

U.S. DEPARTMENT OF AGRICULTURE

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PROPOSED CHANGES TO THE HORSE PROTECTION ACT

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WEDNESDAY,  
AUGUST 10, 2016

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LEXINGTON, KENTUCKY

+ + + + +

The listening session convened at the  
Clarion Hotel, 1950 Newtown Pike, Lexington,  
Kentucky, at 9:00 a.m.

PRESENT:

MICHAEL TUCK  
ROBERT GIBBONS

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

(9:00 a.m.)

1  
2  
3 MR. TUCK: The first thing, everybody  
4 needs to take their cell phones out, turn them  
5 off, turn them on vibrate. If you need to take a  
6 call, please do it outside in the hall or  
7 outside.

8 Most importantly it is vital that we  
9 all pay attention to the speaker without  
10 interruption. Even if you don't agree with what  
11 they may be saying. We want to keep this meeting  
12 on a professional level and give everyone the  
13 opportunity to be heard.

14 Further, we do not want any personal  
15 attacks from anyone in this room.

16 I'd like to introduce Dr. Robert  
17 Gibbons who is the Director of Operations in Fort  
18 Collins. Bob is here to preside over the meeting  
19 and listen to your comments. He will not be  
20 responding to any comments at this hearing due to  
21 the rule making process.

22 In addition we have Gary Baldwin who

1 is transcribing this meeting. This transcription  
2 will be available along with transcriptions from  
3 the other public meetings on the a APHIS animal  
4 care webpage.

5 As I mentioned, this is the second  
6 public meeting being held. Yesterday we met in  
7 Murfreesboro, Tennessee and had an estimated  
8 number of 300 people. It was a very good turnout  
9 and very interesting.

10 Next week, next Tuesday, will have a  
11 meeting in Sacramento, California; and on  
12 September 6th in Riverdale, Maryland.

13 We will also hold a virtual public  
14 meeting by telephone on Thursday, September 15th,  
15 where anyone can call in and provide comments.

16 Again, details can be found on the  
17 animal care webpage which is  
18 [www.APHIS.USDA.gov/animal welfare](http://www.APHIS.USDA.gov/animal_welfare).

19 These meetings are only one way to get  
20 your comments on the record. The public comment  
21 period began July 26 and runs through September  
22 26. A link again on the animal care webpage can

1 lead directly to -- or to regulations.gov which  
2 enables anyone that is unable to attend one of  
3 these meetings to provide their comments.

4 I hope everybody had the opportunity  
5 to sign in out in the hall or pre-register and  
6 indicate whether or not they wish to speak. I  
7 will use that list to call you up to the podium.

8 Once up here, please begin by stating  
9 your name and affiliation that you're a member  
10 of. You will have approximately 4 to 5 minutes  
11 to present your comments. We do this so we will  
12 have -- everyone will have an equal opportunity  
13 to speak. I will let you know when you need to  
14 wrap up your comments and you may leave a copy of  
15 your comments with me up here at the front desk.

16 Let me know if you have any questions  
17 or concerns either at the break or after the  
18 meeting.

19 I'd like to begin by announcing that  
20 we have some representatives from some of the  
21 Congressional offices. We have Ms. Tatum Dale  
22 from Representative Barbs office.

1                   We have Mr. Ethan Witt from Mitch  
2 McConnell's office.

3                   And we have Nick Cammack from  
4 Representative Rogers office.

5                   And I'd like to call Nick up to the  
6 podium to open up the proceedings.

7                   MR. CAMMACK: Good morning everybody  
8 and thank you all for having me this morning. I  
9 have a written statement that Chairman Rogers  
10 prepared for this meeting. Afterwards, I have  
11 some other engagements in Eastern Kentucky I have  
12 to go back and deal with. I live in Hazard and  
13 so I'm going to be heading back down there. But  
14 I wanted to be sure that we gave this statement  
15 this morning. Excuse me while I adjust this a  
16 little bit.

17                   The Tennessee Walking Horse community  
18 is comprised of people, young and old alike, that  
19 enjoy spending time with others that share their  
20 love of horses. Many of the participants are  
21 parents passing down an age old family tradition  
22 to their children while teaching them the proper

1 way to care for these beautiful animals. The  
2 majority of participants are good people,  
3 committed to following the rules necessary to  
4 keep the horses safe and healthy for future  
5 events. They understand these family-friendly  
6 horse shows often attended by hundreds, if not  
7 thousands, of people also serves as an important  
8 generator of economic activity in small rural  
9 communities.

10 In the past several years I've been  
11 disappointed that federal regulators have worked  
12 to intimidate and dismantle this industry. And  
13 the proposed rule under discussion today is no  
14 exception.

15 In reviewing this proposed rule it is  
16 clear that APHIS has not worked with the  
17 Tennessee Walking Horse industry and by not  
18 addressing their concerns will impose significant  
19 and severe economic hardship on the families,  
20 small businesses, and communities across  
21 Kentucky, Tennessee and other states that depend  
22 on this industry for their livelihoods.

1           These annual shows are often a large  
2 source of revenue for the host communities and  
3 this unnecessary heavy-handed regulation could  
4 further hurt these economically disadvantaged  
5 areas.

6           First and foremost I am concerned for  
7 the Tennessee Walking Horse industry and the  
8 industry participants it regulates have not had  
9 the opportunity to meaningfully engage with USDA  
10 in crafting the rule. The Tennessee Walking  
11 Horse industry has taken great strides in recent  
12 years to prioritize horse safety and weed out bad  
13 apples. And this rule throws the baby out with  
14 the bath water.

15           Beginning in fiscal year 2012 and  
16 continuing through fiscal year 2017, the United  
17 States Congress, through the committee on  
18 appropriations, has directed APHIS and its  
19 personnel to engage and communicate with the  
20 Tennessee Walking Horse industry and its  
21 leadership in order to develop a cooperative and  
22 productive relationship that would help eliminate

1 the soring issue.

2           Additionally, the committee and the  
3 Congress instructed APHIS to institute the use of  
4 objective inspection methods in order to  
5 eliminate the problematic subjective inspection  
6 methods utilized by the agency and through its  
7 required training and certification process, the  
8 designated qualified person could also provide  
9 inspection services at the vast majority of  
10 shows.

11           APHIS has ignored the directions of  
12 Congress by not engaging in any way with the  
13 industry, its leadership or its participants.  
14 And, in doing so, has created an environment of  
15 hostility and bias.

16           Another concern with the proposed rule  
17 is based on the fact that there are opposing  
18 bills in Congress, both of which focus on horse  
19 safety and neither of which have made it out of  
20 committee. It is not appropriate for USDA to  
21 circumvent the legislative process by picking one  
22 of the bills and implementing it via a sweeping

1 regulation.

2 As the House fiscal year 2017  
3 agriculture appropriations legislation stressed,  
4 prior to the publication of the proposed rule,  
5 the committee has become aware that APHIS intends  
6 to modify regulations associated with the Horse  
7 Protection Act through rule making actions and  
8 notes that any substantive changes to the statute  
9 or its intent should be made by Congress through  
10 the legislative process.

11 Finally, I'm concerned about the  
12 subjective nature of the scar rule. The  
13 Tennessee Walking Horse industry prioritizes the  
14 health and safety of the horses and works hard to  
15 make sure that all participants are following the  
16 rules. It is my understanding that the APHIS  
17 definition and guidelines for inspections related  
18 to the scar rule have changed continuously over  
19 the past few years. And, in fact, APHIS recently  
20 discontinued providing written guidelines and  
21 information on what constitutes a scar.

22 It is unacceptable that APHIS would

1 continue a subjective inspection regime that has  
2 been shown to be completely arbitrary and  
3 inconsistent from show to show, week to week, and  
4 year-to-year.

5 Even with a completely subjective  
6 methodology and the lack of clear and consistent  
7 guidelines, the compliance rate of this industry  
8 continues to be above 90%, and is often 95% or  
9 higher.

10 The explanatory statements of APHIS  
11 within the proposed rule completely ignore this  
12 reality. Before finalizing this rule, APHIS  
13 needs to find credible, independent information  
14 regarding what is the cause of or contributor to  
15 soring and what is not.

16 The safety of animals is important to  
17 USDA, to the Tennessee Walking Horse community.  
18 To help ensure that everyone's on the same page  
19 moving forward, I encourage APHIS to reach out to  
20 the Tennessee Walking Horse industry and work  
21 together to develop objective methodologies and  
22 protocols for inspections.

1           By working hard -- or by working hand-  
2 in-hand with the industry, APHIS should be able  
3 to find a path forward that allows the industry  
4 to continue and eliminate soring. I encourage  
5 APHIS to take that approach. Sincerely, Hal  
6 Rogers. And thank you very much.

7           MR. TUCK: All right, thank you Nick.  
8 What I'd like to do is start calling people up to  
9 speak. I'm going to call four people at a time.  
10 If you'd sit up here in the front row, then we  
11 can take our turns coming in.

12           First off, Jeannie McGuire, Connie  
13 Neibuhr, Lynne Dixon and Mike Denhorn. Please  
14 come up.

15           MS. MCGUIRE: Good morning, I'm  
16 Jeannie McGuire. I am from the All-American  
17 Walking Horse Alliance and the president. And I  
18 am here to speak on behalf of the rule, I support  
19 the USDA rule.

20           So here we are in Lexington, Kentucky.  
21 Horse capital of the world. A place where we  
22 celebrate excellence of horsemanship, all breeds,

1 all disciplines, all types from all around the  
2 world. And this morning that's not why we're  
3 here. We're not here about celebrating  
4 excellence. We're here with a question mark over  
5 our heads about what our breed in our industry is  
6 doing and the conflict that exists here.

7 So one of the things that's important  
8 to me to say today is first of all, thank you to  
9 the USDA for allowing us to be here and to speak  
10 our peace, to have our thoughts known. And I  
11 disagree with Congressman Rogers when I want to  
12 say that the USDA has made this opportunity  
13 available to us and that's why we're here today.

14 So the thing here is, is for me, is  
15 that there's been a lot of talk about livelihoods  
16 and there's been a lot of discussion about how we  
17 proceed as owners, as people who have invested in  
18 the breed. I myself have trained walking horses,  
19 I owned a walking horse stallion, been a member  
20 of TWEVA. I have taught riding lessons to  
21 students, I have taken kids by the trailer loads  
22 to horse shows. I myself have ridden a

1 performance horse. I have taken clients to  
2 Tennessee and shopped for horses. And I have  
3 been at barns in Tennessee and I have seen things  
4 that I did not approve of, truth be told for me.

5 So the thing is, is this livelihood  
6 story. There's two sides to it. The thing for  
7 me is, is that I work with and around fellow  
8 trainers, instructors, people who are breeders,  
9 who have lost what they feel is their livelihood  
10 as a result of the reputation of the performance  
11 horse. The stigma, the soring, the big lick.  
12 They have found themselves in situations where  
13 they couldn't sell a horse to a customer because  
14 the horse was afraid of what that horse might be.  
15 That doesn't matter. We've all been accused of  
16 soring horses. All of us in some way or another.  
17 Because the horse did too much, had too much  
18 action, was too fancy. That's a problem for our  
19 entire walking horse community, not just a  
20 segment of it.

21 The entire walking horse community is  
22 the industry. There are people that are flat

1 shod only type training facilities and they are  
2 part of this industry and they have reached out  
3 to the USDA and they have reached out to  
4 legislators and they have tried to work with the  
5 system.

