

USDA



**Horse Protection Act Review
of
Heart of America Walking Horse Association
Springfield, Missouri**

September 24, 2008



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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Executive Summary

On September 24, 2008, a representative from the Animal and Plant Health Inspection Service (APHIS), Review and Analysis Branch (RAB), conducted a review of the 2007 show records of Heart of America Walking Horse Association (HAWHA) in Springfield Missouri. The review covered the HAWHA rule book, the HAWHA committee structure, Designated Qualified Person (DQP) reports, conflict resolution, HAWHA show records, DQP qualifications, DQP records, DQP personnel files, violations and suspension list. HAWHA is a signatory Horse Industry Organization (HIO) and has agreed to voluntarily adhere to and enforce the Horse Protection Operating Plan (HPOP) which is in effect 2007-2009.

Year	Total Shows	Number of Shows when USDA Present	% of Shows when USDA Present	Total Violations Reported by HAWHA	Number of Violations when USDA Present	% of Violations when USDA Present
2005	26	2	8%	9	6	67%
2006	30	2	7%	7	3	43%
2007	20	1	5%	3	1	33%

Although HAWHA's violation percentages are improving when USDA is present, there appears to be a higher than normal percentage of violations for the 2007 show season.

There was one prior year finding for the creation of standardized DQP tickets. Failure to rectify this prior finding may result in RAB recommending to Animal Care that HAWHA is suspended from all HIO privileges for thirty days.

HAWHA was divided into two groups; one in Illinois, the other in Missouri. Due to the decreased number of shows HAWHA - Illinois ceased operations. HAWHA Illinois provided a letter dated December 6, 2007, which is a notification of discontinuance of HIO involvement.

Background

The Horse Protection Act (HPA) (Pub. L. 91-540) was enacted by Congress in 1970 in response to public concerns about soring of horses¹. As a Federal law (15 U.S.C. §1821 et seq.), 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. APHIS is responsible for enforcing the HPA. 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.

¹ USDA, Horse Protection Act (1970), (Pub. L. 91-540)

Purpose

The objective of this review is to ensure all HAWHA policies and procedures for the 2007 show season are in compliance with the Horse Protection Act of 1970 (Pub. L. 91-540), as amended by the Horse Protection Act Amendments of 1976 (Pub. L. 94-360), 15 U.S.C. §1821 et seq., and any legislation amendatory thereof. In addition, the review covered all activities involved in HAWHA fulfilling its HIO responsibilities to the Horse Protection Regulations and the Horse Protection Operating Plan for 2007-2009.

Methodology

RAB met with the HAWHA records coordinator, Floyd Hampsmire, in Springfield, MO to analyze the HAWHA show documents for January 2007 through December 2007. The documents analyzed included the HAWHA rule book, HAWHA committee structure, Designated Qualified Person (DQP) reports, conflict resolution, HAWHA show records, DQP qualifications, DQP records, DQP personnel files, violations, and suspension list. RAB conducted an exit conference which ended the review.

Areas of Review

HAWHA Rule Book

HAWHA provided an up-to-date copy of their rule book. The rule book had previously been approved by APHIS, Animal Care, in accordance with the established Horse Protection Act Regulations.

HAWHA Committee Structure

There were two changes to the HAWHA Board of Directors. Dr. Glenn DeGraffenreid is currently Vice-President and Ted Nichols is President, a reverse in positions. The Board of Directors' directory lists the board members, their titles, and contact information all of which are located on the HAWHA website.

DQP Reports

HAWHA had twelve licensed DQPs who inspected horse shows as assigned by the HIO. RAB reviewed the DQP reports submitted to APHIS. The reports were complete and in accordance with the rules and regulations established by the USDA Horse Protection Act.

Conflict Resolution

There were no conflict resolutions in 2007.

Show Records

RAB reviewed all HAWHA show records; each record was adequate and met all requirements. Show records included the calendar of events, class sheets, and qualifying events. HAWHA show records were received by APHIS in a timely manner.

DQP Qualifications

In order for a DQP to be designated as qualified he/she must fulfill their training requirements. HAWHA stated all DQPs completed the required training held during the HAWHA Annual Meeting on March 10, 2007. HAWHA went further in presenting a sign-in sheet which detailed the names of each DQP present.

DQP Records

HAWHA DQP records contained adequate documentation of DQP performance standards. Each record was complete with show manager name, exhibitor name, owner and trainer name, and detailed each horse examined.

DQP Personnel Files

HAWHA maintains individual files for each DQP. All DQPs have an initial application in their file along with a yearly renewal form. In addition HAWHA maintains an evaluation, refresher tests, and copy of each DQPs license. RAB reviewed each file and found them to be in compliance with established USDA rules and regulations.

Violations

HAWHA reported three violations. HAWHA has not created an adequate violation reporting system. Each violation needs to have a number which will make referencing and reconciliation simple.

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2007	20	1	5%	3	1	33%

Based on the chart above there appears to be a higher than normal percent of violations when USDA is present however, the chart also reflects some improvement.

Recommendation

HAWHA should track DQP tickets issued when USDA is present. If this trend does not improve, RAB may recommend Animal Care decertify HAWHA in accordance with HPOP (VII) (B) which states: If the HIO fails to correct any deficiency within the prescribed period, APHIS will decertify the HIO....

Prior Findings - Violations

According to the 2006 HPA review there was one prior year finding addressing the use of standardized DQP tickets.

Recommendation

RAB concluded that HAWHA has not complied with the HPOP (VII) (A7) which states: the HIO must demonstrate the ability to keep and maintain records in accordance with 9 C.F.R. §§ 11.7(d) and 11.22 and the HPOP. Failure to rectify a prior finding will result in decertification as stated in HPOP (VII) (B).

Suspension List

When HAWHA has a violation to report, it prepares a current suspension list, which is distributed to both the National Horse Show Commission (NHSC) for consolidation and to all other HIOs. The suspension list is prepared on a weekly basis, as necessary. Once HAWHA receives the consolidated suspension list from NHSC, HAWHA distributes it to each of its DQPs to use at current events.