to be,

1 but I knew he was going to better next time I
2 rode him cause he was that kind of competition.

3 I just want to say I oppose this bill.
4 I'm for us working with USDA; I'm for us trying
5 to get along; I'm for us learning and all the
6 scientific money and studies and stuff that the
7 USDA has done and we've done in the industry of
8 all different source has done. I want them to
9 continue with our work and try to get us closer.
10 That's what I'd like to do.

11 But perfect sometime ain't never
12 perfect, not even in Little League basketball and
13 football. You know when football started out,
14 they didn't have no equipment. When this sore
15 horse started, we didn't have no equipment. They
16 gave us equipment to try to keep the abused horse
17 out of the ring. And we've worked hard to try to
18 do that.

19 And some folks don't think we've done
20 nothing. They just wouldn't here 40 years ago
21 cause this horse started back then and that's the
22 reason they gave us equipment to try to keep the

1 sore horse and abused horse out of the ring.

2 Thank you.

3 MR. TUCK: Please state your name.

4 MS. CULBERTSON: My name is Sandra
5 Culbertson and I'm with the Citizens Campaign
6 Against Big Lick Animal Cruelty. I've come
7 before you now because I wish to take a public
8 stand and to go on record stating that I one
9 hundred percent support the USDA's proposal to
10 end the cruelties endured by our beautiful
11 Tennessee walking horses in order to achieve the
12 ridiculous painful and unnatural big lick gait.

13 Soring has been illegal for decades
14 and for some reason the owners, trainers,
15 veterinarians, and farriers who continue this
16 abuse are not being held legally responsible for
17 their actions. It is long past due that we
18 eliminate the pads, chains, and foreign
19 substances and let these people be held legally
20 accountable.

21 The big lick supporters are
22 continually claiming that we, the anti-soring

1 protesters who are fighting this battle, are the
2 ones who are destroying their credibility in the
3 world of horse showing and that we are the ones
4 who are destroying the economies of all those who
5 support the big lick in one form or another.

6 On the contrary it is my personal
7 opinion that it is the stubborn, unchanging
8 attitude of big lick show people that is causing
9 them to cut their own throats while continuing to
10 besmirch the reputation of Tennessee walking
11 horses and the shows featuring them. Due to
12 worldwide social media, hundreds and thousands of
13 people all over the world have become aware of
14 these atrocities and are appalled that our
15 government continues to allow this abuse to go
16 unpunished.

17 So when it comes right down to it, the
18 big lick people have nobody to blame but
19 themselves. It is nobody's fault but their own
20 that the public no longer wishes to attend shows
21 which feature the big lick classes and it also is
22 nobody's fault but their own that the owners of

1 sound Tennessee walking horses no longer wish to
2 support the Tennessee Walking Horse Breeders and
3 Exhibitors Association.

4 I hear a lot of complaints regarding
5 the loss of investments in farms, breeding
6 ownerships, and competitions featuring the big
7 lick Tennessee walking horse. My answer to this
8 complaint is that any time an investment is
9 entered into there is absolutely no guarantee of
10 profit. If an investment fails, usually there
11 are many factors involved. So to blame the
12 people who are against the big lick for their
13 losses is a total copout.

14 Again big lick supporters can only
15 blame themselves for the loss of their
16 investment. It is only their own greed and
17 refusal to discontinue the torture of the big
18 lick performance horse that is causing their
19 investments and their way of life to fail. It is
20 my opinion that anyone involved in the torture of
21 any animal, i.e. dog fighting, etcetera, should
22 not in any way profit from that torture.

1 In closing I would like to express my
2 heartfelt gratitude to the Animal and Plant
3 Health Inspection Service, to the United States
4 Department of Agriculture, as well as the Humane
5 Society of the United States for continuing to
6 champion this noble cause. Thank you. The
7 horses will win.

8 MR. INMAN: Thank you for the
9 opportunity to speak today. My name is Mike
10 Inman. I'm the CEO of Tennessee Walking Horse
11 National Celebration. And prior to getting the
12 position of my dreams, I was a owner, a breeder,
13 and an exhibitor for 27 years.

14 First I do want to speak to a little
15 bit of dissatisfaction as Mr. Howard so
16 eloquently said. Part of the protocol and I
17 think his point through the protocol for
18 executive order was to speak to industry people
19 that could possibly be negatively affected by any
20 rulemaking. To this date the USDA has not spoken
21 with any of the major stakeholder groups. They
22 have not spoke to the Celebration, the host for

1 78 years of the national championship for this
2 breed. They have not contacted the Walking Horse
3 Trainers Association, which is the only licensed
4 trainers group in the country. They have not
5 spoken to PSHA, which is the only group that has
6 members from all disciplines, flat shod, padded,
7 has trainers, owners, breeders and exhibitors all
8 aboard and they've never been contacted. You've
9 not contacted the Tennessee Walking Horse
10 Breeders and Exhibitors Association, 6,000
11 members, the one and single only registry in
12 breed organization for the Tennessee walking
13 horse. None of these groups were ever contacted.
14 However, HSUS was in partnership on creating this
15 rulemaking.

16 First we've had several talk about how
17 the pads and the action device are painful and
18 harmful to this horse. That is categorically
19 false. There have been two scientific studies
20 that proved that that statement is incorrect.
21 The Auburn study, which is the basis for the
22 equipment that we now currently use, including

1 the angle of the performance package, the length
2 of the performance package, the height and the
3 weight of the action device proven to be
4 scientifically sound and safe for that horse.
5 Therefore, that's why the criteria is what we use
6 today.

7 The second, the University of
8 Tennessee study, which has been completed and
9 soon to be released, will also support these
10 older findings. If there was any proof that the
11 pad and the action device caused soring as the
12 rulemaking claims, trust me, folks, you've have
13 heard about it. They tried, but it's all been
14 false.

15 Now if the USDA truly wants to end
16 soring, which by the way the industry supports
17 that 100 percent, as Mr. Howard said earlier, we
18 have approached you on multiple occasions to get
19 out of 40-year-old subjective testing and embrace
20 today's technology, technology and scientific
21 research and have objective testing. All those
22 efforts have been rebuked. Instead we're going

1 to keep the subjective inspection and this new
2 rulemaking.

3 Can you imagine football if a football
4 player said, "Mr. Goodell, would you please blood
5 test us to make sure we're doing everything
6 right?" And Roger Goodell says, "No, no, no, I
7 just think you're running too fast. I think you
8 kicked that ball too far. You're gone. I don't
9 want to test you and prove whether or not it's a
10 problem." It's unbelievable.

11 We have done some testing. We've
12 shared the results with the USDA. The last two
13 Celebrations the scar rule has been very big
14 topic today. We have had 94 cases where the
15 licensed and certified DQPs have passed the horse
16 under a scar rule evaluation. Ninety-four times
17 the USDA said that horse has failed that
18 inspection and is guilty of the scar rule
19 infraction. Ninety-four cases have been
20 biopsied, sent to the University of Kentucky at
21 Lexington, peer reviewed by a leading pathologist
22 from the top pathologist in the world at Ohio

1 State University. And as a result, folks, 94
2 false positives by the government, 94 false
3 positives. And by the way, it wasn't two, it was
4 zero.

5 How were you not going to do that?
6 Why eliminate what has been proven to be fine for
7 the horse and refuse to use objective testing?
8 We still make that offer again today.

9 The proposed ban of equipment will
10 eliminate 70 percent of the horses at a typical
11 Saturday night show and 70 percent at the
12 Celebration as well. It will decimate the
13 industry and destroy it. There will be no reason
14 to breed a horse. It will flood the market of
15 the padded horse that is the lower priced part.
16 It will flood it and further depress the prices
17 of those horses.

18 Final point, what you have -- thank
19 you, I don't need your comments right now. You
20 did not put a price on the new HIO that will be
21 passed on to the show managers. I think it is
22 designed to make the show manager so frustrated

1 and they cannot afford a show.

2 As a comparison, right now with the
3 current HIO system, you will spend between \$250
4 to \$500 a night for your inspections. Right now
5 the USDA has published expenses that they have
6 gone to horse shows in 2015 averaged over \$19,000
7 a show. With the require -- and those are your
8 numbers. With the requirement of two
9 veterinarians, a vet tech, and a farrier and
10 security, I don't think that number would be
11 \$19,000; it would be multiple thousands of
12 dollars if you could do it. That will in effect
13 price the show management out of business.

14 Thank you for your time. Appreciate
15 your patience.

16 MR. TUCK: Why don't we take a 10
17 minute break? Just 10 minutes and please come
18 back in 10 minutes. Thank you.

19 (Off the record at 10:45 a.m. and back
20 on the record at 10:55 a.m.)

21 MR. TUCK: I'd like to have Eric
22 Swafford, Jurnee Carr, Natalie Jackson, and Blake

1 Russier.

2 MR. SWAFFORD: My name is Eric
3 Swafford. I'm the Tennessee State Director for
4 the Humane Society of the United States and I'm
5 here in support of this proposed USDA rule. I'm
6 a sixth generation Tennessean and I hold a
7 Bachelor's degree in Animal Science from Middle
8 Tennessee State University. Prior to working
9 with the Humane Society of the United States, I
10 served three terms as State Representative for
11 Tennessee's 25th House District.

12 Probably and most importantly and most
13 relevant, my family and I showed and owned big
14 lick Tennessee walking horses for over 40 years.
15 We competed in the Upper Cumberland area as well
16 as East and Middle Tennessee. Yes, we competed
17 many times at the Tennessee Walking Horse
18 National Celebration.

19 Because of my extensive knowledge of
20 this industry, I can say without question the
21 commonly seen big lick is a manmade gait. The
22 vast majority, not a few, but the vast majority

1 of these animals are either sored or they have
2 been sored at some point during training in order
3 to compete in the show ring.

4 You can go in almost any tack shop and
5 buy all kinds of scar removers, over-the-counter
6 numbing agents, topicals, gels, coloring agents,
7 and hair fiber products such as Topic used to get
8 these horses to pass inspections after they've
9 had their feet damaged or changed because of
10 soring. You go through almost any training barn,
11 you see lines of cans of WD-40, hand cleaners,
12 diesel fuel, kerosene, and many other items that
13 are used to sore horses. These products are
14 placed on the animal's feet and ankles, then
15 wrapped in plastic or paper.

16 Again soring is not done by a few bad
17 actors, but the vast majority. Soring has almost
18 ruined the Tennessee walking horse.

19 Registrations continue to fall off, participation
20 in walking horse shows and events continues to
21 decline, and many public events, such as the
22 University of Tennessee homecoming football game,

1 have decided not to allow participation anymore
2 from the big lick horse. It's become an
3 embarrassment to our state because the Tennessee
4 walking horse was excluded from the World
5 Equestrian Games. The first time that had ever
6 happened in the United States.

7 The Horse Protection Act was passed
8 over 40 years ago, before I was even born, over
9 40 years ago. And soring has not stopped. The
10 American Association of Equine Practitioners, the
11 American Veterinary Medical Association, every
12 state veterinary medical association, and almost
13 every horse industry group there is has been
14 asking the USDA to ban the use of pads and chains
15 in order to stop soring. It is time for the USDA
16 to step up and adopt this rule and eliminate this
17 practice. Thank you.

18 MR. TUCK: Please state your name.

19 MS. CARR: Hello, everyone. I am
20 Jurnee Carr and I have a question for you. And
21 if you'd please just raise your hand if you
22 answer positively to this question. How many

1 here support animal abuse? How many here support
2 horse soring?

3 I'm here today in support of the
4 proposed USDA rule that will help end the cruel
5 and abusive practices of horse soring of
6 Tennessee walking horses. As a native Tennessean
7 and Miss Tennessee International 2016, I'm
8 appalled that this animal abuse still happens.
9 The Horse Protection Act was passed over 40 years
10 ago, 40 years, with the purpose of ending this
11 cruelty. Yet this blatant abuse is still taking
12 place in a segment of the Tennessee walking horse
13 breed.

14 The Tennessee walking horse should be
15 treasured and celebrated. Yet because of the
16 rampant and excessive practice of soring from the
17 big lick community, it has become somewhat of a
18 black cloud hanging over the state that I love so
19 dearly.

20 There are many that make false claims
21 that this rule and the taking of the pads and
22 chains that are associated with soring will hurt

1 the industry and the breed. This simply isn't
2 the case. Registrations of Tennessee walking
3 horses are in a major decline. Membership of the
4 Tennessee Walking Horse Breeders and Exhibitors
5 Association continues to fall and attendance and
6 participation at events, such as the Celebration,
7 is lower than the year that I was born. The
8 people of our great state are sick and tired of
9 these beautiful animals being abused and refuse
10 to accept, much less support, the big lick
11 cruelty anymore.

12 The American Association of Equine
13 Practitioners, every single state veterinary
14 association, American Veterinary Association, and
15 a host of other equine organizations support
16 banning the pads and action devices and agree
17 that you cannot otherwise stop horse soring.
18 Unlike the high heels that I'm wearing today, I
19 was actually able to take them off while I was
20 standing in the back waiting to speak. The
21 horses wearing pads and chains cannot take them
22 off and they wear them day in and day out.

1 Again it has been over 40 years and
2 this abuse hasn't stopped. So these independent
3 professional groups that I mentioned must be
4 right.

5 I am proud to represent millennials
6 and the great state of Tennessee as Miss
7 Tennessee International 2016 and I am happy and
8 proud to be here today to support the proposed
9 rule by the USDA. It is time to take action.
10 It's time to end the abuse and it's time for
11 everyone to be able to be proud of the beautiful
12 animals that bear the name of my great state, the
13 Tennessee walking horse. Thank you.

14 MS. PRICHARD: Hello. My name is
15 Natalie Jackson Prichard. Many of you may know
16 me or may not as the 15-year-old girl who rode in
17 the 1999 Celebration. I did that for a reason.
18 I did that knowing what I was full doing and
19 because I had been -- I had grown up in the
20 Tennessee walking horse business. I saw
21 firsthand every time I went to a horse show and I
22 would walk the aisles and I would see the

1 tortured looks in the animals. Look at the
2 animals' eyes. That's not excitement. That is
3 fear; that is terror. There is a fine line and
4 there is a difference. And those who have eyes
5 can see it.

6 And so I wanted to -- when I was given
7 the opportunity, I boldly stood up like my father
8 did to ride in that 1999 Celebration. Why did I
9 ride in it? To show a clear comparison side by
10 side of what this horse is doing and what the
11 horse should be doing. And I was hoping that
12 doing that and being bold and being the first,
13 one of the first African Americans and being the
14 first youth to ever ride in that show that it
15 would bring awareness.

16 That it would say, that would ponder
17 the question why does that horse look different?
18 Why is that horse sweating and look like you ran
19 a marathon, and they've been doing the same
20 amount of work? Why does that horse look like
21 he's still fresh and ready to go? Why are the
22 other horses -- I wanted to bring this awareness

1 about and I was hoping and praying that this
2 would be over with because it has been 30 years
3 that I have known that this has gone on.

4 And I am so glad that USDA is here
5 finally putting this nail in this coffin that
6 needs to put in because there is no working with
7 the industry. The industry does not work with
8 us, does not work with it. The industry only
9 wants what they can bring and wants to maintain
10 their way of life just as -- and I'm going to
11 bring it up because I am a history teacher --
12 just as very similar -- I'm going to go there --
13 slavery. Same -- (Uproar from the audience)
14 The same exact argument, the exact same argument
15 that I see here today. (Uproar from the
16 audience)

17 It is a relevant issue that is still
18 being brought up. And just because you don't
19 want to recognize it, doesn't mean that it's
20 going on underneath the surface. And these are
21 the exact same arguments that is going to
22 completely destroy the economics.

1 If you are true horsemen, you can
2 truly horsemanship your horse and learn how to
3 train the horse without abusing it, without
4 terrorizing it, without putting it in chains.
5 This can be done and it needs to be done. And
6 the world is opening their eyes and it is no
7 longer the soft port to happen.

8 So I am in support of this, of the
9 USDA proposed amendment. And I am in support of
10 it and it needs to stop now and I'm glad to be
11 here to be able to voice my opinion and I have
12 been -- my family has been working hard on this
13 campaign for very, very many years. And I pray
14 that in my lifetime this will be done. Thank
15 you.

16 MR. TUCK: Start out by saying your
17 name.

18 MR. RUSSIER: My name is Blake
19 Russier. I vehemently oppose the current
20 proposed changes to the Horse Protection Act. As
21 a owner of padded and flat shod performance
22 horses, this proposed change will have

1 devastating effects on our investment. With
2 approximately 25 horses between myself and my
3 father, the financial impact of these changes
4 would be disastrous. With horses valued between
5 \$4,000 and \$25,000, the proposed rule change will
6 certainly have hard felt effects.

7 We currently have 10 bred mares, some
8 of which are bred to some of the top producers in
9 the industry. This proposed rule will change and
10 devalue these foals exponentially.