6 So the thing is, is that this  
7 livelihood story has two sides. And there's been  
8 a livelihood issue that's been going on for a  
9 very long time. There have been people who have  
10 gotten to the point where they feel that the  
11 celebration is a country club, where you only get  
12 an opportunity to be successful there if you know  
13 the right people and do the right thing, have the  
14 right type of horse, and there have been lots of  
15 people from the community, the walking horse  
16 community, from all over the country that have  
17 boycotted and abandoned the shows because of  
18 those questionable problems that exist there.

19 So again I want to thank the USDA for  
20 the opportunity for us to all have voice in this,  
21 to understand each other. And I do believe that  
22 these regulations are extremely important for the

1 future of the breed.

2 Again, here we are in the capital of  
3 the horse world. Every other area of  
4 equestrianism recognizes the problem in the  
5 Tennessee Walking Horse world. And that is why  
6 the Tennessee Walking Horse was not invited, the  
7 performance horse, two perform at the World  
8 Equestrian Games right here in Lexington,  
9 Kentucky. That is why we need to amend the Horse  
10 Protection Act.

11 I talked to Joe Tidings when I met him  
12 and I know for a fact that Horse Protection Act  
13 was written for the Tennessee Walking Horse. The  
14 problems that existed in the breed 40 years ago.  
15 That Act was not for every other breed. That Act  
16 was for us and we need to work on that. Thank  
17 you, Gentlemen.

18 MR. TUCK: Connie?

19 MS. NEIBUHR: Hi, my name is Connie  
20 Niebuhr, and I'm actually here for the Tennessee  
21 Walking Horse because my friends are trainers,  
22 breeders, everything. My dad ran a section of

1 APHIS for many, many years. I was raised in a  
2 family of rules and regulations.

3 I worked in broadcast news. When  
4 there are no teeth and no penalty phases to  
5 regulations, they're words on paper. I thank  
6 APHIS for putting penalty phase in. We need to  
7 clean up her breed, we need to clean up our act,  
8 because they're going to slaughter, they're  
9 becoming worthless. Horses that were worth  
10 \$20,000, I can buy for 1,000. We can't ship them  
11 overseas anymore because they're afraid that they  
12 were played with. I find it fascinating that the  
13 USDA has to play with a scar rule. Why are our  
14 horses scarred.

15 My friends, oh, they're worth it,  
16 thoroughbreds, they're hunter jumpers. We're not  
17 playing with scar rules. Why are we? I know it's  
18 a lifestyle. I know you can't get a Pepsi plant  
19 in your small town, but we're killing our breed,  
20 we're killing our future.

21 If you have children and you want a  
22 future in this breed, we need to meet in the

1 middle. Compromise. We need to find some  
2 understanding. The government should not have to  
3 regulate us. They don't regulate anybody else.  
4 So we need to start today to figure out how to  
5 meet in the middle, how to put people in this  
6 act, how to get the government out of our breed  
7 and how to run our breed again. And how to have  
8 our breed become acceptable to every other breed  
9 out there. This is embarrassing. You people  
10 should be ashamed. Get along, meet in the  
11 middle. There is always a compromise. That is  
12 where the victory is.

13 MR. TUCK: Lynne Dixon.

14 MS. DIXON: My name is Lynne Dixon.

15 I've been actively involved owning, showing and  
16 loving all disciplines of the Tennessee Walking  
17 Horse now for 42 years. Thank you for the  
18 opportunity to express my concerns.

19 I vehemently oppose the proposal to  
20 amend the current regulation of the Horse  
21 Protection Act. The trickle-down financial  
22 effect that would occur with amendments to the

1 current regulation would drastically effect every  
2 facet of owning show horses.

3 First of all, the value of my eight  
4 horses would plummet due to shoeing changes, the  
5 elimination of division and the death of many  
6 horse shows, local and nationally.

7 Several of mine would be sold off  
8 cheap as trail horses as the show market would be  
9 reduced to the point that breeding and sale of  
10 Colts would dry up locally and nationally.

11 My farrier would suffer greatly with  
12 reduction or elimination of a need to shoe our  
13 show horses. We have a standing appointment at  
14 our barn every six weeks to shoe eight horses,  
15 year-round. Shoeing is his only income. Feed  
16 demands would drop dramatically and my local  
17 dealer of specialty feeds and specialty blends  
18 for my horses would take a big hit.

19 All these people are longtime friends,  
20 that we met decades ago through our love for  
21 shows and we buy from them. My hay dealer, he  
22 grows a favorite blend of mine that my horses

1 thrive on, would take a big hit. And these  
2 people are longtime friends, too.

3 Stall bedding demand too would drop  
4 affecting my supplier. Vet services from four  
5 specific veterinarians would no longer be needed  
6 with our show horses. These vets are located in  
7 three different states. Every show season I add  
8 new tack to my collection, that too would no  
9 longer be necessary. In fact I would probably be  
10 selling it off. Affecting -- that would be local  
11 dealers, neighboring state dealers and online  
12 orders. And no need for new show clothes that we  
13 ladies like, especially for small local shows and  
14 national championship shows that are replaced  
15 each season.

16 We trade our living quarters horse  
17 trailer every several years, as well as a diesel  
18 crew cab dually truck. With reduced demand for  
19 these units, I would simply have no need for  
20 these.

21 And lastly, my husband and I purchased  
22 our farm and built our house and show barn with

1 every intention of showing Tennessee Walking  
2 Horses for all these many years. We met through  
3 the horse and have built our lives around them.  
4 This year we celebrate our 42nd wedding  
5 anniversary. And we will continue to show as  
6 long as God and national -- rational thinking  
7 politicians will allow it. And thank you for  
8 your time.

9 MR. TUCK: Mike.

10 MR. DENHOM: Thank you very much. My  
11 name is Mike Denhom. I'm the state  
12 representative from Fleming, Mason, Bracken, and  
13 Robinson County of the seventh district in the  
14 state of Kentucky. I'm a former horse show  
15 manager of both walking horses and saddle horses.  
16 I've shown -- rode horses and rode ponies  
17 practically all my life.

18 And I want to first start off by  
19 congratulating the walking horse industry by  
20 reaching 90% compliance. And I think we're all  
21 going to be better off when we get 100%  
22 compliance. So I'm not here to promote soring in

1 any way. In fact, where I come from a sound  
2 horse is a good horse.

3 But I do have concerns about this new  
4 amendment. And I want to first of all talk about  
5 three categories. Show management, rural  
6 economy, and a couple of the specific  
7 requirements in here.

8 First of all, the burden on show  
9 management is unbelievable. Where I come from  
10 most of the show managers are basically everyday  
11 country folks like I. They have no idea about  
12 what is sore and what is not. This looks to me  
13 like it is amending so that the bigger shows --  
14 it will affect the bigger shows. But the smaller  
15 shows are going to be hurt. Because they don't  
16 have the expertise to keep up with the paperwork.  
17 They don't have the ability to know whether a  
18 horse is sore or not. And the problem is, is  
19 that we are losing shows because of it.

20 Our Maysville Rotary Club horse show  
21 which many of you all come to, we can't find a  
22 manager because they don't want to risk a

1 violation. They don't understand the situation  
2 and they don't want to be involved in possibly  
3 having a problem on their record.

4 The other thing I want to talk about  
5 is rural economy. Our rural economy can't take  
6 another hit. You all know how bad it is. We've  
7 lost jobs in the coal fields in Eastern Kentucky,  
8 we've lost thousands upon thousands of jobs in  
9 even the district I represent. We depend on  
10 agriculture. Forty-five percent of our gross  
11 product is agriculture. We can't take any more  
12 hits. We've had people, you know, I've seen  
13 people, breeders close up. We have less  
14 trainers, we have less farriers. We need jobs  
15 for those people. Those people are out there  
16 looking for jobs right now.

17 And the Civic Club income, you know  
18 the Rotary club that I attend, Maysville Rotary  
19 Club, they take their money that they make from  
20 the horse show, which is significant, and  
21 provided scholarships. Now we don't have that  
22 ability to do those scholarships.

1           The other thing, the Lions Clubs, they  
2 take their money and provide eyeglasses. Some of  
3 them take their money and provide money to God's  
4 Pantry and food banks. We are losing all that.

5           I want to talk specifically about a  
6 couple of the rules here, especially the pad  
7 rule. If you go down here to Rood & Riddle,  
8 their horse podiatrist will tell you that a pad  
9 has a lot of therapeutic abilities. And in a lot  
10 of cases it cushions their frog. The blood horse  
11 just had an article this week about the bruising  
12 of frog and how dramatic that can be for a horse.  
13 So those pads are important and I would encourage  
14 USDA to take a real close look before they take  
15 away all the pads.

16           The other thing I want to talk about  
17 is the DQP rule. You talk about two DQPs for a  
18 particular horse show, up to 150. And then I  
19 guess it's arbitrary above 150. But, you know,  
20 in the shows that I used to run and the shows  
21 that I've been involved with, we never know if  
22 we're going to have 120 horses, 160 horses. I

1 think at Maysville we've had as many as 165. But  
2 a lot of times we've had 90.

3 Now again, I think that that rule is  
4 developed for the bigger shows but not for the  
5 small shows that I attend. And plus, you know,  
6 it's pretty expensive to hire DQPs. It's also  
7 hard to find DQPs. So if we have a horse show at  
8 home and then all of the sudden we have 160  
9 horses there and we have two DQPs, are we going  
10 to be in violation? I think that that rule needs  
11 to be reviewed.

12 Anyway, in closing, I would just say  
13 this. You know, the horse industry is important  
14 to Kentucky. It's important to every county in  
15 Kentucky. It's important to our civic clubs,  
16 it's important to our rural economy. We need the  
17 horse industry in this state to be viable. We  
18 need you all's help in working with us to make  
19 sure that that continues to be viable. And I  
20 would offer the fact that some of these rules  
21 need to be reviewed so that they aren't harmful  
22 to our industry. Thank you.

1 MR. TUCK: Okay, could I have Joan  
2 Hembree, Josephine Hayden, Terry Dotson and Roger  
3 Varney, please come up.

4 MS. HEMBREE: Hello, my name is Joan  
5 Hembree. I have several Tennessee Walking Horses  
6 that I own, I breed walking horses and I show  
7 walking horses as an amateur.

8 I've been involved with the industry  
9 now for 16 years and hope to be involved in the  
10 industry for many, many years more. And I want  
11 to speak in distinct disapproval of the suggested  
12 recommendations for changes to the regulations.

13 I am a trained scientist. I have  
14 spent hours in the scientific literature trying  
15 to find evidence that the chains hurt the horses,  
16 the pads hurt the horses. And I have not found  
17 any evidence to that, scientific evidence.

18 There is the scientific evidence, and  
19 we need science here not hearsay, by all means  
20 eliminate soring. A wonderful job is being done  
21 by the DQPs and the USDA in improving the status  
22 of the horse, eliminating the people from the

1 industry that we do not want in the industry.

2 Congratulations. Great advances being made.

3 Let's not, as so aptly said by the  
4 Senator -- excuse me, Representative earlier  
5 excuse me, Hal Rogers, let's not throw the baby  
6 out with the bath water. Let's acknowledge the  
7 accomplishments that have been made and proceed  
8 in a reasonable manner, please. And yes, indeed  
9 let us work together to that end.

10 And I would like to address one  
11 particular issue that in this proposal is claimed  
12 as to be in the defense for the changes in terms  
13 of eliminating the pads and the chains. To  
14 quote, some shows are entirely flat shod and  
15 already prohibit pads and action devices. To our  
16 knowledge the proposed rule would not have any  
17 impact on those horses.

