

UNITED STATES DEPARTMENT OF AGRICULTURE

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ANIMAL AND PLANT HEALTH INSPECTION SERVICE

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PUBLIC MEETING

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NEW REGULATIONS TO COMBAT HORSE SORING

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TUESDAY,  
SEPTEMBER 6, 2016

The meeting was held in the Oklahoma City Memorial Conference Center, 4700 River Road, Riverdale, Maryland, at 9:00 a.m., J. Michael Tuck, Facilitator, presiding.

PRESENT

J. MICHAEL TUCK, Facilitator, Center for Animal

Welfare, USDA APHIS

BERNADETTE JUAREZ, Deputy Administrator for

Animal Care, USDA APHIS

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

2 (9:03 p.m.)

3 MR. TUCK: Okay, good morning, and  
4 welcome to the fourth public meeting APHIS Animal  
5 Care is holding to gather your comments regarding  
6 the proposed regulation changes to revise and  
7 strengthen the Horse Protection Act regulations.

8 My name is Mike Tuck, and I come from  
9 the APHIS Center for Animal Welfare and will be  
10 facilitating this meeting. You may ask what does  
11 a facilitator do. Well, my job is to make sure  
12 the meeting runs smoothly and on time and without  
13 interruption.

14 So far we're only two minutes late, so  
15 I'm doing okay. First thing we need to do is  
16 everybody who has a cell phone, please put them  
17 on vibrate. If you need to take a call, please  
18 do so outside in the hall.

19 Most importantly, it is vital that we  
20 pay attention to the speaker without  
21 interruption, even if you don't agree with what  
22 they may be saying. We want to keep this meeting

1 on a professional level and give everyone the  
2 opportunity to be heard.

3 Further, we do not want any personal  
4 attacks on anyone in this room. I would like to  
5 introduce Bernadette Juarez who earlier this year  
6 became the Deputy Administrator for Animal Care  
7 replacing Dr. Chester Gibson.

8 MS. JUAREZ: Good morning.

9 MR. TUCK: Bernadette is here to  
10 preside over the meeting and listen to your  
11 comments. She will not be responding to any  
12 questions or comments at this meeting due to the  
13 restrictions associated with the regulatory  
14 process.

15 In addition, we have Thalia Spinrad  
16 over here who will be transcribing the meeting.  
17 This transcription will be available along with  
18 transcriptions from the other public meetings on  
19 the APHIS Animal Care webpage.

20 Some of those are already on the  
21 webpage. This one should be on within two to  
22 three weeks. The animal care webpage can be

1 found at [www.APHIS.USDA.gov/animalwelfare](http://www.APHIS.USDA.gov/animalwelfare).

2 As I mentioned, this is the fourth  
3 public meeting. We have previously met in  
4 Murfreesboro with approximately 300 participants;  
5 Lexington, Kentucky with about 120 in attendance;  
6 and Sacramento, California with about 50.

7 This is the last face-to-face meeting  
8 we'll be holding. However, we will also hold a  
9 virtual public meeting by phone on Thursday,  
10 September 15th where anyone can call in and  
11 provide comments. Again, details can be found on  
12 the Animal Care webpage.

13 These meetings are only one way to get  
14 your comments on the record. You may directly  
15 enter comments on [www.regulations.gov](http://www.regulations.gov) or utilize  
16 the link on the Animal Care webpage that goes  
17 through [regulations.gov](http://regulations.gov). This will enable you or  
18 anyone who's unable to attend the public meeting  
19 the opportunity to provide additional comments.

20 I hope everyone had opportunity to  
21 sign in and indicate whether or not they wish to  
22 speak at the table outside the room. I will use

1 that list to call you up to the podium. Once up  
2 here, please begin by stating your name, and if  
3 you are representing any association.

4 You will have approximately five  
5 minutes to present your comments. We do this so  
6 everyone will have an equal opportunity to speak.  
7 I will let you know when you need to wrap up your  
8 comments by standing up. You may leave a copy of  
9 your comments with me when you finish.

10 Does anyone have any questions about  
11 the process? Great. What I would like to do is  
12 call four speakers up at a time and have a seat  
13 up here, and then we can go from there.

14 So would Jenifer Almond, Maryanne  
15 Bailey, Gail Bayer, and Donna Benefield please  
16 come up. And Jenifer?

17 MS. ALMOND: Good morning. I'm  
18 Jenifer Almond, and I practice energy healing for  
19 animals using techniques such as Reiki. I am  
20 here to say that I support members of the USDA  
21 and their proposed regulations to end soring.

22 And I urge them to get it on the books

1 immediately, and the Obama Administration.

2 Animals are all about love. They come here as  
3 love, and to teach us love, teach human beings  
4 about love.

5 Horses, in addition to that, being  
6 love, also have other fine qualities, many of  
7 them. And one is integrity. Every person who  
8 has anything to do with a horse, be it a trainer,  
9 an owner, a caregiver, whatever, must have  
10 integrity. Thank you.

11 MS. BAILEY: Good morning. Good  
12 morning. Can you hear me? Good morning. My  
13 name is Maryanne Bailey, and I am here today in  
14 strong support of and as an unwavering voice for  
15 long-suffering Tennessee Walking Horses and other  
16 gaited horse breeds who have for far too long  
17 been victim to the big lick faction of the  
18 industry.

19 These wonderful, gentle horses have  
20 been and continue to be shockingly subjected to  
21 cruelty and abuse at the hands of corrupt  
22 trainers, owners, and even some veterinarians.

1           The cruel practice of horse soring to  
2 achieve the artificial big lick gait involves  
3 applying caustic chemicals and action devices to  
4 their legs, and also fitting the horses with  
5 heavy stacks of pads to force them to stand at an  
6 unnatural angle.

7           All of this is done to deliberately  
8 cause them pain and suffering to achieve the big  
9 lick gait. This is done for no other reason than  
10 for big money and big show ribbons for those who  
11 are involved.

12           Multiple undercover investigations  
13 have revealed that soring is routinely performed  
14 on every single horse in major successful  
15 training barns. Trainers, vets, and owners who  
16 were previously involved in the big lick industry  
17 themselves have come forward to say that you  
18 cannot produce the big lick without soring. It  
19 is a pain-based gait.

20           If you see the big lick, you're seeing  
21 a horse that's been sored. Chains, stacks, pads,  
22 bands, and heavy shoes are all part of the soring

1 process. Without them, soring cannot be  
2 accomplished, and until they are prohibited,  
3 soring will continue.

4 It's clear from the evidence that the  
5 status quo is woefully inadequate. Americans  
6 want nothing to do with this. Big lick shows are  
7 struggling with declining attendance, and  
8 corporate sponsors and charities are pulling out  
9 because people don't want to be associated with  
10 this type of cruelty.

11 Congress tried to end soring in 1970  
12 when it passed the Horse Protection Act, but  
13 instead of complying with the law and training  
14 horses humanely, big lick trainers have chosen to  
15 continue finding ways to abuse horses without  
16 being detected.

17 Currently, the industry is allowed to  
18 self-police and send its own inspectors to  
19 competitions, but that system has failed due to  
20 corruption and conflict of interest. Trainers  
21 continue to torture horses and violate the law  
22 over and over but face minimal consequences.

1           Those who seek to profit through this  
2 abuse can no longer be allowed to slip through  
3 the system by inspectors who are just as corrupt  
4 as they are.

5           I am outraged that with all of the  
6 facts before us, Senator Alexander and  
7 Representative DesJarlais continue to protect  
8 this corrupt industry.

9           I am pleading with USDA to reject  
10 their pathetic and transparent attempts to  
11 protect the disgraceful and fraudulent big lick  
12 industry. I am thankful to the USDA that you  
13 have proposed a rule that would make significant  
14 reforms to clean up the big lick faction of the  
15 Tennessee Walking Horse industry.

16           However, in some areas, the proposed  
17 regulations don't go far enough. The proposed  
18 rule removes from current regulation specific  
19 prohibitions and restrictions on equipment use on  
20 all other breeds besides those explicitly  
21 referenced in the rule.

22           Those crossbreed populations have

1 important deterrent value and should remain in  
2 effect. Also, USDA has invited public comment on  
3 alternative enforcement approaches to the one  
4 contained in the proposed rule that would  
5 continue to rely on the horse industry  
6 organization concept.

7 The model envisioned in the  
8 legislation that Senator Alexander and  
9 Representative DesJarlais have introduced on  
10 behalf of the big lick industry will do nothing  
11 to fix the soring problem and would actually make  
12 it worse.

13 USDA should reject any appeals to hand  
14 off even more power to those in the horse soring  
15 community to police themselves and set the rules  
16 for managing all inspections. I praise the USDA  
17 for its proposed regulatory changes and call on  
18 them to make these important modifications.

19 Let's get this rule right and remove  
20 any opportunity for this disgusting and offensive  
21 industry to continue to maim horses. These  
22 innocent horses deserve a life free of torture

1 and cruelty; it's as simple as that. Thank you.

2 MR. TUCK: Gail Bayer? All right,  
3 Donna?

4 MS. BENEFIELD: Good afternoon. I'm  
5 Donna Benefield, the Vice President and DQP  
6 Supervisor for the International Walking Horse  
7 Association, which is a USDA-certified inspection  
8 program.

9 The following document was printed in  
10 the Federal Register on April 27th, 1979, and it  
11 states, "If the horse industry makes no effort to  
12 establish a workable self-regulatory program for  
13 the elimination of sore horses, or if such a  
14 program is established but does not succeed in  
15 eliminating the sore problem within a reasonable  
16 length of time, the Department will give serious  
17 consideration to the prohibition of all action  
18 devices and pads."

19 I have listened to the claims that  
20 these proposed rules have decimated the industry  
21 and put it out of business. There is also the  
22 claimed 98.5 percent compliance rate. The padded

1 segment of the breed where the vast majority of  
2 soring occurs has had numerous warnings and ample  
3 opportunity over the past 37 years to put the  
4 necessary reforms in place to deal with soring,  
5 but it defiantly refused to do so.

6 They have mouthed platitudes nonstop  
7 and have been far more concerned about projecting  
8 a false image of compliance, false claims of  
9 following the AP's recommendations, et cetera,  
10 all in an attempt to dupe the public and the  
11 politicians into believing that it's only a few  
12 bad apples that are involved.

13 I am submitting a copy of a letter to  
14 the Secretary of Agriculture Tom Vilsack, signed  
15 by over 165 Congressmen, with their demands.

16 History indicates they have a chronic  
17 history of soring, the violators of the problem,  
18 that has brought us here today. They have fought  
19 reform at every term; they need to go.

20 This breed has professed for years  
21 that soring is a thing of the past. So let's say  
22 we will take them at their word. Therefore,

1 since soring no longer exists, this leads one to  
2 conclude that there is only one thing causing the  
3 proliferation, edema, and/or inflammation on the  
4 posterior areas or back of the pasterns.

5 That is the chain and/or the action  
6 device. Therefore the action devices now need to  
7 go. I have a letter from the professor Dr. R.S.  
8 Sharman of Auburn University addressed to the  
9 USDA. And I'm going to read excerpts from Dr.  
10 Sharman's letter.

11 "We've experienced what the group  
12 considers a high rate of thrush in the horses we  
13 have shod with pads and used in tests. Although  
14 it is not readily apparent on clinical  
15 observation, we observed with thermal vision  
16 varying degrees of abnormal inflammation on the  
17 posterior aspect of the metacarpal area where the  
18 flexor bundle is located.

19 "This usually occurs the day after a  
20 horse has been freshly shod, whether or not he is  
21 exercised daily, and lasts from a few days to two  
22 weeks.

1           "Attached are some questions we asked  
2           our farrier and four clinic veterinarians who  
3           devote their professional time almost exclusively  
4           to equines.

5           "Number one, do you associate your  
6           observation increased incident of thrush with  
7           pads covering the sole of horse's hooves. Two,  
8           contracted heels. Three, other abnormalities.  
9           Then four, would you consider it necessary to  
10          remove pads and shoes from a horse to do an  
11          accurate foot exam, and why?

12          "They all answered yes to the first  
13          two questions, and suggested sheered heels,  
14          quarter cracks, and laminitis as other  
15          abnormalities of the poor feet of Tennessee  
16          Walking Horses shod with conventional pads.

17          "They all answered yes to the fourth  
18          question, giving their reason that they could not  
19          adequately examine the feet unless the sole was  
20          exposed."

21                 I have one additional letter dated  
22                 April 2nd, 2007 from the Dean of Auburn

1 University, Dr. J.T. Vaughn addressed to the USDA  
2 entitled, "Thoughts on the Tennessee Walking  
3 Horse Problems", that I would like to share with  
4 some of his comments.

5 I might add, Dr. Tom Vaughn was one of  
6 the authors of the breed's inspection document  
7 known as the Atlanta Protocol and was hired by  
8 the industry as their advisor.

9 To quote Dr. Vaughn, "The simple fact  
10 remains that scars are the result of chronic  
11 inflammation, whether from chains, legal or  
12 otherwise, or from chemical irritants."

13 Let's repeat that. The simple fact  
14 remains that scars are the result of chronic  
15 inflammation, whether from chains, legal or  
16 otherwise, or from chemical irritants. There is  
17 no litmus test to distinguish the cause.

18 It is inevitable a judgement call in  
19 the inspection station of the law should be  
20 governed by reason. Endless revisitation of the  
21 scar rule in the hopes of finding something new  
22 is likely to be no more productive.

1                   Both sides accuse the other of  
2                   splitting hairs, and the tie rarely goes to the  
3                   runner, the horse. Of great concern to me, then,  
4                   what happens at the pasture is what goes on under  
5                   the shoe and the pad, close nailed shoes, pared  
6                   down feet, and pressure applied to the soles with  
7                   various devices.

8                   In closing, I'm going to quote one of  
9                   Dr. Vaughn's famous quotes. He says, "It's not  
10                  one thing after another. It's the same damn  
11                  thing over and over."

12                  MR. TUCK: Okay, could I have Keith  
13                  Dane, Susan Fanelli, Bob Funkhouser, and Michelle  
14                  Guinn, please come up. Keith?

15                  MR. DANE: Good morning. My name is  
16                  Keith Dane. I'm a lifelong owner of Tennessee  
17                  Walking Horses, having bred, raised, trained, and  
18                  shown horses for over four decades.

19                  I've been a gaited horse show judge  
20                  for over two decades, and I'm the Maryland  
21                  director for the Tennessee Walking Horse  
22                  Breeders' and Exhibitors' Association, or TWHBEA,

1 the Breed Registry.

2 I'm also the senior advisor on equine  
3 protection for the Humane Society of the United  
4 States, which for the past ten years has  
5 undertaken a campaign to end the cruel and  
6 inhumane practice of horse soring.

7 I want to make it clear that in its  
8 campaigns, the HSUS has no desire or intention to  
9 negatively impact any horse breed that is not  
10 involved in the legal or inhumane activity.

11 We have cooperated with, encouraged,  
12 supported, and congratulated horse industry  
13 organizations that have worked to promote humane  
14 horsemanship and confront welfare concerns when  
15 they arose.

16 We have no desire to end horse shows,  
17 and in fact have financially endorsed endeavors  
18 such as the TWHBEA World Show. The HSUS has for  
19 the past three years operated the Now, That's a  
20 Walking Horse! grant program and horse show  
21 development fund, which assists sound horsemen in  
22 establishing and participating in venues that

1 showcase the natural abilities of the breed,  
2 developed and presented without gimmicks or pain.

3 Opponents of this rule have made the  
4 claim that if implemented, the walking horse show  
5 industry would be eliminated. However, many  
6 owners and trainers of big lick horses also  
7 exhibit their flat shod horses at shows around  
8 the country including the Annual Tennessee  
9 Walking Horse National Celebration.

10 So they will continue to be able to  
11 participate with those horses under the proposed  
12 rule where all participants will operate using  
13 the same shoes and equipment on the same level  
14 playing field.

15 For years, the defenders of the big  
16 lick have used deception, statistical sleight of  
17 hand, political contributions, slick lawyers and  
18 lobbyists, and outright lies in an attempt to  
19 dupe the public, the media, Congress, and USDA  
20 into believing that there was no soring problem.

21 Case after case, from Barney Davis to  
22 Jackie McConnell to ThorSport Farm to Larry

1 Wheelon have proved these industry protestations  
2 to be patently false.

3           Recently, some proponents of the  
4 stacked chain walking horse, including the CEO of  
5 the Celebration have been quoted as saying there  
6 is no such thing as the big lick gait.

7 Apparently they have come to realize that big  
8 lick is a profanity that has been rejected by the  
9 public.

10           However, it's the same gait the horses  
11 have been doing for years. Call it what you  
12 want, you can't hide from the fact that the gait  
13 most prized and rewarded by the Celebration is  
14 pain-based, involves animal cruelty, and is an  
15 anathema to true horsemen and the public.

16           You created it; you perpetuated it;  
17 you rewarded it; now you own it. Just one more  
18 example of using fantasy to deny, deceive, and  
19 deflect away from the real issue.

20           The HSUS and others have done our part  
21 to expose the rampant nature of soring and  
22 educate the equestrian community, the public, and

1 Congress. We have worked to promote and  
2 encourage a humane alternative future for the  
3 Tennessee Walking Horse.

4 But the big lick faction fights to  
5 maintain the status quo and does nothing to  
6 ensure the survival of the breed, not to mention  
7 its growth or prosperity.

8 The only solution to bring about an  
9 end to soring and save the walking horse breed is  
10 to ban the big lick, including the use of all the  
11 devices that are an integral part of this sordid  
12 practice.

13 If a few obstructionists in Congress  
14 are determined to block broadly supported  
15 legislation needed to ban the big lick and end  
16 the industry self-policing and the inherent  
17 cruelty which is a dark stain on the rich history  
18 of states like Kentucky and Tennessee, USDA  
19 clearly has the authority and the responsibility  
20 to fix the problem and the deficiencies in its  
21 own regulations that have allowed violators to  
22 evade enforcement of the law that Congress passed

1 over 40 years ago by implementing the proposed  
2 rule.

3 The Humane Society of the United  
4 States supports the elimination of the failed HIO  
5 DQP system of self-policing, and in its place the  
6 creation of the system of independent third-party  
7 inspectors, licensed, trained, and overseen by  
8 USDA.

9 We also support the elimination of the  
10 use at shows, exhibitions, sales, and auctions on  
11 Tennessee Walking Horses, Racking Horses, and  
12 Spotted Saddle Horses of all the devices,  
13 methods, and practices which are known to be used  
14 as an integral part of the soring process,  
15 including pads, wedges, hoof bands, weighted  
16 shoes, and action devices.

17 We urge that USDA not extend the  
18 public comment period for this rule, as the big  
19 lick faction has had over 40 years to propose and  
20 implement whatever solution it believed would  
21 bring about an end to soring.

22 It has failed to do so, and it never

1 had any intention of doing so. No amount of time  
2 is going to elicit productive input from this  
3 element. The public, the equestrian community,  
4 law abiding owners of sound Walking Horses, and  
5 most of all the horses themselves are counting on  
6 the agency to do the right thing, and do it  
7 during this administration. Thank you.

8 MR. TUCK: Susan Fanelli? Not here?  
9 Bob Funkhouser?

10 MR. FUNKHOUSER: Thank you to the  
11 members of the USDA for allowing me the  
12 opportunity to speak. I'm Bob Funkhouser, a  
13 lifelong horse owner and current president of the  
14 American Saddlebred Horse Association.

15 The ASHA was established in 1891 to  
16 represent a breed of horse known as the peacock  
17 of the show ring. These horses are bred to have  
18 a high head carriage and an animated, balanced  
19 gait.

20 They perform the walk, trot, and  
21 canter, and some also slow-gaited rack. The ASHA  
22 represents approximately 6,700 members from

1 nearly all 50 states, Canada, Germany, and South  
2 Africa.

3 While I will be speaking to a few  
4 highlighted points of concern today, I would like  
5 to be clear that this is not our association's  
6 official, in depth response. That will be  
7 delivered by the deadline for the comment period.

8 The ASHA and its members abhor the  
9 practice of soring horses. Such a practice runs  
10 contrary to and would undermine the free square  
11 trot required for saddlebreds to be competitive.  
12 So there is zero incentive for anyone in our  
13 sport to ever show an unsound horse, especially a  
14 horse that has been intentionally sored.

15 In fact, an extraordinary amount of  
16 daily care goes into the wellbeing of our equine  
17 athletes. We realize that in working with the  
18 USDA to amend some of the language which had  
19 great unintended consequences for the American  
20 Saddlebred and its like breeds, the Hackney, the  
21 Morgan, the Arabian, we would have more to say  
22 than, "we love our horses."

1           First off, unlike the breeds mentioned  
2           in the Horse Protection Act, the American  
3           Saddlebred is a trotting breed which must put all  
4           of its weight on its front feet while performing  
5           the trot. And never in the 125 years of the  
6           association has a trainer or owner ever been  
7           accused of intentionally soring a horse.

8           Randy Luikart, a renowned farrier who  
9           co-authored the amendments made to the Horse  
10          Protection Act in the late '80s has stated, "Show  
11          horses exhibited at a trot are required to be  
12          sound in order to trot. The veterinary community  
13          universally determines the degree of lameness by  
14          this gait's asymmetry. Horses exhibited at a  
15          trot will be free from intentional soring."

16          Secondly, like 25 other breeds and  
17          disciplines who do put animal welfare first, we  
18          do not self-govern. We are recognized affiliates  
19          of the United States Equestrian Federation, the  
20          national governing body for equestrian sport  
21          since its inception in 1917.

22          The USEF is dedicated to providing and

1 maintaining a safe and level playing field for  
2 both its equine and human athletes. The  
3 federation and its organizers spend approximately  
4 \$18 million annually to enforce the welfare,  
5 drugs, and medication rules.

6 There's drug testing, a hearing  
7 process, a hearing committee, an appeals process,  
8 and fines and penalties for violators.

9 We would ask that the language  
10 involving the banning of pads and bans exclude  
11 those breeds and disciplines affiliated with the  
12 USEF. Also, as currently written, proposed new  
13 requirements for horse show management as it  
14 relates to record keeping and reporting is a  
15 burden most shows cannot take on.

16 Many shows are run by volunteers on a  
17 shoestring budget, and this would put them out of  
18 business, and in the process, cause harm to many  
19 of the charities and civic organizations for  
20 which they benefit, not to mention the ancillary  
21 businesses that benefit from horse shows  
22 including hotels, restaurants, and shops in the

1 communities hosting these events.

2 The negative impact these proposed  
3 changes would have would be extremely far  
4 reaching. In addition to the shows and  
5 communities mentioned above, thousands of  
6 individuals and companies that serve the equine  
7 community would be adversely affected.

8 I thank you for your time and  
9 consideration of these concerns, and look forward  
10 to working with you in any way possible.

11 MS. GUINN: Hi, good morning. My name  
12 is Michelle Guinn. I'm a Maryland resident who  
13 owns a beautiful double-registered Tennessee  
14 Walking Horse/Spotted Saddle Horse who I show at  
15 flat shod walking horse shows and Maryland area  
16 dressage shows.

17 I am a secretary of the All-American  
18 Walking Horse Alliance, and the show main chair  
19 for the Plantation Walking Horses of Maryland. I  
20 am here today to speak in support of the  
21 regulation changes proposed by the USDA.

22 First, I would like to make it clear

1 that I am not an animal rights activist. I am  
2 not speaking on behalf of any animal rights  
3 organization. I am not a crazy cat lady or  
4 keyboard jockey as some have so lovingly referred  
5 to those of us who are passionate about the  
6 needed changes within our breed.

7 I am simply an individual who has a  
8 personal stake in this breed. I love and respect  
9 all animals including my horse, and it breaks my  
10 heart whenever I think of the abuses that others  
11 of his breed endure on a constant and continual  
12 basis for the pursuit of a blue ribbon or  
13 notoriety within a show circuit.

14 The Tennessee Walking Horse, Spotted  
15 Saddle Horse, and Racking Horse breeds are some  
16 of the most gentle, forgiving, and docile breeds.  
17 Unfortunately, it is these traits which have  
18 allowed them to be abused for so long because  
19 they put up with it and endure it.

20 No other breed would stand there while  
21 trainers abuse their hooves and legs. These  
22 breeds are also extremely versatile, having the

1 potential to excel in endurance riding, reining,  
2 jumping, dressage and many other equine  
3 disciplines, if only we could remove the stigma  
4 of the big lick.