11 This rule will cost thousands to be
12 unemployed, only further straining our strained
13 financial system in this country. Millions of
14 dollars will be taken from our economy. Many of
15 these trainers and owners could lose the means by
16 which they provide for these animals. The
17 majority of these animals receive the best care
18 money can provide. This rule change, if allowed
19 to go on, can affect many and may force them to
20 sell these animals due to their inability to
21 provide -- or their ability to provide for these
22 animals being taken away. This could likely

1 cause many to have no other choice than to sell
2 these animals at auction, flooding the market
3 with unmarketable horses, leading to uncertain
4 fates for many of the animals.

5 This will not be the owners' and the
6 trainers' fault. These animals are put at risk
7 by the actions of the USDA and by the liberal
8 animal rights groups in their quest to end
9 domestic animal ownership. Thank you.

10 MR. TUCK: Can I have Stefan Maupin,
11 Bob Wright, Kathy Price, I believe, and Debbie
12 Hendeman, please.

13 Just start by stating your name.

14 MR. MAUPIN: Okay, very good. Thank
15 you. My name is Stefan Maupin. I'm the Public
16 Policy Director for the Tennessee Farm Bureau
17 Federation. We appreciate USDA staff taking the
18 time today to be here in Murfreesboro, Tennessee,
19 near the heart of Tennessee walking horse
20 country, to take the time to hear public
21 comments.

22 The Farm Bureau organization

1 represents horse owners and other farmers who
2 produce commodities and products used by the
3 equine industry. It is a significant part of
4 Tennessee agriculture and we hope our comments
5 will provide helpful guidance as it relates to
6 this proposed rule.

7 We're proud of the Tennessee equine
8 industry. It supports shows and competition
9 within all breeds and types of horses. We
10 believe competition showcases the performance and
11 capabilities of a horse and it encourages
12 improvement of genetics and lineage to ensure
13 quality within the breeds.

14 There's a lot of noise circulating
15 about the Tennessee walking horse industry and
16 we're concerned that this noise, instead of the
17 facts has brought us here today. Horse shows
18 raise money for good causes. As we've already
19 heard today, they help rural economies, give
20 people a place to go and have fun on the weekend,
21 and watch beautiful athletic animals perform.
22 The walking horse industry nationwide and in

1 Tennessee creates jobs, buys products, and
2 supports small businesses.

3 While the industry has been plagued by
4 cheaters who use soring, there are countless
5 trainers and horse owners who comply with the
6 law. The tone of the preamble to the proposed
7 rule gives an impression the Agency intends to
8 punish the entire equine industry because of the
9 actions of a few violating the Horse Protection
10 Act.

11 We're concerned USDAPHIS has opened --
12 has proposed a rule that is unbalanced. These
13 are significant changes to horse shows and
14 competitions. Pads and action devices have been
15 proven non-detrimental to horse health numerous
16 times and they're an integral part of training
17 and competition. Now the Agency assumes
18 prohibiting pads and action devices will not
19 affect horse show events and we totally disagree
20 with that. People like to see horses perform
21 with pads and action devices and this safe
22 equipment complements these beautiful breeds.

1 We're concerned removing the current
2 process for DQPs will not provide enough
3 Inspectors for the number of horse shows and
4 competitions around the country. The
5 requirements for becoming a licensed HPI narrows
6 the pool of individuals, as has been said before,
7 who would even be eligible for license and we
8 have no way of knowing how many vets or vet techs
9 would be interested in pursuing a license. What
10 if there are not enough licensed HPIs to cover
11 the number of horse shows and competitions across
12 the country? And these are just a few examples
13 of how this proposed rule leaves many unanswered
14 questions regarding the impact to the industry.

15 I want to be very clear. The Farm
16 Bureau opposes the use of soring to train horses.
17 We believe soring damages the health of a horse
18 and damages the reputation of the equine
19 industry. And we share the concerns of USDA and
20 the public over soring. That is why our
21 organization has supported a science based
22 criteria be used to determine compliance or non-

1 compliance in all inspection process relative to
2 the Horse Protection Act. We believe working
3 together USDA and the industry can address soring
4 without significantly changing horse shows and
5 competition.

6 And we believe our position is
7 consistent with Congress' intent when they passed
8 the Horse Protection Act which was to protect
9 horses and the commerce provided by the horses.
10 This proposed rule has the potential to protect
11 the horse but ruin the commerce provided by the
12 horse.

13 We're disappointed the first major
14 proposed rule regarding the Horse Protection Act
15 in decades continue to use subjective testing
16 methods based on a 40-year-old practice. USDA
17 and APHIS is the envy of the world in
18 technological advances. Yet this rule appears to
19 use the same ideas as a failed piece of
20 congressional legislation. We don't see any
21 science based criteria in the proposed rule.
22 It's time to take a look at new ways to eliminate

1 soring, but the industry needs a 2016 solution
2 instead of a 1979 solution.

3 Throughout the preamble the USDA never
4 provided any evidence the current process is
5 working or any quality control measures to ensure
6 that it's fair. And we would also say that these
7 regulations, any regulation, should fairly
8 represent the concerns of the horse industry and
9 the industry proposed science based criteria that
10 they proposed through legislation should have at
11 least been considered as an alternative.

12 We encourage USDA to reconsider the
13 proposal and work closely with the industry and
14 others to develop a science based plan.

15 In addition to my comments today, we
16 will also on behalf of the organization be
17 submitting a more detailed statement and set of
18 comments focused on specific information sought
19 within the proposed rule. Thank you.

20 MR. TUCK: State your name before you
21 start.

22 MR. WRIGHT: I'm Bob Wright. I live

1 here in Murfreesboro, Tennessee and I'm a
2 graduate mechanical engineer. I work on projects
3 in the Mideast and was happy to be on the Nissan
4 plant. So I'm not necessarily just somebody that
5 doesn't know what they're talking about. I
6 attended back when it was a contingent plan, I
7 believe back in about 1998. Then it became the
8 operating plan and I was there for when that
9 started. I attended several meetings in
10 Washington.

11 I just want to say that I am the
12 second Vice President of Spotted Saddle Horse
13 Breeders and Exhibitors Association. I have been
14 President of it for probably three times and been
15 Vice President a number of times, Treasurer other
16 times, and other times when I need a break.

17 But we oppose this regulation. We
18 don't have pads. We don't have stacks or
19 whatever you want to say. We don't use chains.
20 But this would put us out of business, plain and
21 simple.

22 We had a Board meeting last night; it

1 was scheduled. And somehow or another we got
2 left off of the mailing list. Only way I got a
3 copy of this, I called and got a copy from WHOA
4 and I called TWHBEA and got a copy from them.
5 So, you all, we are a certified HIO although we
6 haven't been doing our inspections the last
7 several years. We've had WHOA do it.

8 I have stated on some of these
9 conference calls with the government before that
10 we invite anybody to come inspect our horses.
11 And I had somebody down there one time said
12 that's a lie. I don't know who said that, but
13 I'd like to see him face to face because that's
14 what we try to do.

15 Now we've had some up here talk about
16 40 years ago and so forth. I want to get into
17 this table right here. And I don't have a
18 prepared written thing. This is USDA's
19 information that they put in this, Table 1. And
20 I don't think they're interpreting it right.

21 If you look in here, it says, "Show
22 attended by DQPs 2010." There were 3.25 non-

1 compliance was the figure. 2011, 2.45, it
2 reduced. 2012, 1.85, it reduced. 2013, 1.45, it
3 reduced. 2014, .97. And then 2015, .82. That's
4 non-compliance per show. So I'm saying that the
5 program that we've operating under is working.

6 But if you look over here where they
7 -- where you're using your argument, saying that
8 it's not the stable where you've been checking
9 and so forth. When you were in attendance in
10 2010, it was 9.22. In 2011, it was 8.20. In
11 2012, 6.67. In 2013, 5.52. It's reducing there
12 although you're getting more than what the DQP is
13 getting. 2014, it jumped back up to 9.49. 2015,
14 it jumped up to -- it stayed at 8.21. So the
15 only figures there is showing something happened
16 in '13 to '14 that all of a sudden we start
17 getting more non-compliance out of USDA. But
18 none of the figures here are showing that when
19 the HIOs are doing it.

20 Nobody, I don't think, in here agrees
21 that we can pay for a veterinarian and a
22 veterinary technician, excuse me, and a farrier

1 to come to our show. I know we can't for our
2 shows or to your shows. That's a tremendous
3 expense and it always gets in the conflict of
4 interest. What is others going to day? Are they
5 going to say, well, you're going to have to get a
6 veterinarian from 200 miles away, out of state,
7 or something? You're going to have to fly him in
8 here, put him in a motel, whatever. The expense
9 is going to be so much. Right now we're paying
10 around \$250 to have our horses inspected cause
11 we're less than 150 horses when we have a show.

12 This right here I don't think anybody
13 has put a figure on what it's going to cost. And
14 it would be very simple, I think, for somebody to
15 do is to go ahead and figure out what this cost
16 is going to be and where the veterinarians are
17 coming from to fill out the people that are going
18 to be inspecting these horses. I contend that we
19 -- right now what we will be in the position of
20 having to do as the Spotted Saddle Horse Breeders
21 and Exhibitors Association, we're going to have
22 to go into this where we won't have an HPI. We

1 will have to try and have management do it and so
2 forth.

3 And it came up at a Board meeting
4 previously. I brought up that may not want to do
5 this, but how do we compete with the country boy
6 shows. Whether the government realizes it or
7 not, but right now it's circles around. Four
8 shows, they keep going in a circle having 150,
9 175 horses at a show. And why are they going
10 there? Cause people want to show their horses
11 but they are not able to come and participate
12 where they have to pay so much to show their
13 horse.

14 We are opposed to this.

15 MR. TUCK: Start by saying your name.

16 MS. PRICE: Okay. Thank you for
17 allowing me to speak today. My name is Katherine
18 Price. I'm 70 years old and began showing horses
19 27 years ago. I've always shown in multiple
20 disciplines. I oppose the enactment of the
21 proposed rule change.

22 I am the proud owner of six Tennessee

1 walking show horses, two performance horses, two
2 trail pleasure horses, a country pleasure horse,
3 and a versatility horse. I enjoy all of these
4 animals. I have seven brood mares, a breeding
5 stallion, one yearling at present, and three --
6 and a couple of retired show ring veterans and
7 retired brood mares. Understand that their
8 dollar value is matched only by the love we have
9 for this breed and the fun of competing with the
10 horses that we raise.

11 Their value as show and breed stock
12 would be substantially reduced if the versatility
13 of this breed is limited by taking away half of
14 the allowed shoe sizes and weights that are used
15 currently under the HPA. I would only have one
16 of those six animals that I could show if the
17 rules change, my versatility horse. The market
18 value would be terribly negatively impacted. The
19 decrease and devaluation is shown currently by
20 the decrease in the number of colts which has
21 decreased by over 75 percent since 2009.

22 I own three properties in Bedford

1 County with a combined total of over 56 acres. I
2 pay property taxes on these properties. The
3 investment made in barns, fencing, and other
4 improvements would be negatively impacted by the
5 devaluation of the horses that these investments
6 were made to have.

7 The financial implications would be
8 far reaching as my farm does the business or
9 employees directly or indirectly farm help,
10 farriers, vets, trainers, seed stores, hay
11 producers, tack stores, auto truck dealers, fuel
12 stations, tractor and farm equipment, local
13 utility companies, just to name a few.

14 I participate in many disciplines and
15 have put on horse shows and versatility academy
16 schooling shows for years. Doing away with the
17 current HIO system would cross these types of
18 shows totally out of existence. These shows have
19 all disciplines of horses involved. These types
20 of shows are vital to the growth and introduction
21 of our wonderful breed to the next generation.

22 Being a stake owner in the future of

1 this industry, I have seen the devastation to the
2 Tennessee walking horse industry by the overreach
3 of the USDA. Subjective unscientific protocols
4 and inconsistent applications have caused many
5 participants to drop out of the industry. No new
6 people want to be subjected to the
7 inconsistencies that they see in the inspection
8 protocol.

9 Just as an aside, I saw a man bring
10 his horse up out of the pasture and get turned
11 down because he had razor marks on his ankle.

12 Ridiculous.

13 These inconsistencies have caused many
14 shows which use their profits to fund local
15 charities to cease to exist.

16 Again I would vehemently oppose these
17 proposed changes. Why will the USDA not use
18 objective scientific protocols in partnership
19 with this industry?

20 MS. HENDEMAN: You have a copy of my
21 -- I left a copy up there. My name is Debbie
22 Hendeman. I live in Perryville, Missouri. This

1 meeting was important enough that I made a six
2 hour drive down here. Appreciate you all
3 listening to us.

4 As an owner of Tennessee walking
5 horses, I'm opposed to the USDA's plan to
6 circumvent the HPA and to amend the regulations
7 with regard to the Tennessee walking horse, the
8 racking horse, and the spotted horses. The Horse
9 Protection Act is supposed to cover all breeds,
10 but this rulemaking targets specific breeds and I
11 feel in a discriminatory manner.

12 I've had horses for 50 years and never
13 before have I seen such obvious breed profiling.
14 I've been involved in trail riding, breeding,
15 showing for many years. I now show with my
16 three-year-old grandbaby. We've just started
17 lead line. I introduced her momma to horses when
18 she was four and it's been a lifelong hobby for
19 all us. My granddaughter is the third generation
20 to be into walking horses.

21 I've noted someone mentioned social
22 media and I've noted some of the comments made on

1 social media where folks are opposed to the pads
2 and action devices. But when you look into their
3 background and look into these people, they have
4 no firsthand knowledge. It's hearsay. They're
5 armchair experts and keyboard jockeys that voice
6 their opinions and don't have a dog in this
7 fight. I have a dog in this fight.

8 I understand some folks don't care for
9 the way these horses perform and they don't like
10 the big lick. I'm oaky with that. You don't
11 have to like it. If you don't like it, don't get
12 one. But don't outlaw it because you don't like
13 it and someone else does. To me that would be
14 the same thing as me saying I don't like dogs and
15 cats and because I don't like dogs and cats, you
16 can't have one.

17 If this law passes, it takes away from
18 everyone else. It takes away from those of us
19 that love our horses and enjoy this particular
20 division.

21 By the Freedom of Information Act,
22 we've seen quite a bit of evidence that the HSUS

1 is conjoined pretty closely with the USDA and the
2 letters that went back and forth. The emails
3 told a pretty plain story that would lead a
4 person to believe there might be a little bit of
5 corruption there and that it's a less than honest
6 venture what they're doing to these horses. Many
7 of the violations seem to be nothing more than
8 trumped up charges in an attempt to destroy a
9 breed and division of showing that many of us
10 have spent a lot of years and many dollars on.

11 On the back of my sheet which I've
12 handed in to you, I have a breakdown of the
13 different businesses that my money goes to:
14 farriers, feed stores, hay farmer. I buy diesel
15 for my truck. I buy, you know, fast food when I
16 go to shows. I have eight horses, two of them
17 are show horses. I have some brood mares and
18 then we trail ride. My total broke down -- and
19 it's a conservative total because there were a
20 lot of things that I forgot to add in, just
21 little things like fencing supplies to repair a
22 fence because that's an ongoing thing. My total

1 for those eight horses that I spend a year comes
2 to \$58,983. That's just me. Multiply that by
3 folks that own more than eight horses by
4 everybody in this room and it comes up to a
5 significant dollar amount.

6 I've bought former padded performance
7 horses over the years for breeding and for trail
8 mounts. To this date none of them have ever had
9 bad feet. I'd bring them home, knock the pads
10 off of them, take them to the stallion or trail
11 ride. And to this day they're sound. If pads
12 and action devices in fact did ruin their feet,
13 at least one of them, I'm sure, would have shown
14 it by now.

15 The pictures posted on YouTube showing
16 the huge log chains is nothing but a lie. The
17 action devices that they used weigh exactly what
18 my wrist watch weighs. A horse ought to be able
19 to carry that; I do. The items that they say are
20 not allowed, flash sprays, soaps, these are all
21 things that are used in other things, show
22 pattern, hobs, poultry shows. They wash

1 chickens, believe it or not.

2 That the Inspectors, you know, I don't
3 have a problem with them doing inspections if
4 it's scientific based that they can repeat and
5 they're always accurate. But this subjective
6 stuff it's not even fair and I don't know how
7 anybody can think that it is. It's not logical
8 to send somebody to inspect horses' feet that
9 inspects poultry, inspects chickens. The only
10 thing that chickens and horses have in common in
11 the feet is that they're both attached to
12 animals. That's where the similarities end.

13 I'm in favor of scientific testing.
14 I'm opposed to soring. I believe that we ought
15 to support the Marsha Blackburn bill that calls
16 for scientific testing that shows, I believe,
17 that they can come up with some kind of a test
18 like a drug test or urine test or something like
19 they use on people.