18 Let me provide some quick knowledge  
19 here. I pulled up the horse show docket for the  
20 NWA national show which is a flat shod only  
21 show. And as many of you know, even the flat  
22 shod divisions they have multiple weight

1 divisions for shoes. I eliminated from that show  
2 the classes, that involve the weighted shoes and  
3 took a look at the percentage of shows of classes  
4 left. Only -- let me just get this number right  
5 here, according to my tally 75% of the classes in  
6 the NWA national show would be eliminated due to  
7 these proposed regulations. And if that isn't a  
8 burden, why I don't know what is. So on that  
9 note I will say thank you very much and please,  
10 please reject these proposal changes and let's  
11 work at something better. Thank you.

12 MS. HAYDEN: Good morning. I'm  
13 JoEllen Hayden and I have owned, cared for,  
14 trained and competed horses much of my life.  
15 I've had my horses in several training barns,  
16 professional training barns.

17 I'll begin by saying to those of you  
18 who sore in this room, it's the most cruel  
19 training practice I've ever seen or heard about  
20 in the horse world. It must stop. How can  
21 anyone, the trainers and the owners of those  
22 horses look yourselves in the mirror, let alone

1 meet the eyes of anyone in this room.

2 This morning I will address two areas.  
3 The first is the economic impact of the rule and  
4 the second focuses on the technical aspect.

5 With regard to the economic impact, I  
6 must say that the soring advocates talk out two  
7 sides of their mouth. On the one hand they've  
8 recently started insisting that soring either  
9 "doesn't happen anymore" or that it is just a  
10 tiny number of trainers that use these methods.

11 Out of the other side, they've  
12 insisted as recently as a few weeks ago and in  
13 fact today, that the proposed regulations will  
14 have a devastating economic impact in various  
15 areas of Tennessee and the entire walking horse  
16 industry.

17 Folks, you can't have it both ways.  
18 Either there is no more soring going on and these  
19 regulations won't have any impact because nobody  
20 is soring, or, as everybody in this room knows,  
21 soring is happening every day. By a large number  
22 of trainers and they most certainly will have to

1 change their practices.

2 But I have a solution for you, change  
3 your practices. Leave the dark world of hurting  
4 horses behind. Do what everyone else in the  
5 horse world does, train for natural movement,  
6 whatever breed we're talking about. And these  
7 beautiful horses, these Tennessee Walking Horses,  
8 and I've written these horses along with many  
9 other breeds, they already know how to do that  
10 gait. Your industry won't be ruined. Far from  
11 it. You'll start to see spectators in the stands  
12 again instead of empty stands. Your charitable  
13 sponsors will come back, happy to be partnering  
14 again with you. You and everybody else won't  
15 have to see billboards about horse torture.  
16 People will come back to this breed instead of  
17 turning away from it. This is one of the few  
18 American breeds we have. This, the Appaloosa,  
19 the Morgan, there's only a handful of true  
20 American breeds. We need those breeds. The  
21 solution is so simple. Yes, for a couple of  
22 years while you have your existing horses that

1 you're going to have to take down off of those  
2 stack, yes, you might have an impact. But you  
3 show your horses as two-year-olds. They're in  
4 the fields right now.

5 Now I'm going to address two technical  
6 aspects of the reg. The regs are a huge  
7 improvement as far as they go but they have two  
8 big loopholes and if we don't close them now  
9 we'll just be confronting clever, underhanded  
10 trainers who find a different way to sore and the  
11 torture will continue.

12 The first loophole is in the area of  
13 shoeing. With stacks now eliminated, the regs  
14 must address the weight and particularly the  
15 width of shoes. Heavy, wide shoes can easily  
16 obscure most of the sole of the foot. And since  
17 the sole can't be seen or tested with a hook  
18 tester, you cannot know and understand and test  
19 for signs of soring on the sole.

20 By allowing the continued use of heavy  
21 shoes, USDA is actually encouraging trainers to  
22 switch from stacks and chains to pressure shoeing

1 to continue to create the big lick gait. The  
2 regs should include a limit on the weight of the  
3 shoes allowed to be used and a prohibition on any  
4 shoe which covers or significantly obscures the  
5 sole of the hoof to render impossible an  
6 examination of the sole, including the use of  
7 hoof testers.

8 I want to say also there's a great  
9 huge difference as we all know between the pads  
10 used by Rood & Riddle, which are about this  
11 thick, and the stack, really.

12 The other technical aspect of the rule  
13 that needs to be strengthened, and I can't  
14 imagine why this aspect was not already  
15 addressed, is to clarify and simplified the scar  
16 rule.

17 Under the proposed regs the use of all  
18 chains and other action devices is prohibited at  
19 horse shows and public events. That's good. Yet  
20 the scar rule is unchanged. It still allows for  
21 the presence of scars on the back of the pastern  
22 and they can be greater than on the front. With

1 the rule continuing to allow for scarring to the  
2 back, this encourages or even invites trainers to  
3 continue to sore horses in the barn. This is so  
4 simple to change. The scar rule should be  
5 amended so that on any horse born during the year  
6 of the implementation of the reg, in other words  
7 it doesn't go backwards, but any horse born this  
8 year and in the future, the same criteria  
9 governing tissue change should apply to the back  
10 of the pastern as applied to the current  
11 regulations in the front.

12 If the USDA can make these important  
13 changes, I think these regs can really go a long  
14 way to cleaning up the industry. Thank you for  
15 listening.

16 MR. TUCK: Terry?

17 MR. DOTSON: Good morning. My name is  
18 Terry Dotson and I'm chairman of the Performance  
19 Show Horse Association. Our association is  
20 comprised of hundreds of owners, show managers,  
21 trainers and other participants in the walking  
22 horse industry. I own 60 walking horses and my

1 daughter has shown horses for 20 years.

2 I've been involved with this  
3 association and its predecessor for the last  
4 seven years. During that time I and others have  
5 involved -- within our association have worked  
6 diligently to improve the industry. Our group,  
7 along with the National Celebration, Tennessee  
8 Walking Horse Breeders Association has spent  
9 hundreds of thousands of dollars trying to put in  
10 place a new inspection method based upon science  
11 and objective testing.

12 Objective testing to determine whether  
13 or not a horse is compliant with the Horse  
14 Protection Act. We have done all of these things  
15 on our own with no help, no encouragement or  
16 recognition of our efforts from the Secretary of  
17 Agriculture, APHIS, or personnel within APHIS.

18 APHIS has now put in place a proposed  
19 rule and its purpose is clear. This proposed  
20 rule simply attempts to eliminate noncompliance  
21 with the Horse Protection Act by eliminating the  
22 very performance horse show system our industry

1 is based on and at the same time the proposed  
2 rule would destroy thousands of small businesses,  
3 devastate rural communities dependent upon the  
4 industry, effect millions of dollars in charities  
5 for shows that provide such an organization, such  
6 as Lions Clubs and other things you've heard  
7 discussed this morning.

8 The rule as proposed does nothing to  
9 replace the subjective inspection methods that  
10 are the root of the problem and APHIS complete  
11 reliance on subjective inspections has, in fact,  
12 caused the continuation of a small number of  
13 people flouting the rules and showing  
14 noncompliant horses.

15 APHIS contends in this proposed rule  
16 that the horses are being continuously sore.  
17 That the use of foreign substance is rampant and  
18 that pressure shoeing according to the former  
19 APHIS deputy director is APHIS's biggest problem.

20 But please remember the facts. The  
21 APHIS inspection protocol which is also used by  
22 the USDA trained and certified HOI inspectors is

1 completely subjective. And a federal judge a few  
2 weeks ago said it's more an art than a science.  
3 There's never been a prosecution for soring  
4 substance violation by APHIS because it refuses  
5 to create a baseline for a foreign substance.

6 According to APHIS those foreign  
7 substance include sprays, fly sprays, soap,  
8 sulfur content that may be in the water, show  
9 sheen, or anything else. One part per billion is  
10 a foreign substance according to APHIS.

11 Third, there has never been one  
12 prosecution for pressure shoeing.

13 It's extremely important to note that  
14 one overriding fact, even with the facts above  
15 noted, the lack of communication and cooperation  
16 of any kind between the regulating community, our  
17 industry and APHIS is the fact that our horses  
18 are confronted with a government inspection  
19 method that's 100% subjective and we still  
20 maintain, as you heard earlier, a 90+ compliance  
21 rate.

22 As I noted earlier, the whole issue we

1 should be discussing with APHIS is completely  
2 subjective inspection methods and our industry's  
3 desire, wish and are plea to use by HIO's and  
4 APHIS of the objective science-based inspection  
5 methods such as blood tests, swabbing, and proven  
6 methods. There are common sense approaches that  
7 could be done today and have more impact on  
8 noncompliance than what we've done before.

9           If APHIS wants to fix the problem, why  
10 do then they not endorse the objective testing  
11 that we've had in Congress for two years? What's  
12 wrong with objective testing? What are they  
13 afraid of?

14           Why can you take a horse in front of  
15 seven veterinarians and they say the horse is  
16 fine, lead it before APHIS subjective person and  
17 the horse is not fine, take it back to five other  
18 veterinarians, have the horse puncture tested and  
19 it still not be accepted by APHIS that there's  
20 nothing wrong with the horse, by some guy that  
21 got thrown out of his damned medical clinic in  
22 Mississippi.

1           This proposed rule, as I noted  
2 earlier, has significant and severe impacts on  
3 small businesses and families across Kentucky and  
4 Tennessee and other rural communities in the  
5 southeast. You eliminate the performance show  
6 horse, which is the intent with this rule, and  
7 you destroy thousands of jobs, small business,  
8 independents in this industry and you destroy  
9 communities where jobs and businesses are  
10 located. You devalue properties and farms.

11           I mentioned the Secretary of  
12 Agriculture earlier in my statement. As I  
13 personally went to Washington and sat down across  
14 the table with Secretary Vilsack in 2013. I  
15 appreciate him taking the time with me and he  
16 told me and others in the room that he would work  
17 with me and our organization.

18           I then met with him again at Pine  
19 Mountain State Park in Kentucky where we  
20 discussed it again and he again told me I will  
21 get back to you, we'll talk. Unfortunately he  
22 did not keep his word. He did not require the

1 APHIS interaction, it has never happened.

2 The proposed rule is not needed.

3 Objective testings and inspections are needed and  
4 those need to be passed by Congress. We have  
5 asked and will continue to ask that APHIS look at  
6 this request. I and our association strongly  
7 oppose this rule in its current form and  
8 respectfully ask APHIS to consider actually going  
9 to the root of the problem. Take an objective  
10 look at these issues of a non-conflicted and  
11 independent organization examine the issues  
12 associated with noncompliance. Eliminate  
13 subjective inspections. Don't destroy the  
14 industry and jobs.

15 People have said we need to meet in  
16 the middle, we're happy to do that, but you got  
17 to first have somebody sitting around the table  
18 that wants to meet in the middle and wants to  
19 solve the problem. Thank you all.

20 MR. TUCK: Roger.

21 MR. VARNEY: For you all that don't  
22 know me, I'm going to speak fast so I can hurry

1 up and get my time in. My name is Roger Varney  
2 and I'm president of the Kentucky HIO.

3 And I wish one of the people speaking  
4 against the act would offer me one of those  
5 stickers because I'm against soring to.