5 As long as those in charge of the  
6 breed registry and trainers' association continue  
7 to condone and reward the abusers within the big  
8 lick show world, people will not support this  
9 breed. Memberships and registrations continue to  
10 fall to all-time lows because people, including  
11 myself, refuse to give any more money to these  
12 individuals.

13 There are those who would argue that  
14 abolishing the stacks and chains would decimate  
15 the breed. I would argue that it is these very  
16 devices which have nearly decimated the breed.

17 The Tennessee Walking Horse reputation  
18 is being destroyed as long as horses are  
19 continued to be bred and trained for the big lick  
20 spider-crawl and fixed with the pageant chains.

21 The natural confirmation of the breed  
22 has been altered over the years by breeders

1 breeding specifically for the big lick traits,  
2 causing a market flooded with pacey horses with  
3 malformed and weak hocks.

4           Additionally, individuals are wary of  
5 buying any horse that is known to be or  
6 potentially has been a big lick horse. These ex-  
7 big lick horses are known to have major  
8 rehabilitation obstacles and ongoing health  
9 issues including scarring, damaged ligaments and  
10 hooves, and other injuries associated with being  
11 ridden from a very young age on stacks, not to  
12 mention the emotional scars these horses carry  
13 from the training methods, years of isolation in  
14 stalls, and abusive handling.

15           Many of these ex-big lick horses can  
16 be unpredictable and potentially dangerous to  
17 novice owners who never understand why a  
18 seemingly innocent item or noise may suddenly  
19 panic their horse.

20           There are those who would argue that  
21 their livelihoods would be lost and their horses  
22 would no longer be useful if the pads and chains

1 were outlawed. I do not understand this  
2 statement.

3           There are thousands of horse trainers  
4 who have successful and lucrative careers in  
5 training horses without ever needing training  
6 gimmicks or action devices on their horses'  
7 hooves. These trainers employ natural, time-  
8 tested equine training methods to train their  
9 horses to perform in a manner or discipline which  
10 they are currently being used for. Natural  
11 exercises, movements, and conditioning that with  
12 patience and time allows their horses to excel in  
13 the show ring or whatever other discipline the  
14 owners wish to participate in.

15           This same should and could be said for  
16 Tennessee Walking Horse trainers. The Tennessee  
17 Walking Horses, Spotted Saddle Horses, and  
18 Racking Horses need to be allowed to move  
19 naturally, bred for their natural talent and gait  
20 and managed by those who believe in this breed  
21 and support their naturally smooth gaits,  
22 endurance, and temperament.

1           Until this happens, these breeds will  
2 continue to flounder. We need these regulations  
3 in order to bring our breeds out of the negative  
4 spotlight and into a positive future. Thank you.

5           MR. TUCK: Could I have Jeffery  
6 Howard, Burl Latshaw, Phyllis Levinson, I'm  
7 sorry, Smith Lilly and Cynthia Longo? Jeff?

8           MR. HOWARD: I appreciate the  
9 opportunity to share additional concerns from the  
10 ones that we voiced in Murfreesboro. I'm Jeffrey  
11 Howard, a director at the Tennessee Walking Horse  
12 National Celebration.

13           The proposed rule, while stated with  
14 the intent to eliminate soring, has devastating  
15 impacts on the walking horse industry, both  
16 pleasure and performance. The Celebration shares  
17 the goal of eliminating soring, yet we are forced  
18 to comment on the rule as it is written.

19           The USDA has specifically asked for  
20 comment based on scientific evidence regarding a  
21 ban on the equipment and the rule. In addition,  
22 the USDA has asked for suggestions regarding

1 alternatives to the currently proposed Horse  
2 Protection Inspectors Program.

3 The Celebration has in the past  
4 addressed both of these portions of the rule. We  
5 look forward to addressing them again with  
6 suggested alternatives in our formal comments  
7 submitted by the deadline.

8 One item of great concern in the  
9 proposed rule is the fact that the currently  
10 defective inspection process is left in place.  
11 We feel strongly that the USDA should look at the  
12 current system of inspection and implement  
13 objective, science-based inspection protocols  
14 that are able to produce accurate and repeatable  
15 results.

16 At the recently completed Celebration,  
17 the USDA allowed exhibitors to request a second  
18 examination if they had reasons to believe the  
19 findings of the first VMO were not correct.

20 Although this option was not made  
21 available in previous years, the Celebration  
22 commends the leadership of APHIS for allowing our

1 exhibitors this opportunity.

2           During the show, approximately 75  
3 exhibitors asked for the second opinion from a  
4 second VMO. In those 75 cases, 20 percent of the  
5 time, 15 of those horses were found to be -- the  
6 second VMO found nothing wrong with the horse,  
7 and the horse was allowed to show.

8           In addition, over 50 percent of the  
9 time, the two VMOs found different results while  
10 using the same inspection protocol. The rural  
11 USDA and horse community at large have been very  
12 critical of the HIO program in the industry.

13           The rule cites the OIG audit and its  
14 criticism of the HIO program, including the  
15 conflicts of interest in the DQP program.

16           However, the HIO that most recently affiliated  
17 the Celebration was not in existence when the  
18 audit was performed, and was formed based upon  
19 many of the concerns found in that audit.

20           It is important to note that the 20  
21 percent error rate in the inspection protocol at  
22 the Celebration had nothing to do with the DQP or

1 HIO program and is based solely on the inspection  
2 findings of the VMOs. Those VMOs are all trained  
3 under the same program.

4           Given that the VMOs are trained prior  
5 to conducting inspections at any horse show, to  
6 ignore a 20 percent error rate and a 50 percent  
7 discrepancy rate, and keep that same inspection  
8 process in the proposed rules is an oversight  
9 that we would ask USDA to consider.

10           The industry and Celebration have  
11 spent hundreds of thousands of dollars in  
12 developing objective, science-based exams and are  
13 willing to share that information with the USDA.  
14 We look forward to sharing many of those in our  
15 formal comments.

16           The Celebration along with many other  
17 industry organizations has proposed an  
18 independent inspection entity led by state and  
19 national leaders in order to implement an  
20 unbiased inspection that will result in the  
21 elimination of soring, and those people that have  
22 committed those acts.

1           We aren't asking to be included in the  
2 leadership of that entity, nor are we opposed to  
3 the USDA having input on who serves in those  
4 roles. We simply request that when we disqualify  
5 participants from our show, that the basis for  
6 that disqualification be factual and based on  
7 sound veterinary medicine.

8           This issue has lasted for over 40  
9 years. It's time to put it behind us with the  
10 process of inspection that both sides can trust.  
11 Initiating rules that will eliminate horse shows,  
12 place burdens on innocent people trying to show  
13 their horses, banning equipment that has been  
14 scientifically proven not to cause harm, and  
15 creating more government oversight will not solve  
16 this issue. In many ways it will make it worse.

17           We urge the USDA to look closely at  
18 the unintended consequences of the proposed rule.  
19 Although the industry stakeholders were not  
20 consulted prior to the publishing of the rule, we  
21 urge that USDA consider the stakeholder input  
22 prior to publishing a final rule.

1           In closing, I would like to reiterate  
2           the Celebration and the industry leadership stand  
3           firm in a commitment to eliminate any soring in  
4           the Tennessee Walking Horse industry.

5           However, the proposed rule has  
6           received criticism and opposition not just from  
7           the performance Tennessee Walking Horse but  
8           rather from exclusively pleasure flat shod  
9           organizations, other breeds, Tennessee Farm  
10          Bureau, and the leadership in both the House of  
11          Representatives and Senate. Thank you again for  
12          this opportunity.

13           MR. TUCK: Burl Latshaw?

14           MR. LATSHAW: My name is Burl Latshaw.  
15          I am the current President of the Pennsylvania  
16          Pleasure Walking Horse Association. I am the  
17          proud owner of five walking horses, and I have  
18          been affiliated with this club for over 20 years  
19          myself.

20           We have not -- we have been a sound  
21          horse advocate all during that time. That is not  
22          to say there are no big lick walking horses in

1 the State of Pennsylvania, but it is to say that  
2 there are many venues and many shows and many  
3 things that a flat shod walking horse can do.

4 As I sit here today, and I've heard  
5 just about everybody say this, 46 years ago, a  
6 law was passed. I know you've heard it; now  
7 listen to it. 46 years. And we still have the  
8 practice. And I'm old enough to know that it's  
9 gotten worse, not better.

10 46 years we have been examining this  
11 issue. And we've been largely ineffective in  
12 ceasing the soring of horses, especially from the  
13 so-called big lick segment of our community.

14 This unsavory behavior has caused  
15 significant damage to countless animals, ruined  
16 former show venues. I live 40 minutes from  
17 Devon. They won't allow my horses on the lot,  
18 not because my horses are sored but because my  
19 horses happen to have the name Tennessee Walking  
20 Horse.

21 I have not been able to participate in  
22 that show, and it doesn't look good for the

1 future as well. It has caused the deterioration  
2 of the breed; it has caused the deterioration of  
3 our reputation as horse people. And we've broken  
4 the law.

5 Aristotle said, "At his best, man is  
6 the noblest of all animals. Separated from law  
7 and justice, he is the worst." And we've seen  
8 that axiom proved in this industry when trainers  
9 and owners ignored the law for 46 years.

10 Individuals charading themselves as  
11 trainers have been no more than arbiters of pain  
12 inflicting methods that created pain-induced  
13 gaits, replacing the natural beauty and the  
14 rhythm of a naturally gaited walking horse.

15 Bob Womack was right in his book Echo  
16 of Hoofbeats. He was accurate in predicting the  
17 demise of the breed because of tricked-up  
18 training methods that hurt more than help the  
19 individual horse and the breed as a whole.

20 The secrets of the hidden barns where  
21 the horses are touched up have been discovered.  
22 The leviathan is out of the box, and now we know

1 the truth. And it will dehumanize us all if the  
2 factions are not eliminated.

3 We need to train humane. Pain induced  
4 training is used by perpetrators, not trainers.  
5 For 46 years, we have been discussing this. We  
6 have been manipulated by a false system. It has  
7 been postponed, and it simply has broken the law  
8 in the continuation of soring horses in the  
9 showroom.

10 The paralysis of analysis has to  
11 cease. Let's get it done. No more extensions,  
12 no further study needs to be done on this issue.  
13 We don't need X-rays to tell us that soring is in  
14 place. Look in the horse's eyes, observe the  
15 nervous perspiration, look at the mutated gaits,  
16 and you know something is horribly wrong.

17 A culture of cruelty has grown and  
18 flourished during the past 46 years, and the time  
19 is now we do the right thing. Pennsylvania  
20 Walking Horse Association, since 1982, sound  
21 horse advocates support the USDA's new  
22 regulations with regard to eliminating soring.

1           We conclude the following to be  
2 necessary. Prohibit use of pads, caustic  
3 substances, and action devices that cause or mask  
4 soring at shows, exhibitions, sales, and  
5 auctions.

6           Add eligibility requirements and  
7 restrictions for receiving and maintaining an HPI  
8 license, along with training requirements and  
9 inspection procedures.

10           Amend existing access space and  
11 facility requirements from a management of horse  
12 shows, exhibitions, sales, and auctions. Ensure  
13 there are at least two HPIs present with over 150  
14 horses, and two HPIs present at shows of more  
15 than 150 horses, and require a farrier's  
16 attendance, and remove all the regulations and  
17 the responsibilities from the current HIOs.

18           I think we still need the PAST Act.  
19 But these regulations certainly go a long way.  
20 And after 46 years, it's about time. Thank you.

21           MR. TUCK: Lilly, Smith. Smith Lilly?  
22 I was trying to get it right.

1           MR. LILLY: Good morning. My name is  
2           Smith Lilly. I'm a professional horse trainer,  
3           and I'm the first Vice President of the United  
4           Professional Horsemen's Association, or UPHA, an  
5           organization made up of professional trainers and  
6           horse owners dedicated to advancing the sport of  
7           showing horses and bettering the lives of horses  
8           and horse owners of many different breeds.

9           I and the UPHA support and applaud  
10          USDA's efforts to end the abhorrent practice of  
11          soring horses for competition. We recognize,  
12          regrettably, that the Horse Protection Act as  
13          currently enforced has not ended the practice of  
14          soring as it was intended to do.

15          For this reason, the UPHA along with  
16          most national equine organizations are on record  
17          in support of the Prevent All Soring Tactics, the  
18          PAST Act, recently before Congress.

19          However, I and UPHA, and most other  
20          national equine organizations cannot support as  
21          currently written the proposed rule by USDA and  
22          APHIS due to its broad reach, lack of

1 specificity, and potential to adversely affect  
2 many equine breeds which have absolutely no  
3 history of soring and no incentive to engage in  
4 the practice.

5 We supported the PAST Act which  
6 forbids the use of pads, wedges, et cetera on  
7 three specific breeds. The currently proposed  
8 APHIS rule forbids the use of pads, wedges, et  
9 cetera on, "Tennessee Walking Horses, Racking  
10 Horses, and related breeds," and also refers to  
11 horses that perform with an "accentuated gait."

12 I and the UPHA strongly object to the  
13 term related breeds and the reference to horses  
14 that perform an accentuated gait. Consider three  
15 facts, please.

16 First, all equine breeds are  
17 necessarily related, so this or future  
18 administrations could subject any and all breeds  
19 to the requirements for shows and to the  
20 inspections of horses contained in the proposed  
21 rule.

22 Second, all breeds or types of horses

1 that compete in any way do so in an accentuated  
2 fashion. Race horses run and jumpers jump fences  
3 in an accentuated way. Dressage horses perform a  
4 variety of accentuated movements.

5 Arabians, American Saddlebreds,  
6 Morgans, Hackneys, Friesians, Shetlands,  
7 Roadsters, National Show Horses, and Dutch  
8 Harness Horses among other breeds all trot with  
9 an accentuated movement in the show ring.

10 Third, pads and wedges are used by all  
11 of the aforementioned breeds to help maintain  
12 soundness in many horses. I'm certain that  
13 veterinarians and farriers have testified and  
14 will testify to the benefits of pads and wedges  
15 in sufficient numbers and levels of expertise as  
16 to remove any reasonable doubt from the issue of  
17 the beneficial nature of pads and wedges in the  
18 vast majority of applications.

19 But from a professional horseman's  
20 perspective, I want to state unequivocally that  
21 for many horses, pads and wedges are essential  
22 therapeutic devices to maintain soundness.

1           So as currently written, the proposed  
2 APHIS rule could be construed by this or  
3 subsequent administrations to apply to any and  
4 all horses competing in horse shows and could  
5 adversely impact the soundness of many of those  
6 horses.

7           To ban the use of pads on all horses  
8 would be, to speak plainly, to throw the baby out  
9 with the bathwater. Further, the proposed  
10 restrictions and requirements for horse shows  
11 would significantly increase the cost of showing  
12 horses and negatively impact the horse industry  
13 as a whole.

14           To return to the issue of soring, UPHA  
15 does not dispute that pads are sometimes used to  
16 conceal soring devices in some gaited breeds. To  
17 get to the root of the issue, one must understand  
18 that these horses compete at a four beat gait  
19 with each hoof striking the ground independently,  
20 thus the term gaited horses.

21           When these horses are sored in their  
22 front limbs, they will bear more weight on their

1 hind legs to relieve the pain, which does in fact  
2 accentuate their gait which is why people do it.

3 Note that these breeds are the only  
4 breeds to show with breast collars attached to  
5 their saddles. Why do they do this? Well they  
6 must because the horses lower their hindquarters  
7 to an extent that the saddle would slide off the  
8 back of the horse absent the breast collar.

9 Soring accentuates this lowering of the  
10 hindquarters.

11 On the other hand, American  
12 Saddlebreds, Arabians, Morgans, Hackneys,  
13 Friesians, Shetlands, Dutch Harness Horses,  
14 Roadsters, and National Show Horses, the breeds  
15 represented by the UPHA, all trot in the show  
16 ring.

17 Now the trot is a two beat diagonal  
18 gait in which each front leg and the diagonal  
19 hind leg strike the ground together and at an  
20 equal interval from the corresponding pair of  
21 legs. Any unsoundness or soreness produces an  
22 uneven and unattractive way of going at the trot,

1 which is why none of the aforementioned breeds  
2 have every been found to have been sored or  
3 subject to inspections under the HPA.

4 Not only is there no incentive to sore  
5 a trotting horse, there's a strong disincentive  
6 to do so. Furthermore, all breeds represented by  
7 the UPHA are also affiliated with the United  
8 States Equestrian Federation, USEF, the national  
9 governing body of equestrian sport and show.

10 Under its rules, USEF strictly  
11 enforces prohibitions on any type of equine  
12 abuse, including but not limited to soring. USEF  
13 also requires severe penalties or elimination  
14 from competition for any unsoundness in a horse.  
15 It is instructive to note that the gaited breeds,  
16 Tennessee Walking Horses, et cetera, withdrew  
17 from the USEF more and a generation ago.

18 UPHA is not here solely in opposition  
19 to the proposed APHIS rule. As stated, we  
20 support efforts to end the practice of soring.  
21 However, we do find the current language  
22 unreasonably vague and unspecific.

1                   USDA and APHIS know which breeds of  
2 horses sore horses, and they should name them  
3 specifically. Further, all trotting breeds be  
4 specifically excluded from the proposed rule, as  
5 many horses that trot need pads to stay sound,  
6 and no trotting breed would ever find soring to  
7 be anything but detrimental to their horses'  
8 performances.

9                   On a final personal note, I question  
10 as to why the language of the PAST Act  
11 specifically naming three breeds of soring  
12 offenders was changed from the specific to the  
13 unspecific "related breeds" wording.

14                   I hope the change is not due to  
15 pressure from the animal rights community, which  
16 I recognize from the animal welfare community.  
17 Anyone who owns an animal is for their welfare.

18                   USDA would do well to note that the  
19 eventual role of many if not most in the animal  
20 rights community is the total eradication of all  
21 animals from the agriculture industry.

22                   Likewise, many if not most in the

1 animal rights community favor the eventual  
2 eradication of animals from sporting activities  
3 and even from being human companions. Anyone who  
4 earns a living working with animals or regulating  
5 those who work with animals or enjoys the  
6 companionship of animals should be wary of the  
7 animal rights community.

8 The equine community and America as a  
9 whole has a long and proud tradition of mutually  
10 beneficial human/animal relationships, a  
11 tradition we will fight to pass on to our  
12 children and grandchildren. Thank you.

13 MR. TUCK: Jeannie McGuire?  
14 Stephanie?

15 MS. LEVINSON: Levinson.

16 MR. TUCK: I'm sorry.

17 MS. LEVINSON: Levinson.

18 MR. TUCK: Oh, okay. Phyllis  
19 Levinson.

20 MS. LEVINSON: Yes. Good morning. My  
21 name is Phyllis Levinson and I want to thank you  
22 for giving me a few minutes to speak about the

1 monitoring of the care and well-being of big lick  
2 Tennessee Walking Horses and to speak in favor of  
3 the proposed USDA rules.

4 I have seen the horrific photos and  
5 undercover videos, and I have read in gruesome  
6 detail how these big lick Tennessee Walking  
7 Horses are tortured through soring so they can  
8 step ever higher.

9 And for what? Sadly, it's for the  
10 sole purpose of human entertainment, human  
11 accolades, and human greed. Chemical irritants  
12 and pressure shoeing with stacks serve no purpose  
13 other than to cause great pain.

14 If this were being done to humans, we  
15 would call it torture. If this were being done  
16 to our beloved cats and dogs, we would call the  
17 appropriate authorities to put an immediate stop  
18 to it and to take legal action against the  
19 perpetrators.

20 That is why I am pleased that the  
21 USDA's proposed rule prohibits the use of stacks,  
22 pads, hoof bands, and action devices on big lick

1 Tennessee Walking Horse, Racking Horses, and  
2 related breeds.

3 I urge the USDA to add to this list of  
4 prohibited items the heavy shoes used by too many  
5 trainers and owners to hide any evidence or sign  
6 of soring. Based on history, we know that  
7 excluding these heavy shoes will still leave the  
8 door open to those who abuse these horses through  
9 soring.

10 There will always be people who abuse  
11 and are cruel to others, both humans and non-  
12 humans for ego and greed. These same people use  
13 their voices to shout about their rights.

14 It is particularly easy to be loud  
15 when those you are hurting have no voice. These  
16 horses depend on the compassion and caring of  
17 humans to spare them of their misery and  
18 suffering.

19 I thank the USDA for recognizing that  
20 the big lick part of the Tennessee Walking Horse  
21 industry cannot be trusted to police themselves.  
22 And now I also urge you, actually beg you, to

1 finalize the proposed rules as soon as possible,  
2 and certainly before the change in  
3 administration.

4 There is no reason to delay. The  
5 sooner third party independent inspectors are in  
6 place, the sooner we can end this needless  
7 suffering of horses who cannot protect  
8 themselves. Greed and ego will never justify  
9 abuse and suffering. Thank you.

10 MR. TUCK: Cynthia?

11 MS. LONGO: Good morning. My name is  
12 Cynthia Longo, and I am an equestrian sports  
13 photographer from northern Virginia. I wanted to  
14 thank the USDA for giving me this opportunity to  
15 speak to you today, and today I'm speaking in  
16 support of these proposed regulations.

17 As an equestrian sports photographer,  
18 I never get tired of witnessing the natural grace  
19 and beauty of horses in motion, just as nature  
20 intended. It's mind boggling to me how anyone  
21 can enjoy the distorted confirmation, the  
22 freakish gait, the fiendish posture of the rider

1 of a sored horse in stacks and chains.

2 This incidentally is a world champion  
3 Tennessee Walking Horse who passed away sadly at  
4 the age of eight last year due to stress colic,  
5 an affliction that is commonly associated with a  
6 sored horse. Two months prior to his death, a  
7 stable mate of his also passed away from the same  
8 affliction.

9 In 1970, the Horse Protection Act was  
10 passed and made it a crime to exhibit, sell, or  
11 transport a sored horse, which should have taken  
12 care of the problem of horse soring and this  
13 animal abuse.

14 However, in 1976 an amendment was  
15 passed that allowed the self-regulation of this  
16 industry, and the HPA was derailed. Basically,  
17 the fox was left in charge of the henhouse.

18 I once worked for a federal law  
19 enforcement agency that was also understaffed and  
20 underfunded. So I understand the need for  
21 creative solutions to get the mission done.  
22 However, in this case, the mission has failed.

1                   The self-regulation of the walking  
2 horse industry has been tested for almost half a  
3 century, 46 years. Half a century. It has  
4 proven time and again to have failed.

5                   For horses like this one and his  
6 stable mate and countless others, it's too late  
7 to help them. It was almost too late for  
8 Skywalks Magical Dream, a three year old  
9 registered Tennessee Walking Horse that just last  
10 month was rescued from a slaughter auction baring  
11 obvious signs of scarring from being sored.

12                   And rid through the auction wearing  
13 stacks and chains. What offense did a three year  
14 old possibly commit to have already suffered such  
15 abuse and to be thrown away like trash?

16                   These people who have flagrantly been  
17 defying the law for 46 years need to be held  
18 accountable. As we speak, there are hundreds of  
19 horses suffering in their barns with chemicals  
20 seeping into their legs with nowhere to hide.

21                   Please do not extend the public  
22 comment period. The big lickers have taken 46

1 years to tell you their position by continuing to  
2 disobey the law.

3 This small group of people also in no  
4 way reflect the equestrian community or the  
5 American taxpayers. I respectfully urge you to  
6 please adopt the proposed regulations. Thank  
7 you.

8 MR. TUCK: Could I have Jackie Hale,  
9 Jeannie McGuire, Stephanie McKaughan, and Carol  
10 Misseldine please?

11 MS. MCKAUGHAN: Good morning. Thank  
12 you all for being here and offering your opinions  
13 on this important matter, and thank you to the  
14 USDA and APHIS for offering the chance for this  
15 series of public hearings.

16 My name is Stephanie McKaughan. I'm  
17 here on behalf of two organizations, Maryland  
18 Against Horse Slaughter, and Horse Plus Humane  
19 Society.

20 I would like to start with a personal  
21 story. The reason I care so much about the  
22 Tennessee Walking Horse breed is that when I was

1 a scared, bullied, six year old little girl, my  
2 best friend was the Tennessee Walker pony, She  
3 Had No Withers. That really saved my life.

4 If it weren't for her, I wouldn't have  
5 the career I have today speaking to politicians  
6 about various legislation before them regarding  
7 horses, food safety, and various wildlife groups.

8 I'm not an animal rights activist, but  
9 I do believe that education is key, that public  
10 awareness is important, and that these sorts of  
11 hearings are very important so that we all know  
12 the situation.

