



United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

Washington, DC
20250

MEMORANDUM

TO: Chester A. Gipson
Deputy Administrator
Animal Care

FROM: Joanne Munno *Joanne Munno*
Deputy Administrator *9/24/10*
Marketing and Regulatory Programs Business Services

SUBJECT: APHIS Response to Horse Protection Review of Friends of Sound Horses

On October 6, 2009, the Animal and Plant Health Inspection Service (APHIS), Marketing and Regulatory Programs Business Services (MRPBS), Financial Management Division (FMD), Review and Analysis Branch (RAB) performed a review of the Friends of Sound Horses (FOSH) in Springfield, Missouri. The review was conducted to ensure compliance with the Horse Protection Act and the Animal Care Operating Plan (2007-2009).

If you have questions, please contact Christine Tourville, Branch Chief, at 301-851-2601 or Rochelle Langley, Reviewer, at 301-851-2608.

Attachment

cc:
L. MacKenzie, MRPBS, Washington, DC
L. Northrup, FOSH, Ellicottville, NY

USDA

**Horse Protection Act Review
of**

**Friends of Sound Horses
Springfield, MO**



U.S. Department of Agriculture, Animal and Plant Health Inspection Service

Marketing & Regulatory Programs - Business Services

Financial Management Division, Review and Analysis Branch

APHIS — Protecting American Agriculture

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Results in Brief: Horse Protection Act Review of Friends of Sound Horses

October 2009

What RAB Did

This review is part of an ongoing oversight function performed by the Animal and Plant Health Inspection Service (APHIS) Review and Analysis Branch (RAB) in an effort to ensure Horse Industry Organizations (HIOs) are in compliance with the Horse Protection Act (HPA) and pertinent requirements. The HPA was enacted by Congress in response to public concerns over the soring of horses.

Specifically, in this review, RAB determined whether the Friends of Sound Horses (FOSH) was in compliance with the HPA of 1970 (Pub. L. 91-540), as amended by the HPA Amendments of 1976 (Pub. L. 94-360, 15 U.S.C. §1821 et seq.), and any legislation amendatory thereof.

In addition, RAB determined whether FOSH met its HIO responsibilities in fulfilling the Horse Protection Regulations and the Horse Protection Operating Plan (2007-2009). This review covers FOSH's activities for the year ending December 31, 2008.

What RAB Found

FOSH conducted 30 affiliated shows in 2008, during which two Horse Protection violations were reported. There were no violations

reported during the one show that APHIS attended during the show season.

One discrepancy identified pertained to the method in which FOSH performed licensing training for their Designated Qualified Persons (DQPs). FOSH indicated that a number of their DQPs were not physically present during training, but instead participated via teleconferences. The Horse Protection Program National Coordinator does not deem this an adequate substitute for the classroom and clinical training required by the HPA Regulations.

Aside from what was mentioned above, it was determined that there were no other significant issues to be addressed for the 2008 show season. In addition, there were no prior year findings. FOSH records were found to be complete and in compliance with the HPA, the Regulations, and the Horse Protection Operating Plan (2007-2009).

What RAB Recommends

Based upon the 2008 FOSH material reviewed, RAB recommends that future DQP training performed by FOSH be administered in person, in a classroom or clinic setting.

Introduction

Objective

The objective of this review was to ensure all Friends of Sound Horses (FOSH) policies and procedures for the 2008 show season were in compliance with the HPA of 1970 (Pub. L. 91-540), as amended by the HPA Amendments of 1976 (Pub. L. 94-360, 15 U.S.C. §1821 et seq.), and any legislation amendatory thereof; the Horse Protection Regulations (9 CFR Part 11), and the Horse Protection Operating Plan (2007-2009).

Background

The HPA was enacted by Congress in 1970 in response to public concerns about soring of horses. The HPA was later amended by the HPA Amendments of 1976. As a Federal law, the HPA prohibits sored horses from participating in exhibitions, sales, shows, or auctions. The HPA also prohibits persons from transporting sored horses to compete in shows. In addition, the HPA authorizes the Secretary of Agriculture to issue rules and regulations deemed necessary to carry out the provisions of the Act. These Horse Protection Regulations (Regulations) provide additional detailed requirements and guidance concerning owners, trainers, exhibitors, Designated Qualified Persons (DQPs) and Horse Industry Organizations (HIOs).