6 But taking a pad and taking a chain  
7 does not eliminate soring. There's been studies  
8 by several universities that shows that that's  
9 not what causes soring. And you talk about  
10 noncompliance, you can't get noncompliance in  
11 anything that you do. Little League baseball,  
12 high school football, even the Catholic Church as  
13 priests going to jail. So you have no compliance  
14 in anything that you do. There's always going to  
15 be that one person in anything that's going to  
16 what's wrong.

17 As far as the economic, and I don't  
18 want to get up here and disagree with anybody,  
19 but, yes, there is other stuff going on with  
20 other horses. I have been in barns with the  
21 horses that drop their heads down low, the  
22 quarter horses, I've seen them with a tube in

1       them draining the blood out of them.

2                   When I was in college I worked at a  
3       jumping farm. They put Croton oil on top of  
4       their shins to make them start coming up, to  
5       learn how to jump over top of the fence. I've  
6       seen that personally. There is something  
7       cheating in everything you do, I don't care what  
8       it is.

9                   Now, if you don't think rule changing  
10      is going to hurt the economy, come to Eastern  
11      Kentucky folks. I was born and raised in Eastern  
12      Kentucky to where coal supported me, supported my  
13      family, supported everybody else's family. Well,  
14      guess what? The EPA under rule making that did  
15      not go through Congress has put everybody up  
16      there out of jobs. Gas station owners, car  
17      dealership owners, everything is supported by  
18      coal. My neighbor is down to selling his  
19      furniture because he can't get a job and you see  
20      these commercials that the government is going to  
21      help. Well, after they decide to help, it's too  
22      late because families have already lost

1 everything they've got, they have already been  
2 divorced, they're unemployed, their kids can't go  
3 to school, they can't feed their families and I  
4 do work -- and I work for the government. And I  
5 go into these places and I see what the  
6 government has done to Eastern Kentucky. And  
7 it's coming to central Kentucky because the coal  
8 severance dollars is filtering out. There were  
9 300 -- or let's see, 30 teachers laid off in  
10 Boone County West Virginia because they don't  
11 have the money to pay to teach kids because of  
12 coal severance dollars. That's what rule making  
13 does.

14 So I'm going to get back to my speech  
15 now. Our forefathers, back in the 1700s, fought  
16 for our country. They fought so that a king did  
17 not rule, one person did not make a decision.  
18 They elected and won a war that voted for  
19 delegates. And the delegates came and  
20 represented the people and voted what the people  
21 wanted. We didn't have one person making the  
22 rule.

1           In the 1940s my grandfather was killed  
2           in Italy freeing Europe from one agency, one  
3           person making a rule and that was Hitler.

4           My daughter has a dream to be a  
5           Tennessee Walking Horse trainer. She shows and  
6           rides flat shod walking horses. But she's not  
7           going to be afforded that opportunity if this  
8           passes. Because these horses will not be able to  
9           have a place to show. They're not going to have  
10          -- if you have to hire veterinarians and vet  
11          techs to come in and inspect, people are not  
12          going to be able to afford to show and pay those  
13          entry fees.

14          Come to Eastern Kentucky again and  
15          look at the coal miners horses, what they've done  
16          with them. They've turned them loose on strip  
17          jobs or they've sold on to people to take them  
18          across to Mexico to kill them. If you don't  
19          believe me, get into a helicopter and fly across  
20          the strip jobs and look. Or grouse hunt up in  
21          there and look at the bones you come across of  
22          dead horses. And these horses that pace and they

1 cannot trail ride, that's what will happen to  
2 them because the people will not be able to  
3 afford to keep them and they'll be slaughtered  
4 and killed. So if you want to protect the horse,  
5 you don't want to slaughtering killed them. And  
6 that's what's going to happen.

7 And I know I'm sitting here wasting  
8 time but there's not perfect in everything. I am  
9 also a DQP and I see how the government works.  
10 The government has to make numbers to get their  
11 workload measured. When you have to pull out a  
12 flashlight and start digging through hair on a  
13 horse's foot to turn a horse down, that's not  
14 right.

15 Back in the 70s when I was a kid, yes,  
16 it needed cleaning up and the Horse Protection  
17 Act did what it was supposed to do. It cleaned  
18 up those scars, it cleaned up what it was meant  
19 to do. And I'm so glad that it did because it  
20 was awful. But when you have to look at a  
21 flashlight to find something, when a horse goes  
22 around a cone a bucking and a carrying on and

1 then the veterinarian from the government trying  
2 to check that horse, is scared of that horse, now  
3 do you think he knows something about a horse?

4 If we're at 95% compliance and then  
5 the government, in my opinion, is making up  
6 numbers to go through their agenda, to get their  
7 budget, and that's what it's all about is about  
8 budget. This is just budgeting. I've seen it,  
9 I've seen them turned out horses that two other  
10 DQPs turned down, and do you think taking a pad  
11 and a chain is going to keep them from jerking  
12 away? Go pick up a dog's foot or go pick up a  
13 baby's foot, they'll jerk away to because they're  
14 scared, they don't know what's going on, they're  
15 an animal. Just because a horse moves does not  
16 mean that it's sore, people. And those pads and  
17 chains are not what's making the horses sore in  
18 the first place.

19 But if we take the pads and chains  
20 away from this horse we're going to destroy the  
21 industry. We have a government now that is  
22 allowing a man dressed as a woman to go into a

1 bathroom. And I'm going to have to go in behind  
2 my daughter to see what's going on. What is  
3 wrong with our government, people. Our  
4 government is here to elect officials to protect  
5 the people of this country. And if we cannot  
6 work and make a living to support our families,  
7 then I don't understand why we're even paying our  
8 taxes and why we're doing this. The government  
9 is not going to take care of you. Come to  
10 Eastern Kentucky and look at the starving people.

11 I saw last night on the Olympics to  
12 wear kid was talking about he grew up eating dog  
13 food because he was so poor. Well, I've been in  
14 these families in Eastern Kentucky and these  
15 houses that's about to that point. So take away  
16 another industry away from us and you're  
17 destroying lives, you're destroying families, and  
18 taking opportunity away.

19 But I am -- I would like to have one  
20 of those stickers that says I'm against soring  
21 because I am against soring. But I'm not for  
22 taking a pad and a chain away that causes

1 somebody to think they have to take a flashlight  
2 and look to find a place on the horse's foot.  
3 That is not what the Horse Protection Act was  
4 written for. The Horse Protection Act was  
5 written for the horse back during the '60s and  
6 '70s and '80s. My hand has more marks on them  
7 than the horses I see getting turned down. And  
8 that's all I have to say.

9 MR. TUCK: Okay, could I have Renee  
10 Lainhart, Dale Smith, James Finch and Julie  
11 Fencia-Curtis, please.

12 MS. LAINHART: My name is Renée  
13 Lainhart. I'm a part of several organizations in  
14 the State of Kentucky. I was raised in the  
15 walking horse industry from the time I was four  
16 years old. My family's fun nights were Saturday  
17 night horse shows.

18 My father was a horse trainer for many  
19 years and provided for us by buying, selling and  
20 training Tennessee Walking Horses. For the past  
21 10 years, as well as currently, my primary source  
22 of income is bound by the Tennessee Walking Horse

1 industry. My full-time position is coverage of  
2 walking horse shows across the state. My part-  
3 time position is photography, horse shows.

4 My husband and I are show managers for  
5 multiple horse shows throughout the State of  
6 Kentucky. Over the years many charities have  
7 been granted large donations, one near to me  
8 personally is the Hope Fund which provides  
9 assistance for cancer patients who can't afford  
10 to have treatment or lodging or gas.

11 The proposed rule would eliminate  
12 donations made by many horse shows, trainers,  
13 exhibitors, owners, spectators and charities that  
14 depend on our funding to function.

15 I strongly oppose the proposed rule  
16 published by the USDA and APHIS. The rule would  
17 have a devastating impact on the Tennessee  
18 Walking Horse industry and our family as well.  
19 The rule would not only impact the performance  
20 Tennessee Walking Horse but would affect all  
21 horse shows regardless of whether the horse is  
22 padded, pleased, whatever it is. The cost

1 associated with proposed change and inspection  
2 for show management will simply eliminate shows  
3 in the industry, period.

4 False accusations have led the USDA to  
5 believe that they have a basis and a truth for  
6 rule making that will devastate many lives across  
7 the country, including my own. Over the past few  
8 years the industry has proven facts that our  
9 horse today is in compliance in the Horse  
10 Protection Act. The industry as a whole has  
11 shown vast improvement over a decade and  
12 continues to be more compliant each year. 97%.

13 I would ask you to strongly consider  
14 the devastating effect of the proposed rule to  
15 the economy from feed stores, veterinarians, gas  
16 stations and farriers across many states in the  
17 country. I don't know how we get a lot better  
18 than 97% but I don't know if all breeds are at  
19 97%. Thank you for your time.

20 MR. TUCK: Dale.

21 MR. SMITH: I'm Dale Smith of Eubank  
22 Kentucky. My career in the walking horse

1 industry stands 43 years as a farrier, trainer,  
2 owner, breeder, dealer, showman and lover of this  
3 great animal. I currently own 26. My entire  
4 income is totally relied on the sale of these  
5 show horses. The income from the sale of this  
6 animal is the only source of money to care for my  
7 horses.

8 APHIS, who is supreme being in my  
9 horse world, is proposing a rule that supersedes  
10 the law. The removal of pads and action devices  
11 from our show horses. I strongly oppose this  
12 rule. If this rule stands, it will devalue my  
13 horses to the point that my finances will  
14 collapse.

15 I am concerned for myself. What  
16 terrifies me is how or what to do for the care of  
17 my horses. After sleepless nights of pondering  
18 this problem I listed my options. Slaughter,  
19 starvation or euthanization.

20 I couldn't stand the thoughts of  
21 somebody eating my horses. Starvation, not even  
22 thinkable. Euthanization, painful but humane

1 seems logical. Hopefully I can find homes for  
2 some of them.

3           Ironic, APHIS, the agency in charge of  
4 protecting these horses, is proposing a rule that  
5 will be a death sentence for many of them. Let  
6 the fate of these horses lie on the conscience of  
7 APHIS and the people who support this rule.

8 Thank you.

9           MR. TUCK: Jim.

10           MR. FINCH: My name is James Finch  
11 from Maysville, Kentucky. I pulled working  
12 horses all my life and I want to thank everybody  
13 that opposes this rule for having enough gumption  
14 to come here today and say something, that's very  
15 important.

16           I don't know if our comments will make  
17 any difference but you've got to show up and be  
18 counted and that's what's being done today and  
19 I'm proud of everybody here in the room that  
20 opposes this rule making.

21           I've owned walking horses for five  
22 decades. My grandfather in front of me had many

1 walking horses on our farm. He loved them and I  
2 love them dearly and my daughter is with me and  
3 she loves them, too.

4 And we showed years ago and got her  
5 ruined with lead line class and then juvenile  
6 horses, she's been hooked ever since. And we've  
7 got to have something for our kids to do that's  
8 away from these darned machines or -- got the  
9 cell phone I had to turn off, from playing games.

10 Horse show and horses are a wonderful  
11 animal that can make your family stronger. I was  
12 afraid in a way to talk today because I have a  
13 horse that's going to show at the Celebration.  
14 And I thought some USDA fellow might see my name  
15 and put a check mark on it and when I go through  
16 the DQP down there, they'll turn him down.  
17 Because I had enough gumption to talk today. But  
18 our back is against the wall, we've got to take  
19 up for ourselves.

20 When a horse trainer leads a horse up  
21 to DQP, he knows it's going to pass. He's not  
22 going up there with scars on his horse's feet.