13 On behalf of Maryland Against Horse  
14 Slaughter, as pointed out earlier, soring has  
15 happened time and time again, and the use of  
16 stacks and soring the Tennessee Walking Horse is  
17 nothing less than institutional abuse.

18 A notable truly American breed and a  
19 strong part of American history is being  
20 destroyed by a small section of the industry  
21 involving unscrupulous owners, trainers, and  
22 riders.

1           The Tennessee Walking Horse was  
2           created to be an easy riding horse known for the  
3           traits of a calm disposition, surefootedness,  
4           smooth easy riding gaits. And those traits are  
5           simply not present in the big lick sector.

6           As stated previously, the Horse  
7           Protection Act is no longer enough to protect  
8           them, and indeed has never been enough. The  
9           current legislation before Congress, S 1121 HR  
10          3268, the Prevents All Soring Tactics Act or PAST  
11          Act has 49 co-sponsors in the Senate and 263 co-  
12          sponsors in the House of Representatives, yet  
13          there's been little to no progression through  
14          Congress.

15          Something must be done, and the  
16          proposed regulations put forth and being  
17          discussed here today should be implemented to  
18          ensure the protection of this important part of  
19          American history.

20          And now a brief statement from the  
21          Horse Plus Humane Society. As eloquently stated  
22          and mentioned by Ms. Longo previously, last week

1 Horse Plus Humane Society rescued Skywalks  
2 Magical Dream from an auction in Cookeville,  
3 Tennessee, a sore Tennessee Walking Horse that  
4 was allegedly disqualified from Celebration for  
5 being scarred.

6 When the media contacted the previous  
7 owners, the couple said they traded the stallion  
8 in January to another local breeder. They  
9 received the horse Extra Special Jose, another  
10 allegedly sore Tennessee Walking Horse who just  
11 won a top prize at Celebration last weekend.

12 We don't know who owned him if it  
13 wasn't the couple, and when horses are co-signed  
14 to auction, we don't fully get the co-signer's  
15 information. That's why Horse Plus Humane  
16 Society is hoping that the USDA will get involved  
17 and fully investigate this case.

18 Horse Plus Humane Society would like  
19 to offer a note to trainers and owners of horses  
20 that if caring for the horses without the stacked  
21 shoes, pads, or chains, or the rehabilitation  
22 involved is a hardship for you, those at Horse

1 Plus are an open door shelter for horses and  
2 we'll gladly take any horse in need. Thank you,  
3 and thank you to you.

4 MR. TUCK: Jackie.

5 MS. HALE: Good morning. My name is  
6 Jackie Hale. My husband, James, and I own an  
7 American Saddlebred training stable in  
8 Columbiana, Alabama.

9 While I am a strong supporter of  
10 equine welfare, I am opposed to the proposed  
11 change in the Horse Protection Act primarily  
12 because of the addition of the words and related  
13 breeds in the sections currently pertaining to  
14 Tennessee Walking Horse and Racking horses.

15 I believe the scope of the rule is far  
16 too broad and would negatively affect segments of  
17 the equine industry that have no history of  
18 soring. James and I are active, professional  
19 members of the American Saddlebred community.

20 He is a United States Equestrian, USEF  
21 licensed judge in the American Saddlebred,  
22 Hackney, Roadster, and Saddle Seat Equitation

1 divisions and has served the United Professional  
2 Horsemen's Association, UPHA as chapter chairman  
3 or co-chairman for ten years.

4 I had just completed a three year term  
5 on the American Saddlebred Horse Association  
6 National Board of Directors, and still serve on  
7 several committees. We are good people as they  
8 say back home.

9 American Saddlebreds along with  
10 Hackneys, Morgans, and Arabians are all trotting  
11 breeds. While a small percentage of Saddlebreds  
12 are exhibited in our five gaited division, they  
13 all trot in every class that they are shown in.

14 And as you've heard today, an unsound  
15 horse cannot trot squarely. So intentionally  
16 soring them would be completely  
17 counterproductive. All these breeds are also  
18 USCF affiliates, and we are very well regulated,  
19 at USCF recognized competitions.

20 If this proposed rule is passed as  
21 written, and all pads are banned, a large  
22 percentage of our show horse population will be

1       unable to perform the jobs for which they are  
2       intended.

3               American Saddlebreds as well as these  
4       other trotting breeds use pads to balance their  
5       stride, protect their hooves, support their legs,  
6       correct low heels, or otherwise aid a horse that  
7       needs the support and cushion that a pad  
8       provides.

9               I'm sure there are many people much  
10       smarter than I am working within the walls of  
11       this very building who can figure out the  
12       economic impact that this rule would have.

13               If you think about the tens of  
14       thousands of people directly affected, not to  
15       mention the trickle-down effect to everyone from  
16       the corn growers to the drug companies, the  
17       negative economic impact of those three little  
18       words, and related breeds, is hard to even  
19       comprehend.

20               James and I also put on two horse  
21       shows a year in Murfreesboro, Tennessee. 2016  
22       marks five years that we've offered these shows,

1 and in that time four new American Saddlebred  
2 training stables have opened up in that area.

3 I know that having two nice hometown  
4 shows a year has contributed to the regrowth of  
5 the Saddlebred in Middle Tennessee, and I hope we  
6 can continue to support that growth.

7 Finally I would ask you to consider  
8 that there are many people raising and training  
9 horses who simply won't have any use for them if  
10 they cannot fulfill their role as a show horse.

11 James and I feel very fortunate that  
12 we are able to provide retirement for a couple of  
13 special horses who have served us well. But we  
14 could not possibly provide a home for a whole  
15 herd of yard art.

16 The rule as currently written would  
17 have not only a devastating economic impact, but  
18 a significant welfare impact which in my view  
19 undermines the intent of the HPA.

20 The fact is there will be thousands of  
21 unwanted horses which could end up on trucks to  
22 slaughter houses in Mexico if pads are banned.

1 So if you don't care about the negative economic  
2 impact of this rule, surely you care about the  
3 welfare of the horses that would be collateral  
4 damage if pads were banned. Thank you for your  
5 attention and consideration.

6 MS. MISSELDINE: Thank you to USDA for  
7 hosting this public meeting and for allowing me  
8 the chance to comment on your proposed rule. My  
9 name is Carol Misseldine, I'm a voting  
10 constituent from Germantown, Maryland.

11 For far too long, the big lick segment  
12 of the Tennessee Walking Horse industry has  
13 gotten away with the barbaric and illegal  
14 practice of soring horses for their own personal  
15 gain.

16 Soring as we all know is an  
17 unconscionable act conducted by unscrupulous  
18 trainers and owners who deliberately inflict  
19 horrific pain on these gentle, beautiful  
20 creatures. I had been sickened by the undercover  
21 videos taken in big lick barns, and I am here  
22 today on behalf of those poor horses.

1           In their desperate and futile attempt  
2           to get away from the pain, a sores horse's  
3           already unique and beautiful gait becomes wildly  
4           exaggerated until a gross caricature known as the  
5           big lick.

6           The big lick is a pain based gait.  
7           Period. The blatantly trivial purpose is a blue  
8           ribbon. Attendance is down at horse show events  
9           because the public's finally acknowledged this  
10          tragic abuse.

11          The reputation of the entire arcing  
12          horse breed as we heard before is suffering  
13          because of the stigma of soring. The only ones  
14          who benefit out of big lick horse shows -- it  
15          rewards cruelty, and the perpetrators who  
16          continue to break the law.

17          Big lick trainers have found ways to  
18          get around the law through the failed self-  
19          policing system rife with corruption and conflict  
20          of interest. This industry has unequivocally  
21          proven that they are utterly incapable of and  
22          unwilling to uphold the federal regulations.

1           But there is finally hope on the  
2 horizon. USDA has proposed a new rule that will  
3 make the use of stacks, pads, hoofbands, and  
4 action devices and will create an effective  
5 system third party independent inspectors, and  
6 end the failed self-policing system.

7           However, the rule does not go far  
8 enough. It makes no mention of the practice of  
9 soring horses on hoof and then hiding evidence  
10 using shoes. I urge the USDA to place a limit on  
11 the weight of shoes allowed and if any shoe is so  
12 wide that it bends the foundation of the sole.

13           We have seen the character of this  
14 soring, which leads to no one else. And if we  
15 leave them the means to sore a horse and the  
16 opportunity to hide the evidence, they will  
17 certainly continue to do so.

18           The public has clearly indicated they  
19 don't have interest in any of this animal abuse.  
20 The Prevent All Soring Tactics act has wide  
21 bipartisan support in Congress and has only been  
22 stymied due to a few commercial representatives

1 who are beholden to the abusive trainers.

2 It is time to listen to the  
3 compassionate nature of the people and shut down  
4 these barbaric animal abusers once and for all.  
5 I know horse owners, have compassionate people  
6 everywhere. I strongly urge the USDA to quickly  
7 finalize the proposed rules before the end of  
8 this administration and finally end this cruel  
9 and barbaric animal abuse. Thank you.

10 MR. TUCK: Okay, Gale Monahan, Donna  
11 Moore, Connie Neibuhr, and Lori Northrup please.  
12 Gale?

13 MS. MONAHAN: Good morning. I am Gale  
14 Monahan, I am President of the Maryland  
15 Organization of Trail Riders Today. I'm  
16 associate member of the Maryland Horse Council  
17 and also a member of the Plantation Walking  
18 Horses of Maryland and the World Walking Horse  
19 Association. I'm associated with the All-  
20 American Walking Horse Alliance and I'm on the  
21 board of Friends of the Sound Horse.

22 I have owned flat shod Tennessee

1 Walking Horses since 1983. I wanted to be here  
2 today in support of the USDA and APHIS with their  
3 proposed changes to the Horse Protection Act.

4 It has been abundantly clear that the  
5 amendment in 1979 to allow self-regulation is a  
6 resounding failure. Although I understand why it  
7 was initiated, federal programs such as the Horse  
8 Protection Act are often underfunded.

9 I am glad that the USDA and APHIS had  
10 the foresight to include in the April 1979  
11 amendment the statement, "If the horse industry  
12 makes no effort to establish a workable self-  
13 regulatory program for elimination of sore horses  
14 or such a program establish but does not succeed  
15 in eliminating the sore horse problem within a  
16 reasonable length of time, the Department will  
17 give serious consideration to the prohibition of  
18 action devices and pads."

19 Forty six years is way more than  
20 enough time. I understand that many of those  
21 opposed to these changes say that the Tennessee  
22 Walking Horse industry will die. I've heard they

1 feel the breed will die, that those who cater to  
2 the horse industry will go out of business.

3 I have a message. We have eradicated  
4 the big lick in the show ring in the northeast,  
5 and no business to my knowledge folded because of  
6 it. My opinion, we have some of the best  
7 naturally gaited Tennessee Walking Horses around.  
8 The Tennessee Walking Horse is thriving without  
9 the big lick performance horse.

10 On a personal note, when I retired, my  
11 husband and I moved from Maryland to east  
12 Tennessee. Due to the fact that big lick had  
13 been eradicated in Maryland, I had not actually  
14 seen a soled horse.

15 When I did at a small local multi-  
16 breed show near where I was living in east  
17 Tennessee, I was shocked. Seeing three Tennessee  
18 Walking Horses tied to the side of a trailer  
19 standing in what is called a bucket stance made  
20 me sick down to my core.

21 I had seen photos of it, but never had  
22 seen it for myself until then. There wasn't an

1 HIO inspector in sight. My hope is that the  
2 backyard soring as well as those who sore trying  
3 to cheat the system and those who blatantly sore  
4 and do not care if caught, at some point will  
5 finally come to an end, and these proposed  
6 changes, it will no longer be profitable to sore.

7 In the town we moved to in east  
8 Tennessee, 19 horses were seized while we were  
9 living there from a trainer due to soring.  
10 Although there was an abundant amount of evidence  
11 of soring, the individual was not convicted to  
12 the very tiny technicality.

13 My hope is that this type of training  
14 will stop if it's no longer profitable. My  
15 husband and I moved back to Maryland after three  
16 years in east Tennessee. We had a number of  
17 reasons, but most of all for me was the abuse  
18 that was allowed to continue.

19 The trainer that had the 19 horses  
20 seized went right back into business. Thank you  
21 for allowing me to speak, and I strongly support  
22 the efforts of the USDA and APHIS, and I hope the

1 proposed changes to the Horse Protection Act will  
2 be in effect sooner rather than later. Thank  
3 you.

4 MR. TUCK: Donna?

5 DR. MOORE: Good morning. I'm Dr.  
6 Donna Moore. I'm a veterinarian with almost 30  
7 years of experience in equine practice, and also  
8 a post-veterinary degree which focuses on equine  
9 sports medicine.

10 I've always cared deeply about the  
11 welfare of horses, and I became especially aware  
12 of the abuse of Tennessee Walking Horses and  
13 related breeds in the 1990s when I worked for  
14 USDA here at Riverdale as the coordinator for the  
15 horse protection program.

16 Since that time I've served as an  
17 advisor for several horse industry groups that  
18 are committed to keeping sore horses out of the  
19 ring. Through these experiences, I've gained a  
20 thorough understanding of the regulations and how  
21 they work, or don't work.

22 And it's from this perspective that I

1 would like to make three comments. First, these  
2 major changes are sorely needed. Sorry, I didn't  
3 realize the pun until after I read that out.

4 They're supported by every state  
5 veterinary association in the US, the American  
6 Veterinary Medical Association, American  
7 Association of Equine Practitioners, American  
8 Horse Council, United States Equestrian  
9 Federation, and over 16 percent of the members of  
10 Congress.

11 Yes, over the years the appearance of  
12 horses at shows and sales has improved, as have  
13 methods of disguising the signs of abuse. At  
14 last year's Celebration, over 87 percent of the  
15 horses tested were found to have prohibited  
16 substances on their legs.

17 That might suggest that the current  
18 inspection system is giving us a large number of  
19 false negatives. So the bottom line is that  
20 industry self-regulation does not work due to  
21 inherent conflicts of interest.

22 That leads me to my second point which

1 is that inspections for soring need to be taken  
2 out of the hands of horse industry organizations,  
3 or HIOs. Now some people in the industry have  
4 proposed that rather than having USDA directly  
5 license and train inspectors, there should be one  
6 sort of super HIO responsible for all inspections  
7 so that there would be greater consistency.

8 This is a terrible idea. It would  
9 eliminate small HIOs whose violation rates do not  
10 change whether USDA vets are present or not, and  
11 it would give all enforcement power to groups who  
12 according to the OIG report do not properly  
13 enforce the Horse Protection Act. That is a  
14 direct quote from a report.

15 Proponents of this super HIO idea  
16 claim that they would do a superior job by using  
17 objective scientific methods. As an example of  
18 this they cite blood tests which were done at the  
19 last three Celebrations.

20 The results of the blood tests are  
21 objective and scientific, but not necessarily  
22 relevant to the issue of soring. To my knowledge

1 there's no published research showing that soring  
2 chemicals or numbing agents applied to the skin  
3 will be detected by a drug screen on a horse's  
4 blood.

5 Another example of objective  
6 scientific methods is the use of digital  
7 radiography. This is an excellent tool, it would  
8 be great to see these more. But while some  
9 findings on radiographs are black and white,  
10 there are also many shades of gray.

11 A veterinarian who's evaluating a  
12 radiograph needs to ask himself or herself is  
13 that an abnormality or is that a line created by  
14 an overlapping structure. Has the appearance  
15 been made misleading because the x-ray beam was  
16 off level.

17 So there's a tremendous amount of  
18 interpretation that goes into correctly reading a  
19 radiograph. Rarely does it give you an automatic  
20 yes/no answer.

21 In the same way, a horse's response to  
22 digital palpation has to be interpreted in like

1 numerous factors. But this does not make it an  
2 invalid technique.

3 Palpation is a key component of every  
4 exam, and for a for a veterinarian to ignore the  
5 horse's response to palpation would be foolish.  
6 The proposed rules specify that horse protection  
7 inspectors should palpate the limbs with a  
8 pressure sufficient to blanch or whiten the  
9 thumb.

10 This has been shown to be equivalent  
11 to a pressure of 0.4 to 0.6 kilograms per square  
12 centimeter. Research which was published in a  
13 leading veterinary journal in 2008 showed that  
14 the average pressure which produced withdrawal  
15 response in an unsored walking horse was 19 times  
16 that amount.

17 So to summarize this point,  
18 inspections for soring need to be taken out of  
19 the hands of HIOs. Digital palpation remains an  
20 important tool in the inspection process, and  
21 inspectors should not be limited to a trivial  
22 amount of pressure in their examinations.

1           I see that I have to cut my comments  
2 short. But I will just say briefly that my third  
3 point which will submit in writing is that the  
4 prohibitions against conflicts of interest in the  
5 proposed rule need to be strengthened. There are  
6 still some loopholes there. And sorry, I will  
7 address that in writing. Thanks.

8           MR. TUCK: Is Connie Niebuhr here?  
9 Lori?

10           MS. NORTHRUP: Good morning. I'm Lori  
11 Northrup, my title is Vice President of Anti  
12 Soring Initiatives for the non-profit  
13 organization FOSH, Friends of Sound Horses.

14           I'm very impressed with everyone who  
15 has spoken today. Thank you for your time and  
16 attention and for the USDA for making this  
17 possible.

18           I've been involved as a volunteer for  
19 FOSH for the past 13 years, serving as president  
20 for many of those years and responsible for the  
21 four very successful sound horse conferences that  
22 we have hosted.

1 I commend the USDA on their proposed  
2 rule change from the Horse Protection Act. I  
3 have personally walked into Tennessee training  
4 barns with Tennessee Walking show horses laying  
5 in their stalls groaning from too much pain, not  
6 able to even get up to eat their hay.

7 I've been thrown out as a visitor to  
8 such barns. I've been to shows and seen a  
9 Spotted Saddle Horse whipped in the show ring by  
10 an irritated rider, irritated because the horse's  
11 heavy flat shod shoe and band amputated the hoof  
12 off down to the quick and the horse had to be  
13 dismissed along with bandages to handle the  
14 blood.

15 I represent the large majority of  
16 Tennessee Walking Horse and gaited horse owners  
17 who enjoy the horses for their natural,  
18 magnificent gaits that need no artificial  
19 mechanisms. These breeds and the commerce around  
20 them will continue to flourish even more  
21 vibrantly once the stigma of soring is ended.

22 The counter arguments that we're

1 hearing against this rule change all circle  
2 around the financial damage that will be done to  
3 the Tennessee Walking Horse show group. Yes, I'm  
4 certain that the traditional groups as they are  
5 known today will not thrive economically in the  
6 future.

7 These arguments are like saying that  
8 enforcing the laws against child pornography will  
9 ruin the business of those producing and selling  
10 child pornography.

11 Imagine the Justice Department holding  
12 public hearings around the country, inviting  
13 child pornographers to attend and explain how  
14 enforcing these laws would damage their business.  
15 This would seem absurd, wouldn't it?

16 USDA, please hold strong in your  
17 intention to pass this rule change without  
18 further delay. Do not allow an extension of the  
19 comment period. After over 46 years of repeated  
20 soring abuses for the purpose of winning in  
21 shows, there has been enough time for comment.

22 Pass this rule change which is

1 supported by the majority of Tennessee Walking  
2 Horse owners around the country and the world, by  
3 the veterinary organizations, by the  
4 organizations for humane treatment of all  
5 animals, by myself, and by 90 year old Evan  
6 Northrup, another long time FOSH member who has  
7 joined me here today to support this rule change.

8 This HPA rule change will be the most  
9 effective step possible after decades of trying  
10 to end the abuses of soring. Thank you.

11 MS. NIEBUHR: My name is Connie  
12 Niebuhr. After spending four hours getting here,  
13 I'm not going to talk long. I'm here for the  
14 Tennessee Walking Horse because they made America  
15 great.

16 They carried our mail, they walked to  
17 the show, they showed in the show ring, they  
18 carried our generals. They walked the fields,  
19 the cotton rows, the corn. I still ride my  
20 neighbor's corn fields on mine. I can ride up  
21 all up and down my road because they don't step  
22 on the crops.

1 I don't see a performance horse being  
2 ridden by a general all day. I don't see a  
3 performance horse being able to deliver the mail.  
4 It was never the intent of the horse. And  
5 intentions are important.

6 Please, the horse made America great.  
7 Let's be great and make America great and restore  
8 this breed. We owe it to them and we owe it to  
9 America.

10 MR. TUCK: Why don't we take a ten  
11 minute break. There's a cafeteria right down the  
12 hall to your left if you want some refreshments,  
13 and please be back in time. Thank you.

14 (Whereupon, the above-entitled matter  
15 went off the record at 10:31 a.m. and resumed at  
16 10:45 a.m.)

17 MR. TUCK: Okay, if we could have a  
18 seat, please, we can continue. Okay, could I  
19 have Ben Pendergrass, Donna Petry-Smith, Denise  
20 Rowland, and Herman Royce, please come up.

21 MR. HERMAN: Good morning. My name is  
22 Royce Herman, the esteemed gentleman got my name

1 backwards, but that's okay.

2           Anyway, I represent the Maryland Horse  
3 Council, or one of the representatives here of  
4 the Maryland Horse Council. I am on the  
5 Executive Committee and also a former officer.

6           I also represent a number of non-  
7 profits on equine organizations on the eastern  
8 shore and as a rule I tend to be, at least  
9 personally, against too much regulation.

10           I prefer to see legislation rather  
11 than regulation. But when the legislation  
12 doesn't work then it becomes necessary to look at  
13 regulation like we are doing here today, and I  
14 think it's absolutely, it's an essential thing  
15 that has been going on far too long as far as the  
16 equine welfare is concerned.

17           I have been a horseman probably for  
18 close to 60 years. I started out when I was ten  
19 years old and I am still riding today. I ride a  
20 Half-Arab and half of that Arabian is, well not  
21 half, but 8 percent of that Arabian is American  
22 Standardbred, or, excuse me, American Saddlebred,

1 I get those two mixed up, and so I am well aware  
2 of the horse soring problem.

3 Over the years I have worked with a  
4 lot of different trainers, a lot of different  
5 horse people, and one of the things that stands  
6 out is that virtually none of them use anything  
7 outside of a lunge whip, or a crop, and that only  
8 in moderation.

9 When I was a kid we used to, if we  
10 wanted to gentle a horse we would walk him out to  
11 the fire pond belly deep, climb on, and the horse  
12 didn't hurt and the rider didn't get hurt. It  
13 worked great, but outside of that we don't use  
14 any mechanical devices.

15 If you use a dangerous chemical or a  
16 dangerous mechanical device on a horse you run a  
17 very real risk of creating a dangerous horse. I  
18 have been attacked by a horse that was  
19 mistreated. It's not fun, I will tell you that,  
20 and it's dangerous.

21 The situation with soring I find  
22 abhorrent. I find that anything that injures a

1 horse or injures any animal for that matter as  
2 contrary to the way I was brought up and the way  
3 I was raised and the way I treat my own animals.

4 I've had a lot of different horses  
5 over the years, some of them good, some of them  
6 not so good. My current Arab, I've had her for  
7 17 years and she is the finest horse any man  
8 could ever ask for.

9 But she was never trained -- I trained  
10 her myself, and I never used anything on that  
11 horse outside of patience and persistence and I  
12 learned this, learned how to train horses from  
13 some people that if I mentioned their names here  
14 you'd all know them because they are national  
15 figures.

16 And that is the reason that I am here  
17 today, is to urge the USDA to enact in the  
18 regulations, even though I am not a regulation  
19 person, enact the regulations because Congress is  
20 preoccupied with other things.

21 As we all well know it's election  
22 year, and a contentious one at that, so it's time

1 to regulate rather than legislate. So I urge the  
2 USDA to pass these regulations as soon as  
3 possible and move forward. Thank you.

4 (Applause.)

5 MR. TUCK: Okay, Donna.

6 MS. PETRY-SMITH: Good morning, my  
7 name is Donna Petry-Smith. I serve on the Board  
8 of Directors for the American Saddlebred Horse  
9 Association, American Saddlebred Registry,  
10 Illinois American Saddlebred Pleasure Horse  
11 Association, and USA Saddle Seat World Cup.

12 I am a member of the United  
13 Professional Horsemen's Association, American  
14 Hackney Horse Society, and currently represent  
15 the American Saddlebred and the United States  
16 Equestrian Federation, USEF, National Breeds and  
17 Disciplines Council.

18 I have been a USEF licensed judge for  
19 American Saddlebreds, Hackney Ponies, and Saddle  
20 Seat Equitation since 2002.