20 I work in the ER. We can drug test;
21 we can tell if you've been doing cocaine in the
22 last week. They ought to be able to come up with

1 something like this for horses. The Auburn study
2 and the Atlanta protocol have shown that the pads
3 and the chains do not damage our horse.

4 Again if you don't like them, I'm okay
5 with that. But don't outlaw everything just
6 because you don't like it.

7 MR. TUCK: Could I have Kyle Stevie,
8 David Sisk, Virginia Stewart, and Trace Williams?

9 Hold up, please. Kyle Stevie?

10 David, go ahead.

11 MR. SISK: Hello, my name is David
12 Sisk and I strongly oppose the new rules
13 presented by the USDA that would destroy any type
14 of showing of the Tennessee walking horse,
15 spotted horse, and racking horse. The rules have
16 no scientific merit and do nothing but destroy
17 the ability to show a horse in any division.

18 To disallow the use of pads, action
19 devices, and shoes that weigh more than 16 ounces
20 based upon no scientific evidence is absurd and
21 proves our government has listened to the special
22 interest groups that only see the place for every

1 horse in this country is out West, running free
2 on thousands of acres owned by the United States,
3 taken care of financially by the taxpayers of
4 this great nation.

5 As a stakeholder whom this will
6 affect, I will discuss how this will affect me in
7 all ways possible in relation to every aspect of
8 my involvement. First I own five performance
9 horses whose value range from \$10,000 to
10 \$100,000. As the result of the proposed rules,
11 my horses as well as the hundreds of horses owned
12 by my fellow industry supporters would be valued
13 only by their weight per pound instead of their
14 God-given natural talent that they are allowed to
15 display in the show ring under our current
16 regulations.

17 The same regulations that have proven
18 time and again by scientific studies conducted by
19 the most prestigious veterinarians and
20 universities that pads nor action devices harm
21 the horses that we love so much in any way. To
22 insinuate that anyone who spends time caring and

1 enjoying these horses would intentionally do any
2 harm to them is beyond belief.

3 Not having these show horses will also
4 in turn have a negative effect on hundreds of
5 people. The trickle-down effect from trainers,
6 grooms, farriers, feed companies, farmers who
7 sell hay, tack store owners and employees, to
8 people who benefit from the charities who these
9 show donate to will all suffer from this agenda-
10 driven rule. Many people's livelihoods are at
11 stake here who have worked hard for years to make
12 an honest living.

13 I currently own 15 brood mares of
14 which I raise colts every year to become show
15 horses. The colts raised by these mares are
16 valued around \$5,000 at six months of age. The
17 sole purpose for raising these colts is to be for
18 performance show horses. With the proposed rules
19 these colts would only be worth a few hundred
20 dollars a piece based on their cost. The market
21 for flat shod horses that these rules are trying
22 to correct is very bleak in its current state.

1 And with these rules you are proposing, there is
2 nowhere for these values to go but down.

3 As a breeder I can't tell you how many
4 sleepless nights I have endured bringing these
5 babies into the world. The USDA, HSUS, Congress,
6 or anyone else that has not had the experience
7 has no idea how much work, money, and worrying
8 goes into bringing a foal into this world and
9 then helping them develop into the show ring
10 athletes that we love so much.

11 My final involvement in this industry
12 is with an organization which produces a horse
13 show every year for the last 65 years. I have
14 been involved with this group for the last five
15 and in my time with them our show has donated
16 approximately \$25,000 to the Boys and Girls Club,
17 FFA, college scholarships, and other local
18 charities. With these absurd rules for horse
19 shows, we would no longer be able to afford to
20 provide a place for people to show their horse.
21 The added costs and added difficulty provided in
22 record keeping, administrative requirements, and

1 facility specifications make it too difficult to
2 provide the opportunity for these charities.

3 We are currently on a tight budget.
4 The proposed rules for show management do nothing
5 but discourage to offer a horse show because all
6 of the added yellow tape. No matter what type of
7 show you offer, flat shod or performance.

8 In closing I feel this rule is very
9 damaging to not only thousands of people whose
10 livelihoods are at stake, but hundreds of horses
11 who will not have a purpose once this rule goes
12 into effect. The welfare of the horse is what
13 this rule is being portrayed to be for, but it is
14 obvious that it is the last intent of the rule.
15 If this rule were to pass, I can only see two
16 options and neither has a good outcome for the
17 horse.

18 Finally to assure me that my comment
19 isn't falling on deaf ears, I respectfully ask to
20 be notified at my email listed below once it has
21 been reviewed. Thanks.

22 MR. SPIVEY: My name is Howell Spivey.

1 I oppose the change to the Horse Protection Act.
2 I owned, bred, and trained Tennessee walking
3 horses for over 35 years and now attend 90
4 percent of performance shows as a spectator only.

5 In the 10 years I trained performance
6 walkers, I won top ribbons at several one-night
7 shows and had two shows that -- two horses that
8 placed at the Tennessee Walking Horse National
9 Celebration. I never received a ticket or was
10 charged with a violation of the Horse Protection
11 Act.

12 I have observed many occurrences in
13 the years I've been associated with Tennessee
14 walking horses and feel they are pertinent to the
15 current situation. Shortly after the passage of
16 the Horse Protection Act, Dr. Lois Hinson and
17 staff met with trainers and leaders of the
18 Tennessee walking horse industry at universities
19 that had equine programs. They worked horses
20 together and agreed that the pads, action
21 devices, and shoes did not contribute to lameness
22 or soreness in the horses.

1 The DQP program was established during
2 that period and shows flourished with the
3 majority of participants complying with the Horse
4 Protection Act. I question why successors to Dr.
5 Hinson and leaders in the Tennessee walking horse
6 industry did not continue to work together so
7 that the horses could continue to show in
8 compliance and make it easier for the USDA to
9 regulate shows.

10 Unfortunately as years passed, a small
11 minority chose to not comply with the law. When
12 they were caught, the media spread the news
13 quickly and shortly thereafter a small number of
14 citizens, usually less than 20, started protest
15 at shows. They used social media to spread half-
16 truths and solicit funds for protecting horses.
17 The Humane Association put ads in national
18 publications, always soliciting funds to protect
19 horses. It appeared that the funds were
20 paramount in the protection of the horses.

21 When I attend horse shows sometimes
22 with my grandchildren, I observe fat, slick,

1 well-conditioned animals that obviously have the
2 best of care. I look at their feet and from eye
3 level can see no marks or hair loss. I observed
4 them being led on hard surfaces and soft grounds
5 and see no signs of the horses being lame or
6 soled in any of their four legs. I've been
7 around farm animals all my life and I can easily
8 determine if any animal is lame or sore. I think
9 any unbiased person with the same experience as I
10 would determine that these horses are not being
11 tortured as some of the spokespersons for the
12 elimination of the performance horse have
13 proclaimed.

14 A large percentage of the people that
15 love these horses and participate in the showing
16 of them are medical professionals, lawyers, CEOs
17 of large corporations, teachers, or small
18 business owners. They are educated, highly
19 respected people and would not consider torturing
20 an animal any more than they would consider
21 harming their own child.

22 I believe there's a difference in

1 information and knowledge. Information comes
2 from books, but knowledge comes from experience,
3 rational thinking, and common sense as well as
4 written material. On this decision if the
5 Department of Agriculture would seek input from
6 people with knowledge and consider the people
7 that participate in the Tennessee walking horse
8 shows as exhibitors or spectators, the
9 organizations that benefit from the shows and the
10 city of Shelbyville and other cities that benefit
11 from them, they will determine that removing the
12 pads and action devices is an extreme measure.

13 Using more technology in checking
14 horses and promptly prosecuting anyone that
15 attempts to exhibit a horse not in compliance
16 would be a better solution. The fact remains
17 that of the many accusations of soring a very
18 small percentage have been convicted in a court
19 of law.

20 If the exam I have observed at the
21 shows cannot determine if the horse is sore,
22 common sense tell me it isn't and should be

1 allowed to show and be enjoyed by the ones of us
2 who've spent a large portion of our lives loving
3 these horses.

4 I did not write this, but I found it
5 a couple of days ago on the internet and I
6 thought it was pertinent to this. Hearsay is not
7 proof. Feelings are not evidence. Anecdotes are
8 not data. A hypothesis is not a scientific
9 theory. Thank you.

10 MS. STEWART: I'm Virginia Stewart.
11 Most of you probably know me and you also know
12 that I probably get myself in trouble sometimes
13 when speaking off the cuff. But before I start
14 my little talk, I've got to make this statement.
15 I have never heard such BS from ill-informed
16 people in my life. They obviously have never
17 been to a training barn, been to a horse show,
18 and watched the inspections that our horses go
19 through, or they would never stand up here and
20 make the accusations that they are.

21 Okay, my name is Virginia Stewart,
22 owner of Evergreen Walking Horse Farm and over 40

1 Tennessee walking horses. Of these 40, 11 are
2 padded horses and in training. I do not know the
3 exact value, but will estimate over \$500,000.

4 However, I can assure you that the value will be
5 next to zero if this proposed rule goes through.

6 I started Evergreen 20 years ago in
7 Louisiana and moved permanently to Shelbyville 11
8 years ago. We moved here, bought several pieces
9 of property, bought horses, and built a home all
10 and only because of this love for the beautiful
11 and talented Tennessee walking horse.

12 Evergreen employees four people full
13 time, plus pays training bills, farrier, and vet
14 bills on the 11 horses. In addition to the taxes
15 we pay on our everyday purchases, we pay taxes on
16 our home and our farm, our land, and we
17 contribute to the economy as do others by
18 shopping at the local stores, drug stores,
19 grocery stores, eating at the restaurants, paying
20 plumbers, electrician, yardmen, buying horse
21 supplies, having fencing built, maintaining
22 checking and saving accounts at the local bank.

1 The list goes on and on. And never am I
2 advocating soring a horse to keep finances going.
3 Never.

4 I also am on the Board of the Bedford
5 Cancer Foundation, which raises money to directly
6 assist Bedford County residents who are having
7 financial difficulty due to having cancer. One
8 of our major fundraising events is the Walking
9 for Cancer Horse Show. This past April we raised
10 over \$27,000 in one night and we have raised over
11 \$150,000 in the past several years, all to help
12 people in desperate situations. Ninety-nine
13 percent of what we raise goes directly to that
14 cause.

15 Unlike the Humane Society of the
16 United States, who raises millions and, so it's
17 reported, gives less than one percent to any
18 animal shelter. But they do have the little
19 puppies in the cages and all and they show you on
20 the TV and all like that, but you know. But they
21 give -- this is factual from what I understand.
22 They give less than one percent to any animal

1 shelter.

2 This ominous bill, ridiculous and
3 probably illegal rulemaking which totally
4 circumvents the Congress, if it passes, will have
5 an absolutely devastating effect on the owners,
6 trainers, vets, and the entire community.

7 Veterinary science with several
8 studies by highly respected organizations proves
9 that there is no relationship between the pads
10 and the chains and action devices and soring.
11 Further these studies prove that the lawful pads
12 and action devices do not hurt the horse.

13 And I have to throw this in real
14 quick. You all know I have a horse named Golden
15 Sun, who is 18 years old and he loves to show.
16 And he started getting a scar rule ticket every
17 now and then. Amazing. He has been to Rood and
18 Riddle twice. The doctor up there says this
19 horse should be the poster child for the walking
20 horse industry. There's nothing wrong with his
21 feet. He participated in the scar rule study; he
22 does not have a scar.

1 So you know that this -- the pads and
2 chains do not hurt the horse. You know that, yet
3 you are attempting to kill our businesses and
4 drastically hurt the individual owners and
5 trainers and devastate the communities. Please
6 know the great tribulation you will cause.

7 The bottom line it is blatantly unfair
8 and unjust. Thank you.

9 MS. HOLCUM: I never thought following
10 you was going to be this hard, but, Ms. Virginia,
11 you put it on.

12 My name is Gail Holcum. I traveled
13 from California to be here today for this
14 important hearing. I'm speaking to you as an
15 owner of this wonderful breed that I have been in
16 for many, many years.

17 As a little girl from North Carolina,
18 I started riding when I was five years old. I
19 started showing when I was six years old. I am
20 the youngest amateur rider at the age of 15 to
21 win the World Grade Championship Amateur Canter
22 Class to date. That will never be broken.

1 My husband and I have the privilege
2 and pride of owning the 2015 Reserve World Grand
3 Champion and the third place horse who won his
4 preliminary class. We have spent hundreds of
5 thousands of dollars in this industry that we
6 love and respect. We love the breed; we love the
7 horses. Our horses are like our children and we
8 would never support soring or the harmful use of
9 tactics performed on them, ever.

10 We own a home in Shelbyville,
11 Tennessee behind the Celebration grounds. We
12 employ six people who maintain our property. We
13 bank locally. Heck, we even belong to the
14 Country Club. And we pay our Bedford taxes. The
15 decision to eliminate the action device and pads
16 would destroy our industry, the Shelbyville and
17 surrounding area's economic, not to mention the
18 livelihoods of so many people and the wonderful
19 horse.

20 As I look into this audience, I see a
21 lot of friends that have become family. And
22 there's one thing I know and that is family

1 stands together. Thank you for letting me speak.

2 MR. TUCK: Thank you. Jerry Williams,
3 Winky Groover, Kim Bennett, and Stephanie
4 Solomon, please come.

5 Just begin by stating your name,
6 please.

7 MR. J. WILLIAMS: My name is Jerry
8 Williams. I train Tennessee walking horses and I
9 love this padded horse and everything. And it's
10 all I ever done all my life. And I know -- and
11 I'm going to let LeeAnn do it because I'm not a
12 big speaker and I get a little nervous. And I
13 only have three minutes and it might take me all
14 day to do it. So I'm going to let LeeAnn speak
15 for us.

16 MS. MUSICK: Hi, my name is LeeAnn
17 Musick. Jerry is my trainer on performance and
18 flat shod for us and he's an extended member of
19 our family. These are his words of what the
20 Tennessee walking horse means to him.

21 What the Tennessee performance walking
22 horse truly means to me. My name is Jerry

1 Williams. I was born in Baton Rouge, Louisiana
2 on December 9th, 1970 to Roosevelt and Mary
3 Williams as the youngest of seven boys and two
4 girls.

5 Jerry's father started training horses
6 in the 1950s where that gave him the opportunity
7 to venture out of the state of Louisiana as a
8 young African American. This industry allowed my
9 father to be able to break a race barrier and he
10 was allowed to be on the show grounds but was not
11 allowed to show horses due to one reason and one
12 reason only. The industry accepted my father for
13 his talents as a good and honest horse trainer
14 and was respected by all.

15 This breed and industry opened doors
16 not only for my father but for many others who
17 would never be capable of having any other
18 opportunity and our industry has had, offers us a
19 chance to follow in my father's footsteps and
20 train the wonderful Tennessee performance walking
21 horse. Where I have the opportunity to meet all
22 types of people, all walks of life, and all

1 nationalities, people of different religions,
2 etcetera. But we all have one thing in common
3 and that is the love of this breed.

4 I look back now and I am thankful I
5 chose this path and moved my family here to
6 Tennessee away from the big fast paced city life
7 in Baton Rouge, Louisiana and all the crazy
8 things going on in our world right now. And I am
9 thankful to have been led here and call this home
10 and the Tennessee walking horse is what brought
11 me and my family here.

12 For 45 years this breed of horse has
13 been a part of my life. It is all I have ever
14 done as a profession. This is not just a job for
15 me; it is my passion, my hobby, and my life. I
16 have seen the ups and downs of this industry, but
17 so far we have all seemed to pull together and
18 unite as one horse family thus. We always help
19 each other in times of need, despair, sickness,
20 death, etcetera. We always stand by each other
21 no matter what.

22 But we look forward and love competing

1 with each other and the camaraderie we share in
2 the amazing horse shows. Seeing friends, meeting
3 new friends is a brotherhood. And unless you're
4 truly involved in our industry, you cannot begin
5 to fathom our closeness and the love we have for
6 this breed.

7 My dad opened the door for me and my
8 siblings and I got to experience the thing my
9 father was not able to. I would love nothing
10 more for my son and daughters and their children
11 to have as many and more opportunities and
12 memories from this fabulous industry as well.

13 I am only one of the thousands of people
14 whom I feel believe and feel this way about our
15 wonderful Tennessee walking horse. We need to
16 all stand united as one for our wonderful breed,
17 industry, and family. Sincerely, Jerry Williams.

18 MR. WILLIAMS: Thank you all very
19 much. And I just want to apologize for the
20 remark that the young lady said earlier about the
21 slavery I don't believe nobody in here -- I don't
22 believe like I'm a slavery.

1 MR. GROOVER: My name is Winky
2 Groover. I'm here representing the -- I'm a
3 member of the Trainers Association. I'm past
4 President of the Trainers Association. I'm also
5 a member of the Breeders Association. I'm a
6 second generation trainer of Tennessee walking
7 horses. I've shown padded walking horses for 54
8 years and made my livelihood training padded
9 walking horses for 40 years.