1 He's not going to lead a horse that if you barely  
2 touch it it's going to jump out from underneath  
3 of you. And if he jumps, he's probably nervous  
4 or like the other fellow said he's scared.

5 The trainers have done a wonderful job  
6 straightening things up, presenting a good horse  
7 to show and I repeat, they're not going to take a  
8 horse down there that's going to get turned down.  
9 They want to show the horse. They've got a job,  
10 they're working for me or everybody else in here  
11 who wants to have a horse in the ring. They  
12 don't want to get turned down. But the DQP  
13 fellow said, you know, he'll pass them when they  
14 deserve to be passed but then the government  
15 shows up ten feet over, they'll turn them down  
16 and there's not a darn thing you can do about it,  
17 you're done, you've got to go.

18 If my trainer shows a horse first and  
19 he gets through, that's fine. But then if I show  
20 and he wants -- and he gets turned down, then the  
21 trainer he can't show in the championship class  
22 or another division because he's been turned down

1 during the show after he showed it, which is not  
2 right. And the horse is just as clean as he can  
3 be but he says he's got calluses underneath the  
4 skin. Now how ridiculous is that?

5 But trainers do a good job. I don't  
6 think they've been recognized for the job they've  
7 done to improve this horse. Taking the pads and  
8 action device away I agree will not eliminate  
9 soring. Maybe I'm too naïve for my own business  
10 but I've had horses in training in Ohio,  
11 Kentucky, Tennessee and trainers don't sore  
12 horses, don't want to sore horses. They work  
13 with them, take the best care of their feet and  
14 they do a wonderful job.

15 And I don't understand this Act that  
16 resembles that the USDA and Humane Society wrote  
17 it. That's not comprehensible and I'm totally  
18 convinced this regulation and it goes against the  
19 written Horse Protection Act and we should go  
20 with what we have and not go around to the back  
21 door and act like a coward and run this  
22 regulation through. So many people will be out

1 of business and I know it has an economic impact.  
2 I only have two show horses now, I used to have  
3 more. But the DQPs do a fine job but the  
4 government needs to learn how to work with them  
5 and if the DQP passes, the government ought to be  
6 done right there. Where a DQP turns a horse  
7 down, that's when the government ought to step in  
8 and take over.

9 So I thank everybody for having enough  
10 nerve to be here and I am vividly against this  
11 rule and regulation because it's wrong. Thank  
12 you.

13 MR. TUCK: Julie?

14 MS. FINCH-CORLIS: My name is Julie  
15 Finch-Corlis. I'm here because I'm adamantly  
16 opposed to the rule changes to the Horse  
17 Protection Act. My family has raised, owned and  
18 shown Tennessee Walking Horses for several  
19 generations. I would like to see that tradition  
20 continue but the changes proposed by the USDA and  
21 the Humane Society will completely destroy this  
22 industry.

1           Science has proven through the Auburn  
2 study that the use of pads, bands and action  
3 devices are not harmful to horses and do not  
4 cause soring. No scientific study supports the  
5 notion that they are. Removal of these pads,  
6 bands and action devices will not have a positive  
7 effect on this horse. The only thing it will do  
8 is cripple an industry.

9           Once that happens, horses that we now  
10 have in training will no longer have a job to do,  
11 neither will their trainers. Without this  
12 industry we will no longer spend money on  
13 training bills, riding suits, gas to get to  
14 shows, hotels near horse shows, veterinarians or  
15 farriers. We will no longer support charity  
16 organizations through the shows they hold as a  
17 major fundraiser each year. We will no longer  
18 experience the joy of riding the finest show  
19 horse one could ever hope to find and we will no  
20 longer experience the comradery of attending  
21 horse shows with family and with friends who have  
22 become like family.

1 I cannot understand why my government  
2 is so insistent that anyone in this room would  
3 intentionally harm our horses. The walking horse  
4 industry has a 98% compliance rate with the  
5 current Horse Protection Act. Today's horses  
6 have been bred to possess a natural ability to  
7 perform. Our DQPs are qualified professionals  
8 with sound judgment.

9 I find it alarming that government  
10 officials feel the need to spend thousands of  
11 dollars each weekend to follow behind these DQPs  
12 intending to turn down horses that have already  
13 been deemed fit to show.

14 Horses presented for inspection are in  
15 excellent condition because they are well cared  
16 for and because they are not abused.

17 As you consider the proposed rule  
18 change ask yourself why you are in favor of  
19 destroying an industry that has improved so  
20 greatly and has asked repeatedly for an objective  
21 inspection process. Thank you.

22 MR. TUCK: All right, next four,

1 please. Hank Wilson, Wink Groover, Herbert  
2 Derrickson and Esther Roberts.

3 Hank?

4 MR. WILSON: Good morning to all. My  
5 name is Hank Wilson, I live in Eastern Kentucky,  
6 I'm a member of TWEVA and I have horses  
7 registered with TWEVA.

8 I come here from a completely  
9 different perspective. When I set down and  
10 looked at this, I looked at it from a  
11 businessman's perspective.

12 I have a friend here, Mr. Dotson, who  
13 I just think the world of. He stated it so  
14 eloquently. But what you read, when you read the  
15 documents produced you read nothing but prejudice  
16 and bias and I'll explain myself.

17 You start out with their analysis of  
18 economic impact. The analysis that they wrote  
19 would be rejected by every chairman of the board,  
20 every CEO in the country. If you believe this  
21 document and this was your guideline, you'd be  
22 broke in six months. It is riddled with errors.

1 It starts out with the premise that all horses  
2 are fungible. That the show would not be  
3 affected by the elimination of the performance  
4 horse. So if you believe that then you must also  
5 believe if they put two Shetland ponies over at  
6 Churchill Downs they're going to draw the same  
7 crowd -- you get were going?

8 Okay. So their whole premise blows up  
9 within the first few sentences. And so  
10 everything behind that is a fallacy. There are  
11 government things that are built in there that  
12 we're accustomed to, the 500% swings in estimated  
13 cost that the government's so good at, we get  
14 that.

15 What is also missing is a huge  
16 component. There is no portion in there that  
17 talks about supporting industries. We've had  
18 some people address that.

19 My tow vehicle cost \$70,000. I don't  
20 need that. I don't need my horse trailers. Real  
21 estate values drop, restaurants suffer, feed  
22 stores, farrier supplies and farriers. None of

1 this is addressed. None of it.

2           Whoever wrote this, if they are a  
3 business major, an accountant or anything of the  
4 like, they better switch to poetry. Okay,  
5 because it won't fly. There's no part of this.  
6 And the beauty of it is though is it shows the  
7 prejudice and bias. And I'll explain this in  
8 another portion of their writings.

9           In their writings they talk about that  
10 there's a conflict of interest with the HIOs and  
11 the industry. Yet, they set up themselves as  
12 puritanical angels in everything that they do.  
13 Yet we have the emails, we have them from this  
14 Rachel César. We have them. They don't like us.  
15 They don't like our breed.

16           Yet in the OIG report they don't cite  
17 that. They don't cite a prejudice on the other  
18 side. They're puritanical, they're angel like.  
19 It's ridiculous. It shows the bias that's within  
20 this organization, it's rampant. They show this  
21 -- these charts of violations.

22           All right. Everybody's heard about

1 you get a felon and the Police Department says  
2 you follow him, jaywalking tickets, parking  
3 tickets, speeding tickets, we've got to build a  
4 case. We've got to build a case. There isn't a  
5 single person in here that I know that's in this  
6 industry that hasn't had one of these clowns want  
7 to build a case. It has no basis in fact, it's  
8 build a case. I don't like him. I don't like  
9 him. So we get the flashlight. The VMO looks  
10 like a complete idiot, on their knees raking the  
11 hair back and polling it forward and raking it  
12 back.

13 The one gentleman, Mr. Dotson referred  
14 to, I used to call him knee-jerk. He had the  
15 perfect -- every time you'd see his elbow fly  
16 back to make a horse flinch. Enough is enough.  
17 I felt like when I got up here I had to start  
18 with ladies and gentlemen of the jury. Because  
19 we're the only people who start out guilty and  
20 have to prove we're innocent. How stupid is  
21 that.

22 Now I'm going to come to you, I'm

1 switching gears. I was a volunteer Landor for  
2 Brighter Days Horse Refuge in Bandero, Texas.  
3 I'm the guy that had to go get all the abuses  
4 horses. And yes, all the sanctimonious hunter  
5 jumpers and quarter horse people and on and on  
6 and on and on. When you devalue anything, a car,  
7 a boat, a house, a condo, what happens? Neglect.  
8 You have no interest in it, it's value dropped to  
9 nothing. What suffers? The horse suffers.  
10 Because somebody wants to have angel wings and  
11 pixie dust.

12 As Mr. Varney said there is no such  
13 thing as 100% compliance. And I don't wish to be  
14 rude to you gentlemen at all. I am not thanking  
15 you for being here. You're getting paid by us.  
16 Damn. You know, I mean come on.

17 And you know what, a lot of you know  
18 me, Terry knows me, there's a lot of people here  
19 that know me, I'm pretty bombastic. I'm actually  
20 tired today, so you're really getting a break.

21 The common sense, common sense. This  
22 rule is a joke. The Auburn study says it's a

1 joke. I came from the quarter horse world. I  
2 married a beautiful woman 21 years ago, had every  
3 prejudice that every one of the sticker wearers  
4 has got. I had that prejudice. Because I didn't  
5 know better. I've seen what this industry has  
6 done in the last 20 years. They've taken a horse  
7 and they breed a horse, yet this organization  
8 wants to convict. These horses -- you aren't  
9 going to just merrily go walking down a trail  
10 with the sources. They had to be breed to go to  
11 weight and balance issues to comply. And they  
12 did a wale of a job. Mr. Dotson has done a wale  
13 of a job. There's a bunch of you trainers in  
14 here that have done a wale of a job.

15 Understanding weight and balance issues for these  
16 horses that are breed now to do this. And you're  
17 going to convict them to a life of living hell.  
18 And I'm going to have to get my Wrangler saddle  
19 back out and go rescue these damn horses.

20 I'm against this 100%. Stop it. Stop  
21 it now. Thank you.

22 MR. TUCK: Wink?

1 MR. GROOVER: Good morning. My name  
2 is Winky Groover, I am a member of the Waldorf's  
3 Trainers Association, Board member of Waldorf's  
4 Trainers Association, past president of Waldoft's  
5 Trainers Association and member of the Breeders  
6 Association. I'm a second-generation trainer of  
7 Tennessee Walking Horses. I've shown padded  
8 horses for 54 years and made my livelihood  
9 training padded horses for the past 40 years.  
10 And I opposed the regulation vehemently.

11 I was just given a figure and I'm  
12 going to state one thing on the inspection and  
13 then I'm going to go to the economic part. But,  
14 2750 times horses were inspected last year that  
15 come to the Celebration and those horses got scar  
16 rule tickets. That's how subjective the scar  
17 rule is. The flashlight deal is the same thing.  
18 I'm going to say little bit about it.

19 If a horse has got a scar, you can  
20 feel it. You don't have to -- I mean the best  
21 way to look for a scar is close your eyes. You  
22 don't have to have a flashlight in your mouth

1 looking for a scar rule. I'm done with that.

2 To those that say nothing has changed  
3 since the inception of the HPA, I say they have  
4 no idea where we were and how far we have come.  
5 This is not to say we are perfect but we continue  
6 to improve each and every year and I think we'll  
7 continue to do so in the future.