21 My husband, Kenny, and I currently own  
22 and operate Skyline Stables in New Lennox,

1 Illinois, which is an American Saddlebred  
2 training facility.

3 I would like to first say that I  
4 applaud the USDA and APHIS for their efforts in  
5 regards to making horse welfare a forefront  
6 concern and in their efforts to end soring.

7 As a professional horse trainer and  
8 third generation owner, breeder, and exhibitor of  
9 American Saddlebred horses and Hackney ponies I  
10 can tell you that the foundation of our training  
11 program is to maintain sound, happy, healthy  
12 horses.

13 In American Saddlebred competition  
14 soundness is a paramount requirement. An  
15 American Saddlebred show horse that is unsound is  
16 at a great disadvantage, so much so that a  
17 trainer or an owner will scratch a horse from  
18 competition if it exhibits any sign of lameness  
19 rather than showcase a horse that would be perceived  
20 as unsound.

21 It is my understanding that the main  
22 objective of the HPA is to eliminate soring in

1 the breeds that gain a competitive advantage by  
2 being sore.

3 In these instances the HPA concludes  
4 that sorer horses compete unfairly with horses  
5 that are not sore giving the sore horse a winning  
6 advantage.

7 In American Saddlebred competitions  
8 soreness will likely cause an entry to be last,  
9 not place, or risk judicial disqualification in  
10 any given class.

11 The reason for this is because the  
12 American Saddlebred is a trotting breed of horse.  
13 In every class, in every division, our horses are  
14 judged at a trot.

15 Even in the five-gaited division where  
16 our horses are judged at the rack they are also  
17 judged at the trot. A sore horse simply cannot  
18 perform at the trot, is not competitive, and will  
19 not place well in American Saddlebred  
20 competitions.

21 As a USEF licensed American Saddlebred  
22 judge I am to uphold the strict guidelines and

1 standards for equine welfare and soundness of  
2 competition horses set forth by the USEF rule  
3 book.

4 The USEF rule book states in SB 103.2  
5 all horses must be serviceably sound, horses must  
6 not show signs of lameness. Additionally, the  
7 USEF rule book in GR 1033.7 and GR 1204 addresses  
8 judges in regards to consulting with a  
9 veterinarian in order to disqualify an entry if  
10 they feel it is unsound.

11 While the HPA relies on DQPs or HPIs  
12 to inspect horses for soring are bred here is  
13 to strict judging standards set forth by our  
14 breed organizations and the USEF rule book that  
15 absolutely prohibits sored horses from achieving  
16 success in the competition arena.

17 Lastly, American Saddlebred horses are  
18 bred to be naturally high stepping and athletic.  
19 By applying the HPA regulations eliminating pads,  
20 wedges, and bands, the proponents will be imposed  
21 an unintended negative consequences upon a breed  
22 that does not abuse these tools.

1           By eliminating these tools for  
2           trotting breeds, such as the American  
3           Saddlebreds, the proponents will be essentially  
4           creating a soundness problem.

5           American Saddlebred farriers,  
6           veterinarians, and trainers use these tools for  
7           therapeutic purposes, for comfort of the horse,  
8           and to add balance to the horse's natural way of  
9           moving which, in turn, prevents injuries.

10           I am certain that the intent of the  
11           HPA is not to put forth regulations that would be  
12           detrimental to the health and soundness of any  
13           breed of horse.

14           If the proponents of the HPA are truly  
15           interested in equine welfare and anti-soring  
16           regulations changes must be made to the  
17           regulations to protect the American Saddlebreds  
18           and other trotting breeds from this very thing  
19           proposed by excluding them from being subject to  
20           the APHIS proposed rule changes.

21           The simplest and most clear way to do  
22           so is to amend the language used in the HPA, most

1 notably wherever the language "other related  
2 breeds" or "other breeds" is mentioned and  
3 changed to read "other related non-trotting  
4 breeds and other non-trotting breeds."

5 Also, language needs to be added in  
6 other areas, such as 11.12(a)(1), Required  
7 Inspections, Parts 1, 2, 3, 4, 5, and 3, to  
8 exclude trotting breeds of horses from being  
9 subject to these regulations.

10 The United Professional Horsemen's  
11 Association would be happy to provide assistance  
12 to the proponents in crafting language to amend  
13 the HPA from excluding trotting breeds of horses  
14 to these regulations. Thank you.

15 (Applause.)

16 MR. TUCK: Denise.

17 MS. ROWLAND: Good morning, my name is  
18 Denise Rowland. I have owned, bred, and shown  
19 Tennessee Walking horses for 42 years. I started  
20 out riding at a Saddlebred barn.

21 I spent five years at a Saddlebred  
22 Morgan and Arabian barn, I showed Saddlebreds. I

1 sit on the Board of the Tennessee Walking Horse  
2 Breeders' and Exhibitors' Association.

3 I founded the pro show horse group  
4 TWHGRO. I am Chairman of the Tennessee Walking  
5 Horse Legal Fundraising Committee.

6 I would like to point out to my  
7 Saddlebred friends that the Horse Protection Act,  
8 the law itself, can only be amended by an act of  
9 Congress.

10 You cannot exclude the words  
11 "trotting" in the law. The regulations cannot  
12 exclude the word "or the breeds that trot" and  
13 still follow the intent of the law.

14 These were just kind of off the cuff  
15 remarks that kind of came to my head. Now for my  
16 planned speech.

17 One hundred and thirteen thousand,  
18 remember that number, 113,000, that figure is the  
19 paid attendance of the 2016 Tennessee Walking  
20 Horse National Celebration.

21 Remember the name Honors. The 2016  
22 World Grand Champion Walking Horse, the horse

1 that the United States Department of Agriculture  
2 kept out of the show ring, denying due process to  
3 his owners to the point that the owners had to  
4 get an injunction so the horse could show.

5 Fifteen thousand spectators cheered  
6 Honors. He is the horse that exemplifies the  
7 modern Tennessee Walking Horse. Fifteen thousand  
8 people in one place said no to the changes sought  
9 by the United States Department of Agriculture.

10 One hundred and thirteen thousand over  
11 ten days said no. They also wrote a very large  
12 amount of comments which will be entered into the  
13 register.

14 It seems the USDA is bent on not only  
15 the destruction of the Walking Horse, but of the  
16 show horse, and they are doing this through  
17 unheard of regulations, removing equipment  
18 verified harmless, and this verification is  
19 through scientific studies, some very recent.

20 You are placing a draconian burden on  
21 the horse shows. The small groups that put on  
22 the charity shows that bring money into the

1 communities, and those are only two of the things  
2 that are just unbearable in this change.

3 I hear about our demise from a lot of  
4 people here that Big Lick is dead. Well, it's  
5 greatly exaggerated, your little comments, they  
6 are very premature.

7 This year we saw an increase of over  
8 14 percent in the number of horses shown at the  
9 Celebration in spite of the lies and attacks  
10 against us.

11 One kind of wonders if Dr. Vaughan  
12 would have made those statements that he did  
13 about the scar rule if he had seen the results of  
14 the biopsies done on the horses that were accused  
15 of being scarred. They were found to be not  
16 scarred.

17 We wondered why is there an  
18 adversarial relationship with the government in a  
19 multimillion dollar industry, one that brings  
20 over \$38 million into the community of  
21 Shelbyville alone, and that's only over a course  
22 of ten days.

1           One answer could be just an overreach  
2 of the agency. They are tasked to not harm this  
3 industry, tasked to work with the Tennessee  
4 Walking Horse industry to aid its continued  
5 development of a true and honest product.

6           Instead of partners we see a  
7 bureaucracy that seeks to destroy the very  
8 product it is bound to aid because of a totally  
9 misguided agenda based on information supplied by  
10 animal rights activists, like the Humane Society  
11 of the United States, and its uninformed  
12 followers.

13           That agenda is highlighted by media  
14 manipulation, lobbying that results in ethics  
15 charges against legislators, and driven by  
16 millions of dollars they collect to save the  
17 puppies while parking the money offshore.

18           How does this situation be remedied?  
19 Well, first the USDA must return to the actual  
20 law. Stop attempting to legislate virtual  
21 passage of the past Act through your rulemaking  
22 process.

1           You must embrace objective scientific  
2 inspections and you must rid yourself of the  
3 influence of those whose beliefs are contrary to  
4 the task of making regular commerce and  
5 facilitating commerce.

6           The Walking Horse industry has facts  
7 and science and laws, such as due process on its  
8 side.

9           We have reached out to you at the USDA  
10 to join us in our mission to produce the best  
11 show horse in the world, one that continues to  
12 wear the proven equipment that is not harmful,  
13 that excites the spectators, and that has the  
14 charisma that puts the money into the pockets of  
15 the needy charities and the communities.

16           One other thing we have, the Tennessee  
17 Walking Horse, we've got dedicated people willing  
18 to fight for it, we'll fight the halls in  
19 Congress or we'll fight in the courtroom.

20           One last number to remember, 500,000.  
21 This is the down payment raised by the industry  
22 to guarantee the survival of the Tennessee

1 Walking Horse show horse.

2 MR. TUCK: Ben Pendergrass, was he  
3 here?

4 (No audible response.)

5 MR. TUCK: Okay. Let's have Stephen  
6 Schumacher, Clant Seay, Louise Semancik, and  
7 David Turner. Stephen.

8 DR. SCHUMACHER: Good morning, ladies  
9 and gentlemen. My name is Stephen Schumacher and  
10 I am here on behalf of the United States  
11 Equestrian Federation and the 29 breeds and  
12 disciplines under its umbrella.

13 I am a veterinarian. I serve as the  
14 Chief Administrator of USEF's equine drugs and  
15 medications program for the last ten years.

16 USEF is a regulatory value for  
17 equestrian support in the United States. It  
18 drives its power from Congress through the Ted  
19 Stevens Olympic and Amateur Sports Act of 1978.  
20 I will defer to this as the Sports Act.

21 The United States Olympic Committee  
22 recognized that the USEF is the sole nationally

1 governing, or NGP, for the equestrian sport. One  
2 primary responsibility under the Sports Act is  
3 the congressional mandate to manage a competition  
4 calendar.

5 We sanction over 2600 competitions in  
6 the United States. We have strict rules that  
7 govern horse welfare and an enforcement program  
8 that includes an equine drugs and medications  
9 program that we have run effectively for over 46  
10 years.

11 We have zero tolerance for horse abuse  
12 or maltreatment of any kind. It is with that  
13 background that I represent the USEF here today  
14 to fully support the objectives of the HPA and  
15 the past Act to rid the horse industry of the  
16 disgusting and horrible practice of soring.

17 Make no mistake about it, while we  
18 have some important recommendations to improve  
19 the proposed revision, our purposes are fully  
20 aligned. We support 100 percent.

21 The proposed revisions to the  
22 regulation raised three major concerns for us and

1 we believe that unless the proposed language is  
2 amended the enforceability of the regulation is  
3 vulnerable to proposed findings, that the  
4 proposed rule is arbitrary and capricious.

5 Our recommendations would remedy this.  
6 Our first major concern is related to USDA's  
7 introduction of the overly-broad term "related  
8 breed with accentuated gait."

9 Instead of the specific listing of  
10 breeds of concern, as used in the past, this term  
11 is ambiguous at best and risks severe unintended  
12 consequences in interpretation.

13 The rules in the proposed regulation  
14 simply don't make sense for many breeds and  
15 disciplines where soring doesn't exist.

16 Our solution is simple. We propose  
17 that all breeds competing in USEF licensed or  
18 endorsed competitions be exempt from this  
19 regulation and responsibility for preventing  
20 soring be delegated to the USEF as is the current  
21 practice.

22 The USEF has and will continue to do

1 an exemplary job executing this responsibility.  
2 For perspective, there is over \$18 million spent  
3 regulating horse welfare, including equine drugs  
4 and medications use at our competitions.

5 Every single competition has officials  
6 trained and licensed by and accountable to the  
7 USEF present on the grounds and enforcing the  
8 rules.

9 That's 100 percent coverage versus the  
10 6 percent coverage the USDA has provided under  
11 the current regulations for the events it  
12 supervised.

13 We have over 150 veterinarians paid by  
14 and accountable to the USEF who collect samples  
15 at competitions for testing. Over 18,000 samples  
16 are tested every year.

17 We have a veterinarian on staff and  
18 lawyers on staff. We have a robust regulation  
19 process for offenders of the welfare rules and  
20 the equine drugs and medications rules.

21 Notably, we have four defenders  
22 rights. These include the opportunity for a fair

1 and impartial hearing, representation by counsel,  
2 ability to present witnesses and evidence, and  
3 ample opportunity to cross examine witnesses, to  
4 name a few.

5 As you are aware we seek tough  
6 sanctions against the offenders. These include  
7 disqualification from the competition where the  
8 violation occurred, meaningful suspension and  
9 fines.

10 Our suspensions not only prevent the  
11 offender from competing during the time period  
12 imposed but also prohibits him from being  
13 represented or present on the show grounds.

14 We don't stop there. We vigorously  
15 defend the Hearing Committee's decisions in  
16 court, we have defended three in the last 12  
17 months, and we have prevailed.

18 We did so because we run an excellent  
19 and effective program from start to finish. In  
20 fact, we have never lost a case that was appealed  
21 in the judicial system.

22 Of note, we must be especially careful

1 when enforcing the rules for Olympic disciplines.  
2 Athletes have protection under the Sports Act and  
3 the USEF has the expertise to ensure those  
4 protections are afforded so that our efforts to  
5 enforce these rules are not compromised.

6 Mistakes cannot be made in enforcing  
7 these rules. We have a proven record for our  
8 commitment to the welfare of the horse. In fact,  
9 on your website supporting the proposed rule you  
10 acknowledge this.

11 "This," the changes, "would align the  
12 HPA regulations with existing equestrian  
13 standards set forth by the U.S. Equestrian  
14 Federation."

15 Again, our solution is simple. We  
16 recommend that the language of the proposal be  
17 amended to exclude advocacy of the competitions  
18 we sanction.

19 This solution also best satisfies the  
20 cost-benefit support as required by Executive  
21 Orders 12866 and 13563 which emphasize  
22 determining the least costly regulatory option

1 and the President's January 12, 2011, Memorandum  
2 on Small Businesses and Job Creations as it  
3 prevents and eliminates redundancy and provides  
4 that the least cost, most effective solution to  
5 the issues for the breeds and disciplines we  
6 govern in.

7 Our two other major concerns will not  
8 be relevant to the USEF if you agree with the  
9 recommendation. Notwithstanding, we think these  
10 items still need addressing of regulations to  
11 withstand legal challenge.

12 One, substances, we are in agreement  
13 that certain substances must be prohibited and  
14 those that can cause soreing have no place in  
15 horses of any breed and discipline period.

16 However, the definition of substance  
17 is too broad and ignores the needs of a horse and  
18 the ability to care for them appropriately at  
19 competition. For example, fly spray, liniments,  
20 poultice, would be prohibited.

21 We propose that the language exempt  
22 substances that have recognized therapy value and

1 use for their intended purposes.

2 Number two, pads, similarly USEF is  
3 aware that some pads, normally like the term such  
4 as stacks and performance kits are horribly  
5 misused in connection with the efforts to sore  
6 horses.

7 However, there are pads, like  
8 therapeutic rim pads used to prevent bruising,  
9 that are used on horses that compete in our  
10 competitions that are necessary to protect the  
11 horse and contribute to the overall health of the  
12 horse.

13 In conclusion, We believe the  
14 proposals we put forth address concerns with the  
15 regulation which could ultimately slow down the  
16 process and interfere with our common goal of  
17 eradicating soring and horse abuse of any kind.

18 We are on the same side on this  
19 important issue. You should note that our  
20 proposals are supported by the Humane Society of  
21 the United States, the American Horse Council,  
22 the 29 breeds and disciplines in our federation,

1 and many veterinarians from the AEP.

2 There is no opposition to our  
3 proposals. Our comments with detailed support  
4 and recommended rule language revisions will be  
5 formally submitted to the docket by the September  
6 26th deadline.

7 Thank you for time and your valued  
8 partnership in helping us to protect horse  
9 welfare. Thank you.

10 (Applause.)

11 MR. TUCK: Clant?

12 MR. SEAY: Thank you, sir. Good  
13 morning. I am here today and I speak for the  
14 horses, just the horses. This shirt, everybody  
15 that wears this shirt speaks for the horses.

16 This is the shirt. We are against the  
17 Big Lick animal cruelty. I come from that side  
18 of the fence. I have raised world championship  
19 caliber horses.

20 I have had horses shown by Jimmy  
21 McConnell's daughter who is Jackie's brother, 4-  
22 year-old World Grand Champion, that's great. I

1 understand what Ms. Rowland and the folks here on  
2 behalf of the Big Lick are all about.

3 I was there, I understand it. They  
4 are not bad people, okay. They have strongly-  
5 held beliefs, they are passionate. I'm going to  
6 talk to you, I'm not going to read a lot of  
7 stuff, but I'm going to cover some things.

8 This is a southern problem. Kathryn  
9 Stockett grew up down the street from me in  
10 Jackson, Mississippi, she wrote "The Help." She  
11 said something in there about well, I can talk  
12 about Mississippi, but you can't.

13 Okay, I'm from the south, I'm going to  
14 talk about the south. That map here shows you  
15 what the problem is. The problem is in Tennessee  
16 and Kentucky primarily.

17 Senator Lamar Alexander was President  
18 of the University of Tennessee. He has asked for  
19 60 more days. Tom Vilsack is one of the greatest  
20 Americans in my lifetime. Everybody here when I  
21 finish speaking needs to stand up and applaud Tom  
22 Vilsack, not me, Tom Vilsack. He is an American

1 hero.

2 He stepped forward and we need to get  
3 the Saddlebred people happy, okay, but about five  
4 days after the 26th of September you guys need to  
5 come down and get this settled.

6 Let's get this over with, this has  
7 gone on long enough, enough people have suffered  
8 with it. Senator Alexander, truth be known,  
9 would probably like it to be over, too, but he  
10 has accepted \$3 million from a campaign  
11 contributor and he has been looped in ever since.

12 I came from the Celebration, I have  
13 seen Dream, he's a beautiful horse. He is  
14 Jubilee Star and Skywatch. I see my friend Carl  
15 Bledsoe out here, Carl and I did a video last  
16 year on a horse named GEN's ICE Glimmer.

17 These shoes came off of Glimmer, they  
18 weigh eight pounds. These rollers are not legal,  
19 okay, they are 13.3 ounces, but they train them  
20 on those at the barn, all right, and they stack  
21 them.

22 In fact, there was a picture of a

1 young man named Ted Cotton riding a -- I don't  
2 know that Pope was 14 or 15 months old, was  
3 stacked, rollers.

4 Look at the bottom of this shoe.  
5 That's lead, folks. This thing weighs eight  
6 pounds. You let that thing hit a hard surface,  
7 you've got that roller, that chain, hitting that  
8 horse's pastern and it's been sensitized by  
9 chemicals, that's animal cruelty pure and simple.

10 There is no justification for the Big  
11 Lick, absolutely none. At Shelbyville,  
12 Tennessee, that community has walked away from  
13 that. They deserve a standing ovation.

14 The people in Shelbyville, Tennessee,  
15 did not attend the Celebration. I have listened  
16 to these alleged talks about how much the  
17 attendance was, I know how much the attendance  
18 was.

19 I took pictures, I had pictures taken  
20 every night. On the Saturday night before the  
21 finale there were 586 people in the west  
22 grandstands, it holds 12,000.

1           On the Friday there were 242 people.  
2           How do I know this? We counted every one of  
3           them. It's respectfully Big Lick, big lie. It's  
4           time to end it.

5           We are a group of we the people. We  
6           are not the Humane Society. A lot of us eat ham,  
7           okay, we respect the vegans, all right, but we  
8           are just regular Americans.

9           We are we the people. I got involved  
10          in this, I am the only person in this room I dare  
11          say that sat in front of the 5th Circuit Court of  
12          Appeals when they heard the case down there,  
13          okay.

14          I sat and listened to the arguments.  
15          I watched the ruling come down. I said well you  
16          know what, I went to law school, I said but we  
17          the people can trump this.

18          We went to the University of  
19          Mississippi and they said look, don't take that  
20          money. They were given \$50,000 a year, getting  
21          it from animal cruelty to Ole Miss.

22          The University took one look, seven

1 days, FOSH helped with it, Teresa Bippen, they  
2 said no, we're not going to take that money, and  
3 not only that we're going to sever ties.

4 This poster here, this poster is the  
5 Teresa Bippen poster. This is the poster she  
6 held on the sidewalk in Columbia, Tennessee, when  
7 a Big Lick trainer tried to run her over, or just  
8 swerved the vehicle, whatever.

9 Indictment, aggravated assault with a  
10 deadly weapon. This fellow was featured at the  
11 Tennessee Walking Horse National Celebration in  
12 2015. What is going on? What kind of denial are  
13 you in?

14 It's over. It's got to be over.  
15 America needs to get beyond Tom Vilsack. Look,  
16 Ted Yoho is a Tea Party Republican, he has got  
17 about as much in common with Tom Vilsack  
18 philosophically as the man in the moon.

19 They are together on this. We are all  
20 together on this. I could go on for a long time,  
21 but let me tell you about Shelbyville in Bedford  
22 County, I'm going to wrap up, they did not

1 support the Celebration.

2 I've got the pictures to prove it.  
3 The violence needs to end. USDA personnel has  
4 been terrorized. If just that alone, just that  
5 alone should end this.

6 So we are standing here calling on  
7 Senator Alexander to stand down, let this go  
8 forward, and for you guys to go forward. It's  
9 time. Applaud Secretary Vilsack. And thank you.

10 (Applause.)

11 MR. TUCK: Louise.

12 MS. SEMANCIK: Good morning. My name  
13 is Louise Semancik and I am here to represent the  
14 over 50 members of the Plantation Walking Horses  
15 of Maryland group who support the new  
16 regulations.

17 Let me begin by saying that unlike Mr.  
18 C., I am not a public speaker. Speaking at this  
19 meeting is pretty scary for me, but the thought  
20 of these wonderful horses suffering for even one  
21 more day gives me the courage to stand up here  
22 and speak out for them.

1           Our group was formed in 1983, 33 years  
2 ago to promote the naturally-gaited Tennessee  
3 Walking Horse and to fight to end soring and the  
4 abuse of the Big Lick horse.

5           Over 33 years ago, and we know that  
6 soring is just as rampant now as it was then.  
7 There are clubs like ours all over the U.S. still  
8 working hard and praying for the end of this  
9 stigma on our breed.

10           So why do we still need these  
11 regulations? Because the organizations that  
12 should be doing the most to protect our breed are  
13 not.

14           What one thing has the Tennessee  
15 Walking Horse Breeders' and Exhibitors' done to  
16 stop soring? The answer to that would be  
17 nothing.

18           What one thing has the Tennessee  
19 Walking Horse Trainers Association done to stop  
20 soring? The answer to that would be nothing.  
21 Not only have they done nothing, but the  
22 Trainer's Association named Larry Wheelon to

1 their Ethics Committee, their Ethics Committee.

2 Here is a picture of one of the horses  
3 at Larry Wheelon's barn in 2013. You don't even  
4 have to know horses to see how raw and painful  
5 this is.

6 At Larry Wheelon's trial one of his  
7 employees, Terry Hughes, was asked about the  
8 figure eight barbed wire contraption that was  
9 found at his barn.

10 He answered that it was placed on a  
11 horse's head and fitted over its ears so that the  
12 horse would learn not to move while the horse's  
13 feet were palpated. Think about that.

14 These trainers actually have a name  
15 for this so-called training, it's called  
16 stewarding. Stewarding is a trainer's term for  
17 beating or torturing a horse so that it does not  
18 move when inspected by officials at the show.

19 Would you like to see another picture  
20 of stewarding? This man was so well respected by  
21 the Big Lick industry that he was named a Hall of  
22 Fame trainer. I know these pictures aren't very

1 big, but it was the best I could do.

2 The HPA is a commerce act. How can  
3 the showing or sale of these sored Big Lick  
4 horses that have won ribbons under false  
5 pretenses be considered any type of fair  
6 commerce? Of course, it is not.

7 How can the sale of a horse that  
8 appears to have a wonderful gait with his great  
9 big shoes on be fair when the unsuspecting buyer  
10 gets that horse home and doesn't sore the horse  
11 in the same manner, finds the horse's gait to  
12 turn into a very rough pace. Of course, it is  
13 not fair.

14 This picture is of the feet of a horse  
15 that was sold with hoof black on and heavy bands  
16 with shoes. He could really step high and was  
17 very flashy.