10 I do not sore, maim, torture, or abuse
11 my horses. And matter of fact I do just the
12 opposite, going to great lengths in my day-to-day
13 training methods to ensure that my horses stay
14 sound and able to compete in horse shows.

15 I oppose these proposed changes and,
16 if passed, I will have to close my business.
17 There are two other trainers in my barn that will
18 also have to shut down their business. Loss of
19 income of approximately \$200,000 a year. It
20 would cause three full-time employees and one
21 part-time employee to lose their jobs with a loss
22 of income to Bedford County of conservatively

1 \$100,000. It would essentially make a multi-
2 million dollar facility that we work out of
3 useless.

4 The implementation of these rule
5 changes will cost Joe Green and his feed company
6 approximately \$42,000 a year. It will cost my
7 veterinarians at least \$100,000 a year. My guys
8 who do my hay \$10,000 a year. Three different
9 farriers a total of about \$72,000 a year. My
10 provider of shavings \$11,000 a year. Tack shops
11 approximately \$50,000 a year. Not to mention dry
12 cleaners, hardware stores, equipment for the
13 farm, maintenance for farming equipment, trucks,
14 trailers, plus restaurants we support weekly.
15 Motels and restaurants and locally owned real
16 estate supported by our customers. All these
17 would suffer if these rules are implemented.

18 My wife and I are transplanted to
19 Bedford County, are property owners and taxpayers
20 of Bedford County because of our involvement in
21 the horse business. We have grown to love living
22 there with strong ties to the community and our

1 church. But us, along with countless others,
2 would have to consider a move with the
3 implementation of these rules to seek other ways
4 to make a living. This is just one of many horse
5 training operations that will be affected.

6 To say these rule changes will have no
7 economic impact is ludicrous and a flat out lie.
8 I hope you will strongly consider these facts
9 before implementation. Thank you.

10 MR. BENNETT: Please bear with me. I
11 picked up the wrong glasses. First I would like
12 to preface my comments by telling you who I am.
13 My name is Kim Bennett. I'm an owner, breeder,
14 and trainer. My family has been involved in the
15 horse industry for four generations. I was bred,
16 born, and raised in Western Kentucky and educated
17 in Tennessee, graduating Middle Tennessee State
18 University with a degree in Equine Science in
19 1976.

20 I've been involved with walking horse
21 industry for the past 53 years, initially showing
22 and later training. I have a trainer's license

1 and a AAA judge's license for the past 40 years.
2 I served on the Tennessee Walking Horse Breeders
3 and Exhibitors Association's National Board
4 multiple terms. Served on the Board of the
5 National Horse Show Commission, representing the
6 Walking Horse Owners Association through three
7 world Presidents.

8 Prior to that I served on the Walking
9 Horse Association's License Enforcement Committee
10 that presided over DQPs, judges, and rules as
11 well as communicating with the USDA. I have
12 served on Walking Horse Owners Association
13 National Boards for the past 26 years. I served
14 as President of the Walking Horse Owners
15 Association for three terms and currently I'm the
16 ex-officio of the Walking Horse Owners
17 Association.

18 I've represented the Kentucky Walking
19 Horse Association, the Heart of America Walking
20 Horse Association, and Walking Horse Owners
21 Association at HIO meetings with the USDA. I
22 have attended DQP clinics, stakeholder meetings,

1 listening sessions, multiple seminars, and even
2 two sound horse conferences where the USDA
3 personnel participated.

4 Serving in these positions and
5 attending these meetings and forums, I have been
6 privy to communication from the USDA for a lot of
7 the past 38 years. For the past 38 years I have
8 not heard one representative of the United States
9 Department of Agriculture says pads and a six
10 ounce action device harm the horse.

11 Then 14 days ago with no science to
12 back it up, we're notified the USDA will totally
13 eliminate our performance horse which will in
14 turn destroy the walking horse industry. The
15 statistics used by proponents of these changes as
16 well as the USDA are not accurate and legitimate.

17 Just because the DQP or VMO rejects a
18 horse on inspection with accusations of being
19 non-compliant, it does not qualify to be accurate
20 until due process has been served. Not every
21 horse rejected at an inspection is charged. In
22 many instances trainers and owners have no

1 contest -- not contested some of their
2 allegations simply due to the expenses of
3 attorney and hearing fees.

4 In the past 38 years serving on some
5 of these committees, it's obvious that some of
6 the employees of the USDA have been less than
7 objective, impartial, and unbiased, which further
8 strengthens my statement. When obtaining
9 statistics from personal experience I've
10 witnessed testimony of a VMO bolstering (sic) how
11 they were expert when it's proven they had never
12 attended a training clinic and that was the first
13 horse show they had ever attended in their life.

14 One VMO was heard -- was head of the
15 animal rights organization and was so aggressive
16 in cross examination he was escorted out of the
17 courthouse. The VMO in charge from that show
18 told me after the verdict was rendered that is
19 what I wanted to happen if we could be vindicated
20 and proven innocent. I'm sorry.

21 On cross examination a VMO that
22 charged during the Celebration was asked the

1 question, Did you lie when you wrote and signed
2 the affidavit on the horse? He answered yes. He
3 lied in front of God and everyone. Yes. He
4 answered the same question three times. Yes.

5 My comments are not intended to cast
6 aspersions on the USDA or one person. I am
7 simply speaking the truth. No consideration is
8 made for any statistics other than allegations.
9 In years past both owners and trainers with the
10 industry have had to endure many situations like
11 the ones I described.

12 Since 1960, I have shown and attended
13 practically every walking horse show in Western
14 Kentucky at one time or another and have yet to
15 see my current unfortunate Congressman Ed
16 Whitfield, father of the PAST Act, which
17 encompasses the rules and changes we're
18 discussing today, in attendance at one show, one
19 single show. How could a Congressman introduce
20 legislation that would destroy the walking horse
21 industry without gracing the gates of a horse
22 show grounds?

1 As Paul Harvey would say, we now have
2 the rest of the story with his connection with
3 HSUS and his problems with the Congressional
4 Ethics Committee. These proposed rules don't
5 pass the smell test to me.

6 My family has been breeding and
7 raising Tennessee walking horses since 1957, and
8 after decades of selective breeding, we have
9 raised world and international champions. I
10 currently own breeding stallions, brood mares,
11 and show horses. If these proposed rules are
12 made final, my horses will be worthless. The
13 ability at some point to supplement my retirement
14 with brood mares will be gone. The only job I
15 have had since graduating college is training
16 horses.

17 This industry promotes family and
18 family values. Is the family about to be
19 destroyed if these proposed changes are made?
20 Conte Hall wrote a song back in 1970s about a
21 farmer lying in a hospital bed and all he could
22 talk about was the title of the song Who's Going

1 To Feed these Hogs?

2 My question today for the United
3 States Department of Agriculture is if this
4 ludicrous, imprudent rule changes are made, who
5 is going to feed the trainers and their families?
6 Who is going to make their truck payments and
7 mortgage payments? Who is going to spend the
8 money with all the support tack jobs, feed
9 stores, hay farmers? Who is going to raise the
10 money to give to charity? Who is going to recap
11 the millions of dollars owners have invested in
12 their horses? Who is going to feed those horses
13 when there's no more use for them? Thank you.

14 MS. SOLOMON: Good afternoon. I am
15 Stephanie Solomon. I'm a native of Tennessee.
16 In response to his last sentence made, I'll be
17 feeding the horses when they're worth nothing.

18 It's funny; it's a joke. All right,
19 whatever.

20 All right, I have a B.S. from the
21 University of Tennessee. I'm certified to do law
22 enforcement training for cruelty and neglect. I

1 have worked as a DQP. I have been in your barns.
2 I've been in your training barns several times
3 actually, many training barns. I can't be
4 specific about which ones. Maybe some day. The
5 industry needs more. You guys are cleaning up.
6 You are sore. I'm there. We have the proof. It
7 comes and it goes.

8 A certain case in Blount County never
9 made it to court due to the judge who signed the
10 warrant throwing the warrant out. That's a
11 little fishy. Promises have been made. I have
12 been followed; other people have been followed.
13 Threats have been made. It's a bad deal.

14 Let me tell you about us. In the past
15 four years we've had four huge walking horse
16 cases. Giles County, 55. When was he at the
17 Celebration? Two years before that case that
18 mare came through Horse Haven. Vista Farms, 38
19 walking horses, all big lick horses. Cannon
20 County, 84. They were breeding big lick walking
21 horses. The Blount County, 19.

22 The horses that are your culls; the

1 horses that these people are breeding, you people
2 are looking for the next champion and you're
3 breeding pasties, sacrum problems, bad stifles,
4 poor confirmation, terrible animals that have no
5 value. You're right. Your horses aren't worth
6 anything. It is time for the industry to change.
7 You guys need to look to the future and move on.

8 I support the USDA proposal. It is
9 time for this to stop. The pads and chains, they
10 don't make a horse sore. But what happens back
11 at the barn does and we all know it.

12 Yeah, you can be compliant and you can
13 pass inspection, but without pads and chains
14 there's no big lick. We'll go back to sound
15 horses. Won't that be a beautiful thing?

16 MR. TUCK: Okay, can we have Herbert
17 Derekson, Melanie Lawrence, Dawn Roberts, and
18 Nancy Harding?

19 Just begin by stating your name.

20 MR. DEREKSON: My name is Herbert
21 Derekson. I'm a third generation horseman and
22 second generation horse trainer of the Tennessee

1 walking horse. I don't have a crown on my head
2 of a teenage beauty queen. I'm not a self-
3 proclaimed expert, but I let my life speak for
4 itself. I want to train and breed Tennessee
5 walking horses.

6 And by the way I'm not considered a
7 licker. Did you hear that? Disrespect.

8 I'm here to voice my opposition of
9 this new proposed rule change. The walking horse
10 industry has provided support and foundation for
11 my family along with seven to eight full-time
12 employees and part-time employees for the past 25
13 years. This rule change would have a devastating
14 effect on my business, the welfare of my family,
15 and these employees. I urge the USDA to consider
16 the stakeholders, the people that have horses and
17 are experienced in training and showing these
18 wonderful horses.

19 If I may refer to my notes and
20 information that studies have been done regarding
21 the pads and the action device and it has been
22 proven that neither the pads nor the six ounce

1 action device do any harm to the horse. There's
2 been no new studies that legitimate findings to
3 refute these facts. The performance horse with a
4 legal pad, a legal action device has less leg
5 problems, less hoof problems than practically any
6 other breed. As a lifetime trainer at 57 years
7 old, I've never seen any negative effects come
8 from legal pads and action devices.

9 I'm disappointed with the USDA that
10 once described by President Lincoln as the
11 People's Department. Is it really?

12 This rule change is not driven by any
13 change in science. Really it's more like driven
14 by the cause of the day and funded by an extreme
15 lobby group.

16 I invite you to come to our horse
17 shows to see the inspections that these horses go
18 through every night so you can see for yourself
19 that these horses can achieve this wonderful gait
20 free of pain and free of injury.

21 And lastly I want to say that I'm
22 proud that I love my God. I love my country and

1 my family. And I'm proud to say that I love the
2 performance Tennessee walking horse.

3 MR. TUCK: Melanie. Please state your
4 name first.

5 MS. LAWRENCE: My name is Melanie
6 Lawrence. Most of you don't know me; some of you
7 do. I've been involved in the walking horse
8 industry since 1976. I'm not a rich player; I'm
9 not part of the establishment and I am not an
10 abuser. I have no HPI violations and have never
11 had a horse turned down. (Unintelligible)

12 Pictures of my horses have been
13 posted. My family members have been made fun of
14 and I have been accused of abuse of my horse.
15 That tells you the type of people who are the
16 keyboard warriors and who purport to support this
17 sound horse movement.

18 I have a Bachelor's degree in
19 Government with a minor in Equine Science. I
20 have a Master's degree in Planning with an
21 emphasis in Economic Development and Housing.

22 I currently own 18 registered

1 Tennessee walking horses and have been involved
2 in the industry since '76. My horses include
3 performance, flat shod, pleasure, and brood
4 mares. Horses that do not make the kind of show
5 horse that I wish to have I donate to children
6 who take part in the 4-H industry so they will
7 have a top bred, nicely trained horse to show,
8 exhibit, and love. I take deep offense at being
9 accused of abusing an animal when there is no
10 proof and I do not do it. My husband is also a
11 licensed Tennessee walking horse trainer and
12 second generation.

13 Therefore, because I do have some
14 expertise in government, administrative law, and
15 federal programs, I propose that the rulemaking
16 by the USDA and the APHIS should be withdrawn for
17 the following reasons. The title of the proposed
18 rulemaking fails to address a significant portion
19 of the proposed rule changes and does not convey
20 the actual purpose of the changes, misleading,
21 misinforming the public to the true intent of the
22 USDA.

1 The economic impact analysis does not
2 assess the economic impact of the proposed rule
3 changes. The study submitted by the USDA to the
4 Office of Budget and Management was based on a
5 survey of initially seven, but two withdrew, so a
6 survey of five unnamed experts chosen by the USDA
7 to give their opinions on the cost of economic
8 contributions to the Tennessee walking horse.

9 The study failed to use published economic data
10 and grossly under represented the economic impact
11 of the Tennessee walking horse and the racking
12 horse industry. Studies conducted by the states
13 of Kentucky, Tennessee, and Alabama indicate that
14 the industry and other related breeds have over
15 \$100,000,000 impact on the United States economy.

16 And therefore, the informal rulemaking
17 process should be stopped and formal rulemaking
18 should begin which means it goes to Congress.

19 The proposed rulemaking states there
20 will be no impact on horse shows. They did not
21 see the difference in income and attendance.
22 It's like shod only shows versus shows that had

1 both performance and flat shod classes. Data
2 shows that the income derived from the
3 organizations that hold flat shod only shows is
4 significantly less than shows that have a mixture
5 of classes.

6 The proposed rulemaking states that
7 the Horse Protection Act applies to all horses
8 but only wants to remove pads and action devices
9 from Tennessee walking horses, racking horses,
10 and other related breeds. The term "other
11 related breeds" is ambiguous and should be
12 defined so that all potentially affected breeds
13 will be included in all evaluations and
14 enforcement. Can't sore just one, two, or three
15 breed of horses. It either sores them all or it
16 sores none of them.

17 The evidence that action devices and
18 pads cause soring is contradictory to a USDA
19 study done by Auburn University, where, by the
20 way, the horses were sores with mustard oil.
21 Think about that. While the USDA asserts that
22 the directly affected breeds are the only ones

1 soring horses, they have no data to back that
2 claim. They have not inspected other breeds and
3 have no baseline for any other breed.

4 Their credentials for Inspectors under
5 this act (unintelligible) the credentials for the
6 USDA employees who will be training the
7 Inspectors. Their additional requirements in no
8 way ensure that the person is more qualified or
9 has superior expertise or any claimed veterinary
10 medicine.

11 The additional proposed requirements
12 on show management cause a substantial financial
13 burden on the organizations putting on a horse
14 show don't result in a redemption of horse shows
15 thus creating negative economic impact.

16 The limitation of elected officials,
17 legislators, and technical advisors in the
18 inspection area and only upon approval from the
19 Inspector or the USDA representative serves no
20 purpose in stated regulation changes and limits
21 the accused's efforts to have witnesses to the
22 actions of the Inspectors. And it further denies

1 parties the freedom to assemble which, by the
2 way, is a constitutionally protected right.

3 I have attached additional information
4 to support my statements.

5 In conclusion according to a statement
6 from the HSUS in the Chattanooga Article new
7 USDA rules aim at ending the inhumane practice of
8 soring quote, "The new proposed regulations
9 fulfill a number of requests in a February 20,
10 2015 rulemaking petition that the HSUS filed with
11 the USDA and are consistent with the key elements
12 of the prevent all soring tactics, including
13 doing away with the failed system of industry
14 self-inspections and banning the stacked shoes,
15 chains, and other devices that are an integral
16 part of the soring process. It clearly shows
17 that the rulemaking was not initiated by the
18 government, but" -- the government in charge of
19 making and administering the HPA -- "but a
20 radical animal rights group."

21 Ray Purcell, President and CEO of the
22 HSUS wrote in his blog, quote, "There is no group

1 of trainers and -- there is no question the
2 current regulations are failing to protect horses
3 from a core group of trainers and owners in this
4 industry. Their denials are hollow. Their
5 cruelty is incre, incre -- anyway. At this stage
6 of the debate, this administration has the
7 opportunity to fix this broken system before
8 President Obama leaves office. And here's an
9 issue where nearly the whole Congress agrees with
10 the needed reforms."

11 But yet when the HSUS created PAST Act
12 failed to be passed, it indicates HSUS changed
13 tactics and pushed rulemaking along with the USDA
14 and APHIS.

15 I got two sentences.

16 The length the HSUS will go is further
17 evidenced by finding the -- by the findings of
18 the House Ethics Committee that Representative Ed
19 Whitfield violated House rules when he did not
20 prevent contact between his staff and his wife, a
21 lobbyist for the HSUS.

