

USDA

**Horse Protection Act Review
of
Missouri Fox Trotting Horse Breeder Association
Nixa, Missouri**

September 23, 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 23, 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 Missouri Fox Trotting Horse Breeder Association (MFTHBA) in Nixa, Missouri. The review covered the MFTHBA rule book, the MFTHBA organizational structure, Designated Qualified Person (DQP) personnel files, DQP training requirements and qualifications, DQP Reports, and show records. MFTHBA 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 MFTHBA	Number of Violations when USDA Present	% of Violations when USDA Present
2005	28	1	4%	11	3	27%
2006	20	0	0%	1	0	0%
2007	20	1	5%	1	1	100%

Based on the chart above there appears to be a higher than normal percentage of violations when USDA is present. MFTHBA should address the disparity in the number of tickets written when USDA is present.

There were no prior year findings to revisit.

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.

Purpose

The objective of this review is to ensure all MFTHBA 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

¹ USDA, Horse Protection Act (1970), (Pub. L. 91-540), Horse Protection Regulations, Horse Protection Operating Plan (2007-2009)

covered all activities involved in MFTHBA fulfilling its HIO responsibilities to the Horse Protection Regulations and HPOP for 2007-2009.

Methodology

RAB met with the MFTHBA records coordinator, Bob Nagel, in Nixa, MO to analyze the MFTHBA show documents for January 2007 through December 2007. The documents analyzed included, the MFTHBA rule book, MFTHBA organizational structure, Designated Qualified Person (DQP) reports, conflict resolution, MFTHBA 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

MFTHBA Rule Book

MFTHBA 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 and Horse Protection Regulations. MFTHBA has voluntarily agreed to also adhere to the HPOP which is in affect from 2007 – 2009.

MFTHBA Committee Structure

There were no changes to the MFTHBA Board of Directors. The Board of Directors' directory lists the board members, their titles, and contact information all of which are located in their website.

DQP Reports

MFTHBA had twenty four 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 HPA and its Regulations and the HPOP.

Conflict Resolutions

There were no conflict resolutions in 2007. Each DQP is held to the final decision of the APHIS Veterinary Medical Officer (VMO).

Show Records

RAB reviewed all MFTHBA show records which were deemed adequate and were received by APHIS in a timely manner. Show records included the calendar of events, class sheets, and qualifying events. RAB concluded that MFTHBA was in compliance with the HPOP.

DQP Qualifications

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

DQP Records

MFTHBA 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

MFTHBA maintains individual files for each DQP. All DQPs have an initial application in their file along with a yearly renewal form. In addition MFTHBA maintains an evaluation, refresher tests and copy of each DQP's license. RAB reviewed each file and found them to be in compliance with the established HPA and its Regulations.

Violations

MFTHBA reported one violation. MFTHBA has created an adequate violation reporting system. Each violation is numbered, making referencing and reconciliation simple.

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Recommendation

Based on the chart above MFTHBA must work more closely with their DQPs. There is a disparity in the number of tickets written when USDA is present. RAB will revisit this disparity in the next review and if this finding has not been resolved RAB may recommend that MFTHBA is decertified based on HPOP (VII) (B).

Suspension List

When MFTHBA 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 MFTHBA receives the consolidated suspension list from NHSC, MFTHBA distributes it to each of its DQPs to use at current events. MFTHBA reported one suspension for the 2007 show season.