18 When his new owners got him home and  
19 took the bands and hoof black off this is what  
20 they found. No wonder he stepped so high, his  
21 feet were bruised and painful.

22 Was this fair commerce to these

1 people? Of course, it wasn't, they were duped.  
2 And don't let them convince you that this is no  
3 longer happening.

4 This horse, as several others have  
5 mentioned, was just rescued last week at an  
6 auction in Tennessee. I hope you can see the  
7 sores. I know you are far back some of you but I  
8 hope you can see this, only three years old and  
9 he was sores.

10 I believe you have seen enough  
11 evidence at this point that soring does still  
12 exist and that current HPA regulations are not  
13 stopping it.

14 Hoof bands, pads, and chains have to  
15 go. Our group considers these new regulations an  
16 important step towards ending these methods of  
17 torture and cheating.

18 We do, however, have several points  
19 that we would like to address. We respectfully  
20 request that the two USDA inspectors plus the  
21 farrier rule be changed for smaller shows.

22 This regulation would pretty much put

1 small shows like ours out of business. Because  
2 of the Big Lick stigma attendance is way down at  
3 many shows and if we break even we consider  
4 ourselves lucky.

5 Requiring us to have two inspectors  
6 and a farrier would end our shows. We recommend  
7 that for shows with less than 40 horses only one  
8 inspector and no farrier be required.

9 There is no need for a farrier. If an  
10 inspector cannot tell that a horse is sore  
11 without a farrier's help, why are we hiring them?  
12 Then perhaps from 41 to 60 horses, two  
13 inspectors, and over 60, two inspectors and a  
14 farrier may be appropriate.

15 Number two, we would like to see a  
16 definition of the word pad added to the  
17 regulations. We are concerned that the trainers  
18 will create metal shoes that completely cover the  
19 bottom of the foot and call it a shoe instead of  
20 a pad, then they would go back to hiding all  
21 manner of abuse under that so-called shoe.

22 Number three, we suggest you have a

1 limit on shoe weights. We feel that unethical  
2 trainers will keep super-heavy shoes with bands  
3 on their horses for training and then remove the  
4 bands just before the show, resulting in many  
5 horse shoes being thrown and pain to the horse.

6 In closing, the members of the  
7 Plantation Walking Horses of Maryland would like  
8 to thank the USDA for this opportunity to speak  
9 and also for everything you have done in the  
10 fight to stop soring.

11 It's time to take the next step to end  
12 this horrible stigma once and for all. We want  
13 nothing more than for our wonderful Tennessee  
14 Walking Horse breed to move forward and prosper,  
15 and it is clear that the passing of these new  
16 regulations is how it will get done. Thank you.

17 (Applause.)

18 MR. TUCK: Okay, could I have David  
19 Turner, Robin Webb, Owen Weaver, and Chase  
20 Williams. David.

21 MR. TURNER: Thank you, sir. Good  
22 morning, Bernadette and Mike. I am David A.

1 Turner. I am grateful for the courageous efforts  
2 of APHIS employees, your general counsel, U.S.  
3 Marshals and state law enforcement that laid  
4 groundwork for reforms being discussed today.

5 My earliest Walking Horse ribbon was  
6 earned in 1959 and our family in Texas owns  
7 several Walkers, including Dictator's Queen, the  
8 Reserve World Grand Champion mare of 1948.

9 The breed was becoming increasingly  
10 popular with doctors, senators, and judges, but  
11 blistering techniques instigated by central  
12 Tennessee trainers insidiously spread to our  
13 shows like Pin Oak, the State Fair in  
14 Nacogdoches.

15 Consumers rich and poor turned away  
16 from the artificial useless Big Lick. Into the  
17 pleasure horse market void that we created  
18 flooded a new craze for showing, of all things,  
19 American Quarter Horses.

20 Misguided Tennesseans demolished their  
21 own breed marketing bonanza. The basic product  
22 is great. I own and ride a Walker, Senator Grady

1 Hazlewood in Chestertown, Maryland.

2 I am a member in good standing of the  
3 Kent County Farm Bureau, the Maryland Horse  
4 Council, the Tennessee Walking Horse Breeders and  
5 Exhibitors Association.

6 But given six tragic decades of abuse  
7 I now support a wholesale shift away from  
8 exhibiting this breed as a show horse on the rail  
9 and instead focusing exclusively on sport horse  
10 competitions for Walkers.

11 No need for ag inspectors if Walkers  
12 are eventing, performing dressage patterns,  
13 cutting calves, or doing trail marathons.

14 For the present, USDA must act now.  
15 Those requesting delay would continue to  
16 accentuate Walking Horse gaits by mechanical and  
17 chemical means.

18 I urge you to prohibit packages and  
19 chains during training and showing and honest  
20 inspections at shows can be handled only by USDA  
21 hires.

22 Three years ago a major equestrian

1 magazine editor asked me to describe why these  
2 few Southerners resist the Agriculture  
3 Department's reform efforts, why they practice  
4 blatant abuse.

5 As a Southern historian I would argue  
6 the Big Lick atrocity may be a akin to our  
7 struggles to politically resolve issues, like  
8 whether to display the rebel battle flag, address  
9 slave ownership, and examine the cause of  
10 southern independence.

11 When the public demands that  
12 government step in and define those rights it  
13 places Southerners in a unique quandary. It's  
14 different than elsewhere.

15 About all we can be sure of is that a  
16 handful of resisters will grab the megaphone. In  
17 the South, bullies always frame themselves as  
18 victims.

19 But just as the Agriculture Department  
20 patiently leads countless changes upon other  
21 reluctant farmers, this morning you are  
22 challenged to do so again.

1 I am no longer talking about lost  
2 market advantages for one agricultural segment; I  
3 am reminding you of the basic rationale for farm  
4 regulation.

5 It's tough. For example, eliminating  
6 the pit bull terrier fighting industry is a  
7 responsibility Congress turned to you in 2007,  
8 even that legislation faced opposition.

9 Thirty-nine congressmen voted against  
10 it mostly from our south. Cockfighting remains  
11 wildly popular in Louisiana. Small surprise,  
12 David Howard, the leading exponent of Big Lick  
13 training decided cockfighting enthusiasts may  
14 share the same values as Tennessee trainers.

15 He invited Del. Conzet in June to  
16 address the Celebration Walking Horse Hall of  
17 Fame Club, Conzet declared both his group and  
18 Howard's share a God-given constitutional right  
19 to own, possess, and harvest their livestock as  
20 they please.

21 Small R republican government should  
22 tread slowly whenever it narrows the rights of

1 any American farmer. And for 60 years you have  
2 moved slowly in the face of senseless horse  
3 cruelty practiced by a handful of Tennessee  
4 farmers.

5 It seems you have waited for an entire  
6 generation to expire. They have done so.  
7 Forcing your colleagues to allow another  
8 generation to get its fill of whatever small  
9 thrill is generated by riding Big Lick is blatant  
10 negligence of law.

11 Forcing Big Lickers out of modern  
12 American agriculture will be a fine day's work  
13 for you ladies and gentlemen, and I thank you.

14 (Applause.)

15 SEN. WEBB: Senator Robin Webb from  
16 Kentucky. I own, show, and breed Tennessee  
17 Walking Horses of all disciplines and have for  
18 decades.

19 I am a practicing attorney in State  
20 and Federal Courts, served in the General  
21 Assembly since 1999. In years past members here  
22 have served on the Agriculture Committee and the

1 Horse Farming Subcommittee.

2 I am the Executive Representative of  
3 the Tennessee Walking Horse Breeders' and  
4 Exhibitors' Association, a former licensed judge,  
5 and the former chair of the Equine Law Section of  
6 the Kentucky Bar Association.

7 I am here in opposition as to the  
8 Agency implementation of the rule borne of the  
9 failed past Act. The proposal is a egregious  
10 usurpation of congressional authority and is an  
11 Agency action in violation of the United States  
12 Constitution of the separation of powers doctrine  
13 of and an attack on representative democracy.

14 Further, it is not based in science or  
15 fact as pads and/or action devices do not harm  
16 the performance horse and athlete that we love.  
17 These athletes compete well into their teenage  
18 years and beyond without incident from either  
19 pads or action devices.

20 For those of you who would  
21 discriminate against my horse to keep your pads  
22 and not mine -- I've got a few hours of

1 blacksmithing credit, too, so you would be  
2 willing to take a therapeutic measure away from  
3 my horse and, you know, our breed does pretty  
4 much when they hit the ground.

5 We breed for this confirmation. We  
6 breed for this gait. The economic impact of the  
7 third largest breed component of the three  
8 billion dollar equine industry in Kentucky cannot  
9 be ignored.

10 The performance horse is the  
11 bloodstock of the breed, the cornerstone of the  
12 breed, and it should eliminate the equine  
13 athletes would devalue and diminish all Tennessee  
14 Walking horses.

15 Several other breeds as has already  
16 been stated will suffer immediate and irreparable  
17 detriment in their respective industry. Judicial  
18 and administrative notice may be taken.

19 But in reliance on scientific  
20 evidence. There is no nexus between action  
21 devices, pads, and HIOs. In relation to an overly  
22 broad definition of soring in the Horse

1 Protection Act.

2 The failure of past Act in Congress  
3 has given rise to these proposals. Our founding  
4 fathers anticipated the need for checks and  
5 balances in the creation of our democracy and the  
6 current proposed rule is the example of the  
7 wisdom of the need for such control when the  
8 Executive Branch attempts to bypass Congress.

9 As an elected representative of the  
10 State Legislative Branch I am elected by the  
11 people and held accountable by them. Our body  
12 makes the law. By constitutional authority,  
13 Congress does the same, a federal constitutional  
14 authority grant.

15 However, this is a failed bill where  
16 these rules arise. This is frightening for the  
17 annual agriculture industry, the past Act was  
18 sponsored by an ethically challenged congressman  
19 who is resigning under a cloud of ethics.

20 His investigation was in part in  
21 regard to his spouse being a paid lobbyist of the  
22 animal rights group the Humane Society of the

1 United States, which that entity has, through  
2 staff and operatives that they helped draft this  
3 bill, have lobbied for the bill, and have been  
4 proven that there is unethical relationships with  
5 members of Congress, the USDA, and others in  
6 furtherance of the bill.

7 The failure of the passage indicates  
8 that Congress might be on to something. Judicial  
9 and administrative notice may also be taken that  
10 the HSUS, a radical and extreme animal rights  
11 group, not an animal welfare organization anymore  
12 than the HPA is an animal welfare bill.

13 They are not an animal welfare  
14 organization. They are an anti-animal  
15 utilization, anti-animal ownership organization  
16 that equates them to servitude in the  
17 human/animal relationship.

18 The HSUS and the USDA relationships  
19 are so inextricably intertwined that it is deeply  
20 disturbing for animal agriculture, sports men and  
21 women, and animal owners, and, yes, even domestic  
22 pet owners, and I don't think that's what another

1 great Kentuckian President Abraham Lincoln had in  
2 mind when he created the USDA.

3 I recently read a print article of an  
4 interview with a USDA employee about how they are  
5 doing this. They said we don't need Congress to  
6 do this and I cringe because, my instinct, my  
7 legal expertise, my two oaths to the Constitution  
8 public and private and my experience with this  
9 issue tells me to say to myself, yes, yes, you do  
10 need Congress to do this, and if you didn't there  
11 would never have been a past Act bill. Thank  
12 you.

13 DR. WEAVER: Good morning, ladies and  
14 gentlemen, my name is Dr. Owen Weaver. I am a  
15 member of the American Saddlebred Horse  
16 Association, the United Professional Horsemen's  
17 Association, the United States Equestrian  
18 Federation, and I am also a small animal  
19 veterinarian who has been affiliated with the  
20 American Saddlebred horse for 21 years as an  
21 exhibitor and breeder.

22 I grew up showing Hunters, but left

1 that discipline when I was 29 years old. I  
2 quickly learned that I had many misconceptions  
3 about this breed and its human participants.

4 I have been misled. I was immediately  
5 amazed at the athleticism and extreme beauty that  
6 the Saddlebred horse possessed. I was equally  
7 impressed by the meticulous care given to these  
8 animals by their trainers and caretakers.

9 Because of these things and so much  
10 more I have never revisited the Hunter  
11 discipline. Over the years my family farm has  
12 raised or purchased hundreds of horses and today  
13 we stand two stallions for the public and breed  
14 ten broodmares.

15 We train and sell young horses,  
16 maintain a fat and happy retirement herd, and  
17 show some, too, at the highest levels. The farm  
18 passes through its books hundreds of thousands of  
19 dollars yearly and we are highly successful in  
20 all facets of the breed.

21 To address the padded boot rule first,  
22 as I am sure you must be aware by now the

1 American Saddlebred breed is a trotting breed.  
2 We use pads and boots to distribute impact so as  
3 the hook hits the ground percussion on the  
4 horse's foot is minimized, thereby resulting in a  
5 consistently sound horse.

6 And as I am sure you must know, most  
7 of the American Saddlebred babies are born with  
8 an animated natural motion. As I often have 3-  
9 day old babies who exhibit a high, natural step  
10 we protect their feet and the soft tissues of the  
11 leg as they mature and begin their training with  
12 pads and boots.

13 These same pads and boots are used in  
14 many breeds nowadays as protective devices.  
15 These breeds and disciplines include Hunters,  
16 Jumpers, Dutch Harness horses, Trotters, Pacers,  
17 Hackney ponies, Morgans, Arabians, and Friesians,  
18 just to name a few.

19 Because we are a trotting breed we do  
20 everything possible to keep our horses sound. An  
21 unsound horse cannot trot. An unsound horse  
22 cannot win. An unsound horse cannot be sold. An

1       unsound horse is unhappy.

2                   The idea that legs cannot be wrapped  
3       and supported before or after competition is  
4       counterproductive to the welfare of the equine  
5       athlete.

6                   Liniments and wraps are used to  
7       decrease inflammation brought on by athletic  
8       exertion. Liniments and wraps are also common  
9       practice in racing and jumping horses.

10                  Once again I cannot state enough from  
11       both an animal welfare and competitive  
12       standpoint, it is not in our best interest to  
13       allow our horses to be sore or suffer at any  
14       time. A happy horse performs well.

15                  We follow USEF rules and adhere to all  
16       its requirements. We do a good job penalizing  
17       lame horses in the ring and protecting our own  
18       breed from abuse or neglect.

19                  We are the only pure breed that has  
20       its own rescue for horses who may have lost a  
21       home or been neglected or abused in any time.

22                  There is not one shred of scientific,

1 statistical, or factual evidence that shows the  
2 American Saddlebred as a breed is mistreated,  
3 mishandled, or sored.

4 There has never been a trainer or  
5 owner who has been accused or convicted of soring  
6 any American Saddlebred. I can safely assert  
7 that this industry loves and reveres this  
8 wonderful pure breed it has been entrusted with  
9 protecting.

10 I understand trustees of other breeds  
11 have not been as careful with their charges and  
12 for those horses I truly grieve.

13 But because the American Saddlebred  
14 may at very first sight resemble the Big Lick  
15 Tennessee Walking Horse, it is not that horse and  
16 does not share it's lamentable history.

17 Therefore, I must respectfully request  
18 that the American Saddlebred be excluded from the  
19 related breeds clause so that it may continue to  
20 thrive and enjoy its own future free of false and  
21 destructive associations and unworkable,  
22 unnecessary federal regulations. Thank you.

1 (Applause.)

2 MR. WILLIAMS: Good afternoon. Well  
3 the good news is you are down to the W's, so  
4 we're just about done with this and we can all go  
5 back on our planes and go home and pick up our  
6 respective fights.

7 I think it's clear that there is  
8 nobody in this room that supports a sore horse of  
9 any breed. Can we agree on that? Nobody  
10 supports it.

11 Having said that, you can support that  
12 statement and still oppose this rule, and I am  
13 going to outline why I do.

14 This rule change is a deliberate and  
15 gross violation of the Delegation of Powers Act  
16 set forth by Congress in the Administrative  
17 Procedures Act.

18 You can see this in recent U.S.  
19 Supreme Court decisions involving the FDA and the  
20 EPA for similar rulemaking, not to mention that  
21 at this moment in time, referring to the Foreign  
22 Substance Report from 2015 which showed zero, so

1 make sure you get the quote right, the 2015  
2 Foreign Substance Report showed zero caustic  
3 chemicals.

4 They showed fly spray, show sheen,  
5 cholesterol found in hair products, which  
6 according to the Auburn study do not mask soiling.

7 This rule is a 100 percent divergence  
8 with the directive set out by Congressman Hal  
9 Rogers, the man who funds APHIS. His directive  
10 was that the USDA work with the industry and  
11 promote the horse show industry, not gut it  
12 through and through.

13 In approving the 2016 Fiscal Year  
14 budget the USDA and the Appropriations Committee  
15 specifically noted that the Committee had  
16 continually encouraged APHIS to work more closely  
17 with stakeholders pursuant to the Horse  
18 Protection Act, specifically the agency has been  
19 directed to provide greater and more clear  
20 transparency to work more closely with  
21 stakeholders on rules and regulations and move  
22 away from the subjective nature of inspections in

1 favor of more objective methods.

2 I think we can all agree that  
3 objective scientifically based inspections are  
4 what are needed here, not draconian rules and  
5 regulations.

6 The Agriculture Appropriations  
7 Committee also noted that it was disappointed  
8 that the Agency had not worked in good faith to  
9 address the Committee's requests which are  
10 intended to further its dual goals of the Horse  
11 Protection Act, to care for the animals engaged  
12 in the trade and promote the industry in a safe  
13 and fair manner.

14 The Committee also went on record  
15 stating that any substantive changes to the  
16 statute or its intent should be made by Congress  
17 not through rulemaking.

18 We could only hope the Agricultural  
19 Appropriations Committee will be so outraged by  
20 this blatant disregard of their order that they  
21 will launch a full investigation into APHIS.

22 Since this very comment was given on

1 August 9, 2016, the Tennessee Walking Horse  
2 Celebration has gone on, and I will applaud Ms.  
3 Juarez for being there, witnessing it, and seeing  
4 what all goes on.

5 The HPA was not at its conception, nor  
6 now an equine welfare law in its sense, it is a  
7 commerce law and a consumer protection law. This  
8 proposed rule change will at its very heart  
9 change the intent of the HPA. No government  
10 regulatory agency has that authority, only  
11 Congress.

12 The burden of commerce that the law  
13 was created to avoid is no longer that of a sores  
14 horse, rather than a flawed inspection system  
15 based on subjectivity.

16 I think it's time that the USDA sit  
17 down with the Tennessee Walking Horse Breeders'  
18 and Exhibitors' Association, the Walking Horse  
19 Trainers Association, of which I am a licensed  
20 member of, and the Tennessee Walking Horse  
21 National Celebration and have a frank and serious  
22 discussion about how we can achieve true

1 compliance furthermore than the 98 percent that  
2 their numbers show.

3 Those Horse Protection Act violations  
4 are those who have been properly prosecuted and  
5 found guilty under the law. These proposed rules  
6 changed the spirit and intent of the HPA from  
7 protecting commerce to welfare, which was never  
8 the congressional intent.

9 As a licensed Tennessee Walking Horse  
10 trainer and professional horse show organist I  
11 have seen firsthand what is done by these  
12 subjective inspections.

13 They have cost me nearly \$20,000  
14 annually since 2009 based upon the number of  
15 shows that have been put out of business because  
16 of the uncertainty and the lack of transparency.

17 As the grandson of the former General  
18 Counsel for the State Department of Tennessee I  
19 can tell you that this is a gross overage of  
20 power and violates many set forth agricultural  
21 oversight procedures.

22 At a time of great economic downturn

1 when so many jobs are leaving our shores we need  
2 to be doing all we can to promote animal  
3 agriculture, not destroy it.

4 Thank you so much for allowing me the  
5 opportunity to speak today. I wish all of you  
6 safe travels home and have a great rest of the  
7 afternoon. Thank you.

8 MR. TUCK: Okay. Can I have Carl  
9 Bledsoe, Robin Lohnes, Marty Irby, and Trudy  
10 Wastweet. Carl.

11 MR. BLEDSOE: My name is Carl Bledsoe.  
12 I am from Marble Hill, Georgia. I am not  
13 representing anybody, I am here on my own  
14 volition.

15 I am a second-generation horse  
16 trainer, grew up in the Tennessee Walking Horse  
17 world, and I have a list of HPA violations to my  
18 name and I can tell you that if this regulation  
19 doesn't change the group from Tennessee is going  
20 to find a legal loophole and kick that can so far  
21 down the road that you won't ever catch up with  
22 it.

1           That's what they do, that's what they  
2 did in 1988 when Judge Gasch passed down his  
3 injunction, which precipitated the Auburn study,  
4 the Atlanta protocol, and all the stuff that Dr.  
5 Vaughan had to say about that since then is true.

6           The same damn result. So what I am  
7 here to tell you is though I have not trained a  
8 padded Tennessee Walking Horse in about four  
9 years now, haven't even had one on the farm, but  
10 I do have a thriving business where my horseshoer  
11 comes once a week, my vet comes about twice a  
12 month.

13           All the local vendors that I buy hay,  
14 that I buy feed, all the goods from, they are all  
15 still making money because I am still in  
16 business.

17           So the fact that it's going to ruin  
18 the Tennessee Walking Horse world is a myth,  
19 because 90 percent of what's on my farm is a  
20 Tennessee Walking Horse.

21           Although they are flat shod or  
22 barefooted, they are Tennessee Walking Horses and

1 people are still enjoying them and doing sports  
2 stuff with them and trail riding them and I am  
3 not having any trouble selling horses.

4 That's what I came to say. Thank you.

5 (Applause.)

6 MS. LOHNES: Good morning, Robin  
7 Lohnes, Executive Director of the American Horse  
8 Protection Association, Washington, D.C. HPA is  
9 a national non-profit humane organization devoted  
10 exclusively to equine welfare.

11 We will be submitting an in-depth  
12 comprehensive written comments in support of the  
13 Department's proposed rule to amend Horse  
14 Protection Act regulations. My comments today  
15 will be relative brief highlighting only a few  
16 salient points.

17 HPA certainly is no stranger to this  
18 issue, having been involved since the passage of  
19 the Act back in 1970 and since has been involved  
20 with every regulatory procedure to date.

21 And over that 46-year period we have  
22 attended countless shows, from one-night locals

1 to the Celebrations, we have requested formal  
2 rulemakings, attended listening sessions, been  
3 part of strategic plans, served on committees and  
4 commissions, we've worked with the HIOs  
5 facilitating their operating plans, we've worked  
6 with the Department, we've sued the Department.

7 We have been a cheerleader for the  
8 Department and its VMOs and we have worked with  
9 three generations of folks associated with the  
10 Walking Horse industry, yet after all these years  
11 soring still persists.

12 So, thank you on behalf of the  
13 Association and its membership, thank you to the  
14 Department for proposing a rule that addresses  
15 what 40 plus years of discussion, negotiation,  
16 and political gamesmanship has failed to do.

17 Eliminating the incestuous and  
18 ineffective PQP system and prohibiting the use of  
19 pads and action devices on the very breeds that  
20 have for 40 plus years continued to sore their  
21 horses, the Tennessee Walking Horse, the Racking  
22 Horse, the Spotted Saddle Horse.

1           The Association believes that it is  
2 not the intent of the Department to cast its  
3 regulatory web far and wide to encompass the  
4 breeds that have absolutely no history of soring.

5           As it relates to the prohibition of  
6 pads and action devices we ask the Department to  
7 be very specific with regard to the breeds  
8 included in this prohibition. It is imperative  
9 that the Department make this distinction in its  
10 final rule.

11           Additionally, while the Department has  
12 had almost 60 years to formulate a plan by which  
13 to design its new proposed inspection protocol as  
14 outlined in the 2010 OIG report we acknowledge  
15 that this process may be challenging for  
16 implementation.

17           Nonetheless, we strongly encourage the  
18 Department to ensure that implementation does not  
19 allow for any existing or new HIO to directly or  
20 indirectly highjack, sabotage, or negatively  
21 impact show management's ability to engage  
22 independent horse protection inspectors.

1           We do not want to see a cottage  
2 industry emerge as HIOs act as middlemen for show  
3 management and attaining inspectors that may not  
4 pass muster as it relates to conflicts of  
5 interest.

6           To that end we ask the Department to  
7 give serious thought to including safeguards to  
8 prevent such a thing from happening. Emphasis on  
9 conflict of interest, even with veterinarians and  
10 certified vet techs musts be a top priority.

11           In closing, our written comments will  
12 include much more detail, but thank you in  
13 advance for the opportunity to share our  
14 experience and vision of effective enforcement of  
15 the Horse Protection Act.