8 I do not sore, torture or abuse any of  
9 my horses. In fact, I do just the opposite. I  
10 spend most of my time going to great lengths in  
11 my day to day training methods to ensure that my  
12 horses are sound and compliant to be able to  
13 compete at shows.

14 I oppose these rule changes and if  
15 passed, I will have to close my training  
16 operation. There are two other trainers in my  
17 barn that will also have to shut down their  
18 business. Loss of income is approximately  
19 \$200,000 between the three of us.

20 In addition to that, it will cost  
21 three full-time employees their job and one part-  
22 time employee. With a loss of income to our

1 County of conservatively about \$100,000. It will  
2 essentially make a multi-million-dollar facility  
3 that we worked out of useless. The  
4 implementation of these rule changes will cost my  
5 feed company a loss of approximately \$42,000 a  
6 year. My veterinarians probably at least 100,000  
7 a year. My guys that do hey, 10,000 a year.  
8 Three different farriers, a total of about  
9 \$72,000 a year. My provider of shavings, \$11,000  
10 a year.

11 Tack shops probably 50,000 a year, not  
12 to mention dry-cleaners, hardware stores,  
13 equipment for the farm, maintenance for farm and  
14 equipment plus restaurants we support weekly,  
15 motels, restaurants and locally owned real estate  
16 by our customers. Also civic organizations,  
17 charities that are donated to through the horse  
18 shows. Not to mention the horses that are in my  
19 care. Right now they're worth well over \$1.5  
20 million but will be worth thousands or maybe even  
21 hundreds if these rule changes are passed or  
22 implemented.

1           My wife and I are transplanted to  
2 Bedford County. We're property owners and  
3 taxpayers of Bedford County because of our  
4 involvement in the horse business and we have  
5 grown to love living there with strong ties to  
6 the community and our church.

7           But us, along with countless others,  
8 would have to consider a move with the  
9 implementation of these rule changes to seek  
10 other ways to make a living. This is just one of  
11 the many horse training operations that will be  
12 affected. To say these rule changes will have no  
13 economic impact is ludicrous.

14           I hope you will strongly consider  
15 these facts before implementation. Thank you.

16           MR. TUCK: Herbert.

17           MR. DERRICKSON: Many of you know me.  
18 My name is Herbert Derrickson, I'm from the great  
19 state of Kentucky originally. I moved to  
20 Tennessee 25 years ago in search of my fame and  
21 fortune.

22           I hope I don't start to cry after

1 hearing Dale Smith's statements a while ago.

2 Dale, where are you? I want you to know we'll  
3 work with you. Love you. Thank you. Thank you  
4 all for your statements.

5 I've been a horse trainer all of my  
6 adult life. I have been a master judge for the  
7 walking horse for over 35 years. And I've  
8 traveled through approximately over half the  
9 states in this United States to show and judge  
10 our beautiful walking horses, all facets of the  
11 breed in the pleasure division and performance  
12 division. And I must say that I'm enlightened to  
13 get to know these people that are here as  
14 experts. I'm sorry I don't recognize you but  
15 it's nice to meet you.

16 I am a third generation horseman, a  
17 second-generation Tennessee Walking Horse  
18 trainer. I own, train and breed Tennessee  
19 Walking Horses. And I'm here to voice my  
20 opposition to the new proposed rule change.

21 The walking horse industry has  
22 provided a foundation of support for me and my

1 family along with 7 to 8 full-time and part-time  
2 employees over the past 25 years. I have four  
3 children. I have twin daughters that I put  
4 through college and they now have professional  
5 careers. I have two more young sons, 17 and 12  
6 that I need to support and get them through  
7 college. It's kind of like I have two families,  
8 isn't it?

9 My family is solely dependent on the  
10 industry to provide. The rule change would have  
11 a devastating effect on my business and welfare  
12 of my family and my family's livelihood. Not to  
13 mention the devastating effect it would have on  
14 other businesses and their families in my  
15 community where I live.

16 One example, which Winky had made such  
17 a broken down analogy of the expenses that we  
18 incur. But one example, my local feed store  
19 where I spend over \$75,000 a year. We have --  
20 and I carry over 100 horses. We have mares and  
21 foals, we have show horses, we have yearlings, we  
22 have retirees, we have trail horses. And all of

1 these horses are in jeopardy if this rule change  
2 happens.

3 It is well documented that the Auburn  
4 study that pads and fixed on action devices do  
5 not cause any harm to the sources. The  
6 performance horse with a legal pad and legal  
7 action device has less leg problems and less of  
8 hoof problems and it's well-documented that these  
9 horses compete up well into their teens and 20s.  
10 No other breed has the longevity and this speaks  
11 well for our care of these horses.

12 Other breeds could only hope that  
13 their horses could have this long active careers.  
14 As a lifetime trainer and working with these  
15 horses daily, I have never seen a negative effect  
16 from legal action devices and pads to these  
17 horses.

18 I am disappointed with the USDA that  
19 once was described by President Abraham Lincoln  
20 as the people's department. I just pray that the  
21 people's department will be working for the  
22 people and the care for these horses also. It's

1 paramount that we take all this in consideration  
2 when making rule changes.

3 This rule change is not driven by any  
4 change in science. Rather, it's more likely  
5 driven by the cause of the day and funded by an  
6 extreme lobby group.

7 This is my second listening session.  
8 I was in Tennessee yesterday. And I grew up in  
9 this great state of Kentucky and I grew up  
10 showing horses in the Kentucky circuit. And it  
11 breaks my heart to see the devastation of this  
12 industry here and in other states where there's  
13 constant rule changes by the USDA and  
14 uncertainty. And it would all but destroy the  
15 family sport of owning and showing a Tennessee  
16 Walking Horse.

17 I want to thank you for this  
18 opportunity and I want to say that I pray that  
19 God will bless the United States and bless the  
20 padded performance horse. Thank you.

21 MR. TUCK: Esther.

22 MS. ROBERTS: Good morning. My name

1 is Esther Roberts and I am a lifetime member of  
2 the National Walking Horse Association and the  
3 United States Dressage Federation. I have owned  
4 and showed horses for over 40 years. I live in  
5 Knoxville, Tennessee. I support the proposed  
6 rule for both policy and personal reasons.

7           Regarding policy, the proposed rule is  
8 a reasonable and necessary measure to address the  
9 2010 OIG audit finding. The proposed rule will  
10 serve to enhance the Tennessee Walking Horse  
11 industry and related gaited horse industry  
12 because under the HPA, as enhanced by this rule,  
13 these gaited horse industry will be brought into  
14 compliance with the national standards of equine  
15 care and competition.

16           As outlined by the United States  
17 Equestrian Federation, the American Association  
18 of Equine Practitioners and the American  
19 Veterinary Medical Association.

20           Recognition by the USES and other  
21 national equine organizations will allow gaited  
22 horse enforce enthusiasts to enjoy robust

1 competitive opportunity across a broad spectrum  
2 of equine activity. Such as gaited dressage,  
3 raining and endurance for some examples.

4 With enhancement of the industry will  
5 also mean increased revenues for show venues and  
6 community businesses that support non-sored horse  
7 activity. This enhancement will mean increased  
8 revenues related to flat shod horses, such as  
9 higher stud fees and sale values.

10 For example one successful walking  
11 horse facility in middle Tennessee that left the  
12 big lick segment and now features only non-padded  
13 horses, has an annual gross revenue of \$200,000,  
14 generated from boarding, training, breeding and  
15 show fees. This illustrates that economic  
16 success is possible without sored or padded  
17 horses.

18 My personal reason for supporting the  
19 proposed rule is this. I am the current chair of  
20 Starlight Farm Animal Sanctuary, a 501(c)(3)  
21 nonprofit located in Knoxville. The sanctuary  
22 rescues equines. Some are rehabilitated and re-

1 homed. Others are so damaged they become  
2 permanent residents.

3 One of our permanent residence is a  
4 Tennessee Walking Horse. Four adult humans had  
5 to lift this horse onto the rescue trailer. He  
6 was unable to walk on his own. Such abuse was  
7 unconscionable on a national scale in the 1960s,  
8 which is what led to the passage of HPA a half-  
9 century ago.

10 Certainly public opinion has changed  
11 dramatically over the past 46 years. Today, any  
12 type of animal abuse is so odious to the general  
13 public that it is now lawful in my home state of  
14 Tennessee and other states to break the window of  
15 an automobile in order to remove an animal in  
16 distress. The current disparity between such  
17 break a window laws and the soring of horses must  
18 be reconciled.

19 And the proposed rule will help bring  
20 uniformity to laws regarding the care of animals.  
21 I live in Tennessee. I have heard the arguments  
22 against the rule such as this is tradition, this

1 will destroy the industry and this will put us  
2 out of business.

3 These tradition and financial ruin  
4 arguments echo the slave owners and blacksmiths  
5 who decried ending slavery due to the alleged  
6 catastrophic economic impact to white plantation  
7 owners and those who forged chains to bind their  
8 fellow man. The Emancipation Proclamation forced  
9 slaveowners and shackle makers to find new ways  
10 to earn a living.

11 Similarly, upon implementation of this  
12 proposed rule all those who make their income off  
13 of sored, padded, big lick horses will find new  
14 ways to use their talents.

15 Further, arguing that animal abuse is  
16 tradition is ludicrous and without logic or  
17 merit. As would be any parallel argument  
18 regarding such traditions as human trafficking  
19 and drug cartels. Soring horses is illegal, not  
20 tradition.

21 Finally, there is this irrefutable  
22 fact, those within the big lick industry have had

1 a half-century to eliminate soring. They could  
2 have established an enforcement rubric whereby  
3 any person who receives an HPA violation would  
4 have been permanently removed from membership and  
5 any horse found to be sored would have its  
6 registration permanently revoked. Rather than  
7 eliminate soring however, TWEVA apparently  
8 condones it. Many members of the current TWEVA  
9 board of directors have HPA violations  
10 themselves. With such vapid leadership at the  
11 helm it is unsurprising yet tragic that soring  
12 remains a scourge upon this industry.

13 Fifty years of abuse is enough. The  
14 horses deserve better, the public deserves better  
15 and you all, the owners of these horses, deserve  
16 better. And this rule will finally provide  
17 sufficient means to end soring. I respectfully  
18 and ardently support the proposed rule. Thank  
19 you.

20 MR. TUCK: All right, I'd like to go  
21 ahead and take a ten minute break. Thank you.

22 (Short break.)

1 MR. TUCK: Go ahead and take a seat  
2 and we can get started again.

3 I'd like Akesa Townsend Eaton, Eric  
4 Swafford, Bob Roach and Terry McGuire.

5 MS. TOWNSEND EATON: Thank you. My  
6 name is a Akesa Townsend Eaton. I am a native  
7 Kentuckian, an attorney, a member of the Secular  
8 Franciscan order of the Roman Catholic Church and  
9 most importantly for this meeting a member of the  
10 public who contributes to the economy of the  
11 state of Kentucky.

12 I am encouraged today to hear that  
13 many if not all of you are against the practice  
14 of soring. And I wholeheartedly agree with the  
15 statement that to be a Kentuckian means to be  
16 endeared to horses. It is one reason that the  
17 horse and all of its natural beauty appears on  
18 the state license plate alongside with the very  
19 brand of our Commonwealth, unbridled spirit.

20 I am proud of this brand and I am  
21 equally proud that horses are a significant part  
22 of our heritage. One part of our heritage that

1 I'm not proud of is the abusive, unethical and  
2 illegal practice of soring. How ironic is it  
3 that were debating the use of weights and chains  
4 used against the very symbol of our unbridled  
5 spirit, the horse.