APHIS is responsible for enforcing the HPA. APHIS maintains authority in providing oversight of the horse industry through advisory, review, and inspection roles. APHIS RAB is responsible for evaluating APHIS programs and activities for overall effectiveness and efficiency in meeting their objectives. RAB conducts regular reviews of all nine HIOs.

FOSH has been an HIO member since 1999, and is incorporated as a public benefit humane and education organization. According to FOSH's website, the organization's purpose is "to provide information to the public about the humane care, treatment and training of gaited horses, with a special emphasis on the Tennessee Walking Horse, and to promote the exhibition of the flat shod and barefoot Walking Horse at competitions designed to showcase the natural gaited pleasure walking horse." FOSH runs a sanctioned show circuit, and also operates a judging program. FOSH voluntarily adheres to and enforces the Horse Protection Operating Plan (Operating Plan) which is in effect from 2007-2009. Adherence to the Operating Plan is in addition to the statutory requirements of the HPA and Regulations. During the 2008 show season, FOSH was responsible for horse inspections at 30 events.

Review of FOSH

FOSH entered into a partnership agreement to enforce the HPA, Regulations, and Operating Plan. Therefore, RAB conducted a review of program and show documentation to verify these requirements were met. The following FOSH documents/policies were included in the review:

- Officer/organizational structure,
- DQP ethical standards,
- HIO rule book,
- DQP training agendas,
- Committee meeting minutes,
- Letters of warning,
- Training certifications,
- DQP license cancellation procedures,
- Tickets/violations,
- Conflict resolution documentation,
- Horse show reports, and
- Horse protection operating plan.

The documentation reviewed appeared to be complete and accurate. Program documentation confirmed that there were no circumstances that necessitated the need for letters of warning or conflict resolutions in 2008. FOSH removed the conflict resolution option from their rule book. As a result, DQPs are held to the final decision of the APHIS Veterinary Medical Officer. In terms of consistency in management, organizational information indicated that no changes were made to the FOSH Board of Directors from the previous year.

According to program documentation, FOSH licensed nine DQPs in 2008. RAB reviewed the reports issued by these DQPs for completeness. The DQP reports contained the appropriate information and were filled out properly. The table below illustrates the number of violations reported by FOSH DQPs for the 2005-2008 show seasons.

Year	Total Shows	No. of Shows APHIS Present	Percent of Shows APHIS Present	Total Violations Reported by FOSH	No. of Violations Identified when APHIS Present	Percent of Violations when APHIS Present
2005	11	0	0%	2	0	0%
2006	10	0	0%	0	0	0%
2007	13	0	0%	0	0	0%
2008	30	1	3%	2	0	0%

The table also shows the percent of participation by APHIS. Due to budgetary constraints, APHIS was only present during one FOSH show for the 2008 season. The HIO was responsible for horse inspections at 30 events in 2008 and reported a total of two violations.

DQP Training

One discrepancy identified pertained to the method in which FOSH performed licensing training for their DQPs. FOSH indicated that a number of their DQPs were not physically present during training, but instead participated via teleconferences. The Horse Protection Program National Coordinator does not deem this an adequate substitute for the classroom and clinical training required by the HPA Regulations.

Recommendations

Based upon the 2008 FOSH material reviewed, RAB recommends that future DQP training performed by FOSH be administered in person, in a classroom or clinic setting.

Appendix A

Scope and Methodology

The review covered the FOSH rule book, the FOSH committee structure, DQP reports, conflict resolution, FOSH show records, DQP qualifications, DQP records, DQP personnel files, violations and suspension list.

RAB conducted the review according to the HPA of 1970, Regulations, and Operating Plan which is in effect from 2007-2009.

RAB met with the FOSH DQP Coordinator in Springfield, MO, to analyze the FOSH show documents for January 2008 through December 2008. RAB conducted an exit conference which ended the review.

Review Team

Rochelle Langley, RAB, Riverdale, Maryland