16           The Department is truly at a  
17 crossroads and the responsibility rests warily on  
18 its shoulders to change the face of the history  
19 and eliminate once and for all the heinous, total  
20 unacceptable and illegal practice of soring.

21           We stand with you as we have for 46  
22 years and we thank you.

1 (Applause.)

2 MR. TUCK: Marty.

3 MR. IRBY: My name is William T.

4 "Marty" Irby, Jr., and I served as the President  
5 of the Tennessee Walking Horse Breeders' and  
6 Exhibitors' Association from December 2010 to  
7 December 2012 and currently serve as the Senior  
8 Director of rural outreach and equine protection  
9 for the Human Society of the United States.

10 In addition, I am an eight time wall-  
11 to-wall grand champion rider with Tennessee  
12 Walking Horses, have managed the largest  
13 Tennessee Walking Horse breeding department in  
14 the history of the breed, have owned a Racking  
15 Horse world grand champion within the Racking  
16 Horse Breeders Association, and have judged the  
17 Spotted Saddlehorse World Grand Championship for  
18 the National Spotted Saddle Horse Association.

19 All three of these breeds would be  
20 affected by the Department of Agriculture's  
21 proposed regulation that I fully support.

22 In 1955 my grandfather veterinarian

1 obtained his first Tennessee Walking Horse and  
2 joined the association I later became the  
3 President of.

4 TWHBEA is the breed registry  
5 established in 1935 and the oldest organization  
6 with the industry. At the age of three I was  
7 first placed on a Tennessee Walking Horse and at  
8 the age of five I began showing and competing at  
9 World Grand Championship competitions.

10 Since childhood I have observed the  
11 horrific practice of soring and was taught how to  
12 sore a horse at the age of 13. In recent years I  
13 have seen Tennessee Walking Horses feet that  
14 looked like pizza with the cheese pulled off due  
15 to the effects of soring and caustic chemicals.

16 Soring padded performance Tennessee  
17 Walking Horses is ingrained in the abuse of Big  
18 Lick culture and to prevent to the continued  
19 destruction of the Tennessee Walking Horse by the  
20 pro-soring coalition I believe this regulation  
21 must be implemented.

22 Having served as President of the

1 Breed Registry and listened to thousands of  
2 breeders from all over the world, owners,  
3 trainers, and exhibitors, and enthusiasts as  
4 well, I believe that the majority clearly would  
5 support this regulation.

6 During my years of service in various  
7 positions at the Breed Registry we tried to move  
8 our breed in a new direction from within but were  
9 unsuccessful in those attempts.

10 Therefore, I am here before you today  
11 to ask the USDA to please help save the Tennessee  
12 Walking Horse breed and eliminate the torturous  
13 practice of soring to achieve the pain-based Big  
14 Lick gait by swiftly implementing the proposed  
15 regulations.

16 Over the past ten years the membership  
17 at TWHBEA has declined from more than 20,000 to  
18 6,500 or so. In 2006 when I was the  
19 International Director of the Association the  
20 Tennessee Walking Horse National Celebration  
21 failed to crown a world grand champion because  
22 most of the horses were disqualified and deemed

1 in violation of the Horse Protection Act.

2 When I served as Vice President of  
3 Marketing in 2007 the Association was nearly  
4 bankrupted by the pro-soring coalition. In 2010  
5 when I served again as Vice President of  
6 Marketing the Association was kicked out of the  
7 World Equestrian Games in Kentucky and our  
8 \$25,000 sponsorship check was returned due to the  
9 rampant soring issues and utilization of pads,  
10 stacks, action devices, and chains.

11 The Tennessee Walking Horses breed's  
12 demise has most certainly been caused by the  
13 corruption and rampant soring that has been  
14 perpetuated by both blindness and deception.

15 In May of 2011 I was as President  
16 faced with a very critical decision, should I  
17 continue to help perpetuate the lie that the  
18 padded and chained Tennessee Walking Horse are  
19 mostly sound and a few bad apples sore them, or  
20 should I recognize the truth that all padded and  
21 chained Tennessee Walking Horses are either sore  
22 or have been sored at one time.

1           This question came to mind after an  
2           expose was aired on ABC's Nightline that showed  
3           the undercover documentation of one of the top  
4           championship trainers, Jackie McConnell, brutally  
5           beating, soring, and electrically cattle prodding  
6           a number of Tennessee Walking Horses.

7           I have known Jackie McConnell since I  
8           was five years old and I have seen a lot of that  
9           firsthand. During this event I happened to be  
10          judging a horse show in Wemding, Germany, where  
11          the padded and chained performance horses are not  
12          allowed.

13          I observed the reaction that the world  
14          had of this video expose and knew this lie could  
15          no longer be perpetuated. The attention  
16          generated by this undercover investigation became  
17          the town hall crisis of the Tennessee Walking  
18          Horse breed.

19          The negative stigma associated with  
20          the breed due to soring has caused the value of  
21          yearling colts and the horses to decline  
22          dramatically in just a few short years.

1           The industry's inability to self-  
2 regulate over the past 46 years has brought the  
3 breed to a crossroads and I have personally  
4 witnesses extensive corruption in soring horses,  
5 corrupt inspections, corrupt judging, corrupt  
6 training methods, corrupt business practices  
7 intertwined within the industry, corrupt horse  
8 shows, corrupt titles awarded to the highest  
9 bidder to line the pockets of a few.

10           This continues perpetuating the  
11 horrific practice of soring and has utterly  
12 destroyed the breed. An economy based on illegal  
13 criminal activity such as this must not persist  
14 and is not healthy for our breed or our country.

15           The USDA must take action to save our  
16 horses and to save our breed and grow our equine  
17 economy and stabilize so that it can thrive in a  
18 new humane economy for generations to come.

19           For this to happen the mechanically  
20 created and artificial gait known as the Big Lick  
21 must quickly be eradicated and the stacks and  
22 chains and soring along with it.

1                   This includes the self-regulation  
2                   system that perpetuates this plague that has  
3                   hovered over the Tennessee Walking Horse for more  
4                   than half a century.

5                   The HIO system is what divides the  
6                   breed and eliminating this system will enable  
7                   USDA to license inspectors and finally oversee  
8                   enforcement of the HPA effectively.

9                   Soring is concentrated in one division  
10                  known as the padded and chained performance  
11                  division that, yes, the USDA regulation would  
12                  eliminate.

13                  Upon implementation the remainder and  
14                  majority of the breed will be able to grow and  
15                  move forward in a new direction with emphasis on  
16                  its versatility and not one freak show segment.

17                  For nearly a year, beginning in the  
18                  Summer of 2012, I went to many of the top  
19                  training barns within the industry and searched  
20                  the padded horses who had not been sored.

21                  I could not find one single padded  
22                  performance horse that had not had been subjected

1 to this abuse at some point in its life.

2 Most were being sored at the time of  
3 my analysis and the trainers told me firsthand  
4 how they were soring the horses with crotonol,  
5 diesel fuel, go-jo, kerosene, and other chemicals  
6 that they used.

7 The proposed rule will enable those  
8 who aren't engaged in soring to thrive and  
9 continue to grow and restore the Tennessee  
10 Walking Horse to its deserved renowned truly  
11 remarkable breed that it is.

12 I urge the USDA to finalize and  
13 implement the rule with no extension of the  
14 comment period. The USDA in April 1979, the year  
15 I was born, first mentioned the elimination of  
16 pads and action devices and it's been long  
17 enough.

18 Let's not let this cruel abuse extend  
19 to another generation and I thank the USDA,  
20 Secretary Vilsack, and the Administration for  
21 their hard work in recognizing that this problem  
22 must be solved. That's it.

1 (Applause.)

2 MS. WASTWEET: Good morning. My name  
3 is Trudy Wastweet and in my role as Director of  
4 Congressional Relations for American Farm Bureau  
5 Federation I am pleased to provide these comments  
6 on behalf of our farm branch and rural community  
7 members across the country.

8 Our Farm Bureau members raise all  
9 species of livestock and working animals,  
10 including gaited horses for leisure riding and  
11 competitive events.

12 Our Farm Bureau members are committed  
13 to proper care and welfare of livestock,  
14 including horses, and we do not condone practices  
15 that are cruel and abusive.

16 Violators of animal welfare laws  
17 should be held accountable to the penalties set  
18 forth in law. We support horse owners and  
19 trainers who care for horses in a responsible and  
20 ethical manner, putting the health and welfare of  
21 the horse first.

22 In a moment I will highlight a few of

1 our key concerns with this rule proposal, but,  
2 first, Farm Bureau does ask the Agency to grant a  
3 60-day extension to the public comment period.

4 The additional time will allow our  
5 organization to consult with more of our  
6 grassroots members and assemble meaningful and  
7 constructive feedback to the proposed rule  
8 changes.

9 Importantly, we note that this rule  
10 proposal was issued during a peak season of  
11 competitive events for Tennessee Walking Horses.  
12 Indeed, the premiere competition and a widely  
13 attended contest for gaited horses, the National  
14 Celebration, concluded just this past Labor Day  
15 weekend.

16 As a practical accommodation for the  
17 impacted stakeholders we urge APHIS to delay the  
18 comment deadline so that more horse owners,  
19 trainers, riders, and fans may have the  
20 opportunity to understand the proposed rule and  
21 offer useful comment.

22 This proposal has put breeds such as

1 the Tennessee Walking Horse in the spotlight for  
2 criticism. Such gaited breeds are falsely  
3 characterized as being forced into unnatural  
4 gaits through the use of padded shoes and action  
5 devices.

6 In fact, breeds such as the Tennessee  
7 Walking Horse naturally possess this unique  
8 lateral gait and even young colts will exhibit  
9 this natural long rear stride, front leg lift and  
10 reach, and shaking head as they run alongside  
11 their mothers.

12 This inimitable gait is a genetic  
13 trait of these breeds and horse lovers and riding  
14 enthusiasts cherish this naturally unique and  
15 handsome style.

16 The use of action devices provides a  
17 tactile leg to the striding horse. A padded shoe  
18 can serve several purposes, from aiding the horse  
19 who reaches out in long strides to providing  
20 therapeutic relief to an injured animal.

21 Understandably, these action devices  
22 and padded shoes may seem unusual to someone

1 unfamiliar with the natural physical abilities of  
2 gaited horses.

3           However, we do dispute the Agency's  
4 assertion that the use of action devices and  
5 padded shoes definitively leads to horse soring.  
6 We assert that these training tools are safely  
7 and ethically used by most horsemen and women and  
8 can actually be used to improve the horse's  
9 health and welfare.

10           Indeed, Farm Bureau abhors the  
11 deliberate and intentional soring of horses and  
12 we see such violations of the Horse Protection  
13 Act as a blemish on the reputation of the good  
14 people who breed, train, and enjoy the  
15 companionship of horses, that is why we call on  
16 APHIS to actual propose improvements to the  
17 inspection process.

18           The current proposal makes no changes  
19 to the inspection procedure and we see that as a  
20 significant shortcoming. The current inspection  
21 process is rife with inconsistencies due to  
22 subjective observation procedures.

1           We urge the Agency to create new  
2 objective protocols for horse inspection based  
3 upon reliable, scientific criteria, protocols  
4 that can effectively distinguish between  
5 legitimate training techniques and illegal soring  
6 practices.

7           Visual observations for scar rule  
8 violations and probing for flesh and joint  
9 sensitivity are too variable to reliably discover  
10 a sore horse.

11           Tissue biopsies and blood testing  
12 would be examples of scientific procedures that  
13 would more accurately evaluate the health and  
14 welfare of the horse.

15           If used together with visual  
16 observations inspectors applying scientific  
17 evaluation would more accurately identify  
18 violations of the Horse Protection Act.

19           Consequently, better scientific  
20 evidence of soring would enable APHIS to act upon  
21 violations and enforce penalties against those  
22 trainers and owners who violate the law.

1           Perpetrators of real horse abuse and  
2 mistreatment should face consequences, but most  
3 of the time the Agency does not have evidence to  
4 substantiate alleged violations.

5           How effectively can horse welfare be  
6 protected when the Agency has no conclusive  
7 evidence of soring and does not take enforcement  
8 action?

9           American Farm Bureau will be  
10 submitting more complete comments to the docket,  
11 but we do emphasize that our members are  
12 committed to working with APHIS to ensure that  
13 horse welfare is protected and that cultural  
14 traditions centered on horses for both work and  
15 leisure activities will continue.

16           Thank you for the opportunity to  
17 comment.

18           MR. TUCK: Thank you, Trudy. Can I  
19 have Barbara Lombardo, Jackie Cowan, C.A. Lee,  
20 III, and Emily Spivak. Barbara? No, Barb?  
21 Jackie.

22           MS. COWAN: Good morning, everyone.

1 I am Jackie Cowan. I am here on my own behalf,  
2 the behalf of the horses, and the Chesapeake  
3 Plantation Walking Horse Club, which has been in  
4 existence for about 25 years.

5 We are 300 members strong, 85 percent  
6 with various gaited horses. It is a real honor  
7 to be here with all of you and hearing everything  
8 that we all believe in is just phenomenal to have  
9 it in one room and I thank each and every one of  
10 you for coming, especially those of you who came  
11 a really long distance.

12 I have been a lover of the character  
13 and beauty of the Tennessee Walking Horse and  
14 other gaited breeds for about 30 years. I have  
15 shown, including taking my trail horse to  
16 Tennessee and coming home as National Racking  
17 Champion.

18 He was my search and rescue mount. We  
19 rode with a hunt, we did a lot of different  
20 things to promote the versatility and beauty of  
21 the gaited horse.

22 I have been a show manager and I have

1 managed inspection areas at larger horse shows.  
2 Now I can travel 400 miles in one week to help  
3 other gaited horse owners learn the dynamics of  
4 their gait and improve their natural horsemanship  
5 to enhance their horse.

6 I am here to actually talk about the  
7 impact that the Big Lick industry has had on our  
8 Maryland economy on the Tennessee Walking Horse.  
9 Over the years we have experienced a great  
10 incline in the interest in the gaited horse, in  
11 particular the Tennessee Walking Horse.

12 But in the last couple of years since  
13 we have started this process the interest in the  
14 Tennessee Walking Horse ownership in Maryland has  
15 declined because people are afraid of things like  
16 what Louise pointed out, what do you find when  
17 you get the horse home, what's the history of the  
18 horse, was there an association with soring.

19 I have also found that veterinarians  
20 around are declining to take walking horses in as  
21 new clients, same reason, they don't want to get  
22 involved, they have a misconception about what

1 the natural walking horse is.

2 Farriers are the same way. They don't  
3 want to take new clients because they have a  
4 misconception that Tennessee Walking Horses must  
5 have special shoes and special foot alignments  
6 and they don't want to get involved with that.

7 And it seems to me, particularly in  
8 the last year or so, that we are seeing more  
9 Tennessee Walking Horses end up in the kill pens  
10 of the auctions and I don't know why that is  
11 happening, but it certainly seems to be going  
12 right along in hand with the Big Lick concept and  
13 getting rid of horses.

14 The idea that passage of and  
15 strengthening the Horse Protection Act will kill  
16 the Big Lick industry is absolutely ridiculous.  
17 If we can get rid of the pads and the chains and  
18 the bad images of our breed it can only enhance  
19 our breed and the industry and come back to good  
20 breeding practices and good riding and  
21 development of the local horse shows more.

22 And certainly I would ask that you do

1 take into consideration what the Plantation  
2 Walking Horses of Maryland have suggested in  
3 developing a system for inspections that will  
4 allow the smaller, local shows to thrive and to  
5 have inspections to be in compliance with the law  
6 but not go broke over it.

7 So I thank you all very much for  
8 coming again and it's an honor, again, to be here  
9 with you.

10 (Applause.)

11 MR. LEE: I am afraid that I am now  
12 the first to say something many of you probably  
13 didn't want to hear or didn't expect to hear, and  
14 that's good afternoon.

15 My name is C.A. Lee, III, and I have  
16 been a breeder and exhibitor of Morgan Horses for  
17 over 30 years. I have served on the Board of  
18 Directors of the American Morgan Horse  
19 Association for over 20 years and have been a  
20 vital part of the show committee for the grand  
21 national and world championship Morgan Horse Show  
22 since 1996.

1           I am here to voice my concern over the  
2 proposed revisions to the Horse Protection Act of  
3 1970. As a breeder, exhibitor, and enthusiast of  
4 America's first breed I can tell you my first  
5 priority, as well as everyone else in what we  
6 call the Morgan Family, is the health, welfare,  
7 and perpetuation of this magnificent animal.

8           I urge you to take the extra time and  
9 due diligence necessary to consider the far-  
10 reaching consequences some of these proposed  
11 changes will have on the Morgan breed as well as  
12 many other performance breeds not subject to  
13 soring practices.

14           These breeds include Morgans, American  
15 Saddlebreds, Hackney, Arabians, and Friesians, to  
16 mention a few. I wholeheartedly agree the  
17 practice of soring is disgusting and should be  
18 stopped.

19           However, a broad sweep of all  
20 practices without careful consideration will have  
21 an overall negative effect on the industry as  
22 well as thousands of well-cared-for animals

1 currently loved by families and individuals  
2 throughout our country.

3 As an example, the use of pads,  
4 wedges, hoof bands, are all common practices in  
5 many USEF member breeds. Use does not involve  
6 soring yet prohibited under these proposed  
7 changes.

8 After 9/11 it was determined footwear  
9 was a potential threat to the safety of millions  
10 of air travelers across the country. As a result  
11 all shoes and socks were not banned for air  
12 travelers, just as all pads and action devices  
13 should not be banned for all horses.

14 These proposed changes are vague and  
15 open to interpretation. All lubricants on the  
16 outer extremities will be prohibited without  
17 adequate definition.

18 Have you not ever used liniment on a  
19 muscle or even after shave? Similarly, such  
20 prohibited substances could be detrimental to the  
21 care, comfort, and welfare of the horse.

22 Breeds, such as the Morgan, American

1 Saddlebred, Hackney, Arabian, and Friesian, are  
2 cultivated to the peak of happiness and fitness  
3 in order to perform at their best.

4 These breeds should not be included in  
5 the broad sweep of generalization in regulations  
6 intended to stop the specific actions exhibited  
7 by a few.

8 Please consider the future of these  
9 related breeds and take another look at how these  
10 broad changes would affect the industry as a  
11 whole. Thank you.

12 (Applause.)

13 MS. SPIVAK: Hi, everyone. My name is  
14 Spivak and I first of all just -- It's been  
15 bothering me, so I just have to say that the HSUS  
16 is pro agricultural, pro companion animal, and,  
17 boy, I am so glad that the HSUS is here to help  
18 all of our nation's animals. So I'd have to say  
19 that first.

20 (Applause.)

21 MS. SPIVAK: I am here today as a  
22 Maryland constituent and I am also here on behalf

1 of my father, David Saul Spivak, who is a  
2 disabled Marine Vietnam veteran.

3 Him and his military buddies and  
4 coworkers at the Postal Union and our family are  
5 all horse lovers, so I am here in spirit  
6 representing them.

7 They are in strong support of the  
8 proposed rule to strengthen enforcement of the  
9 Horse Protection Act and to finally end the  
10 soring of Tennessee Walking Horses.

11 We were all also in support of the  
12 past Act, I just wanted to put that -- The story  
13 of America is the story of our relationship with  
14 horses.

15 Horses have served our nation for  
16 countless generations, working beside us in the  
17 fields, fighting alongside us in battle, and  
18 helping soldiers, such as my dad, recover from  
19 PTSD from battle.

20 We owe them our lives and it is far  
21 past time that we give back to them. In 1970  
22 with the passage of the Horse Protection Act the

1 time had finally come to eliminate horse soring  
2 abuse.

3           However, as we all in this room know,  
4 the Horse Protection Act was weak in a number of  
5 aspects. Namely, it allowed the industry to  
6 police itself, if you will the fox guarding the  
7 henhouse, allowing horse soring to continue into  
8 2016.

9           In 2010 the USDA's Inspector General  
10 audited the Agency's Horse Protection Program and  
11 found numerous problems, including the horse  
12 industry organization's self-policing system.

13           They recommended a new system which  
14 included independent inspection. Now in 2016,  
15 six years later, the time has finally come to  
16 effectively address this major flaw by requiring  
17 USDA licensed and trained inspectors to ensure  
18 strong enforcement of the rules.

19           We applaud the USDA for paying serious  
20 attention to this imperative issue by inviting  
21 the public to comment on this proposed rule which  
22 addresses the problems identified in the audit.

1           The USDA's efforts to ban the use of  
2           the devices integral to the soring process, such  
3           as stacks and pads, is extremely honorable. We  
4           sincerely appreciate the requirement also that  
5           show management will still pay for inspectors so  
6           taxpayers won't have to cover these expenses.

7           My dad and I are hoping that you will  
8           consider adding heavy shoes to the list of  
9           prohibited devices as they obscure the evidence  
10          of soring to the sole of the hoof and make it  
11          difficult to accurately check for signs of  
12          soring.

13          We also said that we feel that the  
14          comment period of two months has been a lot of  
15          time, plus, obviously, we have had many years  
16          beforehand to address these issues.

17          So we are strongly in support of the  
18          USDA's proposed rules and hope that these  
19          important adjustments will be made to the  
20          proposed rule and that the USDA will finalize it  
21          as soon as possible.

22          The disturbing cruelty to these horses

1 is not a cultural tradition that should be passed  
2 on, but rather a shame for humanity. The status  
3 quo, as someone said, is woefully inadequate and  
4 we really need to change that.

5 Thank you so much for your time and  
6 consideration and I appreciate, as does my family  
7 and a lot of Pennsylvanians back home, of the  
8 USDA taking a moral and scientific high ground.

9 Let's give back to these extremely  
10 intelligent animals who have given so much to us.  
11 Let's end horse soring.

12 (Applause.)

13 MR. TUCK: Okay, can I have Russ  
14 Gasper, Marisa Landy, Michael Blackwell, and  
15 Phyllis Levinson.

16 MS. LEVINSON: I already went.

17 MR. TUCK: Okay. And Tina Snyder  
18 please come up. Russ.

19 MR. GASPER: Thank you, Mike. My name  
20 is Russ Gasper. I am a lawyer and I am not  
21 ashamed to say it.

22 I have represented the American Horse

1 Protection Association for 40 years and I have  
2 had the privilege of representing a number of  
3 other organizations involved in Horse Protection  
4 Act issues as well.

5 AHPA supports the proposed rules,  
6 Robin Lohnes already has said. It needs some  
7 clarification and specification to address some  
8 issues that could be handled a little bit better,  
9 but it's a good rule, it's the right rule, it's  
10 the rule that solves the problems that need to be  
11 solved.

12 Donna Benefield said something early  
13 this morning about what USDA said back in 1979  
14 when it passed the first big body of regulations  
15 after the 1976 amendments to the Act, she  
16 reminded us that at that point USDA, said pledged  
17 I think, that if the structure of those rules  
18 wasn't successful in ending soring they would be  
19 reviewed and replaced.

20 That pledge has been redeemed by the  
21 rule that was just proposed and on behalf of  
22 AHPA, and I think many of the people in this

1 room, we are very grateful for the fact that that  
2 happened.

3 After all these years why is there  
4 still controversy? Where is there still  
5 antagonism? I think there is one answer to that  
6 that almost everybody here has acknowledged.

7 It's not because of Agency overreach,  
8 it's not because of the philosophy or fanaticism  
9 of animal organizations, it's because soring  
10 still exists.

11 It hasn't stopped. The Walking Horse  
12 industry had the opportunity after 1979 to  
13 implement a program and a system that would end  
14 soring, and it committed to do so back then.

15 I confess, reluctantly, that I was old  
16 enough to attend public meetings like this back  
17 in 1978 through 1980. I heard the USDA make its  
18 pledge and I heard the representatives of the  
19 Walking Horse industry say that they would fix  
20 the problem.

21 They didn't. It still exists today  
22 and that's why the proposed rule needs to be

1 adopted.

2           And as I said, this isn't Agency  
3 overreach, it's not animal welfare fanaticism, it  
4 is something that virtually everybody in this  
5 room who hasn't spoken on behalf of the Walking  
6 Horse system has acknowledged, whether they be  
7 veterinary organizations, whether they be horse  
8 organizations such as USEF or the specific breed  
9 organizations, whether they be the hundreds of  
10 smaller horse organizations throughout this  
11 country, Walking Horse or not, and whether they  
12 are just the millions of horse owners and  
13 enthusiasts who are animal welfare adherents in  
14 the most fundamental sense, all of them realize  
15 that this practice has to end.