6 As long as this practice of soring  
7 continues, the brand will always ring hollow for  
8 me personally. Put simply, soring needs to go  
9 and it needs to go for good.

10 While many of us in the public have  
11 seen horrific and unnatural images of what soring  
12 looks like in the Tennessee Walking Horse and  
13 other breeds, I can only imagine what it feels  
14 like to an animal who has no voice but who is  
15 certainly capable of experiencing the  
16 excruciating pain necessary to achieve the  
17 unnatural, so-called, big lick without knowing  
18 when or if they will ever feel relieved.

19 As a millennial I am particularly  
20 upset to have grown up in this state believing  
21 that these gentle horses were always treated like  
22 the champions that they are and certainly never

1 made to suffer.

2           Instead, as my peers and I were  
3 learning in our classrooms about the value of  
4 what it means to be a Kentuckian, such as being  
5 honest, trustworthy, considerate and law-abiding,  
6 little did we know that an insidious practice  
7 that priced corner cutting over ethics and  
8 integrity was happening all around us,  
9 undermining the very essence of these values.

10           The industry has had nearly 50 years  
11 to find ways to stop this cruel practice for good  
12 but has failed to do so. Current and future  
13 generations of Kentuckians deserve not to be  
14 duped or embarrassed that this torturous practice  
15 continues to be tied to the image of our state.  
16 I personally hold the reminder of Pope Francis  
17 and his encyclical Adotroa to heart. And that  
18 is, it is contrary to human dignity to cause  
19 animals to suffer or die needlessly.

20           Surely the practice of soring a horse  
21 terribly for the sake of a ribbon is needless. I  
22 heartily commend the USDA for proposing

1 regulations to finally put a stop to this  
2 senseless and unnecessary practice. And I have  
3 also asked my federal legislators to support the  
4 past act. I offer only one recommendation, this  
5 recommendation has been stated before but it's a  
6 significant one. But I think will ensure that  
7 the intentions behind the proposed rule are in  
8 need satisfied and that rule -- that  
9 recommendation is to include a provision to take  
10 into account the size and weight of shoes to  
11 prevent soring and to ensure that loopholes will  
12 not weaken the otherwise strong provision.

13 In speaking in opposition to soring I  
14 am proud to join the sentiment of the National  
15 Walking Horse Association, the American  
16 Veterinarian Medical Association, the American  
17 Quarter Horse Association, United States  
18 Equestrian Federation and dozens upon dozens of  
19 other horse, veterinary and law enforcement  
20 organizations and the countless citizens across  
21 our state, across our nation and throughout the  
22 globe as these dark practices are increasingly

1 being exposed.

2 Today is time to relieve the weight  
3 and chains for good that prevent us from being  
4 the compassionate and innovative citizens that we  
5 are capable of being so that we can truly live up  
6 to our brand, unbridled spirit. Thank you.

7 MR. SWAFFORD: Good morning. My name  
8 is Eric Swofford and I am the Tennessee state  
9 director for the Humane Society of the United  
10 States. And I am here today in support of the  
11 proposed USDA rule. I hold a bachelor's degree  
12 in animal science from Middle Tennessee State  
13 University and prior to working for HSUS I served  
14 three terms as a state representative.

15 Probably most importantly and most  
16 relevant is for over 40 years my family and I  
17 owned and showed big lick Tennessee Walking  
18 Horses. Competing many times and attending the  
19 Tennessee Walking Horse National Celebration.

20 Because of my extensive knowledge of  
21 this industry I can say without question what is  
22 commonly seen as the big lick, is a man made

1 gait. The vast majority, not a few, but the vast  
2 majority of these animals are either sore or they  
3 have been sored at some time during training in  
4 order to complete in the show ring.

5 You can go in almost any tack shop and  
6 buy all kinds of scar removers, over the counter  
7 numbing agents and gels, coloring agents or hair  
8 and fiber products such as topic, that are used  
9 to get these horses to pass inspections after  
10 their feet have been scarred or changed due to  
11 soring.

12 You walk through many training barns  
13 and see cans of WD40, hand cleaner, diesel fuel,  
14 kerosine and many other items used to sore  
15 horses. These products are placed on the animals  
16 feet and ankles and then wrapped in plastic or  
17 wet paper to achieve the desired gait.

18 Again, soring is not done by a few bad  
19 actors, but is accepted by the vast majority.  
20 For many years every big lick trainer in the top  
21 ten riders cup point standings have been cited  
22 for soring horses.

1           Worst of all, soring has almost ruined  
2           the Tennessee Walking Horse. Registrations  
3           continue to fall, participation in walking horse  
4           events continues to decline. Many public events  
5           are cancelled and some have decided just to not  
6           allow participation from the big lick sector of  
7           the breed.

8           In addition, the Tennessee Walking  
9           Horse has been excluded from the World Equestrian  
10          Games, the first time that had happened in United  
11          States history.

12          The Horse Protection Act was passed  
13          over 40 years ago. The American Association of  
14          Equine Practitioners, the American Veterinarian  
15          Medical Association, every single state  
16          veterinarian medical association and almost every  
17          horse industry group there is supports taking the  
18          pads and chains in the efforts to stop soring.

19          I applaud the USDA for bringing this  
20          rule forward and I encourage it's adoption.

21          Thank you.

22          MR. TUCK: Is Bob Roach here? There

1 he is.

2 MR. ROACH: My name is Bob Roach and  
3 I'm pretty much a Kentuckian. I was born in New  
4 York City, a lot of people don't know that, and  
5 my mother was from Cuba and my grandfather was  
6 from Spain and my dad was from Hopkinsville,  
7 Kentucky. So to try to explain all that would be  
8 a long story, but I'm certainly not going to get  
9 into.

10 The main reason I bring all that up  
11 though is to tell you that we have a very, very  
12 diverse population. Not just in the United  
13 States but within our Tennessee Walking Horse  
14 industry.

15 The first 36 years of my career I  
16 taught school and I worked for the Department of  
17 Defense and what I wanted to tell you today is  
18 that in the Department of Defense, under a  
19 government agency, we had plenty of oversight.  
20 And I want to tell you what oversight looked like  
21 to me and which was what I fully expected when I  
22 started working with the Tennessee Walking

1 Horses.

2 Oversight looked like when they came  
3 in to tell us what we needed to do and change  
4 regulations, they came in and they shared with us  
5 coffee and donuts and smiles and an absolutely  
6 positive relationship where people knew that they  
7 were getting ready to work together to solve a  
8 problem.

9 Now, I have not experienced that yet  
10 but I certainly look forward to a government  
11 agency that will help protect us and the horse.

12 The next area that I wanted to go to  
13 is that we are all stakeholders. Each and every  
14 single one of you is a stakeholder. We are very  
15 diverse. Some of you like trail horses, some of  
16 you like performance horses, some of you like to  
17 go into a flat shod horse, some of you even like  
18 a horse without a shoe. And that is perfectly  
19 okay for you to like each of those.

20 Yesterday in Murfreesboro we talked  
21 about TWEVA and breeding and it was basically  
22 stated that the -- much of the breeding is to

1 breed for a horse that hits a performance lick.  
2 And they have strived to do that. Because we do  
3 have -- we talk about diversity, we have a  
4 diverse horse. We have a horse that is very  
5 versatile. We have a horse that go out and  
6 perform like a Michael Jordan, naturally. We  
7 have a horse that go out and into a cake shod  
8 class and have a long striding backend and we  
9 have a standard and we do have a horse that is  
10 definitely bred to be different and bred to give  
11 us an absolutely great ride.

12 The idea of being diverse should be a  
13 strength. But with that diversity there are  
14 many, many challenges. We have -- most of the  
15 people that are making the decisions are from  
16 places like Maryland and New Jersey and  
17 Pennsylvania and Virginia and California. And  
18 with that, because of that, what I can tell you  
19 is that it is very strange because they have to  
20 drive five or six hundred miles just to see a  
21 padded horse.

22 On the other hand, in states like

1 Alabama and Mississippi and Tennessee and  
2 Kentucky and Georgia, we don't have to travel to  
3 far. So it's much more common to us.

4 If you were raised in a family that  
5 believed in what Baptist believe, then very  
6 likely, not always, you became Baptist. If you  
7 were raised in a family that was raised Catholic  
8 and the beliefs -- and they're both different,  
9 but that does not mean that there's any problem  
10 with either of the two.

11 And the same is true about our  
12 Tennessee Walking Horse. The difficulty is the  
13 challenge that with our diversity we have not  
14 been able to respect each other. And we  
15 absolutely must do that. And I encourage -- when  
16 I look through the website, the USDA website, and  
17 more specifically APHIS, what I looked at was  
18 this is a group and every different department  
19 that states within their mission that they are  
20 going to, while protecting whether it's plants  
21 and animals, whatever division it was in, they  
22 were there to help that industry grow.

1           And what I can tell you is that I  
2 believe that the type of relationship that we  
3 need to be working on with the federal government  
4 is a relationship where the federal government is  
5 trying to help us grow.

6           We can -- you know, lots of people  
7 have debated whether or not -- I lost my train of  
8 thought there. Debated many different issues  
9 today that really don't have to do with the issue  
10 of the rules. We do not question the ability and  
11 the authority and you are an oversight.

12           And what I would like to see is that  
13 with this diverse group of people that you have,  
14 a fair and just and make the diversity our  
15 strength instead of our weakness. Thank you.

16           MR. TUCK: Is Terry McGuire here?  
17 Okay. I'd like to call up here, Carrie Neibuhr,  
18 Kathryn Callahan, Margo Kiln, I'm sorry if I'm  
19 butchering somebody's name, and Melissa Bowman,  
20 please.

21           MS. CALLAHAN: Good morning. I'm  
22 Kathryn Callahan. I'm the Kentucky State

1 Director for the Humane Society of the United  
2 States. And I'm here today to support the HPA  
3 rule.

4 As an attorney and animal welfare  
5 advocate and the state director of an animal  
6 welfare organization, I know too well the  
7 suffering of Tennessee Walking Horses and racking  
8 horse breeds.

9 I know how they suffer from the lack  
10 of adequate legal protections. What while the  
11 big lick stalwarts have filed comments that a  
12 change in the law will harm the industry and fail  
13 to see how they've been harming their own  
14 industry for years.

15 Growing members of the public are  
16 outraged by the infliction of pain on these  
17 horses by trainers and owners who value show ring  
18 awards more than the well-being of their horses.

19 More and more people are avoiding the  
20 big lick horse shows and this outraged public is  
21 flooding the USDA in boxes to make the abuses  
22 stop.

1           The people here today wearing yellow  
2 stickers, and many of who are in suppose of the  
3 HPA rule and not wearing stickers, for one reason  
4 or another, whether they don't want to be  
5 subjects of comments, they only -- they represent  
6 even a tiny fraction of the people in Kentucky  
7 and across the nation who support the rule.

8           They want to end soring of horses  
9 forever. Soring gives the entire horse industry  
10 a black eye because unscrupulous trainers  
11 deliberately inflict pain to grossly exaggerate  
12 Tennessee Walking Horse's beautiful, natural  
13 gait.

14           Those who use soring as a way to  
15 produce a high step, known as the big lick, gain  
16 an unfair advantage in the show room. And of  
17 course trainers who sore gain a reputation for  
18 developing winning horses, which bring them more  
19 horses to sore and build businesses based on the  
20 animal suffering.

