



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 L. Munno *Joanne Munno*
Deputy Administrator *9/28/10*
Marketing and Regulatory Programs Business Services

SUBJECT: APHIS Response to Horse Protection Review of Heart of America
Walking Horse Association

On October 8, 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 Heart of America Walking Horse Association (HAWHA) 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
G. DeGraffenreid, HAWHA, Nixa, MO



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**Horse Protection Act Review
of**

**Heart of America Walking Horse Association
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

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Results in Brief: Horse Protection Act Review of Heart of America Walking Horse Association

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 Heart of America Walking Horse Association (HAWHA) 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 HAWHA met its HIO responsibilities in fulfilling the Horse Protection Regulations and the Horse Protection Operating Plan (2007-2009). This review covers HAWHA's activities for the year ending December 31, 2008.

What RAB Found

RAB identified instances in which show records were incomplete. These documents are used for completing a number of other records that help ensure the HPA is properly implemented. Partially filled out source documents resulted in incomplete records.

RAB also identified concerns related to the certification and employment of HAWHA Designated Qualified Persons (DQPs). In one instance, an HAWHA DQP was issued a letter

of warning for being unable to properly identify a bilaterally sore horse. In a separate set of circumstances, HAWHA allowed two DQPs to work at shows, even though these particular DQPs had recently received HPA violations.

In addition, RAB discovered a discrepancy that pertains to the number of soring violations reported during shows in which APHIS representatives were present compared to the shows in which there was no APHIS representation. In 2008, HAWHA conducted 29 horse shows, during which a total of 10 HPA soring violations were identified. APHIS Veterinarian Medical Officers were present at only three of the 29 shows; however, seven of the 10 violations were identified at those particular shows. This equates to 70% of the violations occurring in the three shows that APHIS attended. This discrepancy has also been noted in prior reviews.

What RAB Recommends

Based upon the 2008 HAWHA material reviewed, RAB recommends HAWHA:

- Verify that all future event entry forms are complete and accurate;
- Emphasize during DQP training that the primary function of the DQP is to enforce the HPA;
- Ensure that all certified DQPs are properly trained in detecting soring;
- Track violations of DQPs to ensure they are eligible to work shows; and
- Continue working with APHIS Animal Care to resolve future disparities in the number of violations reported.

Introduction

Objective

The objective of this review was to ensure all Heart of America Walking Horse Association (HAWHA) 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 of the current HIOs.

HAWHA has been an HIO member since 1979, and is organized under the nonprofit corporation laws of the state of Missouri. According to its mission statement, HAWHA “is an organization designed to promote the Tennessee Walking Horse through affiliated horse shows and other events.” Further, their mission includes the promotion of the betterment of the horse and, specifically, to eliminate the practice of soring horses. HAWHA’s constitution describes objectives that pertain to furthering education, enhancing good sportsmanship, promoting Tennessee Walking Horse breeding, and assisting in establishing a horse show circuit in the Midwestern United States. HAWHA 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, HAWHA was responsible for horse inspections at 29 events.

Review of HAWHA

HAWHA has 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 HAWHA 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.

Most of the documentation reviewed appeared to be complete and accurate, however some discrepancies were identified, which are noted in the report below. Organizational information indicated that no changes were made to the HAWHA Board of Directors.

Show Records

HAWHA's rule book requires exhibitors to execute, sign, and submit entry forms for each horse. Further, the rule book states that the completed entry form shall include all required information, including the full registered name, number of each horse entered, and full name of each exhibitor. This information is used to populate the class sheets and, if need be, violation records.

During a sample review, a number of class sheets were determined to be incomplete. Similarly, issued tickets that also require this pertinent contact and identification information were incomplete. This can complicate follow-up and resolution by APHIS Investigative Enforcement Services and Animal Care inspectors. HAWHA's rule book states that the DQP is responsible for submitting properly and correctly completed show reports and accompanying show bills and class sheets to the Administrator within five working days of the show or event. Based upon the incomplete class sheets, HAWHA and its DQP's are not fully meeting these requirements.

DQP Qualifications

During the 2008 show season, one HAWHA DQP received a Letter of Warning (LOW) for his failure to carry out his duties and responsibilities as a DQP. The failures

identified included poor palpitation technique and a defensive attitude toward USDA personnel. The primary function of a DQP, as stated in Section 4 of the HPA, is to “detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing the Act.” In another instance, the same DQP failed to properly identify a bilaterally sore horse. As a result of these violations, the DQP was in violation of the HPA.

In a separate DQP qualification concern, two HAWHA DQPs received HPA violations during the 2008 show season. HP Regulations section 11.7(c)(4) states that “each HIO or association receiving Department certification for training and licensing of DQPs under the Act shall not license any person as a DQP if such a person has been convicted of any violation of the Act or regulations...for a period of at least 2 years following the first such violation, and a period of at least 5 years following the second such violation and any subsequent violation.” The two DQPs continued working HAWHA events after receiving violations, which goes against HPA requirements.

Frequency of Violations Identified

HAWHA was in charge of inspections at 20 or more shows per year in the 2005-2008 timeframe. Based on the review of show records, there appears to be a disproportionate number of violations identified during shows in which APHIS Veterinarian Medical Officers were present compared to the shows in which there was no APHIS representation. The table below illustrates the number of violations reported by HAWHA DQPs for the 2005-2008 show seasons.

Table 1. DQP Yearly Performance—HAWHA

Year	Total Shows	No. of Shows APHIS Present	Percent of Shows APHIS Present	Total Violations Reported by HAWHA	No. of Violations Identified when APHIS Present	Percent of Violations when APHIS Present
2005	26	2	8%	9	6	67%
2006	30	2	7%	7	3	43%
2007	20	1	5%	3	1	33%
2008	29	3	10%	10	7	80%

The table also shows the percent of participation by APHIS. Due to budgetary constraints, APHIS was only able to attend three HAWHA shows during the 2008 season. The HIO was responsible for horse inspections at 29 events in 2008 and reported a total of 10 violations. Violations were reported disproportionately higher during events in which APHIS was present.

Recommendations

Based upon the 2008 HAWHA material reviewed, RAB recommends HAWHA:

- Verify that all future event entry forms are complete and accurate. This might be accomplished by providing training that emphasizes the importance of complete and accurate documentation, reviewing submitted documentation, and revising forms to include the requirement for completeness.
- Emphasize during DQP training that the primary function of the DQP is to “detect and diagnose a horse which is sore or to otherwise inspect horses for the purpose of enforcing the Act.” If this is not understood by the DQP candidate, he/she should not be certified.
- Ensure that all certified DQPs are properly trained in detecting soring. If DQP candidates are unable to detect a sore horse, he/she should not be certified.
- Track and stay informed of violations issued to DQPs to ensure they are not recertified or allowed to work events, following HPA requirements.

Furthermore, RAB recommends APHIS Animal Care continue to work closely with HAWHA to resolve any future disparities between the number of Horse Protection violations identified when there is APHIS Veterinarian Medical Officer participation at an event, compared to the number of violations identified when no APHIS representation is present.

Appendix A

Scope and Methodology

The review covered the HAWHA rule book, the HAWHA committee structure, DQP reports, conflict resolution, HAWHA 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 HAWHA Penalties Coordinator in Springfield, MO to analyze the HAWHA show documents for January 2008 through December 2008. RAB conducted an exit conference which ended the review.

Review Team

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