16           And those of us who have been involved  
17 in it know that it has to end in the way we are  
18 proposed by the rule. The action devices and  
19 pads and other practices that were allowed in  
20 1979 have allowed soring to persist, not ended  
21 it.

22           The HIO system that was adopted to

1 provide DQPs in 1979 has failed in its  
2 opportunity through self-regulation to end soring  
3 practices.

4 This rule changes those two  
5 fundamental failures. It fixes what has needed  
6 to fixed for well over 30 years and I think we  
7 all need to recognize that for a long period of  
8 time the Agriculture Department tried to make  
9 those old rules work.

10 HPA and many other organizations in  
11 this room were participants in those processes.  
12 Frankly, we grew frustrated by USDA because they  
13 stuck with it so long, but ultimately those  
14 efforts failed.

15 We need a change of direction and it  
16 has to be this change in direction. There is no  
17 alternative if soring is going to end.

18 Robin Lohnes addressed many of the, or  
19 a couple of the issues where we think the rule  
20 needs to be clarified and maybe a little bit more  
21 specific.

22 I've got only one other comment about

1 that, and that's the following. We have a rule  
2 now with two fundamental parts, take away certain  
3 kinds of devices and paraphernalia that have led  
4 soring to perpetuate and replace the HIO DQP  
5 system.

6 Those two parts are interrelated.  
7 They are both very important, but they are not  
8 necessarily mutually dependent.

9 There hasn't really been any  
10 discussion of how this rule gets implemented,  
11 especially if it's going to take some time to put  
12 the Horse Protection Act inspectors in place.

13 Therefore, we urge the Department, if  
14 need be, to allow the new rules regarding action  
15 devices and pads to go into effect early and take  
16 additional time to do the HPI audit. Thank you.

17 (Applause.)

18 MR. TUCK: Marisa.

19 MS. LANDY: Marisa.

20 MR. TUCK: What is it?

21 MS. LANDY: Marisa.

22 MR. TUCK: Marisa, oh. I'm sorry.

1 MS. LANDY: That's okay, no worries,  
2 I get it a lot.

3 MR. TUCK: All right.

4 MS. LANDY: Hi, everyone, thanks for  
5 bearing with us today. My name is Marisa Landy.  
6 I am in here as a lifelong animal advocate,  
7 animal welfare advocate, animal lover, and, no, I  
8 am not opposed to owning pets nor are most of the  
9 people here today. A lot of us do own pets and  
10 we are still animal lover advocates.

11 Horse shows are about celebrating the  
12 natural beauty, gait, and grace of horses, and  
13 there is nothing natural about the use of caustic  
14 chemicals that are violently seared into horses  
15 skin.

16 Horses don't have a voice and as it  
17 stands those responsible for protecting these  
18 horses are cheating the system and sliding  
19 through loopholes in the Horse Protection Act to  
20 obtain the Big Lick.

21 When Congress passed the Horse  
22 Protection Act in 1970 the goal was to ensure

1 that trainers complied with the law and trained  
2 their horses humanely.

3 Instead, weak regulations and a failed  
4 system of self-policing have undermined the law's  
5 effectiveness and many horses have suffered as a  
6 result.

7 The USDA is able to attend  
8 approximately 10 percent of these shows due to  
9 limited resources so it needs to be able to rely  
10 on licensed inspectors in the field to look out  
11 for these tortuous practices. This is something  
12 that is missing from the existing oversight  
13 program.

14 Additionally, trainers who are able to  
15 hide evidence of soring but are found in  
16 violation after their horses have shown face no  
17 penalties unless they are prosecuted, which is  
18 rare, and they get to keep to their awards, so  
19 they really don't even face a slap on the wrist  
20 if they are found in violation after the fact.

21 I genuinely applaud the USDA for  
22 taking notice of the horse soring problem and

1 proposing a rule prohibiting the use of stack  
2 shoes, pads, hoof bands, and action devices on  
3 Tennessee Walking Horses.

4           However, heavy shoes are used by  
5 trainers to sore these horses and similar to  
6 stacks and pads they hide the evidence of soring  
7 done to the sole of the hoof.

8           These shoes are so wide that it is  
9 impossible to apply a hoof tester to the sole to  
10 check for soring. If we don't ban the use of  
11 heavy shoes Big Lick trainers will simply use  
12 pressure shoeing to inflict pain to create the  
13 so-celebrated gait.

14           The USDA should implement a weight  
15 limit on these horses shoes and prohibit any shoe  
16 so wide that it covers the horse's sole and  
17 prevents examination of the sole.

18           This will help ensure that there is no  
19 way to get around the rules and cover up their  
20 abuse as Big Lick trainers have been doing for so  
21 many years.

22           Today opponents to the proposed rule

1 have made a lot of excuses about the burdens of  
2 improved recordkeeping, the margins of error in  
3 inspection statistics, and, of course, the absurd  
4 claim that many animal welfare advocates who are  
5 dedicated to protecting animals want to ban pet  
6 ownership.

7 We also heard from vets who have  
8 worked in horse protection here at the USDA,  
9 judges, horse trainers, owners, and attendees of  
10 shows where horses have been sored.

11 All of these people have seen  
12 firsthand how well the current HPA is working,  
13 and clearly it is not. Simply put, anyone who is  
14 opposed to horse soring like they say they are  
15 should be willing to do anything and everything  
16 to prevent it and stop it from occurring.

17 I strongly support the USDA's proposed  
18 rules but hope they will make the suggested  
19 amendments before the end of this Administration  
20 so we can finally stop this cruel practice once  
21 and for all.

22 Thank you all so much for your time

1 and for considering the well-being of these  
2 majestic animals.

3 MR. BLACKWELL: Good morning. My name  
4 is Dr. Michael Blackwell. I'm the Chief  
5 Veterinarian for the Humane Society of the United  
6 States. And before I get into my prepared  
7 remarks I'd like to just give you a little bit  
8 more background.

9 I spent 20 years with the FDA, an  
10 agency much like yours, charged with ensuring  
11 that laws intended to protect consumers and  
12 animals are, in fact, meaningful.

13 They only reach their meaning as  
14 regulatory agencies are able to go out and  
15 implement regulations intended to ensure the  
16 outcomes that those laws are written to achieve.

17 And so for that reason I really  
18 appreciate this process, appreciate the fact that  
19 USDA is taking a look at how to ensure that the  
20 Horse Protection Act has its intended outcome.  
21 It is, after all, a protection act, at least  
22 that's in the title.

1           My dad was a veterinarian. I grew up  
2           in a practice. We owned horses, including  
3           Tennessee Walking Horses, and I saw horse's  
4           everyday through that practice.

5           The thing that always comes to mind  
6           when we are talking about the big lick horse is  
7           this. Those times when either my dad or myself  
8           were presented a patient and the owners would  
9           say, you know, I came home from the store  
10          yesterday and it just started, just happened.

11          Now the leg is gangrene. You  
12          understand what I'm saying. It could not have  
13          just happened yesterday.

14          Every time I see a big lick horse  
15          perform, my eyes, which I think are informed to  
16          some level, says there's no way, or to ask it  
17          another way, what would possess a horse to walk  
18          like that?

19          What would possess an animal to assume  
20          this very unnatural posture, literally walking on  
21          its rear legs in such a way that defies nature?  
22          Well, it's not natural. And it didn't just

1 happen.

2 I'm commenting today on behalf of the  
3 Humane Society Veterinary Medical Association,  
4 which represents about 9000 veterinary  
5 professionals nationwide. We support the  
6 proposed rule.

7 We believe that USDA has an obligation  
8 to effectuate the humane purposes of the Horse  
9 Protection Act, yet current regulations allow the  
10 ongoing use of cruel devices and techniques that  
11 perpetuate soring. It didn't just happen  
12 yesterday.

13 The proposed rule bans the use of  
14 pads, stacks, wedges, hoof bans, action devices  
15 and substances on the limbs of any Tennessee  
16 Walking Horse and Racking Horse or other related  
17 breeds. This is a long awaited change that we as  
18 veterinary professionals wholeheartedly support.

19 The big lick is a pain-based gait. It  
20 didn't just happen yesterday. Don't tell me it  
21 just happened yesterday when the leg is falling  
22 off.

1           It's a pain-based gait. It cannot be  
2 produced without soring. Chains, stacks, pads,  
3 bands and heavy shoes are all integral to the  
4 soring process. Without them soring can't be  
5 accomplished and until they're prohibited, soring  
6 will continue.

7           Equine lameness expert, Dr. Tracy  
8 Turner, who the USDA commissioned to provide  
9 guidance on soring, stated that devices like  
10 chains, pads, and hoof bands, currently  
11 permissible under the regulations, are commonly  
12 used to cause debilitating pain and suffering in  
13 walking horses.

14           These are veterinarians that I'm  
15 speaking of. This is a veterinarian. Our  
16 colleagues are speaking loudly and clearly. It  
17 didn't just happen yesterday. Don't tell me that  
18 that happened yesterday.

19           The final rule should contain a limit  
20 on the weight of the shoes that are allowed the  
21 Tennessee Walking Horse, Racking Horse or related  
22 breed. Trainers use these devices, chains,

1 stacks, pads, heavy shoes, and bands, to create  
2 and exacerbate inflammation in horse's limbs.  
3 This inflammation is the source of the pain that  
4 creates the big lick.

5 I would just close by saying, there  
6 are a multitude of performance animals and  
7 associated competitions. The big lick is the  
8 only example where the goal is to render the  
9 animal less sound. From runners to jumpers to  
10 dressage to cutting to endurance, soundness of  
11 the horse is key.

12 And we appreciate if you would move  
13 expediently with this rule after the announcement  
14 period closes on September 26th and during this  
15 administration. Thank you very much.

16 (Applause.)

17 MS. SNYDER: Good afternoon. I'm Tina  
18 Snyder. I'm with Safe Haven Farm and Equine  
19 Warriors. And I'm here today to encourage  
20 everyone to really take a good look at what  
21 responsible horse ownership is.

22 A responsible horse owner, whether you

1 do it to breed, you do it as business or you do  
2 it as pleasure, is about making sure that that  
3 animal in your care is healthy, is sound, and  
4 nothing is done to that animal that is  
5 detrimental to that health and happiness. Soring  
6 is extremely detrimental to any horse's health  
7 and happiness.

8           Also, I'm a trainer. I've ridden  
9 everything from Grand Prix jumpers with the  
10 United States Equestrian Team many, many years  
11 ago, to more recently I've worked with some wild  
12 mustangs. And here's one of the things that the  
13 horses have taught me over the years about being  
14 a trainer.

15           Training is about harmony,  
16 communication, and creating a to and for with a  
17 partner.

18           I grew up in New England and in New  
19 England, often in the high jumper world we'd be  
20 at the same competitions as the gaited horses,  
21 the Tennessee Walking Horses, and they'd be on  
22 the other side of the ring.

1           And I'd see them schooling, I'd see  
2           them being roughly handled often. I remember as  
3           a child seeing them where they'd flash lighters  
4           in their faces to get their heads up and to get  
5           them extremely animated and they were just fired  
6           up. And as a kid I remember these were just not  
7           happy horses. And they were generally being  
8           handled by people that didn't look to me like  
9           they were happy people.

10           The essence of training a horse is we  
11           do this because we love it and we want the horse  
12           to love it. We want them to find their purpose,  
13           something that they're suited for. A naturally  
14           gaited Tennessee Walking Horse is amazing.

15           Just recently I saw one at a dressage  
16           show and I just could not praise this woman  
17           enough for coming out here and doing this. And  
18           that horse didn't need stacks. It didn't need  
19           chains. It didn't need anything. My gosh, it  
20           was absolutely gorgeous.

21           I'm also an advocate of horses in  
22           competition but here's what my definition of

1 competition is.

2 We're going to take a horse that has  
3 been very well trained. They're happy. They  
4 have harmony and understanding with their rider,  
5 with their handler and then we're going to take  
6 them at their very best of soundness and  
7 happiness and understanding and we're going to  
8 place them in the public eye. And we're going to  
9 share that experience with an audience.

10 And of course, the ribbons are a whole  
11 lot of fun too. But those of us, the true horse  
12 people of the world, we don't do it for a ribbon.

13 And I'm also a rescuer. That's my big  
14 thing now. I started out with the United States  
15 Equestrian Team in the 70s and now my life is  
16 devoted to rescuing horses. And I probably know  
17 less about soring and Tennessee Walking Horses  
18 than most people in here. But I know a whole lot  
19 about rescue.

20 A lot of the people in the pro-soring  
21 camp have stated, and they've almost done it in a  
22 real threatening way, that if we ban soring all

1 these horses that have all these scars and all  
2 these marks, will be forbidden to be in  
3 competition and they are going to go to the  
4 slaughterhouse pipeline.

5 Well, folks, I'm here to tell you I'm  
6 one of those people that stands at that  
7 slaughterhouse auction. And I'm going to tell  
8 you those horses are not going to go to meat.  
9 Not as long as I'm standing. Not as long as I'm  
10 living. So thank you so much for your time.

11 MR. TUCK: Can I have Stephanie  
12 Ormand, Bradley Dick, Lisa Radov and I can't pick  
13 out the name. Something Paschall, Nancy Paschall  
14 maybe. Stephanie? Bradley?

15 MR. DICK: Hello. I'm Bradley Dick.  
16 I'm a former horse show photographer, former  
17 horse show manager, former horse show announcer.

18 I lived in Shelbyville, Tennessee for  
19 seven years and interacted with padded horse  
20 people every day. I had a photography business  
21 that serves the horse show circuit and supported  
22 padded horses. I was raised on and around padded

1 horses my entire life.

2 My father, Buddy Dick, and brother,  
3 Rodney Dick, are to this day renowned padded  
4 horse trainers. I've been in countless training  
5 barns and horse shows and seen thousands of  
6 padded horses up close.

7 Being an insider and a photographer  
8 from a big lick family, this gave me a unique  
9 experience with the horses and the people around  
10 them. I was able to have blunt and honest  
11 conversations with padded horse trainers, owners,  
12 grooms, farriers, the heads of equine  
13 associations and their board members.

14 There is a single constant thing among  
15 whom all I interacted with, and that is that  
16 soring has not truly stopped. You must  
17 understand that they don't call it soring, they  
18 call it fixing or they just blame the back yard  
19 trainers.

20 They sore horses with either an oil  
21 mixture or a soap product or through some shoeing  
22 means. And because of this there's no doubt in

1 my mind that the HIO system is corrupt and  
2 useless and its only purpose is to manage the  
3 soring problem.

4 It is my firm belief from my own  
5 experience that every single horse that has been  
6 padded has been sore to some extent or degree  
7 during its life.

8 Now I believe most horses that are  
9 padded are sore on a regular basis in order to  
10 compete at horse shows. I've seen with my own  
11 eyes countless times horses being routinely sore  
12 in the beginning of the week and brought to horse  
13 shows on the weekends to pass the inspection  
14 process with ease.

15 I have also watched DQPs weight chains  
16 that were well over the allowed limit and simply  
17 look the other way because the trainer was part  
18 of the club.

19 I have also watched horses being found  
20 sore, reacting constantly to palpation with the  
21 DQP but the trainer given a bad image or a  
22 foreign substance ticket also because they were

1 part of the club.

2 The performance packages as they are  
3 now, in my opinion, are inherently cruel to the  
4 animal. It is a fact that just shy of every  
5 single padded Tennessee Walking Horse is shod to  
6 land directly on their heels.

7 They are shod to hyperextend their  
8 forelimbs and as so they put max amounts of  
9 stress on the internal structures of the hoof,  
10 the coffin bone, the navicular bone, and among  
11 others.

12 If you study this you will understand  
13 that the ligaments and tendons inside the hoof  
14 and legs are stressed with an abnormal force. As  
15 the planted hoof moves forward in motion, the  
16 leverage the pads put on this structure have no  
17 other option than to cause pain.

18 The evidence is quite visible on  
19 white-footed horses. Just take a look at an  
20 unpainted hoof and you'll notice bruises on the  
21 top and maybe even the sides.

22 The bruising is caused by the band

1 that holds the package as it creates a pivot  
2 stress point from the leverage pressure applied  
3 from the eight to ten pound package.

4 Not to mention the fact that the  
5 modern Tennessee Walking Horse shoeing practices  
6 in conjunction with the package, contribute to  
7 and aid in hoof disfigurement and thus lead to  
8 many problems the padded horse people simply  
9 ignore or chronically mismanage.

10 Then there's the chain. It simply  
11 wouldn't work if it didn't strike the pasterns of  
12 the horse. If the chains didn't hurt then we  
13 wouldn't see such stark differences in the use of  
14 the round link chains versus the flat link  
15 chains, or why off chaining is a common practice  
16 you see at horse shows, where one foot may have a  
17 flat four ounce chain and the other have a round  
18 six ounce chain, or when a chain causes a horse  
19 to get too deep in the warm up ring that the DQP  
20 there feels obligated to demand that the trainer  
21 lighten up on the chain so that the horse goes in  
22 a less extreme in his movements when reacting to

1 a sore pastern.

2 The very existence of the chain  
3 perpetuates the systematic abuse and practice of  
4 soring because the emphasis on artificial  
5 reliance leads directly to imposing reactive  
6 measures to achieve the desired results of which  
7 is the big lick, and thus the breeding stock is  
8 selected from the horses who react to these  
9 artificial means the most, instead of the ones  
10 that take to conditioning towards a proactive  
11 movement thus perpetuating the never ending  
12 cycle.

13 Because of these reasons I support the  
14 new regulations.

15 MS. RADOV: Good afternoon. My name  
16 is Lisa Radov. I'm the Chairman of Maryland  
17 Votes for Animals and I'm here today to speak for  
18 our thousands of members who love horses across  
19 the state of Maryland.

20 Maryland Votes for Animals commends  
21 the USDA. Thank you so much for having this  
22 hearing and allowing us all to air our different

1 views.

2 We have a few different modifications  
3 on the proposed rule. Maryland Votes for Animals  
4 supports the ban on the tools involved in soring,  
5 chains, stacks, pads, bands and action devices.

6 While banning of these implements will  
7 be an important step in the elimination of  
8 soring, the use of heavy shoes, which would still  
9 be permitted in the proposed rule must be  
10 eliminated.

11 Heavy shoes are too wide for  
12 inspectors to check the soles of the horses for  
13 evidence of soring. Therefore, we propose a  
14 weight limit on shoes as well as restrictions on  
15 any shoe that covers the sole of the hoof such  
16 that it cannot be inspected for possible signs of  
17 soring.

18 The proposed USDA rule should continue  
19 the specific prohibitions and restrictions on  
20 equipment used on all other breeds besides those  
21 explicitly referenced in the rule.

22 Those crossbreed prohibitions have

1       been important to turn down and absolutely should  
2       still be in effect.

3               Moreover, we support the provision in  
4       the USDA rule that will strengthen the policing  
5       and enforcement of soring infractions. Soring  
6       has been recognized as a full and unacceptable  
7       practice which is why the Horse Protection Act  
8       was passed 46 years ago.

9               Yet, despite the knowledge of the  
10       practices involved with creating the big lick  
11       gait, many in the horse industry have been able  
12       to skirt the regulations in the law.

13               In the current system, inspectors  
14       checking for evidence of soring are selected from  
15       in the horse industry which is clearly a  
16       conflict, as inspectors designated by the  
17       industries are given an untenable choice.  
18       Confront their peers and expose them if they  
19       detect violations or protect their colleagues and  
20       deliberately overlook violations.

21               Moreover, in the current system, if  
22       violations are discovered and reported there are

1 few if any repercussions.

2 Therefore, we strongly support the  
3 USDA proposal to employ third party, independent  
4 inspectors who are veterinarians or vet techs who  
5 are knowledgeable about horses and who are  
6 trained to be overseen directly by the USDA.

7 Finally, the argument that shutting  
8 down horse shows featuring big lick gait would  
9 threaten financial viability of the horse  
10 industry is outdated and spurious.

11 Mistreatment of animals for economic  
12 gain has been deemed as unacceptable by the  
13 public. Armed with this knowledge, people will  
14 vote with their feet.

15 Attendance of these shows has fallen  
16 because the cruel practice of soring horses fall  
17 squarely in this category.

18 I might add that almost everyone in  
19 here has been dealing with the horse industry and  
20 has seen the big lick gait. But if you've ever  
21 taken out a YouTube and shown that to somebody  
22 who's not familiar with it, take a look at the

1 expression on their face. It's usually one of  
2 horror.

3 Finally, Maryland Votes for Animals  
4 encourages the USDA to make these changes to the  
5 proposed rule before the end of this  
6 administration. Let's ensure that the horse  
7 industry is on the right side of history and put  
8 an end to the inhumane practice of soring. Thank  
9 you.

10 MS. PASCHALL: Good afternoon. My  
11 name is Nancy Paschall. I'm the Vice President  
12 of the Virginia Horse Council and the legislative  
13 liaison. I'm also Vice Chair of the Virginia  
14 Horse Industry Board.

15 I'm a judge in the Walking Horse  
16 Owners' and Exhibitors' Association and I've been  
17 a long time Tennessee Walking Horse owner and  
18 showed horses for many years.

19 The USDA will receive written comments  
20 from the Virginia Horse Council and the Virginia  
21 Department of Agriculture prior to the deadline.

22 The Virginia Horse Council supports

1 the unnecessary, cruel inhumane practice of  
2 soring horses. We also note that horses that are  
3 wearing flat shoes can also be soled, not only  
4 those who are wearing stacks and chains.

5 We also would like to encourage the  
6 USDA to look at horse transport for slaughter and  
7 the problems in that industry.

8 We have some concerns with the way the  
9 regulations are currently written and we  
10 recognize the difficulty in crafting the changes.

11 Our first area of concern is around  
12 terms. Related breeds. This is an undefined  
13 term and should exclude breeds that also trot.

14 The term accentuated gait is an  
15 undefined term. How do you define that? It  
16 should not be defined only as animation as many  
17 breeds have a gait when you compare them across  
18 each other that is substantively different.

19 A Saddlebred is going to go  
20 differently than a Western Pleasure Horse. They  
21 may both be trotting.

22 Rocky Mountain Horses have multiple

1 divisions and they actually have a cap on the  
2 amount of animation. They are also the only  
3 breed that has a voluntary inspection system.  
4 And so we are very concerned about the related  
5 breed's term.

6 We suggest that foreign substance be  
7 used as it was in the original HPA.

8 We have concerns about the words,  
9 identification card, and how that from the show  
10 management position will be handled, especially  
11 juveniles.

12 We have another concern when it comes  
13 to the training of inspectors. The current  
14 language assumes that licensed veterinarians and  
15 veterinary technicians have sufficient knowledge  
16 of horses in soring methods.

17 We suggest that there is a knowledge  
18 test to make sure that the inspections are fair  
19 and therefore can withstand the court process.

20 The Virginia Horse Council Membership  
21 was mixed on the terms of banding pads and hoof  
22 bands. If it is limited to the horses, the

1 Walking Horse, the Racking Horse and Spotted  
2 Saddle Horses, then they would support it. They  
3 do not see the need to net widen to the other  
4 breeds.

5 The other area of concern is economic  
6 impact. Again, if this impacts other related  
7 breeds, this will have a huge economic impact in  
8 the State of Virginia, especially on venues such  
9 as the Virginia Horse Center which many of you  
10 show.

11 If you slow down the show process by  
12 requiring the first three horses to go back  
13 through inspection, you cannot have the same  
14 number of classes. Economically, most of these  
15 shows are operating on a very thin margin as it  
16 is so we would suggest that be reconsidered.

17 We also believe that the number of  
18 inspectors should be reduced or should be  
19 relative to the number of horses being shown and  
20 that small shows should not have to have two  
21 inspectors because that cost would very likely  
22 cause the show to go under.

1           Most small shows are how young people  
2           and new people enter the horse industry. We want  
3           to make sure that we don't have an unintended  
4           negative impact while we're also trying to  
5           protect the horse.

6           Other concerns are the requirement  
7           that a farrier is present, that electricity is  
8           present and the record keeping recording costs.

9           In summary, again, pad and chains are  
10          not the only way that walking horses are sored.  
11          Flat shod horses can be sored just as easily.  
12          The terms need to be operationally defined to  
13          exclude breeds that do not also trot as well as  
14          those breeds that do not maybe demonstrate the  
15          history of significant abuse through soring.

16          The term accentuated gait has no depth  
17          defined meaning and should be removed.

18          The heinous history of soring belongs  
19          squarely to the Tennessee Walking Horse, Racking  
20          Horse and Spotted Saddle industry. It is our  
21          shame to bear. This should not be spread across  
22          the entire horse industry and the enforcement of

1 this act should not be widened and then have a  
2 negative economic impact.