21           We know the methods of soring are  
22 numerous. We know the methods of covering it up

1 are numerous. We know about mustard oil and  
2 diesel and other things that are provided on a  
3 horse's legs to make them painful. We know when  
4 the stacks and the chains are put on these horses  
5 and the chain hits the painful leg, how they will  
6 step high and quickly.

7 We know about the problems of cutting  
8 into the hoof of an animal and then also to  
9 provide some kind of hard material between the  
10 stack and the hoof to make them hurt, to make  
11 them step higher and quicker.

12 These things have to end. The  
13 American Horse Council, the American Association  
14 of Equine Practitioners, the American Veterinary  
15 Medical Association, state horse councils, horse  
16 industry professionals and animal protection  
17 groups, and the groups go on and on, have been  
18 demanding that soring end for years. And that  
19 could change with this new rule.

20 I'm glad to see that the equipment  
21 restrictions and prohibitions in the proposed  
22 rule would apply to those horses that perform an

1       extenuated gait and have historically been  
2       victims of soring, such as Tennessee Walking  
3       Horse and racking horse breeds.

4                It's been 46 years since the Horse  
5       Protection Act was passed and we're still  
6       discussing these problems.

7                The proposed rule changes to the HPA  
8       are necessary because the industry has not and  
9       will not police itself appropriately to eliminate  
10      soring and there must be accountability.

11               The big lick trainers have damaged the  
12      entire horse industry because the general public  
13      questions every equestrians training methods.  
14      But the biggest reason to support the rule change  
15      is because these horses have suffered too long  
16      without relief. Thank you.

17               MR. TUCK: Margo?

18               MS. KIRN: I everyone. I'm Margo  
19      Kirn. I'm an owner of several Tennessee Walking  
20      Horses and I'll tell you how I got into this.  
21      It's kind of a funny story.

22               I've been involved most of my life

1 with track horses three day event, dressage,  
2 different levels. And training race horses.  
3 I've seen a lot of things in the horse business,  
4 believe me.

5 But I, along with other people who do  
6 challenging activities on horses, suffered quite  
7 a few injuries and got to the point where I never  
8 thought I could ride again.

9 But a neighbor up the road had some  
10 Tennessee Walking Horses and they said why don't  
11 you try this. So I lumbered up to her place and  
12 got on a mounting block and kind of climbed on  
13 this horse. And I thought oh my God, can I do  
14 this.

15 This horse -- and it brings tears to  
16 my eyes, too, was so kind and so sweet and he  
17 started trucking me around. And then I saw an  
18 article in Dressage Today about a lady in North  
19 Carolina who had several hip replacements in her  
20 life and was competing in Dressage to the fourth  
21 level with a Tennessee Walking Horse. And I  
22 went, oh, my God, there's hope for me. Maybe I

1 can do this again.

2 And I will tell you from riding a  
3 Tennessee Walking Horse in dressage and I now  
4 today scribe for all the SEI upper level dressage  
5 shows and I'm in demand as a scribe because I  
6 understand what's going on.

7 But there is nothing -- you think the  
8 big lick is accelerating, man, you haven't ridden  
9 a Tennessee Walking Horse in dressage and when  
10 they get that timing and rhythm right, it also as  
11 a rider brings tears to your eyes. And to get  
12 those high scores because of this beautiful  
13 movement, there's nothing that beats it.

14 But you know what, I went to a show,  
15 my very first one with a Tennessee Walking Horse  
16 and I entered an open dressage class. I beat all  
17 those trot horses and they told me I couldn't  
18 come back again. Because you can't show a gaited  
19 horse in dressage.

20 Oh, this is against the USEF rules.  
21 You know, they do that torture, that horse  
22 torture stuff. I have fought for years to get

1 the NWA test under a different sanction at  
2 shows, saying, look, you're paying for these  
3 judges, some of them go a half day pay for a full  
4 day and you're turning down these classes where  
5 you have riders who want to ride and compete.

6 What I'm trying to say to you all,  
7 yes, I understand that people who like the  
8 performance horses, I'm not trying to change your  
9 mind. But when you talk about economic impact,  
10 you are missing the boat. Because there's a  
11 whole bunch of us out there, we're getting more  
12 and more of us all the time. We can't ride those  
13 trot horses any more. And we still want the  
14 thrill of competing. We still want to enjoy a  
15 beautiful horse.

16 All the expensive trot horses I've  
17 ridden in my life, I've never ridden anything  
18 like a Tennessee Walking Horse. And then when I  
19 have these rough days and I don't feel so good  
20 and I kind of crawl out and I climb on my  
21 Tennessee Walking trail horse and he packs me  
22 around, bless his dear heart, and his beautiful

1 smooth gait brings me back to life again.

2 Folks, people want the performance  
3 horse but you've got to do something about your  
4 image. It is so terrible that those of us who  
5 want to go and do the diversified horse, those  
6 who want to compete in USDF and USDF -- we can't  
7 do it because of your image. So you've got to  
8 clean yourselves up. I don't care how you do it,  
9 but for God's sake do it. Because I'd really  
10 like to be able to take my wonderful Tennessee  
11 Walking Horses to more shows. They aren't around  
12 any more.

13 And let me point out another group  
14 that has made the most of supporting their breed.  
15 Western dressage has taken off like gang-busters.  
16 Why? They put their money behind it, the  
17 organization. Said, oh, here's another way to  
18 diversify their horse, here's another market for  
19 our horse. Oh, we don't just have to do reining,  
20 we just don't have to -- we can do dressage now  
21 with our western horses. It's growing like mad.

22 Why don't you get behind the versatile

1 horses. Look, I'm not -- performance people are  
2 going to be performance people. But you're  
3 missing a market. Don't talk about being wiped  
4 out. Look forward, do something for your breed.

5 MS. BOWMAN: Hi, I'm Melissa Bowman  
6 with Kentuckians Vote for Animals, the local  
7 grass roots organization for animal advocacy.  
8 Obviously I support the rule. But I'll tell you  
9 why.

10 My dad is a local cattle farmer and  
11 owner of Tennessee Walking Horses. He doesn't  
12 show them but he uses them to check the cattle  
13 and to trail ride. But I can tell you that he  
14 would never condone soring or anything associated  
15 with it.

16 So that's why I'm very thankful that  
17 you all are considering this rule and I support  
18 it. Thank you.

19 MR. TUCK: Jon Johnson.

20 MR. JOHNSON: Ladies and Gentleman, my  
21 name is Jon Johnson. I'm the President of  
22 American Farriers Association and I very much

1 appreciate the opportunity to come here and speak  
2 with you today.

3 If you don't know what a farrier is,  
4 I welcome you to come walk a day in my shoes,  
5 work a day with my hands, ride a day in my truck  
6 to understand what the farrier is all about.

7 For those of you that have mentioned  
8 the farrier already, thank you very much, we  
9 appreciate.

10 I have a statement from the American  
11 Farriers Association I'd like to read to you.

12 As the oldest and largest national  
13 association serving the farrier industry and the  
14 only one in the United States with the  
15 internationally recognized certification program  
16 which sets the standard for excellence in hoof  
17 care, the American Farriers Association commends  
18 the USDA for its current proposed efforts to  
19 eradicate soring.

20 However, we also have serious concerns  
21 about at least two of the current provisions  
22 recommended for revision.

1                   Specifically citing statements  
2 including in reference one and two below, the re-  
3 titling of the section 11.2 as prohibiting action  
4 -- prohibiting actions, practices, devices and  
5 substances. To prohibiting all action devices,  
6 pads and substances applied to the horse's limb.

7                   AFA leadership strongly -- feels  
8 strongly that without specific qualifying  
9 language for the prohibited devices this proposed  
10 revision would be much too broad and vague.

11                   For example, a horse shoe could be  
12 considered an action device. Since a shod horse  
13 moves differently from a horse that is barefoot  
14 and various shoes have a greater influence on the  
15 movement than others. And a pad can be applied  
16 with good reason to protect an unusual sensitive  
17 sore surface, with the end result being more  
18 comfortable for the horse rather than one  
19 previously in distress.

20                   Regarding paragraph 3 in reference  
21 cited below, calling to remove the current  
22 provision in section 11.7(a)(2) which permits

1 farriers meeting the requirements currently  
2 contained in section 11.7(a)(2) to serve as DPQs  
3 to be renamed HPIs and state instead in paragraph  
4 (a) of provision 11.6, that only veterinarians  
5 and veterinarian technicians may be licensed as  
6 HPIs.

7 The AFA leadership feels strongly that  
8 due to the wide variance of expertise in equine  
9 podiatric amongst veterinarians, as opposed to  
10 farriers, for whom this is their focus of  
11 training, it would deeply be concerning not to  
12 have APHIS licensed farriers accompany a  
13 veterinarian to equine events where monitoring is  
14 indicated.

15 Seeking the primary expert hoof care  
16 opinion from a veterinarian or veterinarian  
17 technician who does not make hoof care their  
18 primary focus of practice, is akin to asking a  
19 general practitioner in human medical to evaluate  
20 a complex surgical procedure.

21 It would be unthinkable. A highly  
22 compete farrier has extensive knowledge in equine

1 anatomy and bio-mechanics. Their focus is on  
2 hoof care that contributes and maintains the  
3 well-being of the horse and their working  
4 knowledge of the factors that contribute or  
5 detract from the well-being is unparalleled.

6 Prohibiting devices and substances to  
7 prohibiting all action devices, pads and  
8 substances applied to horses limbs from this  
9 summary of major provisions, changes we are  
10 proposing to this regulation include amending the  
11 regulations to prohibit the use of pads,  
12 substances and action devices on horses at horse  
13 show, exhibitions, sales and auctions.

14 We would also remove the provision in  
15 current 11.7(a)(2) that farriers, horse trainers  
16 and other knowledgeable horsemen be qualified as  
17 DPQs if their past experience and training  
18 qualifications for those positions as horse  
19 industry organization associations, stewards or  
20 judges.

21 If they have been formally trained and  
22 licensed as DPQs by a horse industry organization

1 or association. Instead, we would state in the  
2 paragraph a of revision 11.6 that only  
3 veterinarians and veterinarian technicians will  
4 be licensed as HPIs.

5 We are making this change to ensure  
6 that inspectors have professional education, work  
7 knowledge, technical and practical experience in  
8 training the necessary aspect of the horse under  
9 the Act.

10 In closing, the Association feels that  
11 this is only the beginning of a snowball effect  
12 for regulations as far as farriers are concerned.

13 Once again, the American Farriers  
14 Association is absolutely against soring of  
15 horses. But the regulations that are being  
16 brought to us is only the beginning. And if we  
17 don't stop what is happening with the government  
18 right now, the horse owners won't be able to  
19 afford to have a veterinarian come out every  
20 single time that we need to do any kind of work  
21 to these horses to help them maintain their daily  
22 life. Thank you.

1 MR. TUCK: All right, that's all the  
2 speakers I have listed. Have we missed somebody  
3 that would like to come up and speak?

4 (No response.)

5 MR. TUCK: All right, well thank you  
6 very much for coming, I appreciate it. And  
7 again, we have two more sessions, one in  
8 Sacramento, California next Tuesday and  
9 Riverdale, Maryland September 6th. And tell all  
10 your friends we have a telephone call in one on  
11 September 15th. And details can be found on the  
12 animal care webpage at USDA.gov.

13 Thank you, and have a great day and  
14 drive safely.

15 (Whereupon, at 11:01, the hearing was  
16 concluded.)

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## A

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This is to certify that the foregoing transcript

In the matter of: Proposed Changes to the Horse  
Protection Act

Before: U.S. Department of Agriculture

Date: 08-10-16

Place: Lexington, Kentucky

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