22 It's a sad day when our elected

1 officials and government is controlled by a
2 radical animal rights group that uses the alleged
3 plight of animals to raise millions of dollars of
4 which less than 10 percent is used to benefit
5 animals.

6 MS. ROBERTS: Hi, my name is Dawn
7 Roberts and I have lived in Tennessee now for 20
8 years. I'm a horse owner as well as an equine
9 rescuer. I have got six rescue horses of my own
10 and three of them are Tennessee walkers.

11 I have a perspective of the economy
12 that is quite different than the national
13 economic slump that is so commonly cited as a
14 reason for the downward trend in the Tennessee
15 walking horse industry. There is another reason.
16 It's the big lick reputation and image.

17 I have seen firsthand the damage and
18 impact this big lick addition has placed on the
19 horses and most importantly the communities. A
20 simple drive through Shelbyville and other
21 communities in Tennessee proves that the
22 continued practice of horse abuse and putting

1 ribbons ahead of the welfare of the horse is the
2 very thing that is killing the Tennessee walking
3 horse breed and hurting communities.

4 Prior to public enlightenment and
5 rejection of the breed's glory, all roads leading
6 to Shelbyville were lined with hustling and
7 prosperous bred standard farms. Now that the
8 reality has been exposed and the public is no
9 longer willing to look the other way, vacant
10 barns and farms line the main highway into town.

11 Abusive trainers and owners still
12 refuse to acknowledge the rapid downfall of the
13 breed via public due to soring within their
14 industry. Attendance at shows has declined
15 yearly, while some shows have had to cancel or
16 try new locations to garner interest. People are
17 far more aware of what it takes to manipulate the
18 gait and to big lick.

19 This tradition has put a black eye on
20 the Tennessee walking horse breed. And when I
21 tell people I own a Tennessee walking horse, they
22 automatically assume it's abused. Or when I say

1 now that I'm from Tennessee, they say, oh, you're
2 in the state that supports the abuse. That is
3 very disheartening to me because Tennessee
4 deserves better and the breed certainly deserves
5 better.

6 The leadership of the breed industry
7 has had decades to properly address and punish
8 those that do not comply. Instead they rely on
9 the U.S. government to regulate their so-called
10 industry rather than taking responsibility to
11 clean up their organization. Those opposed to
12 these rules claim that we are all uneducated and
13 ignorant for wanting to destroy their breed.

14 Well, I'm ashamed to admit this, but
15 when I first moved to Tennessee about 20 years
16 ago, I was in awe of the performance Tennessee
17 walking horse and they certainly impressed me at
18 the Celebration. However, after attending and
19 becoming involved in rescue and owning my first
20 Tennessee walking horse, I began to question how
21 they achieve that high stepping gait. My
22 Tennessee walking horse was barefoot; it had a

1 nice natural stepping gait and nothing like I had
2 witnessed at the Celebration and other smaller
3 shows.

4 So I began educating myself in all
5 aspects from hoof structure and skeletal
6 development and was enlightened to the fact that
7 the exaggerated gait can only be accomplished by
8 pads, chains, and pain. The Tennessee walking
9 horse in its history had been bred to have a
10 natural high stepping gait that did not need to
11 be manipulated by pain and abuse. However,
12 because as with all of our culture, more is
13 better, breeding is less selected, and now the
14 exaggerated high stepping gait of the big lick is
15 promoted as the greatness of the breed.

16 Eliminating the pads, chains, and
17 caustic chemicals will not kill the breed. In
18 contrast the versatility of the Tennessee walking
19 horse is extensive, and once the stigma of the
20 big lick and abuse is removed from the breed,
21 people will flock again to enjoy the breed and
22 promote its excellence as a flat shod, sound show

1 horse. With the increase in interest and
2 participating in the flat shod, sound show world
3 and other events that showcases their
4 versatility, including endurance in trail events,
5 that breed and industry can regain their
6 membership numbers but only once reform happens
7 and public impression changes.

8 This breed registry used to operate
9 the center of excellence where all Tennessee
10 walking horse owners and trainers could be proud
11 to be a notable member. I see these rules as
12 helping the breed reputation restored to grow
13 exponentially as the breed is meant to be,
14 athletic, versatile, and sound.

15 Another claim the opponents of this
16 rule say is they truly care and love their
17 horses. Well, as a rescuer, I have witnessed
18 quite the opposite where they use the horses
19 until they're no longer winning and then they
20 throw them away. Horses deemed too scarred and
21 sore for continued exhibition have no more use
22 for their owners and trainers; thus they show up

1 at auctions or are rescued from neglect, unable
2 to walk, terrified of humans, or just lost all
3 spirit.

4 This puts increased needs on the
5 community to care and rehab these horses and give
6 them the life they deserve. The lucky ones get
7 to enjoy a second career as a flat shod, sound
8 horse or pleasure horse, but for some that are so
9 badly abused and scarred life is just grazing and
10 being able to walk again.

11 So when they say they love and care
12 for the performance horses, it's only for as long
13 as their horses can win them money and ribbons.
14 Once that ends they are discarded like trash into
15 the auction fire system without a second thought
16 unless communities rally behind these horses and
17 nurse them back to health. It is very
18 disheartening to think of how many well bred
19 horses have ended up in rescues because they no
20 longer can perform due to physical and emotional
21 injuries caused by years of abuse.

22 It is time for the reform and the USDA

1 rules they're proposing. Hopefully it is not too
2 late to save the Tennessee walking horse breed.
3 Thank you for your opportunity.

4 MS. HARDING: My name is Nancy
5 Harding. I'm part of the SHAM horse movement. I
6 don't think I belong to any radical activist
7 groups.

8 But I have a small farm in Savannah,
9 Tennessee. I have 13 walking horses. And first
10 and foremost the reason that I'm here is for the
11 horse, no other reason. I'm not here for money.
12 I'm not here for anything else.

13 Before I make any comments, I want to
14 read to you a few paragraphs out of the Biography
15 of the Tennessee Walking Horse. If any of you
16 want to go home and find it, it's on 292.

17 Nationally respected veterinarian Dr.
18 J.M. James from Lewisburg, Tennessee is quoted as
19 follows in Chapter 6. "Horses tortured to make
20 manmade and exaggerated or artificial gait cannot
21 transmit the gait to their progeny because they
22 do not have it naturally. The breed itself could

1 be virtually eliminated in time if artificially
2 gaited horses were to win show stakes and become
3 major factors in the breeding of Tennessee
4 walking horses."

5 Dr. James was specifically concerned
6 about the consequences of soring, but his warning
7 applies to the existence of any and all
8 artificially created gaits. Soring is not only
9 the only way artificial gaits are produced. Some
10 very respectable and time honored training
11 methods had been included to make natural pacers
12 perform like walking horses. Such horses are
13 just as artificially gaited as a sore horse. Any
14 manmade gait is detrimental to the future of the
15 breed because it cannot breed true. It makes
16 little difference to the genetics how the
17 artificial gait is achieved.

18 Soring is the end, not the beginning
19 of a series of changes in the running walk gait
20 that started in the mid-'40s. Through the years
21 of watching the evolution of the gait, the big
22 lick has become more and more grotesque and

1 exaggerated. Sometimes I liken it to the praying
2 mantis you see, you know, squatted underneath.
3 The physical demands and stress on tendons and
4 ligaments are obvious as well as the mechanical
5 founder from the degree -- ridiculous lengths
6 they post. We haven't even touched the soiring
7 that comes with it.

8 There's no one out there in the
9 Tennessee walking horse world that can truthfully
10 say that these horses are not sore. It's the
11 nod, nod, wink, wink in the industry. It's
12 business as usual.

13 We haven't even gotten the economic
14 impact of pads, chains, and bands.

15 In the last 25 years I've acquired as
16 much knowledge as I could of the breed and in a
17 few words I love this horse. I just love this
18 horse. I want to see the horse brought back to
19 the glory it once garnered. I don't want to have
20 to explain to people I have Tennessee walking
21 horses and then say pleasure horses, not the ones
22 with the pads and chains. That's the second one,

1 chemically altered.

2 Now for some of the economics, I don't
3 want to see anybody's barns closed. I don't want
4 to see people not eating, people out of work.
5 That isn't what the sound horse movement is
6 about. Economically for myself there's a lot of,
7 you know, you have a lot of barns many years were
8 breeding lots of horses. One in 50 might become
9 that World Grand Champion.

10 What's happening to the rest of them?
11 What of those horses who had once
12 (unintelligible) were sold at auction, shipped
13 out and sold as pleasure horses to buyers, most
14 of whom totally were unprepared for the real
15 horse they were getting?

16 And after being on the merry-go-round
17 of getting rid of that horse, getting another, a
18 lot of people thought they were nuts and you
19 needed all kinds of special equipment to keep
20 them going. They went to different breeds.
21 These are the people we need; these are the
22 people that are going to buy our horse.

1 The majority of walking horse owners
2 are not millionaires; they're the you and I's in
3 this room. Their discretionary income and time
4 have limits and they want to enjoy that time.
5 They don't want to get involved in fighting and
6 having a champion for a horse.

7 These people are, however, voicing
8 their opinions of the padded and chained horse.
9 If rule makers in the USDA had been listening in
10 past years, we wouldn't be having this
11 discussion.

12 The economic impact should mean
13 nothing if it comes at the price of pain to our
14 horses. The big lick has impacted my breed; I
15 breed flat shod horses. The price of the horse
16 is ridiculous because of the horses that are
17 going to auction or being thrown away, getting
18 sent from barns. You have so many people now
19 that think they can go to one of these sales and
20 buy \$300 to \$500 walking horses, registered
21 walking horses. So that impacts everyone's
22 sales, flat shod, padded, everything. It's just

1 a snowball.

2 The public -- and again I go back to
3 I am supporting the thing. The public is voicing
4 its opinion. You see it in the numbers of
5 Tennessee walking horse farms empty and for sale.

6 If we can go back to producing the
7 Tennessee walking horse the fathers of the breed
8 bred for, I believe our industry would right
9 itself.

10 MR. TUCK: All right, can I have Jim
11 Baum, Joseph Abernathy, Bill Strickland and Ty
12 Irby?

13 You're first. Start by giving your
14 name.

15 MR. BAUM: My name is Jim Baum. I'm
16 an equine veterinarian in Shelbyville. I started
17 with the Tennessee walking horse back in 1963 and
18 our first horse happened to be a walking horse.
19 I had no idea what it was, but I couldn't post
20 very well. And this horse had a nice smooth gait
21 and I thought I was Roy Rogers and I could ride a
22 horse and not look as dumb as riding a trotting

1 horse.

2 I've been a veterinarian for a number
3 of years; I'm not going to say how long.

4 I'm not going to say how many horses
5 we have as a family because it's too many. And I
6 don't want to vomit in front of everybody. My
7 wife is a horse nut. She started out with hunter
8 jumpers and went to Arabs and then met me and
9 eventually now she's a walking horse nut. Our
10 oldest son is a horse nut. Our daughter-in-law
11 has become a horse nut. So it's a very important
12 part of our family.

13 But being a veterinarian specializing
14 in horses only, doing a lot of lameness work, and
15 working a lot of Tennessee walking horses along
16 with other breeds, I know what's going on. I go
17 to mostly major barns, go to probably more horse
18 shows than any other veterinarian, which I
19 shouldn't admit to cause that's stupid. But I'm
20 kind of forced into it by marriage and family and
21 I like it myself.

22 I want to make two points. Number

1 one, I am against sore horses. There's no room,
2 no reason to have them. No abused horses.
3 Number two, we do not need this proposed rule
4 change. If you've been to any of these horse
5 shows and seen the inspection process and seen
6 these horses and go through the barns as often as
7 I have and been at as many shows, I don't see an
8 abused horse anymore.

9 Back when I was a kid and we started
10 coming to Middle Tennessee, there was abuse and
11 we did need to have the Horse Protection Act
12 cause the industry would not clean themselves up.
13 My father mentioned to our trainer one time that
14 -- and this was back in the early '60s -- what
15 needed to be done and he got a cussing. My dad
16 told that man if you don't clean it up, it's
17 going to come to bite you in the posterior. But
18 he wasn't quite that polite about the anatomical
19 description where they'd get bit. Things have
20 changed so much, not only from the '60s but for
21 the last six or eight years.

22 I think that the inspection process

1 has helped tremendously, both the federal
2 government forcing the industry to do the right
3 thing. We don't see abused horses anymore. And
4 I don't care what anybody else says; we don't see
5 them. I don't see them. I'm a veterinarian; I
6 don't see cripples cause they have pads and
7 chains on them.

8 The chain, a six ounce chain, and even
9 a heavier chain will not harm a horse if properly
10 applied. And it's hard to improperly apply a six
11 ounce chain. I was at a meeting the other day
12 and one of the other people there was explaining
13 his wristwatch weighed approximately six ounces
14 and he wears it every day. It may knocked a
15 little hair off his wrist and that's about it.

16 The economic impact has been gone over
17 many times. It will be huge. The Horse
18 Protection Inspectors will be hard to find, I
19 believe, and especially competent ones.

20 I've seen the good, the bad, and the
21 ugly and we're seeing the good right now and it's
22 going to get better. We have better horses,

1 better trainers, better shoers. The horses are
2 cared for better.

3 Is that a hint?

4 MR. TUCK: Yes, sir.

5 MR. BAUM: That's a pretty quick three
6 minutes. Well, I'll be damned. This wasn't as
7 bad as I thought.

8 But I want to point out again I'm
9 against the sore horse and against the proposed
10 change in legislation and regulation.

11 MR. STRICKLAND: Thank you. Good
12 afternoon, my name is Bill Strickland. I'm here
13 today to oppose this rulemaking. I'm a owner,
14 breeder, lifetime member of Racking Horse
15 Breeders Association, Tennessee Walking Horse
16 Association.

17 Pursuant to the requirements of
18 Executive Orders 12866 and 13563, the USDA and
19 APHIS is required to prepare a full economic
20 analysis of the impact of the proposed rule.
21 That is why you are hearing as much as you are
22 about the economic. However, the Agency has

1 failed to examine the economic impact of proposed
2 regulations on people like me, the owners and
3 breeders who have invested their money and most
4 of their lives in breeding, raising, and selling
5 Tennessee walking and racking horses.

6 There is a significant nexus between
7 the prohibition of pads and action devices to my
8 farm that the Agency fails to recognize. As a
9 result the Agency has not tailored the
10 regulations to impose the least amount of burden
11 on society. Instead the Agency has used their
12 regulatory power to unconstitutionally overreach
13 into my farm and my family's life.

14 I have been an owner and breeder of
15 Tennessee walking and racking horses for over 30
16 years. I have owned both performance, pleasure
17 horses, brood mares, stallions. I currently own
18 11 brood mares, one stallion, two pleasure horse
19 geldings, three colts, and about nine on the way.
20 Additionally a horse that is currently being
21 shown in the country pleasure division with a keg
22 shoe on. Even though all these horses represent

1 a different aspect of operating, and they do, the
2 value of all of them will be severely impacted by
3 this proposed regulation.

4 As been discussed, the proposed
5 regulation will definitely affect the horse shows
6 and the sales of walking and racking horses. The
7 horses shows themselves are the market for my
8 farm. Without the ability to have horse shows or
9 sales to attract the buyers, the demand for my
10 colts and brood mares will be nonexistent. The
11 three colts and eight expected colts -- the three
12 colts presently and the eight expected colts will
13 sharply decrease their value, which in turn their
14 mothers, the brood mares, value would be
15 similarly decreased. Also my horse that is
16 currently being shown in the country pleasure
17 division will be the same way.

18 Not only for the value of the horse to
19 be significantly impacted by this regulation, but
20 also the value of my farm which I built solely to
21 raise and breed Tennessee walking and racking
22 horses. My farm is not suitable to be used for

1 crops, chicken houses or any other agricultural
2 commodity because of the design and construction
3 of the barns and the horse paddocks. The farm is
4 a source of income for my family.

5 I am not only a breeder and owner of
6 walking and racking horses, but I am also
7 involved with the horse show management of
8 several walking and racking shows and I'm here
9 today to represent the Racking Horse Breeders
10 Association of America. We are here. We at the
11 Racking Horse Breeders Association of America put
12 on a spring and fall show which together makes up
13 more than 50 percent of the budget for the
14 Racking Horse Breeders Association of America.
15 And as the gentleman from the Spotted Horse
16 Association, this will impact us greatly.

17 Prohibiting pads and action devices
18 reduce the size of these two horse shows by over
19 two thirds which is directly linked to the amount
20 of revenue that is generated to keep the Racking
21 Horse Breeders Association in existence. These
22 two horse shows are ranked in the top 10 economic

1 tourism events by the Morgan County Visitors
2 Tourism Bureau.