3 The original definition of foreign  
4 substance should be used consistently throughout  
5 the act. All inspectors must demonstrate  
6 knowledge, skills, and abilities in written  
7 prequalification tests as well as practical tests  
8 of skills and abilities.

9 While the intent is clearly to  
10 strengthen the inspection process, the expected  
11 addition and costs of licensed veterinarians and  
12 veterinary technicians and the requirement of two  
13 inspectors will force many small shows to go  
14 without.

15 Fewer inspectors means more sore  
16 horses and I think this is contrary to the intent  
17 of this. Thank you very much for your work in  
18 this area and for your attention.

19 (Applause.)

20 MR. TUCK: Can I have Gail Bayer and  
21 Susan Fanelli?

22 MS. BAYER: My name is Gail Bayer and

1 I'm opposed to the proposed rulemaking. I was  
2 raised in North Dakota and have a Associates  
3 Degree in Agriculture and Animal Science as well  
4 as a BS BA and a BSN in nursing.

5 The USDA was well respected of both  
6 farmers and ranchers, lending a helping hand when  
7 needed. All that has changed. Sadly, it is no  
8 longer the champion of agriculture and in the  
9 case of the Tennessee Walking Horse proposes to  
10 destroy a viable, important, economical  
11 agricultural base affecting many people.

12 The walking horse industry has poured  
13 millions into research with formation of the show  
14 HIO, the Veterinarian Advisory Council, and has  
15 put the welfare of the horses first and it shows  
16 in what we see in the ring.

17 Instead of supporting and applauding  
18 the successful efforts of the walking horse  
19 industry and removing a sole horse from the ring,  
20 they have stomped on us like a dirty rug. The  
21 USDA continues in their adversarial role by  
22 refusing to work with the industry as required by

1 the HPA.

2 The USDA VMOs are doing unlawful  
3 inspections. Recently a VMO was caught palpating  
4 the palmar digital nerve in order to get the  
5 horse to flinch.

6 Others were unlawfully turning down  
7 horses for scar rule. One VMO, when the owner  
8 asked him to show her where the scar was,  
9 refused. One claims he can find a scar when it  
10 is only two or three cells.

11 Foreign substance parameters are set  
12 so high that if your horse drank well water that  
13 contains sulfur, your horse would test positive  
14 for sulfur as swabbed.

15 Shameful practices by the VMOs with an  
16 administration that nothing to correct the  
17 findings when confronted with video and  
18 pathological evidence.

19 I worked a table at the Celebration  
20 last week and was overwhelmed by the people that  
21 came to me telling me how important the show  
22 horse was to them, whether they actually had

1 horses, raised babies, benefit from the charities  
2 or just loved to go to shows. Young and old  
3 alike praising their love of the show horse.

4           However, you have to wonder how we are  
5 going to get a fair evaluation when people looked  
6 at the publications of their comments during the  
7 listing session and found troubling omissions  
8 that completely changed the meaning of the  
9 speech. This despite the USDA having written  
10 copies.

11           You have to wonder how we will get a  
12 fair evaluation when it was reported that the  
13 USDA officials took their break with Humane  
14 Society of the United States representatives, an  
15 animal rights group not concerned with animal  
16 welfare but only with eliminating human  
17 interactions with animals.

18           Last year a rancher out west lost his  
19 cattle to a fire. The cattle represented 40  
20 years of careful breeding to develop cattle that  
21 would thrive and flourish in that particular  
22 environment. Passage of this rule making will

1 make thousands of valuable horses and brood mares  
2 with hundred plus years of breeding worthless and  
3 nowhere to go. And the reference to the horse  
4 rescue person, lately there have been numerous  
5 rescues of horse rescues.

6 How incredibly sad that this would not  
7 be caused by a natural disaster but by an  
8 organization formed to protect agriculture.

9 MS. FANELLI: I hate podiums. Good  
10 afternoon. My name is Susan Fanelli. I've been  
11 involved with the Tennessee Walking Horse since  
12 1990. I have, for the past 16 years, been the  
13 show manager for a very large, well, but  
14 shrinking, sound horse show in South Carolina.

15 Been involved as a board member for a  
16 501(c)(3) dedicated to the promotion of the sound  
17 walking horse.

18 I've also been the president of  
19 another 501(c)(3) organization dedicated to the  
20 promotion of the sound gaited horse.

21 And in my real life I worked in a  
22 regulatory environment so I'm sort of familiar

1 with the rule making process.

2 I really appreciate that the effort  
3 that USDA and APHIS have made to improve the  
4 regulation and provide a stronger base for the  
5 exhibition of the sound gaited horse.

6 But I read through the proposed rule  
7 and I had some very big concerns from the  
8 perspective of show management.

9 The term, related breed. It's been  
10 brought up several times today. I'm glad to hear  
11 that. But it's very broad and could easily  
12 include trotting breeds that are now excluded and  
13 we would ask APHIS to narrow the definition to  
14 exclude the trotting breeds.

15 The term, accentuated gaits. Again,  
16 that term has no real definition and we ask APHIS  
17 to consider narrowing the definition a little bit  
18 there.

19 For example, I could say my walking  
20 horse is a natural smooth gaited walking horse.  
21 He doesn't perform an accentuated gait. Does  
22 that exclude him from the regulation? Or you

1 could come at it from the opposite angle.

2 The term, foreign substance is hugely  
3 broad. Water under the definition is a foreign  
4 substance. So I would ask APHIS to consider  
5 narrowing the definition of foreign substance.  
6 And possibly using MSDS references. Something  
7 that says it might be expected to cause  
8 irritation to the skin.

9 Training of the inspectors. We talked  
10 about this a little bit among our little circles  
11 and groups and said, what if there aren't enough  
12 vets and vet techs to cover the want to be HPIs?

13 What would APHIS do? Would APHIS have  
14 to then alter the, go through the proposed rule  
15 making process again and change the regulation?  
16 Or how would that work?

17 And so that was kind of a broad  
18 question. But we would ask APHIS to consider  
19 that and maybe consider a caveat that allows you  
20 the latitude to select other candidates in the  
21 event that you didn't have enough vets or vet  
22 techs to cover.

1           The proposed rule currently, currently  
2 proposed, that was bad, requires the two  
3 inspectors for shows less than 150 horses.

4           And this effectively doubles the cost  
5 of compliance and would seriously affect small  
6 horse shows, and especially the small open shows  
7 where you have a few gaited classes and a few  
8 gaited horses. If you had to have two  
9 inspectors, that would drive me not to do it as a  
10 manager.

11           And so we ask that APHIS would  
12 consider the minimum standard for small shows of  
13 less than 75 horses to only require one  
14 inspector.

15           And we would also ask for the  
16 diminished requirement for having a farrier on  
17 the grounds.

18           In conclusion, I applaud APHIS for its  
19 attempt to strengthen the regulations and make  
20 them enforceable but we really need to be careful  
21 not to throw the baby out with the bath water.

22           I believe that the proposed rule as

1 written has far reaching, unintended consequences  
2 and could paralyze horse shows for several  
3 different breeds, not just walking horses.

4 And while we do believe that this rule  
5 should go forward, we'd also like to continue to  
6 promote the sound versatile walking horse and  
7 have a venue that we could exhibit them. Thank  
8 you.

9 (Applause.)

10 MS. PARSONS: Well, good afternoon,  
11 everybody. I am Denise Parsons and I'm here  
12 today to support the USDA and APHIS in  
13 strengthening of the Horse Protection Act by  
14 providing stricter enforcement and the  
15 elimination of stack shoes, weighted shoes, and  
16 action devices in the Tennessee Walking Horse,  
17 Spotted Saddle Horse and Racking Horse.

18 And please note, I am being very  
19 specific about these breeds because this is where  
20 the problem exists. The trotting breeds are  
21 taking care of themselves.

22 I am the President of Equestrian

1 Promotions, promoter of Horse World Expo of  
2 Maryland and Pennsylvania, two of the largest  
3 multi-breed, multi-disciplined horse expos in  
4 this country.

5 I am also a rider, trainer, and  
6 exhibitor of sound flat shod Tennessee Walking  
7 Horse's and am the President of Gaited Advocate  
8 Intervention Team, INC, a Maryland-based  
9 corporation which was founded to facilitate the  
10 rescue of gaited horses and other at-risk equine  
11 from slaughter, abuse, and neglect.

12 I come here with professional  
13 perspective of the equine industry as a whole and  
14 specifically the Tennessee Walking Horse and  
15 gaited horse industry.

16 I've been riding and showing Tennessee  
17 Walking Horse's off and on since 1983. Over the  
18 past few years, as my involvement in walking  
19 horses has increased, I have seen an obvious nose  
20 dive in the prices and demand for these horses,  
21 especially in the areas of the country where  
22 performance horse classes are still being run.

1           Although soring has been going on for  
2 over 50 years, today's available information to  
3 the mainstream equestrian world has brought to  
4 light what has been hidden behind closed barn  
5 doors for decades.

6           I have watched as the mainstream  
7 equestrian world has become aware of soring and  
8 the performance horse industry within our breed  
9 and they are outraged by what they see.

10           There is a public perception that all  
11 Tennessee Walking Horse's are sored. When I tell  
12 people in the equestrian community that I own and  
13 ride Tennessee Walking Horse's, I have to clarify  
14 that my horses are sound and flat shod. And  
15 please note, I'm not using the word compliant.  
16 My horses are sound.

17           This perception has caused their breed  
18 to be banned from many mainstream shows and  
19 events around the country. And the majority of  
20 multi-disciplined equestrian events that do allow  
21 Tennessee Walking Horse participation have banned  
22 heavily shod or padded horses from these events.

1           The lack of confidence in our breed  
2           from the rest of the equestrian world has caused  
3           the economy within our breed to plummet. Horses  
4           that were worth \$5000 as pleasure horses just  
5           five years ago are virtually worthless now.

6           It's almost impossible to find  
7           mainstream equestrian trainers or instructors to  
8           work with walking horse owners.

9           TWHBEA membership continues to plummet  
10          because people who are against soring do not want  
11          to be associated with a breed registry that would  
12          fight against legislation that would protect  
13          horses and the breed.

14          The current decline isn't because of  
15          stringent testing or impending regulation. It's  
16          because of the rest of the equestrian world is  
17          horrified by what they are seeing and do not want  
18          to be associated with a breed organization that  
19          would allow this to go on at the expense of the  
20          breed's long term success.

21          You will hear stories of gloom and  
22          doom about how the economy within the Tennessee

1 Walking Horse industry will be destroyed if these  
2 rules pass.

3 I am here as a business professional  
4 and a Tennessee Walking Horse enthusiast to tell  
5 you that if we do not eliminate soring, cheating,  
6 and the stacks and chains, it is that which will  
7 cause the demise of this breed of the destruction  
8 of the economy within the Tennessee Walking Horse  
9 industry.

10 Change is our last hope of saving this  
11 treasured American breed. Mainstream equestrian  
12 do not want to be associated with this breed.

13 Visit any mainstream equestrian social  
14 media site, talk with virtually any equestrian  
15 outside the Tennessee Walking Horse industry and  
16 mention the word Tennessee Walking Horse and you  
17 will be told all about sored big lick horses.

18 You won't hear about the other large  
19 percentage of the breed that spends its life as a  
20 pleasure horse or a flat shod show horse. I see  
21 evidence of the economic downward spiral every  
22 week at auctions, broker programs, internet sale

1 sites and kill pens across the country.

2 Our Tennessee Walking Horse's are  
3 being sold at below meat market prices because  
4 mainstream equestrians do not see the value of  
5 this breed as a pleasure horse and versatility  
6 horse.

7 While other gaited breeds like  
8 Mountain Horses continue to thrive, our Tennessee  
9 Walking Horse continues to nose dive.

10 Those of us that truly love this breed  
11 know that their natural good temperament,  
12 athleticism, and smooth gaits make them an  
13 amazing pleasure mount as well as versatile show  
14 horses. They excel on the rail and on the trail  
15 when allowed to be as they were originally bred  
16 to be, flat shod and sound.

17 The industry has had over 46 years to  
18 clean this up themselves. They have failed and  
19 have made it clear that they intend to do nothing  
20 other than what they have been doing and fight  
21 those that want to do what's best for the horses.

22 Our horses continue to drop in value

1 every day that this is allowed to continue.  
2 There is no doubt that some individuals will  
3 suffer great economic loss should these rules  
4 pass.

5 These individuals are the same ones  
6 that refuse to train and ride sound horses.  
7 Those that train and ride sound horses will then  
8 be able to thrive and eventually our breed will  
9 recover and rebound. Thank you all for your  
10 time.

11 (Applause.)

12 MR. TUCK: Can I have Stephanie Ormand  
13 and Carolyn Schnurr? Thank you.

14 MS. ORMAND: Good afternoon. My name  
15 is Valerie Ormand. I'm Secretary of the Maryland  
16 Horse Council and I'm here representing the  
17 Maryland Horse Council's position opposing soring  
18 tactics and supporting the proposed USDA  
19 regulatory attempt as deemed on APHIS's website,  
20 to achieve the dual purposes of the Act  
21 eliminating the cruel and inhumane practice of  
22 soring and eliminating unfair competition when a

1 person's showing, exhibiting and selling sore  
2 horses.

3 The Maryland Horse Council is a  
4 training organization representing 30,000  
5 Marylanders and in all fields and disciplines of  
6 work. Many of our members in our associations  
7 commonly work with and run horses.

8 The Maryland Horse Council was also  
9 the first to support members of our Board of  
10 Directors, many of whom we've already heard from  
11 today.

12 The Maryland Horse Council has always  
13 supported the PAST Act, passage of the PAST Act,  
14 and was the first horse council on the country to  
15 support that act by a formal resolution and I'll  
16 read that resolution in a moment.

17 On a personal note, I've run a  
18 Tennessee Walking Horse cause for 14 years. My  
19 horse, named Chance of a Lifetime, brought me  
20 back into the horse world after a long absence  
21 due to one of the many careers as a Naval  
22 Officer.

1           My kind, patient soul, Chance, allowed  
2 me to practice a sport that I remember as a child  
3 and he allowed me to introduce horses to hundreds  
4 of people from infants to octogenarians.

5           Thankfully, my horse was not was not  
6 affected by soring. And I know in speaking for  
7 this large organization today, I also speak for  
8 me and my horse.

9           Here is the resolution I spoke of that  
10 passed originally on May 21, 2013 and reiterated  
11 on January 17, 2014.

12           The Maryland Horse Council does hereby  
13 resolve to endorse the Prevent All Soring Tactics  
14 (PAST) Act. Soring is used by dishonest trainers  
15 to deliberately impose pain in order to  
16 exaggerate the high-stepping gait of their horses  
17 and gain competitive advantage at horse shows.  
18 The PAST Act will amend the Horse Protection Act  
19 to end the industry's failed system of policing,  
20 ban the use of devices implicated in the practice  
21 of soring, toughen penalties, and make other  
22 reforms needed to virtually finally end this

1 torture. We add our name to the other  
2 organizations who are endorsing this legislation,  
3 including the American Horse Council, the  
4 American Association of Equine Practitioners, and  
5 the American Veterinary Medicine Association.

6 The Maryland Horse Council also  
7 supports the American Horse Council Welfare Code  
8 of Practice. Included in that is the commitment  
9 to the safety, health, care and welfare of all  
10 horses and to always put the horse first.

11 We applaud USDA for stepping forward  
12 through its authority under existing federal law  
13 to implement the components of the PAST Act, to  
14 close loopholes in the current system of  
15 enforcement.

16 Thank you all for your time and we  
17 thank you for helping protect not just Maryland  
18 horses, but all horses.

19 (Applause.)

20 MS. SCHNURR: Good afternoon. My name  
21 is Carolyn Schnurr and I oversee equine policy  
22 work for the American Society for the Prevention

1 of Cruelty to Animals.

2 Thank you very much for your time and  
3 thank you for the opportunity to share our strong  
4 support for the proposed rule that would provide  
5 much needed reform for the USDA's current  
6 regulations under the Horse Protection Act.

7 Congress attempted to stamp out the  
8 barbaric practice of soring 46 years ago as we've  
9 heard over and over today. But inadequate  
10 regulations and the industry's persistent  
11 disrespect for USDA's authority have allowed this  
12 abuse to endure.

13 The horses that suffer from these  
14 cruelties deserve better. These horrific  
15 practices that make up and are associated with  
16 soring, including chemical soring, pressure  
17 shoeing, and stewarding, do persist.

18 Insufficient enforcement and a system  
19 of self-policing have allowed the industry to be  
20 populated by perpetual violators who have made a  
21 living off of this cruelty without consequence.

22 A 2010 audit by USDA's Office of

1 Inspector General recommended replacing the  
2 current failed enforcement system and we're  
3 pleased that this proposed rule addresses the  
4 problems identified by OIG six years ago.

5 Specifically, we're pleased that the  
6 rule makes the following positive changes. The  
7 proposal bans stacks, pads, hoof bands and action  
8 devices.

9 The rule replaces the corrupt horse  
10 industry organization system of self-policing  
11 with a system of independent, third party  
12 inspectors who are either veterinarians or  
13 veterinary technicians knowledgeable about  
14 horses. Third party inspectors will be trained,  
15 licensed and overseen by the USDA.

16 And finally the rule ensures that  
17 those responsible for the problem will pay for  
18 the problem. Horse show management will pay for  
19 these inspectors, not taxpayers.

20 These changes will go a long way  
21 toward eliminating some of the worst practices.  
22 However, the proposed rule fails to address a few

1 key areas that I would like to mention.

2 First, the proposal allows the  
3 continued use of heavy shoes for horses two years  
4 or older. These shoes hide the evidence or can  
5 hide the evidence of soring inflicted on the sole  
6 of the hoof.

7 Inspectors cannot detect this type of  
8 soring when shoes are too wide. The rule should  
9 provide weight limit for shoes used on breeds  
10 covered by this rule.

11 Similarly, this rule should prohibit  
12 any shoe the size of which precludes examination  
13 of the hoof.

14 Second comment is that the proposed  
15 rule should revise the scar rule so that it  
16 prohibits the same type of scarring on the  
17 posterior pastern as it does on the anterior and  
18 anterior-lateral of the pasterns.

19 The current rule allows for some  
20 thickening of tissue on the posterior of the  
21 pasterns. This discrepancy has been a frequent  
22 source of disagreement between USDA and industry

1 inspectors.

2           Though the new rule would prohibit  
3 action devices at shows, allowing tissue change  
4 to the posterior pastern invites trainers to  
5 continue using action devices and burning  
6 chemicals in the training barn.

7           History has shown that the industry  
8 will exploit any opportunity to elicit the big  
9 lick by cruel means. USDA must foreclose this  
10 possibility by revising the scar rule to apply  
11 the same criteria for scaring on all sides of the  
12 pastern.

13           Third, the current rule applies  
14 certain restrictions to all breeds other than  
15 those explicitly referenced in the rule, but the  
16 proposed rule has removed those restrictions from  
17 the language. Applying those prohibitions across  
18 breeds serves as an important deterrent and  
19 should remain in the rule.

20           The ASPCA commends the USDA for the  
21 important reforms in the proposed rule and urges  
22 USDA to make these few important changes.

1           We urge USDA not to extend the comment  
2 period and we look forward to seeing this rule  
3 finalized before the end of the administration.

4 Thank you.

5           (Applause.)

6           MS. LOMBARDO: Good afternoon. My  
7 name is Barbara Lombardo. I'm Vice President of  
8 the Plantation Walking Horse Club of Maryland and  
9 I am honored to be presenting a speech from  
10 Jeannie McGuire, who is president of the All  
11 American Walking Horse Alliance.

12           She has a mission statement. Setting  
13 a standard of excellence by promoting ethical  
14 horsemanship for the American Walking Horse. We  
15 support the proposed rule.

16           Her experience. I am an equestrian.  
17 I hold a degree in equestrian studies, family and  
18 youth scholarship program and assisting in show  
19 management, training, instruction, and breeding,  
20 are just a few of my accomplishments.

21           I practice connected riding, equine  
22 biomechanics, and anatomy of motion. I am proud

1 to say I am the recipient of the National Walking  
2 Horse Association Phoenix Award.

3 I have been observing conversation  
4 regarding the proposed rule for over a month now  
5 and as well as attending a listening session in  
6 Kentucky. There is definitely a common theme  
7 from both of those who support the rule and those  
8 who are against the changes the rule will put  
9 into place.

10 The dialogue I hear from those who are  
11 against the rule seems to primarily circle around  
12 the change in income earning abilities for  
13 providers of feed, farm supplies, land use,  
14 trucks, trailers, pretty show cloths, as well as  
15 vet care, farriers, and general support system  
16 for horses.

17 To me this means these owners are  
18 absolutely unwilling to adapt to modern times  
19 with their horses.

20 Recently a poll was conducted on the  
21 website that the performance big lick horse  
22 owners followed.

1           The question was, if we lose the  
2 performance horse will you continue to attend  
3 walking horse shows with only flat shod horses?  
4 72 percent of the people polled answered no.

5           If we lose the performance horse will  
6 you continue to attend walking horse shows with  
7 only flat shod horses? Again, this question was  
8 posed and over 70 percent said no.

9           This means they are not leaving the  
10 breed by force, but choose to leave the breed.  
11 They are making a choice to fire their farrier,  
12 fire their vet, stop purchasing feed and supplies  
13 and abandon the breed. By making these bold  
14 statements the performance big lick segment  
15 demonstrates an unwillingness to adapt.

16           Change is essential to the equine  
17 economy. Taking a brief look at the evolution of  
18 the horse and owner over the past century, we see  
19 a development in skill, methodology, and practice  
20 that has advanced horsemanship and developed an  
21 enormous global market.

22           Most of our American breeds became

1 official in the early part of the 20th century.  
2 By the 1940s the cavalry was disbanded and farms  
3 became full automated, relieving the horse of his  
4 work duties.

5 From that time forward, all breed, all  
6 disciplines, all equine sports, demonstrated at  
7 incremental events decade by decade, all except  
8 the Tennessee Walking Horse breed.

9 Advances in classical and natural  
10 horsemanship became popular and have a global  
11 impact. U.S. equestrians participate in world  
12 equestrian games and the Olympics and then earned  
13 credibility among their peers.

14 Meanwhile, the Tennessee Walking Horse  
15 breed leadership chose to segregate and insulate  
16 itself from the rest of the equine world,  
17 continuing to practice antiquated and harsh  
18 methods of training, incorporating soring as a  
19 mainstay.

20 By the mid-60s, soring was prevalent  
21 so much that the HPA was initiated largely due to  
22 the soring of the Tennessee Walking Horse. Still

1 the breed persisted to follow its own path of  
2 destruction.

3 The rest of equestrian wanted to ban  
4 them outright. The breed became more segregated,  
5 less recognized as a legitimate form of  
6 horsemanship. Other breeds and sports excelled  
7 literally leaving the Tennessee Walking Horse  
8 behind.

9 The argument that the national economy  
10 has been a factor in the decline of the Tennessee  
11 Walking Horse is really hard to swallow.

12 The reason for the decline is simple.  
13 The reputation of the breed is an embarrassment.  
14 The Tennessee Walking Horse is the pariah of the  
15 horse world.

16 All equestrians have heard of soring  
17 of the Tennessee Walking Horse in one way or  
18 another. The stigma is firmly attached to the  
19 name, Tennessee Walking Horse.

20 If anything has affected the economic  
21 status of the breed it is the reputation. It is  
22 impossible to measure or calculate the financial

1 losses the owners and breeders of the Tennessee  
2 Walking Horse have suffered because of that  
3 reputation.

4           Narrowing the definition of the breed  
5 the rule applies to, by identifying the gait of  
6 breeds most affected by soring. Considering  
7 additional options for horses, training as HPI  
8 not limited to vets but vet techs would be more  
9 cost effective. Thank you.

10           (Applause.)

11           MR. TUCK: Okay. That is all of the  
12 speakers I have listed. Is there somebody we  
13 might have missed? Somebody's doing a prayer  
14 back there.

15           Well, again, thank you for coming. I  
16 appreciate your interest in the Horse Protection  
17 Program and please drive home safely or fly home  
18 safely, however you got here. Take care and have  
19 a great day.

20           (Whereupon, the above-entitled matter  
21 went off the record at 1:24 p.m.)  
22

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This is to certify that the foregoing transcript

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Before: USDA APHIS

Date: 09-06-16

Place: Riverdale, MD

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Court Reporter

**NEAL R. GROSS**

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