3 These rankings if you've been in the
4 Tourism and Visitors Bureaus, are determined by
5 analyzing the economic impact that single events
6 have on a single area. Hotel rooms occupied,
7 restaurant meals eaten, retail sales, gas,
8 clothing, same things you've heard over and over
9 again. Also the taxes that are received from
10 this that support the local government
11 operations. During the horse shows as many as 30
12 or 35 individuals are employed every day and they
13 will be honestly severely hurt.

14 I took the show bills of the upcoming
15 racking horse celebration. It takes 100 -- if
16 this was to become in effect, it would take 120
17 to 183 classes out of this celebration.

18 In closing in determining the economic
19 impact of the proposed regulation, the Agency
20 needs to include the livelihood of the people
21 that is affected directly and indirectly by these
22 two breeds. In addition to the employees of the

1 horse shows, the Tennessee walking and racking
2 horse industry throughout this nation support
3 untold charities that will have their funding
4 directly impacted by loss of horse show revenues.

5 As one example, the Walking Horse
6 Association of Alabama, which I am a member of,
7 has supported a Camp Smile A Mile, which is for
8 kids with cancer. We have over the last few
9 years donated over \$400,000 to this organization.
10 There is no doubt that Camp Smile A Mile's budget
11 will be severely impacted if the Walking Horse
12 Association of Alabama cannot put on horse shows.

13 In closing this proposed regulation
14 does not just negatively affect the walking and
15 racking horses, their owners and breeders, but
16 will collaterally damage any organization,
17 association, and people that benefit from these
18 breeds. Thank you.

19 MR. TUCK: Start by saying your name,
20 please.

21 MR. ABERNATHY: My name is Joseph
22 Abernathy. I'd like to thank you for giving me

1 an opportunity to speak. I'm also a Christian --
2 walking horse be a Christian. I have 21 family
3 members in the walking horse industry. My twin
4 brother is a farrier; my oldest brother is a
5 horse trainer. They show as many horses as
6 anybody in the industry.

7 I shoe horses in every organization.
8 Last year I shod multiple World Champions and
9 World Grand Champions in MY, WHOA Celebration,
10 Racking Horse Celebration. We probably touch as
11 many horses as anybody and we do this with all
12 sound horses. My oldest brother is taking a
13 young lady that has as much passion about it as
14 we do and has put her in the front of Riders Cup
15 points, way ahead of anybody else's ticket. And
16 we do that all with a sound horse and a passion
17 that we do cause we love the animal.

18 Just talking off the top of my head,
19 you can't do that if you sore horses. Everybody
20 here is for sound horses that's the reason we're
21 here. I'm saying we have a sound horse.

22 Everyone that talked that is for the

1 bill keeps talking about the past animal. If you
2 are opposed to the bill, you are talking about
3 the future animal that we're looking forward to.

4 And I'm going to compare the walking
5 horse business to the 9/11 attacks. The 9/11
6 attacks shut down the world a week and they came
7 back. They didn't do away with airplanes; they
8 didn't make people drive everywhere. They come
9 up with a way to find a way to screen people and
10 make sure everybody was safe to get on that
11 airplane. I don't see why they can't do the same
12 thing for this Tennessee walking horse where we
13 can keep it going.

14 My brother has won world championships
15 for young horses, young children, my kid, other
16 people's kids. And if you take the pads and
17 chains away from this horse, how would he be able
18 to win my twin brother's little girl a world
19 championship? Thank you.

20 MR. IRBY: My name is Ty Irby and I
21 oppose the proposed rule. I'm the son of a
22 veterinarian. I've shown Tennessee walking

1 horses for 53 years. I'm a third generation
2 horse breeder. I'm the co-owner at Irby Farms.
3 We own performance horses, flat shod horses,
4 brood mares, and one breeding stallion, a
5 breeding farm in Middle Tennessee, and another
6 horse farm in Mobile, Alabama.

7 I was here showing horses before and
8 when the HPA was implemented. The HPA was one of
9 the best things that ever happened to our breed.
10 It caused us to breed a much better horse. But
11 the problem is we don't get credit 45 years later
12 for the talented horse we bred naturally without
13 soring. And the other people against us fail to
14 recognize or acknowledge that.

15 My concern is for the devaluation of
16 our horses. We have four generations of brood
17 mares that have been bred specifically for
18 performance horses.

19 My concern also is the effects that
20 this bill will have on horse shows. Performance
21 horse shows and flat shod shows many of them go
22 hand in hand. When you kill the performance

1 shows, you've going to alleviate many of our flat
2 shod shows, places to show our flat shod horses.
3 We have a great breed also that I've seen people
4 from the ages of five to 95 years old show for
5 many years and most of my life. We have a horse
6 that shows and wins world championships and
7 international championships in their teens and in
8 their 20s. I don't know of another breed in this
9 country that can say that.

10 If the pads and chains are so
11 detrimental to them -- the action devices, excuse
12 me, then why are our horses so sound and still
13 showing?

14 Also I'm a realtor, licensed both in
15 Tennessee and Alabama, and an accredited land
16 consultant. Another concern of mine is about the
17 effects on the real estate market and the
18 devaluation of property values, especially here
19 in Middle Tennessee.

20 I urge the USDA when considering
21 comments, both online and in this room today, to
22 please remember that many people have never seen

1 a Tennessee walking horse, much less a
2 performance Tennessee walking horse. They've
3 never been to a horse show and certainly have
4 never seen the exceptionally thorough horse
5 inspection process. Therefore, many of the
6 people I believe submitting comments are not
7 qualified to make a truly educated, accurately
8 informed and knowledgeable comment on the
9 subject.

10 Pads and action devices don't sore
11 horses; people do. Just like people are standing
12 right now out here on I-24 outside of this
13 building where they could kill other human
14 beings. The rule that is proposed will
15 negatively impact many humans in many ways. But
16 there are some people in this room and commenting
17 online who put animal life above human life. I
18 would suspect that in God's eyes that is the true
19 abomination in this room today.

20 I would question the revision of the
21 wording of the PAST Act, which this is basically
22 the PAST Act that the Executive Branch has --

1 USDA has reworded to pass through the Executive
2 Branch. I question the wording where they have
3 added "other related breeds." You can bet
4 there's a reason that the USDA has added this.
5 Why was this changed? I'm not able to ask them,
6 so I pose the question to everyone. Is it aimed
7 at saddle breds, Morgans, and other breeds that
8 we know are related to potential walking horses
9 to accommodate HSUS agendas? Who came up with
10 this change in the verbiage? And did any HSUS
11 staff have any input regarding the wording?

12 Thank you.

13 MR. TUCK: Could I have Mary Morgan,
14 Gwendolyn Greer, Calvin Gean, and Anna Williams?

15 Just begin by stating your name.

16 MS. MORGAN: I'm Mary Morgan. I came
17 from Nashville, so I didn't travel that far. But
18 this is something that's very near and very dear
19 my heart and has been since I was a little girl.

20 I cared enough about this being here
21 this morning to cancel a clinic so that I could
22 be here. I'm actually a Physician's Assistant.

1 I have a Master's degree in Medicine and I treat
2 children with emotional and behavioral issues, so
3 I think I know something about a horse that's
4 been traumatized.

5 The first thing I want to say is to
6 tell a little bit about myself. I don't remember
7 my first ride on a Tennessee walking horse,
8 performance horse. The way I know it happened is
9 because I have a picture of it. I couldn't have
10 been much more than two years old and I was
11 sitting in front of my daddy who's the most
12 wonderful man on the face of the earth. It was
13 what we did every afternoon. We rode. He
14 saddled the horses and we rode them as long as I
15 can remember. These horses probably kept me out
16 of a lot of trouble when I was growing up and
17 going through high school.

18 My grandfather bred them. He had a
19 stable. And my cousin and I were the only two
20 grandchildren. And the moan and groan that we
21 usually gave was, oh, my goodness, he treats
22 these horses better than he treats us. And my

1 grandfather and our mothers would look at us
2 like, yeah, that's the truth, so get used to it.
3 So even back in the '60s, I grew up in a world
4 where these horses were loved and were very, very
5 well taken care of. They probably were better
6 taken care of than most -- how good, but they
7 were as well taken of.

8 I went to college, got married, had
9 two children, and got out of this.

10 Two years ago in 2014 after a very
11 unexpected and tragic loss in 2013, I got back
12 into Tennessee walking horses.

13 I had seen everything on the news; I
14 had seen everything posted on the internet. And
15 I was extremely concerned because I do not in any
16 way support abuse of any of these beautiful,
17 magnificent animals. So as I started looking at
18 horses and I started looking at barns, believe
19 me, I looked for abuse. I looked for soring; I
20 looked for issues. And guess what? I didn't
21 find a single thing.

22 I can go into a room with a child and

1 I can tell you in five minutes if that child has
2 been abused. My horses have not been abused. I
3 bought them two years ago. They are true
4 Tennessee walking horses; they are performance
5 horses. And I am very proud and very blessed to
6 have them and to be a part of this.

7 I one hundred percent oppose this
8 bill. There is nothing in this bill that is
9 going to protect a horse. In fact I think it's
10 going to do just the opposite. We do not abuse
11 our horses.

12 Now I can't tell you that there's not
13 one person out there that wouldn't abuse a horse.
14 But I think if you look at all equine sports from
15 barrel racing to horse racing to hunter jumpers
16 to dressage there's someone out there who's
17 unethical, who has no morals, who has no
18 integrity that's going to do it. Let's go after
19 those folks. We're not, you know, we're not
20 supporting those. That's a zero tolerance and
21 let's get those people out of it.

22 But for the rest of us who love our

1 horses, who think of our horses as part of our
2 families, and who would do anything for them,
3 don't take those away from us. We love them. My
4 son jokingly said that as far as inheritance he's
5 third in line behind his brother Bubba and his
6 sister Sadie. And he couldn't, you know, he may
7 not be too far off on that.

8 What I found when I got back into this
9 was a very warm, loving, giving, generous group
10 of people who support Tennessee walking horses.
11 I know of barns where a horse is sick and the
12 trainer stays all night long with the horse. I
13 know of barns where a horse has had surgery for a
14 stomach issue that was totally unrelated to
15 anything and the trainer went out and cut grass
16 for the horse to eat several times a day. That's
17 the kind of love and care that we give our
18 horses.

19 I don't know what you folks are
20 talking about; I really don't because I've looked
21 at this from all angles. And I think I'm
22 qualified to make -- know at least if there's an

1 issue there and it's not. We don't want these
2 any more than you all do. We just want our breed
3 and our industry.

4 And I would like for all of our
5 trainers and all of the people who work with
6 these horses -- I know what kind of people you
7 all are -- stand up. I applaud you. And I'm
8 very proud and very honored to be a part of this
9 group. Thank you.

10 MR. GEAN: My name is Calvin Gean and
11 I'm just a private citizen who is fed up with too
12 much government.

13 Several years ago the USDA tried to
14 bypass Congress with their mandatory penalties.
15 They got beat in court. It cost the taxpayers
16 over a quarter of a million dollars in addition
17 to what their lawyers cost. When they lost in
18 court, they set a legal precedent. I'm not an
19 attorney, but I read and I try to keep up with
20 what's going on. When a legal precedent is set,
21 in future cases, like cases, judges use this
22 precedent in their decisions. So in my opinion

1 this pretty well assures that the USDA has no
2 limits in this case because it's the same thing.
3 They're trying to bypass Congress.

4 I don't own any horses. I love them;
5 I love to watch them. I attended my first horse
6 show in 1946.

7 I have 24 years of military experience
8 and it makes me very upset to see a bunch of
9 bureaucrats representing our government trample
10 on the rights of our citizens like the German
11 Gestapo, Hitler's Gestapo, prior to and during
12 World War II. The tactics were the same. And
13 most people in this room are not old enough to
14 remember the Gestapo in World War II. I barely
15 am, but I do. And if you'll research and look at
16 it, you'll see the tactics used by USDA today are
17 very similar to what they used, what the Gestapo
18 used.

19 MS. A. WILLIAMS: Hi, my name is Anna
20 Williams. And all of the persons in support of
21 the rules have been characterized as armchair
22 warriors and don't know Jack and all that other

1 stuff, so listen up. I own horses. I've grown a
2 lifetime of owning horses, breeding, training,
3 exhibiting, and rescuing. One of my rescues was
4 a World Grand Champion big lick horse.

5 My husband and I currently own and
6 operate a small farm on the plateau. We have
7 many good friends raising and showing gaited
8 horses for income and/or pleasure for both sides
9 of the fence on this subject.

10 My parents grew up riding horses and
11 wanted to raise their children in the equine
12 exhibition lifestyle. They very deliberately
13 chose an Arabian stallion because they knew of
14 the atrocities that were existing back in the
15 '60s in the walking horse industry. The Arabian
16 breed industry, by the way, 50 years, still
17 thriving.

18 Fast forward to 2002, when my husband
19 and I settled in central Tennessee, of course we
20 quickly became acquainted with other horse
21 people. And while we hunted for the perfect
22 property to build our dream home on, I enjoyed

1 riding other people's horses. And that was my
2 first exposure to the glide ride and of course I
3 was sold out.

4 The most important reason why this
5 self-regulation does not work was perfectly
6 exemplified when the Hall of Fame trainer was caught
7 on camera putting a horse through a mock
8 inspection. If the horse reacted to the
9 groomer's manipulations on its tender tissues,
10 the trainer beat the horse on the head to steward
11 it that a reaction to an inspection causes much
12 greater pain. So it is complete fallacy when all
13 these supporters say that the violators are
14 bygone days or they're being caught in the
15 inspection.

16 The fact of the matter is these horses
17 have suffered the utmost torture and are the ones
18 who pass. That's the thing that this whole
19 inspection thing does is it subjugates the horse
20 to even worse torture. So in human terms that
21 would be compared to the victim of the greatest
22 amount of physical torture but still somehow

1 strong enough to run around a ring and smile is
2 given the World Grand Championship in pain
3 tolerance. And that's just absurd. It just has
4 to stop. The fact alone makes the rule change a
5 common sense direction.

6 Allowing the use of stacks and chains
7 actually fosters an even more despicable torture
8 element for the voiceless horse sender and it
9 must come to an end. And thank you very much for
10 deciding that. There's been enough turning a
11 blind eye to this egregious behavior that
12 tarnishes the dignity of this great state.

13 It is absurd that we're even still
14 having this debate when the ADMA and every single
15 veterinary organization in the United States
16 agrees on two points. One, it is inaccountably
17 inaccurate and painful for a horse to perform
18 this gait. And, two, in order for a horse to
19 perform the big lick it must be a reaction to
20 pain.

21 Opponents to your ruling will stand up
22 here and cite the Auburn study, where not for one

1 physical observation that study was completely
2 irrelevant on the subject. What that study did
3 say was that the use of the devices, such as
4 stacks and chains, did not help enhance the
5 performance of the gaited horse.

6 If the devices do not help enhance the
7 performance of the gaited horse, why then do they
8 so vehemently hope to prevent the loss of using
9 them?

10 I'm so proud that APHIS USDA is
11 addressing this issue via regulation and I
12 applaud Secretary Vilsack for the boldness to
13 take the action. I hope that you please stand
14 resolute in your conviction to remove stack and
15 chain devices from legal use in performance
16 horses.

17 The lack of doing so has fostered a
18 culture that feels confident enough to actually
19 threaten physical harm to veterinarians. So in
20 the absence of this change, this continued
21 practice is going to become dangerous to humans
22 and it's already dangerous to the horses.

1 So in closing I'd like to tell you
2 real quick about the rescue horse that I took in,
3 the Big Lick Grand Champion. Fifteen years old,
4 been there, done that. My riding student's
5 parents asked me to get them a Christmas present
6 for their daughter. And he was a beautiful
7 state, great mind, wonderful intelligent boy.

8 When my horse professional -- I don't
9 want to identify him -- he goes to all your
10 barns, by the way. When he came to the farm for
11 the first visit after acquiring this horse, he
12 said I know him and named him off. And he said,
13 boy, he could lick. And he said but you know out
14 of all the six year history, I didn't know
15 between his World Grand Championship and the last
16 owner. And he was none of his progenies grew
17 then, they gelded him, they sold him. The person
18 that bought him wanted their little girl to get a
19 ribbon on him, but they never could get him to
20 lick like that is what he told me.

21 And I said, well, it's cause they
22 weren't willing to sore him like he was the first

1 time he got the World Grand Champion. He said,
2 oh, no, I knew that trainer. He wouldn't sore.
3 Oh, he would never sore.

4 So I had my professional go over and
5 pick a list and I got some rainmaker and I
6 suggested he just go paste that on the horse and
7 see what happens. And the horse began to
8 instantly tremble and sweat with fear. He stood
9 still, didn't move. He knew better than to move.
10 (Uproar from audience) But he thought he was
11 being sored. You know and so that was when this
12 guy, a real good guy, realized there are people
13 out there that are soring horses.

14 We busted three barns in the act of it
15 in three years. How many more are there out
16 there doing it?

17 You people keep saying it's not
18 happening. It's happening. We've got proof of
19 it. So thank you very much.

20 MR. TUCK: Okay, Linda Starnes,
21 Kristina Gray, Tawnie Frisner, and Allyson
22 Curson, Coson, Corson.

1 MS. STARNES: All right, I am Linda
2 Starnes and I'm proud to be here because my
3 husband says we got to go because he has to make
4 money so he can afford to feed our Tennessee
5 walking horses. So therefore, I will go.

6 I am Linda Starnes. My goal, my life
7 is to help youth and adults to survive and thrive
8 through the riding, showing, and enjoying the
9 versatility of the Tennessee walking horse. I am
10 amazed, appalled, opposed to the proposed APHIS
11 Rule 2011-0009 RIN 0579-AD19. I am amazed when I
12 finally read all of the proposed changes that
13 include more governmental intrusion of the
14 walking horse or for any breed for horse shows,
15 exhibitions, sales, and auctions. I was appalled
16 at tax dollars spent on the writing and on the
17 wording of this proposed legislation. I'm
18 opposed to the proposed legislation that is not
19 fair for the horses or humans in the Tennessee
20 walking horse industry and potentially all
21 breeds.

22 The proposal states, "Many, if not

1 most, of the entities that may be affected by
2 this proposed rule are small." Farriers at all
3 shows, 150 or fewer entries needing two DQPs,
4 prohibiting use of pads, any foreign substance.
5 That could be fly spray, healing ointments, or
6 even pads for therapeutic reasons.

7 Horses will be affected by this.

8 Every show -- it could be a parade, an
9 exhibition, sale, auction -- that has a Tennessee
10 walking horse, a racking horse, spotted horse, or
11 any breed could be affected through this
12 increased cost and regulations. All entities
13 could find shows, exhibitions, sales, and
14 auctions cost prohibitive.

15 I totally agree that the
16 implementation of the proposed changes would
17 result in additional administrative and
18 technological tasks associated in the training
19 and licensing of inspectors. It means more tax
20 dollars. I do believe that this rule will have a
21 significant and severe and detrimental economic
22 impact on a substantial number of large and small

1 entities, persons, organizations, and businesses
2 and for people of all ages. Thank you.

3 MR. TUCK: Kristina.

4 MS. GRAY: I had in my notes to say
5 good morning, but I think it's good afternoon.
6 I'm Kristina Gray. I'm a resident of Williamson
7 County. And I'd thank you all for being here
8 today. Thank you so much. Thank you for giving
9 us the opportunity for all of us to voice our
10 opinions to you.

11 The issue here we're to talk about
12 today is a national issue. I know there are
13 local repercussions of great magnitude, but it's
14 a national issue. Just because it's a local
15 issue for so many of us does not mean this does
16 not have national import. It does. A people
17 defines itself in many ways. And one of those
18 ways is the way it treats its animals. It's a
19 matter of morality. What is right? What is
20 wrong?

21 I'm here as a horse owner, a
22 Tennessean, and an American. I've been involved

1 with horses most of my life. Matter of fact my
2 godfather rode in the U.S. Calvary, World War I.
3 Horses are important to my family. I've been
4 involved with showing as an owner with the
5 English seat. My daughter rode in college. All
6 through high school she and I volunteered in a
7 therapeutic riding program. We saw firsthand the
8 beauty of the interaction of fine animal and a
9 disabled child. It's a beautiful thing to see.

10 Here today now I have a 29-year-old
11 retired champion short stirrup pony and a 19-
12 year-old retired therapeutic horse. They're
13 under my personal care. Day and night I'm with
14 them. I watch them. I take good care of them.

15 Last year was my honor to host Gen's
16 Ice Glimmer. Some of you all may know that
17 magnificent Tennessee walking horse who was sold
18 at a slaughter auction after having been deemed
19 unfit for the show ring. He arrived at my home
20 shortly after his rescue. I was horrified.
21 Eight feet away I could see those scars on that
22 horse's hoofs. He had eight-pound stacks still

1 bolted to his feet. They hadn't been off him
2 other than changing them intermittently through
3 his entire life. I saw him for the very first
4 time attempt to eat grass. It was terrifying.
5 He didn't know what to do with his legs. No
6 horse should live like that.

7 You may laugh. It's isn't funny.
8 Eight years on stacks is abuse. And this is just
9 part of the abuse this horse endured. It is
10 evident by the way he was terrified of any
11 handling around his head. And his story is
12 legion.

13 And I'm telling you all this because
14 I want you to understand I want to convey to you
15 these two points. One, is I've seen your barns.
16 I've seen your horses. I've seen your DQPs.
17 The other is as a Tennessean, as an American, I
18 have a stake in this discussion. I have a huge
19 stake. This is our country. We have the right
20 to define who we are as a people. These
21 practices which these proposed regulations are
22 intended to eliminate are abuse. We are the only

1 industrialized nation in the world that tolerates
2 them. Why? It is time for this to end. We have
3 a right. We have a responsibility to define
4 ourselves and our nation.

5 Thank you for providing us the
6 opportunity to express ourselves. I'm convinced
7 that the overwhelming majority of Tennesseans, of
8 Americans want nothing whatsoever to do with
9 animal cruelty and will whole-heartedly endorse
10 these proposed regulatory changes. The rest of
11 the world is looking on. We must choose the
12 higher moral path.

13 MS. FRISNER: My name is Tawnie
14 Frisner, Horse Plus Humane Society. We're a
15 national organization focusing on horses. We're
16 not affiliated with HSUS. Now I know that there
17 are horse lovers in this room. We all love
18 horses and we want the best for them. And I know
19 there are people in this room that want would
20 never hurt their own horse. But in training,
21 horses can be abused when you're not watching.

22 I go to auction and buy horses; I buy

1 a lot of Tennessee walking horses. And I get
2 horses that have scars on their legs. I get
3 young horses still with stacks on their feet at
4 the auction. And these horses are terrified.
5 These horses are being abused by certain people
6 and it's giving everyone in this industry a bad
7 name.

8 We have to stop that, say we don't
9 want this abuse, and we'll do whatever it takes
10 to stop this abuse because these horses are
11 suffering. I see it in the eyes of the horses
12 that I rescue from these auctions. Some have
13 papers; some don't. Some have scars; some have
14 mental scars where they're -- it takes months and
15 months for these horses to get over the abuse
16 they have endured. And you hold them. They're
17 standing there and they won't move. But as soon
18 as they feel like they can move, they're freaked
19 out. It's something I have seen firsthand.

20 I'm not trying to say that, you know,
21 oh, you're abusing your horse or you're abusing
22 your horse. There are horses being abused today

1 that are coming out of the big lick industry.
2 They don't make the cut and then end up at
3 auctions. And that's when I end up with them and
4 I see this. It's not that you guys are trying to
5 do this.

6 We have to come together as a
7 community and say we are against this abuse and
8 we will do whatever it takes to stop it. And
9 that's what I'm about and that's what I'm hoping
10 every single one in here will step up to the
11 plate and say we'll do whatever it takes to
12 preserve this beautiful breed of horse. Thank
13 you.

14 MS. CORSER: Hello, everyone. I'm
15 Allyson Corser. As far as my college education
16 goes, I'm currently a Middle Tennessee State
17 University student. But one degree I already
18 have is a double major of hard work and common
19 sense.

20 I'm 21 years old and I started showing
21 horses at the age of eight. For over a decade my
22 family and I have traveled up to 12 states

1 showing 30 weeks out of the year, competing in
2 all divisions, flat shod, performance, and
3 versatility. Even alongside the people who
4 oppose or are for this bill. I've also been
5 through the inspection process several thousand
6 times.

7 My family has two farms, one in
8 Sandusky, Ohio and one in Murfreesboro,
9 Tennessee. At these two farms we employ over
10 30 people and have almost 90 horses. If this
11 rule change were to pass, not only would these
12 farms be at a major loss, but also veterinary
13 clinics, the feed stores, the tack and supply
14 stores, just to name a few in both states. Not
15 just Tennessee, not just Ohio, but everywhere
16 else.

17 Also to note the horse shows that we
18 compete in with the Tennessee walking horse,
19 majority of them are used to benefit a local
20 charity or a family in need or a family that has
21 had something tragic happen to them. That is a
22 great cause.

1 I oppose this rule change because the
2 statistics gathered are all based off of
3 subjective testing if looked at too closely.
4 Also because majority of the violators that have
5 been ticketed have not had their chance at due
6 process overall which in the American court
7 system you are innocent until proven guilty. The
8 one thing I am for is objective testing, a
9 scientific based testing to make a clear
10 statement and a fact, rather than someone's
11 opinion. This is 2016. We can afford that.

12 Here is an example. In airports each
13 day people get on airplanes. We all feel safe;
14 we feel this guy next to us doesn't have a gun.
15 We feel like someone is not making a bomb out of
16 a shampoo bottle. Why? Because we have to walk
17 under monitors, through TSA when we walk through
18 the airport. Why can't we do that with Tennessee
19 walking horses in this day and age? We can do
20 that; it's just nobody has.

21 If we leave this room today feeling
22 comfortable in our drive home or on our flight

1 home, we show a horse tomorrow with the use of
2 this technology knowing we are showing a sound
3 horse.

4 In conclusion this 40-year-old act of
5 Congress needs updating and needs some
6 technology, not banning the industry. Thank you.

7 MR. TUCK: Can I have Tim Wilson,
8 Jennifer McFadden, and Linda Terrell?

9 MS. TERRELL: Thank you very much for
10 this opportunity. My name is Linda Terrell and I
11 have been associated with walking horses for 36
12 years. Prior to that quarter horses, walking
13 horses, you name it. If it looks and smells like
14 a horse, I love it. In fact my husband has told
15 me many times when I die and I come back I want
16 to be your horse. And most of my friends in this
17 audience know that's very true.

18 And I am here I am a professor; I have
19 a degree, a Ph.D. in strategy and strategic
20 management. I've worked in business for 30
21 years; I've been CEOs for many different
22 companies over the years. And I chose to retire

1 and be this professor for a few years, okay,
2 because I'm enjoying it.

3 But I love the Tennessee walking horse
4 and I oppose this legislation for a few major
5 points that I've put together that most of us
6 have already given today. So I'm going to --
7 I've said this about being the professor to say
8 this. In my classes when my students get up to
9 express a position on anything, I tell them is
10 the written information and I share that with
11 them in the classroom, but I don't really care
12 and nobody really cares about your opinions. We
13 want facts.

14 And that's one of the reasons I'm
15 opposed to this legislation because I don't doubt
16 that the people sitting on the front row from our
17 opposition that you love horses. I know you do.
18 But I suggest that you don't have your rooms and
19 you don't have your facts on our current
20 industry. So I suggest that this legislation --
21 I'm opposed to it because it eliminates how we --
22 not soring, okay?

1 Consider this. Eliminating the pads
2 and action devices is not about soring. It's
3 more the USDA would be presenting facts and
4 statistics and studies that show that these pads,
5 action devices do cause soring. And they
6 continue to ignore the studies that we have done
7 that have been previously mentioned that show
8 that these pads -- like the Auburn study and the
9 UT, all these have already been mentioned. We
10 are offering proof, folks, that these pads and
11 action devices do not sore our horses.

12 I'd like for you to consider this.
13 This is not independent, unbiased legislation
14 being proposed. That if we're offered
15 independent, unbiased inspections. And I suggest
16 that because of the known ties with the animal
17 rights activist organization HSUS. We have
18 researched; I have tons of it in what I've
19 prepared to leave with you showing the connection
20 of HSUS to, if you will, the USDA. Their leader,
21 Vilsack, is connected to them through anywhere
22 from \$500,000 to \$750,000 have been donated to

1 his wife's, you know, senatorial bid. So there
2 are connections and his actions are powering a
3 recent, if you will, former HSUS lawyer to
4 oversee us and to bring these things to bear.
5 His actions also show this.

6 I am opposed to this legislation
7 because this action is not congruent with the
8 current industry called the Tennessee walking
9 horse. I have heard a lot things said that did
10 occur in the past and when I've been in other --
11 I've seen the pain in horses' eyes. I understand
12 that and I would not have that in any form or
13 fashion. And I suggest to you that our industry
14 will not any longer.

15 If you bring yourself up to date with
16 what's really current in our industry, you'll see
17 this. This is a -- we have gone through huge
18 improvements. This legislation is not congruent
19 with that. We have -- I'll just share some
20 facts. Since 2009 our compliance rates have
21 increased from 50 percent to last year to 96.6
22 percent as reported by the USDA to 98.5 percent

1 as reported by the industry. And this is the
2 highest compliance rate of any regulated
3 industry, including food, in this country. And
4 we also implemented another improvement.

5 One second and I'll stop.

6 Which was the medical testing protocol
7 by our veterinarian advisory committee this year.
8 We reported this year zero violations with
9 medical testing from the call.

10 I won't share all the negative impact
11 that this will have. You've shared it; I've
12 heard it. But I will say this will eliminate our
13 horse and I will say that is very sad to me.
14 Because when you take away a place and position
15 for these animals who are well cared for, you
16 have provided a certain death. They have no use.

17 And I'll stop with that. And I thank
18 you very much for your attention and for doing
19 this.

20 MR. TUCK: Thank you. I'd like to
21 thank you all for coming today. I appreciate it.
22 We'll get that over time. But I think it was a

1 very useful meeting today. Please drive safely
2 home. And remember there are three other in-
3 person meetings: tomorrow in Lexington,
4 Sacramento, and Waterville -- I'm sorry what --

5 MR. TEAGUE: I thought I was
6 registered to speak online, sir.

7 UNIDNETIFIED FEMALE SPEAKER: Me, too.

8 MR. TEAGUE: What you said this
9 morning and I sat through all of it, our comments
10 and it said also that anybody that registered 30
11 minutes prior to the beginning of the meeting
12 would be allowed to speak. And I've sat here all
13 day and --

14 MR. TUCK: Come on up.

15 Is there anybody else who registered
16 to speak that hasn't been able to?

17 Just have a seat up here, please.

18 MR. TEAGUE: Thank you, sir. For
19 those of you who don't know who I am, I'm John
20 Teague and I'm a resident of Shelbyville. I've
21 been there quite some time. The first time I
22 ever came to town, I rode in the six horse event

1 in 1970 and I spent 10 nights at Barn 19, the old
2 Barn 19, and I took my showers in the grooms
3 quarters.

4 My credentials are as follows. I have
5 a Bachelor of Science degree in Animal Husbandry,
6 granted with honors in 1971 from a flagship land
7 grant university. That's old school for today's
8 Animal Science in case you were wondering. I
9 have a basic knowledge of animal anatomy and
10 physiology. And subsequently I have a Master's
11 degree in Agriculture Education and I'm involved
12 in education today.

13 I'm a former horse breeder and owner.
14 I appreciate the art of genetics, but I quit due
15 to the reduced value of the foals and horses in
16 general. I'm a former horse show manager; I
17 managed a horse show for 18 years for the benefit
18 of one of the largest youth organizations in my
19 area, but I ceased to have the show two years ago
20 due to the lack of profits for the benefit of the
21 group, the risk of investment in the show
22 compared to the benefit, and the hardships of

1 dealing with the regulatory issues and inspection
2 demands.

3 These factors affected my health and
4 well-being and the loss of funds had been
5 devastating to the group and costly to its
6 members. But I'm not going to focus my comments
7 on economics of the issue at hand. I'm not
8 against this action because of the money.

9 First let me say that no one in this
10 room is in favor of animal abuse. In spite of
11 what some may say, the true horse enthusiasts
12 that I know abhor the mistreatment of any animal.
13 To most folks I know, their animals are the same
14 as family with names and places in their hearts.

15 Now to be sure, there are some so-
16 called bad apples, but that's true of every class
17 of humans on earth, isn't it?

18 Examples, these classes include some
19 bad horse people and not just bad Tennessee
20 walking horse people. Some religious leaders,
21 but, Lord, who am I to judge? Some bad police
22 officers, some congressional members, and I would

1 bet some professional government officials.
2 There have been even bad examples of behavior by
3 some of our Presidents from both parties over
4 time, and I'll let you decide who they were.

5 But to condemn all the rest of the
6 classes for the sins of a few is the wrong
7 approach. The good majority far outweighs the
8 damaging minority.

9 The issues of the pads, action
10 devices, and bands are complex. Emotionally they
11 lend themselves to condemnation. To be sure,
12 some have misused them in the past. But what
13 does modern science and research say?

14 Interestingly the objective answers are not
15 readily forthcoming. The science based peer
16 review refereed literature from the land grant
17 universities does not jump off the internet at
18 you. At least I did not find one, no, not one on
19 the first five pages that came up when I searched
20 under the title, Effects of Pads, Action Devices,
21 and Bands on Horses.

22 I did find many personal opinions and

1 collective personal opinions, blogs, websites
2 that are emotionally charged, some even seeking
3 funding for whatever uses, all right here with
4 rank and therapy, who, by the way, have a special
5 for horse therapy maintenance. All were
6 subjective in nature. What does the research
7 say? It was not there. It was not there.

8 The bands that protect the foot to
9 secure the pad is condemned. But what does the
10 research say? What about those that are just
11 snug enough to hold the shoe in place? The shoe
12 that helps to accentuate motion and a band that
13 protects from hoof damage due to an over strided
14 horse stepping on the back of the shoe. Sorry
15 about the over striding, but that's a genetic
16 thing. And we can't regulate or legislate that
17 the horse stop doing it. It's going to walk long
18 behind in spite of all we or you can try to do
19 about it. Just watch a new baby foal in its
20 first hour demonstrate that overreaching stride
21 that we call a walk.

22 The five great versus rate of

1 violation. This is a negative versus positive
2 discussion. Whatever the rate of failure is,
3 there is also a rate of success. I would assert
4 that many years ago the violation rate would have
5 been what the compliance rate is now. But think
6 of where we are. Statistics posted throughout
7 the APHIS comments allude to violation rates of
8 nine percent on occasion. Industry much, much
9 less. Statistics from some of the horse industry
10 plot the compliance rates in excess of 95 percent
11 and even higher usually. Subjective rates from
12 one show does not reflect the accurate picture,
13 given that many of the alleged violations were in
14 compliance earlier in the year.

15 Which is bad and which is good? Some
16 will say that nine percent is too high and 90
17 percent is too low. Others will say the
18 opposite, that 90 percent is great and the nine
19 percent in itself is great. It's progress.
20 We've already heard about the progress.

21 Compare these rates to other sports,
22 those involving humans. Sports such as the

1 Olympics, professional sports, college sports,
2 high school sports, and even grade school sports.
3 What are the standards? Not one is a 100 percent
4 compliance.

5 What standards should be applied to a
6 horse industry? It's hard to determine that
7 without science based information and objective
8 measures.

9 I'm finishing up, sir.

10 As to the issue of elimination of the
11 horse industry organization, HIO and United
12 States government has demonstrated its ability of
13 stepping in and taking over functions in the
14 past. The Office of Management and Budget opine
15 in 2010 that, "The Tennessee walking horse
16 industry is full of conflict of interest,"
17 quote/unquote. However, the OMB is also full of
18 reports that point out government led operations
19 that were woefully mismanaged that cost the
20 taxpayers on 50,000 of those who these operations
21 were to benefit.

22 I'm personally glad to have people in

1 the HIO whose interest is the horse and its
2 people. They are, to use a time popular and
3 governmental jargon, the boots on the ground.
4 Better to have them among us I say.

5 I also ask APHIS why these elements of
6 change are not in Congress for its approval
7 instead of being the unilateral move by the
8 Executive Branch of the government. It would be
9 more appropriate to be of the people, by the
10 people, for the people. Thank you, sir.

11 MR. TUCK: You're next.

12 MS. BROWN: Thank you. I'm Karen
13 Brown. I live in Chattanooga. And I do want to
14 speak in support of the rule changes. I started
15 riding in 1962; I was eight years old. I'd like
16 to say I was just one or something, but I was
17 eight.

18 And I first heard about soring a
19 couple of years later in 1964, when a friend of
20 mine had gone to the Celebration and came back
21 and told us, all of us horse crazy kids, about
22 the horses with the blisters on their legs and

1 the blood running down their legs. And you know
2 when you're 10, you're kind of idealistic. We
3 thought someone, the SPCA, the Humane
4 Association, someone was going to step in and
5 they would just end it. Well, they didn't.

6 And what we didn't know at that time
7 was that soring had actually started a decade --
8 in the earlier decades of 1950s, the previous
9 decade, and we surely didn't know that it was
10 going to continue on for more than 50 years, the
11 controversy.

12 Since that time I've been involved in
13 horses in a lot of different aspects. For most
14 of my life I've owned and showed a variety of
15 different breeds. I've had a couple of walking
16 horses. I've ridden in everything from local
17 functions to the first Intercollegiate Horse Show
18 Association show here on the MTSU campus led by
19 Ann Brezeki to shows sanctioned by the USDF for
20 the United States Eventing Association.

21 And for the past nine years I've been
22 a volunteer on the Grounds Committee at the

1 Kentucky Horse Park for the Rolex International
2 three day event and the 2010 World Equestrian
3 Games. That's given me a new perspective on
4 horses and what a big show is and it's allowed me
5 to talk to people from around the country and
6 actually from around the world.

7 When I say I'm from Tennessee, let me
8 tell you they know about Tennessee walking horses
9 and their impression is not good. They think big
10 lick; they know about soring. They can get on
11 the internet and they can learn that information.
12 The breed is not benefitting, you know, if you
13 want a market, there's your market. There are
14 people out there who are going to buy horses and
15 buy horse products. Now I'll tell you even if
16 you don't get to soring, they see the stacks, the
17 chains, and the bits and they are done. They
18 don't want another thing to do with Tennessee
19 walking horses.

20 You don't care? That's fine. That is
21 fine.

22 But we're all here is about these

1 horses that there's no market for. There's
2 nothing that you're going to be able to do with
3 them if the stacks and the chains are gone.

4 For most of my life I have boarded
5 horses in big busy boarding barns in Alabama,
6 Tennessee, and Kentucky. What all those barns
7 have in common is a mix of different breeds of
8 horses. And we see, and I've seen for decades,
9 the horses that come in. And you have the
10 rescuers here who've told you about the horses
11 that come in with the scarring on their pasterns
12 and with the problems with their feet, with
13 soundness problems. And of course you could have
14 all those problems that come in from any sales
15 barn.

16 But the consistent pattern of scarring
17 on the pasterns is only seen in the walking
18 horses. We know those tell-tell signs of soring
19 and our vets know it. And we know why veterinary
20 organizations have supported the PAST Act.

21 Here in the South you get outside the
22 walking horse community and into the larger horse

1 community and there's a big world of horse
2 people, big market outside the big lick
3 community. And I'll tell you what, they have
4 never believed the one bad apple excuse that we
5 hear when an abusive trainer has been exposed.
6 We don't believe it. Nobody does.

7 We've been to the big lick shows. We
8 don't sit in the stands; we get back in the
9 trailering and in the stabling area. We see the
10 horses that are lame; we've seen it. And you
11 know when the video come out, the Ponelo
12 (phonetic) video came out and the others of
13 abuse, nobody is surprised. No one is surprised.

14 So what I'd like to say in closing is
15 I would suggest that you broaden your view. When
16 I was here at MTSU in 1977, I was a work scholar
17 and I worked in the barn. And one thing that
18 happened was a confirmation clinic for walking
19 horse judges and I was working in the barn that
20 day. And some of the gentlemen who had been to
21 that clinic came by and that was the first time I
22 heard someone say walking horses are the most

1 versatile horses in the world. They can do
2 anything that any other horse can do and they can
3 do it better.

4 Well, I didn't believe that, but it
5 made me hopeful. And my hope was that this meant
6 that the walking horse industry was going to move
7 beyond the big lick into open competitions,
8 develop those markets and there would be a real
9 revival of interest in the walking horses because
10 the big lick was going to gradually go the way of
11 the dinosaur. Instead --

12 UNIDENTIFIED MALE SPEAKER: Time's up.

13 MS. BROWN: -- what we kept hearing
14 and I'm hearing from all of you who are saying
15 time's up is you've got these horses that you
16 take away the pads and the chains and they're
17 worthless.

18 How many people have stood here today
19 and said that without the pads and chains my
20 horse is worthless; it has to go to slaughter?
21 (Uproar from audience) Absolutely. How many
22 would say that? I have to get rid of my horses.

1 They're worthless without the action devices.

2 They have stood up here all day long and said

3 that. (Uproar from audience)

4 I think walking horses are better than
5 that. Apparently you don't.

6 MR. TUCK: Please begin by saying your
7 name.

8 MR. GARNER: My name is Justice
9 Garner. I'm a flat shod Tennessee walking horse
10 trainer and I oppose the rulemaking.

11 The rule will be financially crippling
12 to my business. My three employees will lose
13 their job. My two farriers and their families
14 will lose significant income. My hay suppliers
15 and their families, my feed suppliers, the family
16 I rent my barn from, the family I get shavings
17 from, all of them will be significantly
18 financially hurt by this rulemaking. So will
19 three different veterinarians, their families,
20 all my out-of-state customers that fly in to show
21 their horses and spend their money in this state,
22 buy houses in the state, buy everything in this

1 state, that will all stop.

2 So I just want to say the rule was
3 wrong and I'm a flat shod Tennessee walking horse
4 trainer and I oppose it.

5 MR. TUCK: Please begin by stating
6 your name.

7 MR. CAMPBELL: My name is Gerald
8 Campbell. I'm the President of the Alabama
9 Walking Horse Association and I oppose this new
10 rule change. I've been instructed -- Steve was
11 up here a little earlier and made a speech and
12 used about half of mine. So but he was correct
13 in saying that the Walking Horse Association of
14 Alabama has donated approximately \$400,000 to a
15 charity in Birmingham that really deserves it.

16 We're the highest donating
17 organization in Alabama or anywhere to Camp Smile
18 A Mile, which is a cancer retreat center for
19 little kids. This would be devastating to that
20 program and several other programs that we do.
21 We also donate money to people that has had a
22 loss in their family of a fire or tornadoes, that

1 sort of thing.

2 So please take into consideration of
3 this when you all are making your ruling. And I
4 thank you very much.

5 MR. TUCK: Excuse me. We have one
6 more person.

7 (Background noise and movement)

8 MR. SEAY: They love me so much
9 they're going to take off. I don't want to speak
10 anyway for the record. I expected this.

11 Good afternoon, ladies and gentlemen.
12 For those of you who want to stay, I'd be
13 enjoyable to have your company and those that
14 leave I fully understand. They've said a number
15 of correct things here today.

16 I'm Clant Seay. I represent -- I
17 don't represent. (Unintelligible) I don't
18 represent anybody right now. But I'm associated
19 with the Citizens Campaign Against Big Lick
20 Animal Cruelty.

21 What they have said today that's
22 correct is there are a lot of good people in the

1 walking horse business in the big lick segment.
2 They're great people. I know, I was there one
3 time. One time Winky Groover, who came up here
4 and spoke, I hauled Winky's washer and dryer from
5 Columbus to Franklin, Tennessee, but he left it
6 down in -- that was Jack Wade, who also spoke.
7 These folks are not strangers to me.

8 But we have a problem and the problem
9 is on this map here on the podium. And this is
10 where they are now. The map is from three years
11 ago. It was a PAST Act. It was where we did a
12 poll of the Tennessee Walking Horse Breeders
13 Association. We sent out 7,000 post cards. We
14 didn't ask permission; we sent them anyway. Vote
15 yes or no on the PAST Act. Consequently there
16 was a lot of palaver about it. They said throw
17 the ballots away. Well, guess what? Forty-six
18 percent voted; they voted for the PAST Act.
19 Sixty-three percent -- there was a 26 percent
20 turnout.

21 That's hard for the TWHBEA membership,
22 leadership to accept. They've done a takeover,

1 moving the case out of the bylaws. And when this
2 thing is over, when these pads and chains are off
3 this horse and the animal cruelty ends, we're
4 going to have to do something to get that bylaw
5 reversed to let that breed association crank back
6 up.

7 The future of the horse is unlimited,
8 but the map tells the whole story. This is where
9 it's concentrated now. It's come all the way
10 down here.

11 And these people, these ladies and
12 gentlemen -- hey, Conte, how are you? I think
13 she has a dog named Peanut Butter.

14 And one more time I've been in this
15 culture. I've raised World Champion walking
16 horse. I said raised; I didn't say buy. I've
17 raised the colts and they know that and that's
18 okay.

19 They talked about the horse is not
20 what they don't have the sore horses anymore.
21 Here's one, (unintelligible). This is July 18,
22 2015. He was in the show ring, sure was, in

1 London, Kentucky.

2 You all come back in here. You all
3 don't have to shoot from outside.

4 This is Gen's Ice Glimmer in the show
5 ring and he's got some pretty bad feet. Those
6 are his feet. This was taken 10 days later.
7 They send him to a sale to get rid of him. He
8 had been shown for nine years, 40 shows, five
9 states. His last known trainer was in 2013; it
10 was a Celebration judge. Okay? This horse was
11 connected 16 ways from Sunday. But this is a
12 horse that they say don't exist anymore.

13 Mr. Bill Young, President of the
14 Trainers Association, came to Panama City Beach.
15 He said this horse doesn't exist anymore. Yes,
16 this horse does exist. Here he is showing; here
17 he is here. Between here and here they put him
18 on Craigs List and wanted \$757 for him. This
19 horse had a one-way ticket to Mexico.

20 (Question from audience)

21 MR. SEAY: Which one? This one? This
22 one is July 18, 2015, London, Kentucky, according

1 to the people that brought him to the horse sale.
2 Mr. Jim Brown of Science Hill, Kentucky.

3 Now Mr. Mike Inman has gone off to
4 Wartrace, Tennessee and said the big lick is a
5 figment of your imagination. He told the town
6 council that. This is the big lick and it's not
7 a figment of your imagination.

8 In my right hand I'm holding One Time
9 Charley, who's a World Grand Champion. In my
10 left hand I'm holding Gen's Ice Glimmer, who's my
11 horse, the one that Ms. Price, who spoke earlier,
12 rescued.

13 She didn't have quite enough money.
14 Cost \$500 to rescue. She called me and said,
15 "Will you put up \$500?" Yeah. So here we are.
16 This is Gen's Ice Glimmer. He's the living
17 example of the big lick animal cruelty. And one
18 more time he was a big show horse. He wouldn't
19 the World Grand Champion, but he was shown 40
20 times, five states, nine years. We took the
21 stacks off of him, eight pounds lead both feet.
22 You all have heard that story.

1 I want to put something else on the
2 record. And we FOIA requested data and USDA, who
3 answered Representative Rogers' letter. He
4 reported what the VMOs have to endure under the
5 auspices of Ms. Juarez.

6 Am I close? Okay. I'm from the South
7 and I say Warez, but it's Juarez.

8 All right, this is horrendous. They
9 use the N word.

10 They have four incidents in Panama
11 City Beach where the horse show was back where we
12 brought all the attention to the public down
13 there where they went after VMOs. They were
14 verbally abusive. They got after one lady
15 because of her -- well, it's her gender, woman,
16 and then she was Hispanic. They threatened to
17 shank Dr. Cesar, who is a paddock physician that
18 Ms. Perez now holds. This is egregious.

19 One more time these people that left
20 they're in denial. It is what it is. They can't
21 come to grips it's animal cruelty.

22 Now I've distributed to the news media

1 today a press release. And I'm not with the
2 Humane Society of the United States. I like
3 them, parts of them. Some things they do, some
4 things I like, some things I don't. I like Miss
5 Tennessee; I like Eric Swafford. Mr. Purcell,
6 he's a stand-up guy. But I'm not part of them.
7 I'm just a citizen.

8 We had a theory when they started all
9 this stuff that they were going to -- and I've
10 went to the court hearing when Judge Jolley was
11 down there. He wrote the opinion in the 5th
12 Circuit. I was there; I was the only guy there
13 that covered it.

14 And my time is up. (Unintelligible)
15 And I hear you. And my time. Well, let me
16 continue this. Since I'm the last one, I get a
17 little privilege, okay. And I'm about to wrap.

18 But we called for a boycott with the
19 Celebration. That takes it out of the hands of
20 all this discussion and we are -- Secretary
21 Vilsack -- in the room. Well, we've asked
22 Tennesseans publicly with this release that's

1 being distributed to boycott the Celebration as a
2 manner of expression to no longer support the big
3 lick animal cruelty. I made it clear we support
4 Secretary Vilsack.

5 And let me close with one thing. I
6 speak for the horses that can't speak for
7 themselves. I haven't heard one person back
8 there said that. They talk about they love the
9 horses, but nobody speaks for them. I speak for
10 them. I think the USDA speaks for them cause
11 they're charged with enforcing the Horse
12 Protection Act. So we speak for them. We're not
13 going away.

14 You guys that spoke with these blue
15 shirts, you all did magnificent.

16 Thank you for the opportunity. I know
17 it's time to go.

18 MR. TUCK: Your name.

19 MR. SEAY: C-L-A-N-T, last name S-E-A-
20 Y. And normally we would start with that,
21 wouldn't we?

22 Thank you, sir. Thank you very much,

1 Ms. Juarez. Thank you.

2 MR. TUCK: Thank you. All right.

3 MR. SEAY: I'm it.

4 MR. TUCK: That's it.

5 MR. SEAY: You're free to go as the
6 judge says.

7 MR. TUCK: Thank you all for coming.
8 Appreciate it. And have a great day now.

9 (Whereupon, this meeting was concluded
10 at 1:41 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Animal and Plant Health Inspection
Service Public Meeting

Before: U.S. Department of Agriculture

Date: 08-09-16

Place: Murfreesboro, Tennessee

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